

## FDR DOCUMENTS ACT

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (S. 692) to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 692

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TREATMENT OF OWNERSHIP OF CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT.**

(a) IN GENERAL.—If any person or entity makes a gift of any property described in subsection (b) to the National Archives and Records Administration, then any claim of the United States to such property shall be treated as having been waived and relinquished on the day before the date of such gift.

(b) PROPERTY DESCRIBED.—Property is described in this subsection if such property—

(1) is a part of the collection of documents, papers, and memorabilia relating to Franklin Delano Roosevelt or any member of his family or staff; and

(2) was in the possession of Grace Tully and retained by her at the time of her death.

(c) DATE OF GIFT.—The date of a gift referred to in subsection (a) is any date specified by the donor so long as such date is subsequent to the physical delivery of the property described in subsection (b) to the National Archives and Records Administration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Missouri (Mr. LUETKEMEYER) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield my such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I present Senate bill 692 for consideration.

This legislation will facilitate the donation of the Grace Tully Archive to the National Archives and Records Administration. Senate bill 692 is the Senate companion to H.R. 1506, which was introduced by Representative LOUISE SLAUGHTER. H.R. 1506 passed the House by voice vote on November 16, 2009, after it was approved by the Committee on Oversight and Government Reform by voice vote on October 29, 2009. Senate bill 692 is identical to H.R. 1506, and was introduced by Senator CHUCK SCHUMER on March 25, 2009. The legislation was reported out of the Senate Committee on Homeland Security

and Governmental Affairs without amendment on October 5, 2009, and was passed by the United States Senate on October 14, 2009, by unanimous consent.

Madam Speaker, Ms. Grace Tully served as the personal secretary of President Franklin Delano Roosevelt from June of 1941 to April of 1945. In her capacity as personal secretary to the President, Ms. Tully preserved an assortment of personal papers and other historical items related to President Roosevelt that have come to form a historically significant collection. While the private owner of the Grace Tully Collection would like to donate the materials to the Franklin Delano Roosevelt Presidential Library, the National Archives and Records Administration, which administers the Roosevelt Library, has asserted a claim to a portion of the collection. The claim asserted by the National Archives impacts whether the private owner may claim a tax deduction for the donation. In order to facilitate the donation of the Grace Tully Archive, Senate bill 692 waives the government's claim to the records and will thereby allow the collection to be gifted to the Roosevelt Library.

Madam Speaker, the Grace Tully Archive represents an important part of American history. Through the passage of Senate bill 692, we will ensure that this collection will be properly preserved and made publicly available through the Roosevelt Library.

I'd also like to note that this legislation enjoys the support of the National Archives. As noted by former Acting Archivist Adrienne Thomas in a letter sent to the Oversight Committee in October of 2009, "I write to express my strong support for the ongoing legislative effort to facilitate the donation to the Franklin D. Roosevelt Presidential Library of the Tully Archive." Ms. Thomas went on to say that, "It is very important to the National Archives and Records Administration, and for future historians that might want to study these papers, for the Tully Archive to be kept intact and made fully accessible to the American people in a public government archives."

Madam Speaker, I urge my colleagues to join me in supporting Senate bill 692.

I reserve the balance of my time.

Mr. LUETKEMEYER. Madam Speaker, I yield myself such time as I may consume.

S. 692 is identical to House Resolution 1506, which passed the House on November 16. Therefore, I want to reiterate the points made previously during debate on the House bill. This bill will waive certain claims of the United States to specific documents, known as the Tully Collection, relating to Franklin Delano Roosevelt. Grace Tully served in Franklin Roosevelt's secretarial staff for several decades, and in 1941, became his personal secretary. After her death, her collection of papers passed through a number of

hands and finally to the current owners, Sun Times Media, who bought the collection for \$8 million in 2001.

In 2004, the National Archives asserted a claim to a portion of the documents. Sun Times Media wishes to donate the collection to President Roosevelt's Presidential Library in Hyde Park, New York, and take a tax deduction. Due to the Archives claim, Sun Times Media is prevented from receiving a tax deduction on the donation. This bill waives the legal claims of the United States and the Archives, thereby clearing the way for the tax deduction and the donation.

I understand the Archives has offered to support this legislation in a letter to the committee. Nevertheless, I want to again highlight two points: The majority moved this bill without a hearing. We should have had a better understanding of legislation relinquishing the Federal Government's claims while benefiting certain private entities through tax breaks. Given the multiple, ongoing instances of mismanagement of the Archives, we should have the opportunity on the committee to review all legislation relating to this agency.

Mr. LUETKEMEYER. Madam Speaker, I urge the Members to support the passage of S. 692, and I yield back the balance of my time.

Mr. LYNCH. Likewise, Madam Speaker, I urge support of Senate bill 692, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, S. 692.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

**GOVERNMENT ACCOUNTABILITY OFFICE IMPROVEMENT ACT OF 2009**

Mr. LYNCH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2646) to amend title 31, United States Code, to enhance the oversight authorities of the Comptroller General, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2646

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Government Accountability Office Improvement Act of 2009".

**SEC. 2. AUTHORITY TO OBTAIN INFORMATION.**

(a) AUTHORITY TO OBTAIN RECORDS.—Section 716 of title 31, United States Code, is amended in subsection (a)—

(1) by striking "(a)" and inserting "(2)"; and

(2) by inserting after the section heading the following:

“(a)(1) The Comptroller General is authorized to obtain such agency records as the Comptroller General requires to discharge his duties (including audit, evaluation, and investigative duties), including through the bringing of civil actions under this section. In reviewing a civil action under this section, the court shall recognize the continuing force and effect of the authorization in the preceding sentence until such time as the authorization is repealed pursuant to law.”

(b) COPIES AND INTERVIEWS.—Section 716(a) of title 31, United States Code, as amended by subsection (a), is further amended in the second sentence of paragraph (2) by striking “inspect an agency record” and inserting “inspect, and make and retain copies of, an agency record and interview agency officers and employees”.

(c) RULES OF CONSTRUCTION.—Section 716 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(f) No provision of any law in existence on the date of the enactment of this section or enacted after such date shall be construed to limit, amend, or supersede the authority of the Comptroller General to obtain any information, to inspect any record, or to interview any officer or employee under this section, except to the extent such provision expressly and specifically refers to this section and provides for such limitation, amendment, or supersession.”.

#### SEC. 3. ADMINISTERING OATHS.

Paragraph (4) of section 711 of title 31, United States Code, is amended to read as follows:

“(4) administer oaths to witnesses, except that, in matters other than auditing and settling accounts, the authority of an officer or employee to administer oaths to witnesses pursuant to a delegation under paragraph (2) shall not be available without the prior express approval of the Comptroller General (or a designee).”.

#### SEC. 4. AGENCY REPORTS.

Section 720(b) of title 31, United States Code, is amended—

(1) in the matter preceding paragraph (1), by inserting “or planned” after “action taken”; and

(2) by amending paragraph (1) to read as follows:

“(1) The Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Operations of the House of Representatives, the congressional committees with jurisdiction over the agency program or activity that is the subject of the recommendation, and the Government Accountability Office before the 61st day after the date of the report; and”.

Mr. KUCINICH. Madam Speaker, I rise to claim time in opposition.

The SPEAKER pro tempore. Is the gentleman opposed to the motion?

Mr. KUCINICH. As it is presently.

The SPEAKER pro tempore. Is the gentleman from Missouri opposed to the motion?

Mr. LUETKEMEYER. No, I am not.

The SPEAKER pro tempore. The gentleman from Ohio will control the time in opposition.

Pursuant to the rule, the gentleman from Massachusetts (Mr. LYNCH) and the gentleman from Ohio (Mr. KUCINICH) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

#### GENERAL LEAVE

Mr. LYNCH. Madam Speaker, I ask unanimous consent that all Members

may have 5 legislative days within which to revise and extend their remarks and add any extraneous materials.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LYNCH. I yield myself such time as I may consume.

Madam Speaker, on behalf of the Committee on Oversight and Government Reform, I rise in strong support of H.R. 2646, the Government Accountability Office Improvement Act of 2009. This legislation, introduced by the chairman of the Oversight Committee, Representative ED TOWNS of Brooklyn, will increase the effectiveness of the GAO by clarifying and strengthening the GAO's authority in several critical areas, including its access to records.

Congress relies heavily on the GAO as a force multiplier in carrying out the investigative and oversight functions vested in the legislative branch. The GAO helps inform the Congress and executive agencies and the public about areas and programs within the Federal Government that are performing well and those that need to be improved or are vulnerable to waste, fraud, and abuse. General Accounting Office audits provide reliable assessments as to whether the taxpayers are receiving full value from important government programs. This legislation is necessary to ensure that GAO can successfully carry out all of these important functions for the Congress.

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Specifically, the GAO Improvement Act addresses a 2002 Federal court decision that limited the GAO's ability to question agency access determinations in court. The bill explicitly provides the Comptroller General with standing to pursue litigation if the Comptroller General determines that the performance of her official duties has been harmed by an agency improperly withholding information.

The bill also clarifies the GAO's access to information in two important areas. First, it confirms the GAO's right to make and retain copies of records, which has been denied by Federal agencies in some cases. And it provides the GAO with the right to interview agency officers and employees. The bill also says that the GAO's access to agency information should be limited only if an act passed by the Congress expressly and specifically extends to limit such access.

Additionally, the bill clarifies GAO's authority to administer oaths, an important tool in conducting audits and taking statements. Lastly, it provides agencies more flexibility in reporting to Congress in their responses to GAO recommendations. The Committee on Oversight and Government Reform reported H.R. 2646 favorably on a voice vote on June 4, 2009.

At the committee markup, a bipartisan amendment was added to the bill

that would have allowed the GAO to conduct reviews of certain actions taken by the Federal Reserve that previously have been exempt from GAO review. However, similar language was included in the Wall Street Reform and Consumer Protection Act which passed the House before the holiday recess.

Therefore, the legislation that we are considering today is the bill introduced by Representative TOWNS on June 4 and is without the committee's amendment related to the Federal Reserve.

Madam Speaker, the Congress and the American people need the GAO to help us remain informed about what's being done well and what needs to be improved within the Federal Government. The GAO can only do this effectively if it has access to all the information it needs. This bill strengthens the GAO in this manner. It is an important good-government initiative that will improve the effectiveness of government operations.

I urge all Members to support the legislation, and I reserve the balance of my time.

Mr. KUCINICH. As has been recounted by my friend from Massachusetts, the amendment which was in the bill that would have given the GAO the ability to audit the Fed was taken out of the bill; and the bill, as it was introduced originally, is before this Congress. I question the wisdom of moving on this bill, absent a provision to audit the Fed prior to the Senate acting because suppose the Senate, which has the ability to go any direction on this, suppose the Senate strips out the provision that I did support, the Ron Paul provision, the Senate strips that out, and then we have stripped out a provision in our bill. It just sends a signal to the Fed that it's business as usual.

That's the reason I am raising this question right now, because it hasn't passed the Senate. If it passed the Senate, I would not be on the floor challenging this legislation. Because if it had been passed, it went through conference, then finally at last the Fed is going to be held accountable; but we aren't that far along yet.

So I bring on the first day of legislative action in this second session of the 111th Congress a bill to the floor that essentially gives the Fed what they want, which is they don't want any oversight at all. And why was this brought forward in the first place? Because Congress and our committee, particularly, depend on the Government Accountability Office and the audits and the reviews they perform to assist us in helping us justify our oversight responsibilities.

But GAO currently, unless the law changes, cannot perform audits or conduct reviews of the various credit facilities that the Federal Reserve created. And due to an express prohibition on auditing monetary activities of the Fed containing section 714 of title 31, GAO isn't allowed to assist Congress in conducting oversight on the Fed's role.

Now, this Congress voted for the financial reforms. A majority of Members of Congress signed on to Mr. PAUL's very strong proposal to audit the Fed. I was one of those signatories. So this isn't a question of whether we want to audit the Fed or not. A majority of the Members of Congress agree on that. Well, why start off this new year with a bill that strips that provision out long before the Senate acts? Let's see what the Senate is going to do. That's why I didn't want to see this bill brought to the floor at a time when the Senate hasn't acted on the Fed language; and if we go ahead and take that language out of our bill, some could read it in the Senate as a green light to strip out the Paul provision, which is a much stronger provision than what I brought forward in my amendment.

So those are the concerns that I wanted to bring forward and air them publicly, and just ask Members—a cautionary note here about what's happening with respect to the Fed. Since a majority of Members of Congress already want to audit the Fed, why should we go and weaken our position by passing a bill that strips out audit provisions before the Senate has acted on the bill that contains the Paul amendment?

With that, I reserve the balance of my time.

Mr. LYNCH. Madam Speaker, I yield 10 minutes to the gentleman from Missouri (Mr. LUETKEMEYER).

Mr. LUETKEMEYER. As noted all year, oversight and accountability are critically important. This bill provides GAO additional process authorities regarding access to information and enhances GAO's ability to carry out its mission. The GAO has done a long-standing right-of-access to agency records. On occasion, its efforts have been frustrated and delayed by agencies refusing to provide GAO with copies of necessary records or by a lack of willingness on the part of agency officers and employees to discuss the content of records or provide background information relevant to programs under review.

This bill augments the GAO's existing access authority by confirming GAO's right to make and retain copies of records and by providing GAO with the right to interview agency officers and employees. In addition, the bill requires agencies to interpret statutes as requiring disclosure of information to GAO unless the statute expressly prohibits disclosure to GAO. Finally, the bill makes some commonsense changes to the Comptroller General's ability to administer oaths as well as agency reporting requirements.

Madam Speaker, Congress looks to the GAO to assist with the investigative and oversight functions vested in the legislative branch. This bill is intended to increase the effectiveness of GAO by ensuring that the agency is not unnecessarily restricted in its efforts to secure necessary information when

performing these necessary and important functions.

I urge my colleagues to support this legislation, and I thank the gentleman from Massachusetts for yielding his time.

Mr. LYNCH. Madam Speaker, in closing, before I yield back, I just want to say that I understand the spirit in which the gentleman from Ohio has brought this issue forward. I do understand the central role that oversight and investigation have in this Congress. It is the only way that we can make sure that the executive follows the legislative mandate of Congress and that the resources provided by the taxpayer are properly used to limit fraud, waste and abuse. So I understand the spirit in which he acts.

I think his desire for transparency is spot on, and I agree with it. I think the position of the chairman, Mr. TOWNS of New York, is that we have included a provision in another bill recently passed that would provide for all of that. I understand, however, that the belt-and-suspenders approach that the gentleman would like to see, which is, let's put it in every bill that we send over there, is germane. And I respect that urgency.

However, I do in this case agree with the chairman that we have addressed those concerns in the other bill, and we will need to be diligent in making sure that the effect of that language is carried into law.

Mr. KUCINICH. I want to say to my friend from Massachusetts, you and I both support our Chair. We support the oversight function of our committee and of the Congress, and that is the spirit in which I rise. Also, I think it's critical that we track this financial reform legislation as it moves through the Senate to make sure that the provisions that were put in by Representative PAUL are not going to be stripped. I would not want the Senate to misinterpret the stripping of a Federal audit provision from a government oversight bill as being an indication of the weakening of the intention of Congress to hold the Fed accountable.

So it's for that reason that I raise that issue, and I appreciate the gentleman's remarks.

I yield back the balance of my time.

Mr. LYNCH. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. LYNCH) that the House suspend the rules and pass the bill, H.R. 2646.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NATIONAL AND COMMERCIAL SPACE PROGRAMS

Mr. COHEN. Madam Speaker, I move to suspend the rules and pass the bill

(H.R. 3237) to enact certain laws relating to national and commercial space programs as title 51, United States Code, "National and Commercial Space Programs".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3237

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Table of contents.
- Sec. 2. Purpose; conformity with original intent.
- Sec. 3. Enactment of title 51, United States Code.
- Sec. 4. Conforming amendments to other laws.
- Sec. 5. Transitional and savings provisions.
- Sec. 6. Repeals.

#### SEC. 2. PURPOSE; CONFORMITY WITH ORIGINAL INTENT.

(a) PURPOSE.—The purpose of this Act is to codify certain existing laws related to national and commercial space programs as a positive law title of the United States Code.

(b) CONFORMITY WITH ORIGINAL INTENT.—In the codification of laws by this Act, the intent is to conform to the understood policy, intent, and purpose of Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections, in accordance with section 205(c)(1) of House Resolution No. 988, 93d Congress, as enacted into law by Public Law 93-554 (2 U.S.C. 285b(1)).

#### SEC. 3. ENACTMENT OF TITLE 51, UNITED STATES CODE.

Title 51, United States Code, "National and Commercial Space Programs", is enacted as follows:

#### TITLE 51—NATIONAL AND COMMERCIAL SPACE PROGRAMS

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603. Remote Sensing .....	60301
605. Earth Science .....	60501
Subtitle VII—Access to Space	
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