

Calendar No. 438

111TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 111-213

TO AUTHORIZE APPROPRIATIONS FOR THE
NATIONAL HISTORICAL PUBLICATIONS
AND RECORDS COMMISSION THROUGH
FISCAL YEAR 2014, AND FOR OTHER PUR-
POSES

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2872

TO AUTHORIZE APPROPRIATIONS FOR THE NATIONAL HISTORICAL
PUBLICATIONS AND RECORDS COMMISSION THROUGH FISCAL
YEAR 2014, AND FOR OTHER PURPOSES



JUNE 21, 2010.—Ordered to be printed

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Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2872]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2872) to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 2872 would reauthorize the National Historical Publications and Records Commission (NHPRC), the grant-making body of the National Archives and Records Administration (NARA), at \$10 million for each fiscal year through 2014. The bill would also increase the cap on annual cash reserves from 4 percent to 10 percent for NARA's Record Center Revolving Fund to allow for more effective management of regional facilities and funding of long-term capital investments.

II. BACKGROUND AND NEED FOR LEGISLATION

The NHPRC provides grants to State, local and tribal governments; colleges and universities; non-profit organizations; and non-Federal entities and institutions across the Nation. The grants support a wide range of efforts to preserve, publish and encourage the use of documentary sources relating to the history of the United States. The NHPRC is affiliated with and augments NARA's work in protecting vital American documents.

Congress established both NARA and the NHPRC in 1934 and gave them different, but complementary, missions. NARA seeks to preserve and protect only records of the Federal Government. The NHPRC, in contrast, aims to preserve and publish non-Federal records that capture vital parts of the American story. Together, the NARA and the NHPRC make an investment in the health of the nation's historical records, wherever located, and help to preserve and facilitate the use of those records that are essential to citizens' understanding of our rights, history and culture.

The Commission is composed of 15 members and is chaired by the Archivist of the United States. Seven of its members, including the chair, represent and are appointed by the judicial, executive, and legislative branches of the Federal Government.¹ Professional societies of archivists, historians, documentary editors, and Government records administrators appoint five Commission members.² The remaining two members of the Commission are appointed by the President of the United States and must be outstanding in the fields of the social or physical sciences, the arts, or archival or library science. Commission members review eligible project proposals, recommend to the Archivist those grants they believe should be funded, and are instrumental in developing the goals and programs of the Commission. The Commission's administrative staff implements Commission policies and recommendations, provides assistance and advice to potential applicants, advises the Commission on proposals, and oversees the grants that are awarded.

The NHPRC is the only national grant-making organization whose sole focus is the preservation and publication of America's documentary history. It supports the professional development of archivists, documentary editors, and record-keepers through fellowships, institutes, conferences, workshops and other programs. In addition, the NHPRC has undertaken a number of projects that focus on the records of under-documented groups, such as Native Americans, African Americans, Asian Americans, Pacific Islanders, and other ethnic and interest groups, and social and political movements.

Since 2008, the NHPRC has had several additional responsibilities.³ In that year, Congress began requiring the NHPRC to: (1)

¹The following are ex officio members: (1) The Archivist of the United States; (2) The Librarian of Congress; (3) one Senator, appointed by the President of the Senate; (4) one Representative, appointed by the Speaker of the House of Representatives; (5) one member of the Judicial branch appointed by the Chief Justice of the United States; (6) one representative of the Department of State, to be appointed by the Secretary of State; and (7) one representative from the Department of Defense, to be appointed by the Secretary of Defense.

²One member is selected from among each of the following professional societies: (1) American Historical Associations; (2) Organization of American Historians; (3) Society of American Archivists; (4) American Association for State and Local History; (5) Association for Documentary Editing; and (6) National Association for Government Archives and Records Administrators.

³Public Law No. 110-404.

Establish ways to improve the efficiency with which the nation's Founding Fathers' records are transcribed and published; (2) support programs that digitize and publish the records of the Founding era⁴ online; and (3) establish a grant program to support the preservation and use of records of servitude and emancipation. In adding those responsibilities, however, this Committee recognized that the NHPRC was often funded at less than its authorized levels and left it to the NHPRC to determine how to prioritize its programs within its limited budget. The Committee also urged the Congress to increase the NHPRC's appropriations to its authorized levels.

In 2009, Congress increased the NHPRC's funding to \$13 million for FY10 and set aside \$4.5 million for digitizing and uploading the records of the Founding Fathers. The NHPRC's last authorization bill authorized the NHPRC from FY06 through FY09. S. 2872 would reauthorize the Commission and authorize funding at \$10 million annually from fiscal year 2010 through fiscal year 2014. Reauthorizing the NHPRC now will ensure it can continue its important work and send a clear message regarding the importance of properly funding its work.

The bill would also raise the cap for cash reserves that the Records Center Revolving Fund may carry from one fiscal year to the next, from 4 percent to 10 percent. The Revolving Fund covers expenses for storage and related services for all temporary and pre-archival Federal records stored at Federal National and Regional Records Centers run by NARA. The fund is made up of user fees received from other Federal Government accounts as payment for providing personnel, storage, materials, supplies, equipment, and other services. Under current law, NARA may not carry over more than 4 percent of that year's operating revenue and must return any amount over that limit to the Treasury at the end of each fiscal year. Because of this cap, regional facilities are incentivized to spend funds on short term projects that may not be needed. By raising the cap to 10 percent, NARA will be able to save the excess profit for long-term capital investments.

III. LEGISLATIVE HISTORY

S. 2872 was introduced by Senator Carper and Senator Alexander on December 11, 2009, read twice, and then referred to the Committee on Homeland Security and Governmental Affairs. Chairman Lieberman, Senator Byrd, Senator Webb, Senator Warner, and Senator Voinovich cosponsored the bill. The Committee considered S. 2872 on December 16, 2009. The Committee ordered the bill reported favorably by voice vote, as amended by two Collins amendments. The amendments reduced the authorized amount as proposed in the original bill from \$15 million to \$10 million annually and reduced the cap on revolving fund cash reserves from an unlimited amount to 10 percent. Members present for the votes on the bill and the amendments were Lieberman, Akaka, Carper, Pryor, McCaskill, Tester, Burris, Kirk, and Collins.

⁴The records of the Founding era refers to the papers of John Adams, Alexander Hamilton, Benjamin Franklin, Thomas Jefferson, James Madison, George Washington, first Federal Congress, ratification of the Constitution, and the history of the early Supreme Court.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Authorizes funding for the National Historical Publications and Records Commission

Section 1 amends 44 U.S.C. 2504(g)(1) by adding a new subparagraph (T). The new subparagraph (T) would authorize funding the NHPRC for fiscal year 2010 through fiscal year 2014 at \$10 million annually.

Section 2. Increased flexibility for Archivist in the Records Center Revolving Fund

Section 2 amends subsection (d) under the heading “Records Center Revolving Fund” in title IV of the Independent Agencies Appropriations Act of 2000 (Public Law 106–58) by changing the current cap on cash reserves the Records Center Revolving Fund may carry over from one fiscal year to the next from 4 percent to 10 percent.

Section 3. Grants for establishment of State and local databases for records of servitude, emancipation, and post-Civil War reconstruction

Section 3 modifies section 8 of the Presidential Historical Records Preservation Act of 2008 (Public Law 110–404) to make the Archivist responsible for providing grants to eligible entities, in accordance with Section 2504(e) of Title 44, U.S. Code.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirement of paragraph 11(b)(1) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill. CBO states that there are no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and no costs on State, local, or tribal governments. The legislation contains no other regulatory impact.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

JANUARY 8, 2010.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2872, a bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

S. 2872—A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014, and for other purposes

Summary: S. 2872 would authorize the appropriation of \$10 million to the National Historical Publications and Records Commission for each of the fiscal years 2010 through 2014. The commission

has already received an appropriation of \$13 million for 2010. The legislation also would make technical changes to the Records Center Revolving Fund and the process for receiving grants for establishing databases of local records of servitude, emancipation, and post-Civil War reconstruction.

Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 2872 would cost \$39 million over the 2011–2014 period. The legislation would not affect direct spending or revenues. S. 2872 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: For this estimate, CBO assumes that S. 2872 will be enacted by the middle of fiscal year 2010 and that the amounts authorized will be appropriated for fiscal years 2011 through 2014. CBO estimates that implementing the bill would cost \$39 million over the 2011–2014 period. Outlay estimates are based on historical spending patterns. The estimated budgetary impact of S. 2872 is shown in the following table. The costs of this legislation fall within budget function 800 (general government).

	By fiscal year, in millions of dollars—					
	2010	2011	2012	2013	2014	2010–2014
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Authorization Level ¹	0	10	10	10	10	40
Estimated Outlays	0	9	10	10	10	39

¹ The National Historical Publications and Records Commission received an appropriation of \$13 million for 2010.

Intergovernmental and private-sector impact: S. 2872 contains no intergovernmental or private-sector mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

Estimate prepared by: Federal Costs: Matthew Pickford; Impact on State, Local, and Tribal Governments: Elizabeth Cove Delisle; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the following changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

(Public Law 106–58)

* * * * *

TITLE IV—INDEPENDENT AGENCIES

* * * * *

RECORDS CENTER REVOLVING FUND

(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a revolving fund to be available for expenses and equipment necessary to provide for storage and related services for all temporary and pre-archival Federal records, which are to be stored or stored at Federal National and Regional Records Centers by agencies and other instrumentalities of the Federal Government. The Fund shall be available without fiscal year limitation for expenses necessary for operation of these activities.

(b) START-UP CAPITAL.—

(1) There is appropriated \$22,000,000 as initial capitalization of the Fund.

(2) In addition, the initial capital of the Fund shall include the fair and reasonable value at the Fund's inception of the inventories, equipment, receivables, and other assets, less the liabilities, transferred to the Fund. The Archivist of the United States is authorized to accept inventories, equipment, receivables and other assets from other Federal entities that were used to provide for storage and related services for temporary and pre-archival Federal records.

(c) USER CHARGES.—The Fund shall be credited with user charges received from other Federal Government accounts as payment for providing personnel, storage, materials, supplies, equipment, and services as authorized by subsection (a). Such payments may be made in advance or by way of reimbursement. The rates charged will return in full the expenses of operation, including reserves for accrued annual leave, worker's compensation, depreciation of capitalized equipment and shelving, and amortization of information technology software and systems.

(d) FUNDS RETURNED TO MISCELLANEOUS RECEIPTS OF THE DEPARTMENT OF THE TREASURY.—

(1) In addition to funds appropriated to and assets transferred to the Fund in subsection (b), an amount [not to exceed 4 percent] *not to exceed 10 percent* of the total annual income may be retained in the Fund as an operating reserve or for the replacement or acquisition of capital equipment, including shelving, and the improvement and implementation of the financial management, information technology, and other support systems of the National Archives and Records Administration.

(2) [Funds in excess of the 4 percent] *Funds in excess of the 10 percent* at the close of each fiscal year shall be returned to the Treasury of the United States as miscellaneous receipts.

(e) REPORTING REQUIREMENT.—The National Archives and Records Administration shall provide quarterly reports to the Committees on Appropriations and Governmental Affairs of the Senate, and the Committees on Appropriations and Government Reform of the House of Representatives on the operation of the Records Center Revolving Fund.

**PRESIDENTIAL HISTORICAL RECORDS PRESERVATION
ACT OF 2008**

(Public Law 110–404)

* * * * *

**SECTION 8 GRANTS FOR ESTABLISHMENT OF STATE AND
LOCAL DATABASES FOR RECORDS OF SERVITUDE, EMAN-
CIPATION, AND POST-CIVIL WAR RECONSTRUCTION**

(a) **IN GENERAL.**—[The Executive Director of the National Historical Publications and Records Commission of the National Archives and Records Administration] *The Archivist of the United States, after considering the advice and recommendations of the National Historical Publications and Records Commission*, may make grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) **MAINTENANCE.**—Any database established using a grant under this section shall be maintained by appropriate agencies or institutions designated by [the Executive Director of the National Historical Publications and Records Commission] *the Archivist of the United States*.

UNITED STATES CODE

* * * * *

TITLE 44—PUBLIC PRINTING AND DOCUMENTS

* * * * *

**CHAPTER 25—NATIONAL HISTORICAL PUBLICATIONS
AND RECORDS COMMISSION**

* * * * *

SECTION 2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations

* * * * *

(g)(1) For the purposes specified in this section, there is hereby authorized to be appropriated to the National Historical Publications and Records Commission—

- (A) \$6,000,000 for fiscal year 1989;
- (B) \$8,000,000 for fiscal year 1990;
- (C) \$10,000,000 for each of the fiscal years 1991, 1992, and 1993;
- (D) \$6,000,000 for fiscal year 1994;
- (E) \$7,000,000 for fiscal year 1995;
- (F) \$8,000,000 for fiscal year 1996;
- (G) \$10,000,000 for fiscal year 1997;
- (H) \$10,000,000 for fiscal year 1998;
- (I) \$10,000,000 for fiscal year 1999;
- (J) \$10,000,000 for fiscal year 2000;
- (K) \$10,000,000 for fiscal year 2001;
- (L) \$10,000,000 for fiscal year 2002;

- (M) \$10,000,000 for fiscal year 2003;
- (N) \$10,000,000 for fiscal year 2004;
- (O) \$10,000,000 for fiscal year 2005;
- (P) \$10,000,000 for fiscal year 2006;
- (Q) \$10,000,000 for fiscal year 2007;
- (R) \$10,000,000 for fiscal year 2008; **[and]**
- (S) \$10,000,000 for fiscal year 2009**[.]**; *and*
- (T) *\$10,000,000 for each of fiscal years 2010, 2011, 2012, 2013, and 2014.*

(2) Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.