

AUTHORIZING AN OFFICIAL SEAL FOR THE FEDERAL SECURITY AGENCY

APRIL 29, 1941.—Ordered to be printed

Mr. HERRING, from the Committee on Finance, submitted the following

R E P O R T

[To accompany H. R. 3974]

The Committee on Finance, to whom was referred the bill (H. R. 3974) to authorize the Administrator of the Federal Security Agency to adopt an official seal, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The provisions of the bill are fully explained in the report of the House Committee on Ways and Means, which is appended to, and made a part of, this report.

[H. Rept. No. 429, 77th Cong., 1st sess.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 3974) to authorize the Administrator of the Federal Security Agency to adopt an official seal, and for other purposes, having considered the same, report the bill favorably to the House with the recommendation that it do pass.

The proposed measure merely authorizes the Administrator of the Federal Security Agency to adopt an official seal. The Agency has found it necessary to adopt an official seal upon implied authority. The purpose of the legislation is to give an unquestionable official status to the seal. Necessity for the use of a seal exists particularly in connection with the functions of the Public Health Service, the Office of Education, and the Food and Drug Administration.

The bill provides that copies of any books, records, papers, or other documents in the Agency shall be admitted in evidence equally with the originals when authenticated under such seal. This provision is intended to make applicable provisions substantially the same as those of the general statute relative to admission in evidence of copies of Government documents under seal. This provision is necessary due to the fact that the general statute does not seem broad enough to include independent establishments generally.

The letter hereinafter set out, from the Acting Administrator of the Federal Security Agency, addressed to the Honorable Sam Rayburn, Speaker of the House of Representatives, explains the necessity for the legislation. The bill does not contain the provisions of sections 130 and 131 of title 18 of the United

2 OFFICIAL SEAL FOR THE FEDERAL SECURITY AGENCY

States Code as it is thought that the language of those sections is broad enough to apply to the seal of the Federal Security Agency. The law referred to prohibits the counterfeiting of Government seals, and the fraudulent or wrongful affixing of a seal to a certificate or instrument or wrongfully using such certificate or instrument.

The letter referred to follows:

FEDERAL SECURITY AGENCY,
Washington, February 28, 1941.

HON. SAM RAYBURN,
Speaker, House of Representatives.

MY DEAR MR. SPEAKER: There is respectfully submitted to you herewith a draft of a proposed bill to provide for an official seal for the Federal Security Agency.

This Agency has found it necessary to adopt an official seal upon implied authority. While it is thought probable that legislative authority is not necessary to give this seal proper official status, there remains the possibility that documents bearing this seal may at any time be questioned unless this Agency is authorized by act of Congress to adopt a seal.

The necessity of this Agency's adopting a seal arose from the need of such a seal, particularly in connection with certain of the functions of the Public Health Service, the Office of Education, and the Food and Drug Administration, each of which had used on proper occasions the seal of the respective departments from which they were transferred to this Agency. The Social Security Board is using a seal adopted in 1936 upon implied authority, and the Civilian Conservation Corps is using a seal adopted pursuant to statutory authority.

It is the purpose of the proposed legislation to give an unquestionable official status to the seal of the Federal Security Agency. The situation sought is identical with that of several of the executive departments and independent establishments of the Government.

The second sentence of the proposed bill is patterned after section 661 of title 28 of the United States Code (R. S. 832, as amended) and is intended to make applicable provisions substantially the same as those of this general statute relative to the admission in evidence of copies of Government documents certified over the seal of the departments to which such documents belong. This is thought to be necessary as the language of the general statute does not appear to be broad enough to include independent establishments generally. It is noted that Congress has heretofore by similar statutes provided for admissibility of records of several independent establishments where need of such legislation has been found.

The Federal Security Agency has need for the provisions relative to the admissibility of copies of its documents in evidence, particularly in connection with the functions of the Social Security Board and the Food and Drug Administration. Documents from the files of the Social Security Board are used in connection with the prosecution of tax delinquency cases and in defense against claims for Social Security benefits. Documents from the files of the Food and Drug Administration are frequently needed in court in connection with enforcement of the pure food laws. In addition to these instances copies of documents in the custody of this Agency may under numerous circumstances be required in connection with court proceedings.

The proposed bill does not contain the provisions of sections 130 and 131 of title 18 of the United States Code (act of June 15, 1917, ch. 30, title X, 40 Stat. 227 and 228) as it is thought that the language of this statute is broad enough to apply to the seal of the Federal Security Agency.

I will greatly appreciate reference of this matter to the appropriate committee of the House of Representatives.

This agency is advised by the Bureau of the Budget that there is no objection to the presentation of this proposed legislation for the consideration of the Congress.

Sincerely yours,

WAYNE COY, *Acting Administrator.*

