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2D SESSION

S. 5531

Authorizing grants to support long-term climate resiliency for archival institutions, libraries, and museums in order to provide continuity and access to covered records.

IN THE SENATE OF THE UNITED STATES

DECEMBER 12, 2024

Mr. MARKEY (for himself and Ms. HIRONO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

Authorizing grants to support long-term climate resiliency for archival institutions, libraries, and museums in order to provide continuity and access to covered records.

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 “Public Archives Resil-
5 iency Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Climate change affects temperature,
9 changes precipitation, increases sea levels, and in-

1 creases the frequency and intensity of extreme
2 weather events.

3 (2) According to a 2018 study from Climate
4 Risk Management—

5 (A) more than 20 percent of archival re-
6 positories are likely to be affected by storm
7 surges;

8 (B) more than 90 percent of archives are
9 estimated to have a temperature change greater
10 than 1 °C, with 7.5 percent of sites likely to
11 change by 10 °C by 2070; and

12 (C) 69.5 percent of archives are likely to
13 receive at least 6 inches more rainfall by 2100
14 over current annual averages.

15 (3) Extreme weather affects infrastructure and
16 critical systems, such as heating, ventilation, air con-
17 ditioning systems, and mechanical systems.

18 (4) Climate change increasingly poses a risk for
19 degradation and loss of cultural heritage and ar-
20 chives.

21 (5) There is an urgent need to protect vital
22 records, like birth certificates, death certificates, and
23 marriage licenses, in preparation for or following ex-
24 treme weather events.

1 (6) Funding for the National Archives and
2 Records Administration, an independent agency that
3 provides public access to high-value Federal Govern-
4 ment records, has not meaningfully increased in the
5 last 30 years, despite an exponential growth in elec-
6 tronic records.

7 (7) Recent events demonstrate the importance
8 of investment in public record-keeping systems and
9 institutions. For instance—

10 (A) during the COVID–19 pandemic,
11 many veterans were unable to secure adequate
12 documentation to obtain veterans’ benefits and
13 military burials because of insufficient staffing
14 levels at the National Archives Personnel
15 Records Center; and

16 (B) in 2023, 8 of the Lahaina Restoration
17 Foundation’s historic sites burned down or were
18 critically damaged, leading to the loss of tens of
19 thousands of artifacts and records in Hawaii
20 due to the Lahaina fires, although the Founda-
21 tion was able to digitize certain collections be-
22 fore the fires destroyed these artifacts.

23 (8) In the most recent census taken of archi-
24 vists in the United States, 20 percent indicated that
25 they planned to leave the profession within the next

1 5 years, with burnout being cited as a leading cause.
 2 Robust investments in sustainable staffing in addi-
 3 tion to resilient infrastructure is critical to the oper-
 4 ation and maintenance of these record-keeping insti-
 5 tutions.

6 **SEC. 3. AUTHORIZING GRANTS TO PROMOTE PRESERVA-**
 7 **TION, CLIMATE RESILIENCE, AND ADAPTION**
 8 **FOR LIBRARIES, ARCHIVES, AND MUSEUMS.**

9 (a) DEFINITIONS.—In this Act:

10 (1) COVERED RECORDS.—The term “covered
 11 records” means—

12 (A) vital records, as defined in part 1223.2
 13 of title 36, Code of Federal Regulations, or
 14 similar successor regulations;

15 (B) essential and vital records, as defined
 16 by State, local, Tribal, or territorial law (includ-
 17 ing regulations); and

18 (C) any other records of historical or cul-
 19 tural significance, as determined by the Archi-
 20 vist of the United States and the Director of
 21 the Institute of Museum and Library Services
 22 in consultation with—

23 (i) the head of the agency in each
 24 State that is responsible for the State ar-
 25 chives; and

1 (ii) the State historical records advi-
2 sory board in each State, as defined in sec-
3 tion 1206.41 of title 36, Code of Federal
4 Regulations, or similar successor regula-
5 tions.

6 (2) ELIGIBLE ENTITY.—The term “eligible enti-
7 ty” means any of the following entities that main-
8 tain covered records:

9 (A) State, local, Tribal, and territorial gov-
10 ernments.

11 (B) Public archives, libraries, and muse-
12 ums.

13 (C) Institutions of higher education, as de-
14 fined in section 101 of the Higher Education
15 Act of 1965 (20 U.S.C. 1001).

16 (D) Nonprofit community-based organiza-
17 tions.

18 (b) IN GENERAL.—

19 (1) IN GENERAL.—The Archivist of the United
20 States, acting jointly with the Director of the Insti-
21 tute of Museum and Library Services, shall award
22 grants through the National Historical Publications
23 and Records Commission and the Institute of Mu-
24 seum and Library Services, on a competitive basis,
25 to eligible entities for the purpose of supporting

1 long-term climate resiliency in order to provide con-
2 tinuity and access to covered records, as described in
3 subsection (d).

4 (2) VITAL RECORDS.—From the amounts made
5 available to carry out this section, not less than 50
6 percent shall be for grants to eligible entities that in-
7 tend to use the grant funds to support activities de-
8 scribed in subsection (d) with respect to vital
9 records, as described in subparagraph (A) or (B) of
10 subsection (a)(1).

11 (3) RESERVATION OF FUNDS.—From the
12 amounts made available to carry out this section,
13 not less than 3 percent shall be reserved for Indian
14 Tribes (as defined in section 2 of the Tribally Con-
15 trolled Colleges and Universities Assistance Act of
16 1978 (25 U.S.C. 1801)) and non-profit organiza-
17 tions that primarily serve and represent Native Ha-
18 waiians.

19 (c) APPLICATION.—An eligible entity that desires a
20 grant under this section shall submit an application at
21 such time, in such manner, and containing such informa-
22 tion as the National Historical Publications and Records
23 Commission and the Institute of Museum and Library
24 Services may require.

1 (d) ELIGIBLE USES OF GRANT FUNDS.—An eligible
2 entity receiving a grant under this section shall use grant
3 funds to support one or more of the following:

4 (1) Staffing necessary to—

5 (A) support continuity of covered records,
6 including the digitization or digital cloud stor-
7 age of covered records; and

8 (B) mitigate the possibility of disruptions
9 to accessing covered records.

10 (2) Facility infrastructure upgrades to—

11 (A) protect facilities that house covered
12 records from extreme temperatures, humidity,
13 storms, winds, hurricanes, tornadoes, heavy
14 snow, blizzards, flooding, erosion, wildfires, and
15 sea level rise; and

16 (B) prevent water damage caused by heavy
17 rain, poor grading, snow melt, ice melt, water
18 pipes, drain pipes, and undersized stormwater
19 controls.

20 (3) Relocating covered records and infrastruc-
21 ture outside of hazardous areas, where necessary.

22 (4) The provision of internet and broadband
23 connectivity equipment, as well as other techno-
24 logical equipment and resources necessary to digitize
25 and store multiple distributed copies of covered

1 records that are at risk of damage or loss due to ex-
2 treme weather or other conditions, and to provide
3 online training and materials related to conservation
4 planning and education.

5 (5) Language preservation, including through
6 direct outreach, digital and physical record-keeping,
7 and other activities.

8 (6) Developing and implementing a climate
9 adaption plan.

10 (7) Developing an emergency preparedness and
11 disaster response plan coordination network.

12 (8) Accessing conservation and climate risk
13 training and education materials.

14 **SEC. 4. ADMINISTRATION AND OVERSIGHT.**

15 (a) NO PROHIBITION AGAINST CONSTRUCTION.—
16 Funds awarded under this Act may be used for construc-
17 tion expenses.

18 (b) NO MATCHING REQUIREMENT OR NON-FEDERAL
19 SHARE.—Notwithstanding any other provision of law, an
20 eligible entity that receives funds under this Act shall not
21 be required to provide matching funds or a non-Federal
22 share toward the cost of the activities carried out with
23 funds under this Act.

24 (c) ADMINISTRATIVE COSTS.—From the amount ap-
25 propriated to carry out this Act, the Archivist of the

1 United States and the Director of the Institute of Museum
2 and Library Services may allocate not more than 3 percent
3 of such amount for program administration, oversight ac-
4 tivities, research, analysis, and data collection.

5 **SEC. 5. STUDY.**

6 (a) IN GENERAL.—The Comptroller General shall
7 conduct a study—

8 (1) of covered records to identify eligible enti-
9 ties and covered records vulnerable to sea level rise,
10 surface water flooding, increased rainfall, extreme
11 temperature, fire risks, natural disasters (including
12 tornados, blizzards, and ice storms), grid resilience,
13 or labor shortages that could cause a disruption in
14 the continuity of covered records; and

15 (2) to identify potential safe harbor institutions
16 that may be designated as receiving repositories for
17 covered records that may need to be relocated, and
18 any potential legal barriers to such relocation.

19 (b) REPORT.—Not later than 1 year after the date
20 of enactment of this Act, the Comptroller General shall
21 submit a report to Congress containing the results of the
22 study carried out under subsection (a).

1 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
3 this Act \$250,000,000 for fiscal year 2025.

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