

115TH CONGRESS  
2D SESSION

# H. R. 5981

To amend title 44, United States Code, to prohibit the Archivist from charging certain fees to veterans for destroyed records regarding such veterans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2018

Mr. SMITH of New Jersey introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend title 44, United States Code, to prohibit the Archivist from charging certain fees to veterans for destroyed records regarding such veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the.

5 **SECTION 2. FINDINGS.**

6 Congress finds the following:

7 (1) Due to a disastrous fire at the National  
8 Personnel Records Center in 1973, approximately

1 16–18 million documents regarding veterans were  
2 lost due to no fault of the veterans.

3 (2) The fee for restoring a document from this  
4 disaster that is more than 62 years old and more  
5 than five pages long is \$70. For documents over 62  
6 years old and shorter than five pages, the fee is \$25.

7 (3) In 2017, the National Archives and Records  
8 Administration—

9 (A) received over 1.2 million requests for  
10 military records; and

11 (B) charged fees to approximately 60,000  
12 veterans for records.

13 (4) The Director of the National Personnel  
14 Record Center has not formally issued policy guid-  
15 ance pertaining to fees for destroyed records regard-  
16 ing veterans.

17 (5) Veterans have sacrificed their lives to pre-  
18 serve our freedom and liberty.

19 (6) Congress recognizes the sacrifices made by  
20 veterans and reaffirms the strong commitment of  
21 the United States to its veterans.

1 **SEC. 3. PROHIBITION ON CERTAIN FEES FOR DESTROYED**  
 2 **RECORDS OF THE DEPARTMENT OF VET-**  
 3 **ERANS AFFAIRS.**

4 (a) AMENDMENT.—Chapter 21 of title 44, United  
 5 States Code, is amended by adding at the end the fol-  
 6 lowing new section:

7 **“§ 2121. Prohibition on certain fees for destroyed**  
 8 **records of the Department of Veterans**  
 9 **Affairs**

10 “(a) IN GENERAL.—The Archivist may not charge a  
 11 fee to a veteran who requests a record regarding that vet-  
 12 eran if the record was destroyed—

13 “(1) by an individual other than that veteran;  
 14 and

15 “(2) in a manner not in accord with chapter 3.

16 “(b) VETERAN DEFINED.—The term ‘veteran’ has  
 17 the meaning given that term in section 101 of title 38.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
 19 The table of sections for chapter 21 of title 44, United  
 20 States Code, is amended by adding at the end the fol-  
 21 lowing new item:

“2121. Prohibition on certain fees for destroyed records of the Department  
 of Veterans Affairs.”.

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