

To the office of U.S. Representative Kevin Mullin

Re: HR 10131 (119th Congress), National Archives Protection Act • Latest action (2026-08-20): Referred to the House Committee on Oversight and Government Reform.

VFA SI Solution #285 • published 2026-08-22 • <https://www.valuesforamerica.com/solutions/285>

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Federal Records Center Preservation and Access Assurance Act of 2025

The measure, as described from the official record: Prevent the closure of federal records centers to ensure ongoing public access to federal records for accountability, transparency, and historical preservation.

THE PROPOSAL

To ensure the continued availability of federal records to the public while respecting executive branch operational flexibility, no federal funds may be obligated or expended to close a federal records center unless the Archivist of the United States has submitted a detailed closure plan to Congress at least 180 days before the proposed closure date. The plan must include an assessment of the records housed at the center, a description of alternative means for public access to those records (including digitization, remote retrieval, or transfer to another facility), and a cost-benefit analysis demonstrating that closure is more efficient than continued operation. The Archivist must also provide a 90-day public comment period before submission. Congress may pass a joint resolution disapproving the closure plan, in which case no funds may be used to close that center. This section applies to all federal records centers as defined in title 44, United States Code. The Archivist shall report annually to the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs on the status of any proposed closures and the actions taken to preserve public access. This Act shall sunset five years after the date of enactment, unless reauthorized by Congress. Any violation of this section by an executive agency shall be subject to a civil action brought by any person aggrieved by the loss of access to records, seeking injunctive relief in the United States District Court for the District of Columbia.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	No new funding required; restrictions on existing appropriations under the Appropriations Clause (Article I, Section 9, Clause 7).
Funding Amount	Not applicable – no funding authorized or appropriated by this Act.
Sunset Years	5 years
Oversight Body	Archivist of the United States, subject to review by the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs.
Enforcement Mechanism	Civil action for injunctive relief in the U.S. District Court for the District of Columbia by any aggrieved person; also congressional disapproval via joint resolution.
Effective Date	90 days after enactment.

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 18 (Necessary and Proper Clause to carry out the power of Congress to oversee the executive and to legislate on matters of federal records).
- Article I, Section 9, Clause 7 (Appropriations Clause – conditioning the expenditure of funds).
- Tenth Amendment – powers not delegated to the United States are reserved to the states or the people; this Act does not intrude on state powers.

Concerns with the measure as written:

- A blanket prohibition on closing federal records centers may intrude on executive branch management of internal operations, potentially violating the separation of powers.
- Congress may lack enumerated power to directly mandate the continued operation of facilities, as opposed to conditioning funding or requiring procedural safeguards.

WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities of government transparency, accountability, and public access to records. Honors Republican priorities of fiscal responsibility and operational flexibility by allowing closure only after a cost-benefit analysis and public process, and by including a sunset to prevent permanent mandates.

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