

Calendar No. 1088

110TH CONGRESS
2D SESSION**S. 3477**

To amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 11, 2008

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

SEPTEMBER 25 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, with amendments

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

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 “Presidential Historical
5 Records Preservation Act of 2008”.

1 **SEC. 2. GRANT PROGRAM.**

2 Section 2504 of title 44, United States Code, is
3 amended by—

4 (1) redesignating subsection (f) as subsection
5 (g); *and*

6 ~~(2) amending subsection (g)(1) (as so redesign-~~
7 ~~ated by paragraph (1))—~~

8 ~~(A) in subparagraph (R), by striking~~
9 ~~“and”;~~

10 ~~(B) in subparagraph (S), by striking the~~
11 ~~period and inserting “; and”; and~~

12 ~~(C) by adding at the end the following:~~

13 ~~“(T) \$15,000,000 for fiscal year 2010.”;~~

14 ~~and~~

15 ~~(3) inserting after subsection (e), the following:~~

16 ~~(2) inserting after subsection (e) the following:~~

17 “(f) GRANTS FOR PRESIDENTIAL CENTERS OF HIS-
18 TORICAL EXCELLENCE.—

19 “(1) IN GENERAL.—The Archivist, with the rec-
20 ommendation of the Commission, ~~shall~~*may* make
21 grants, on a competitive basis and in accordance
22 with this subsection, to eligible entities to promote
23 the historical preservation of, and public access to,
24 historical records and documents relating to any
25 *former* President who does not have a Presidential
26 archival depository currently managed and main-

1 tained by the Federal Government pursuant to sec-
2 tion 2112 (commonly known as the ‘Presidential Li-
3 braries Act of 1955’).

4 “(2) ELIGIBLE ENTITY.—For purposes of this
5 subsection, an eligible entity is—

6 “(A) an organization described under sec-
7 tion 501(c)(3) of the Internal Revenue Code of
8 1986 and exempt from taxation under section
9 501(a) of that Code; or

10 “(B) a State or local government of the
11 United States.

12 “(3) USE OF FUNDS.—Amounts received by an
13 eligible entity under paragraph (1) shall be used to
14 promote the historical preservation of, and public ac-
15 cess to, historical records or historical documents re-
16 lating to any *former* President covered under para-
17 graph (1).

18 “(4) PROHIBITION ON USE OF FUNDS.—
19 Amounts received by an eligible entity under para-
20 graph (1) may not be used for the maintenance, op-
21 erating costs, or construction of any facility to house
22 the historical records or historical documents relat-
23 ing to any *former* President covered under para-
24 graph (1).

25 “(5) APPLICATION.—

1 “(A) IN GENERAL.—An eligible entity
2 seeking a grant under this subsection shall sub-
3 mit to the Commission an application at such
4 time, in such manner, and containing or accom-
5 panied by such information as the Commission
6 may require, including a description of the ac-
7 tivities for which a grant under this subsection
8 is sought.

9 “(B) APPROVAL OF APPLICATION.—The
10 Commission shall not consider or recommend a
11 grant application submitted under subpara-
12 graph (A) unless an eligible entity establishes
13 that such entity—

14 “(i) possesses, with respect to any
15 *former* President covered under paragraph
16 (1), historical works and collections of his-
17 torical sources that the Commission con-
18 siders appropriate for preserving, pub-
19 lishing, or otherwise recording at the pub-
20 lic expense;

21 “(ii) has appropriate facilities and
22 space for preservation of, and public access
23 to, the historical works and collections of
24 historical sources;

1 “(iii) shall ensure preservation of, and
2 public access to, such historical works and
3 collections of historical sources at no
4 charge to the public;

5 “(iv) has educational programs that
6 make the use of such documents part of
7 the mission of such entity;

8 “(v) has raised funds from non-Fed-
9 eral sources in support of the efforts of the
10 entity to promote the historical preserva-
11 tion of, and public access to, such histor-
12 ical works and collections of historical
13 sources in an amount equal to the amount
14 of the grant the entity seeks under this
15 subsection;

16 “(vi) shall coordinate with any rel-
17 evant Federal program or activity, includ-
18 ing programs and activities relating to
19 Presidential archival depositories;

20 “(vii) shall coordinate with any rel-
21 evant non-Federal program or activity, in-
22 cluding programs and activities conducted
23 by State and local governments and private
24 educational historical entities; and

1 “(viii) has a workable plan for pre-
 2 serving and providing public access to such
 3 historical works and collections of histor-
 4 ical sources.”.

5 **SEC. 3. TERM LIMITS FOR COMMISSION MEMBERS;**
 6 **RECUSAL.**

7 (a) *TERM LIMITS.*—

8 (1) *IN GENERAL.*—Section 2501(b)(1) of title 44,
 9 *United States Code*, is amended—

10 (A) by inserting “not more than 2” after
 11 “subsection (a) shall be appointed for”; and

12 (B) in subparagraph (A), by striking “a
 13 term” and inserting “not more than 4 terms”.

14 (2) *EFFECTIVE DATE.*—The restrictions on the
 15 terms of members of the National Historical Publica-
 16 tions and Records Commission provided in the
 17 amendments made by paragraph (1) shall apply to
 18 members serving on or after the date of enactment of
 19 this Act.

20 (b) *RECUSAL.*—

21 (1) *IN GENERAL.*—Section 2501 of title 44,
 22 *United States Code*, is amended by adding at the end
 23 the following:

24 “(d) *RECUSAL.*—Members of the Commission shall
 25 recuse themselves from voting on any matter that poses, or

1 *could potentially pose, a conflict of interest, including a*
 2 *matter that could benefit them or an entity they represent.”.*

3 (2) *EFFECTIVE DATE.*—*The requirement of*
 4 *recusal provided in the amendment made by para-*
 5 *graph (1) shall apply to members of the National*
 6 *Historical Publications and Records Commission*
 7 *serving on or after the date of enactment of this Act.*

8 **SEC. 4. ONLINE ACCESS OF FOUNDING FATHERS DOCU-**
 9 **MENTS; TRANSFER OF FUNDS.**

10 (a) *IN GENERAL.*—*Title 44, United States Code, is*
 11 *amended by inserting after section 2119 the following:*

12 **“§2120. Online access of founding fathers documents**

13 *“The Archivist may enter into a cooperative agreement*
 14 *to provide online access to the published volumes of the pa-*
 15 *pers of—*

16 *“(1) George Washington;*

17 *“(2) Alexander Hamilton;*

18 *“(3) Thomas Jefferson;*

19 *“(4) Benjamin Franklin;*

20 *“(5) John Adams;*

21 *“(6) James Madison; and*

22 *“(7) other prominent historical figures, as deter-*
 23 *mined appropriate by the Archivist of the United*
 24 *States.”.*

25 (b) *TRANSFER OF FUNDS.*—

1 (1) *IN GENERAL.*—*The Archivist of the United*
 2 *States, in the role as chairman of the National His-*
 3 *torical Publications and Records Commission may*
 4 *enter into cooperative agreements pursuant to section*
 5 *6305 of title 31, United States Code, that involve the*
 6 *transfer of funds from the National Historical Publi-*
 7 *cations and Records Commission to State and local*
 8 *governments, tribal governments, other public entities,*
 9 *educational institutions, or private nonprofit organi-*
 10 *zations for the public purpose of carrying out section*
 11 *2120 of title 44, United States Codes.*

12 (2) *REPORT.*—*Not later than December 31st of*
 13 *each year, the Archivist of the United States shall*
 14 *submit to the Committee on Homeland Security and*
 15 *Governmental Affairs of the Senate and the Com-*
 16 *mittee on Oversight and Government Reform of the*
 17 *House of Representatives a report on the provisions,*
 18 *amount, and duration of each cooperative agreement*
 19 *entered into as authorized by paragraph (1) during*
 20 *the preceding fiscal year.*

21 (c) *TECHNICAL AND CONFORMING AMENDMENT.*—*The*
 22 *table of sections for chapter 21 of title 44, United States*
 23 *Code, is amended by adding after the item relating to sec-*
 24 *tion 2119 the following:*

“2120. *Online access of founding fathers documents.*”.

1 **SEC. 5. ADVISORY COMMITTEE.**

2 (a) *ESTABLISHMENT.*—*The Archivist of the United*
 3 *States may establish an advisory committee to—*

4 (1) *review the progress of the Founding Fathers*
 5 *editorial projects funded by the National Historical*
 6 *Publications and Records Commission;*

7 (2) *develop, in consultation with the various*
 8 *Founding Fathers editorial projects, appropriate com-*
 9 *pletion goals for the projects described in paragraph*
 10 *(1);*

11 (3) *annually review such goals and report to the*
 12 *Archivist on the progress of the various projects in*
 13 *meeting the goals; and*

14 (4) *recommend to the Archivist measures that*
 15 *would aid or encourage the projects in meeting such*
 16 *goals.*

17 (b) *REPORTS TO THE ADVISORY COMMITTEE.*—*Each*
 18 *of the projects described in subsection (a)(1) shall provide*
 19 *annually to the advisory committee established under sub-*
 20 *section (a) a report on the progress of the project toward*
 21 *accomplishing the completion goals and any assistance*
 22 *needed to achieve such goals, including the following:*

23 (1) *The proportion of total project funding for*
 24 *the funding year in which the report is submitted*
 25 *from—*

1 (A) *Federal, State, and local government*
 2 *sources;*

3 (B) *the host institution for the project;*

4 (C) *private or public foundations; and*

5 (D) *individuals.*

6 (2) *Information on all activities carried out*
 7 *using nongovernmental funding.*

8 (3) *Any and all information related to perform-*
 9 *ance goals for the funding year in which the report*
 10 *is submitted.*

11 (c) *COMPOSITION; MEETINGS; REPORT; SUNSET; AC-*
 12 *TION.—The advisory committee established under sub-*
 13 *section (a) shall—*

14 (1) *be comprised of 3 nationally recognized histo-*
 15 *rians appointed for not more than 2 consecutive 4-*
 16 *year terms;*

17 (2) *meet not less frequently than once a year;*

18 (3) *provide a report on the information obtained*
 19 *under subsection (b) to the Committee on Homeland*
 20 *Security and Governmental Affairs of the Senate and*
 21 *the Committee on Oversight and Government Reform*
 22 *of the House of Representatives not later than 1 year*
 23 *after the date of enactment of this Act and annually*
 24 *thereafter;*

1 (4) *terminate on the date that is 8 years after*
 2 *the date of enactment of this Act; and*

3 (5) *recommend legislative or executive action*
 4 *that would facilitate completion of the performance*
 5 *goals for the Founding Fathers editorial projects.*

6 **SEC. 6. CAPITAL IMPROVEMENT PLAN FOR PRESIDENTIAL**
 7 **ARCHIVAL DEPOSITORIES; REPORT.**

8 (a) *IN GENERAL.*—

9 (1) *PROVISION OF PLAN.*—*The Archivist of the*
 10 *United States shall provide to the Committee on Ap-*
 11 *propriations of the Senate and the Committee on Ap-*
 12 *propriations of the House of Representatives a 10-*
 13 *year capital improvement plan, in accordance with*
 14 *paragraph (2), for all Presidential archival deposi-*
 15 *tories (as defined in section 2101 of title 44, United*
 16 *States Code), which shall include—*

17 (A) *a prioritization of all capital projects*
 18 *at Presidential archival depositories that cost*
 19 *more than \$1,000,000;*

20 (B) *the current estimate of the cost of each*
 21 *capital project; and*

22 (C) *the basis upon which each cost estimate*
 23 *was developed.*

24 (2) *PROVIDED TO CONGRESS.*—*The capital im-*
 25 *provement plan shall be provided to the committees,*

1 *as described in paragraph (1), at the same time as*
 2 *the first Budget of the United States Government*
 3 *after the date of enactment of this Act is submitted*
 4 *to Congress.*

5 (3) *ANNUAL UPDATES AND EXPLANATION OF*
 6 *CHANGES IN COST ESTIMATES.—The Archivist of the*
 7 *United States shall provide to the Committee on Ap-*
 8 *propriations of the Senate and the Committee on Ap-*
 9 *propriations of the House of Representatives—*

10 (A) *annual updates to the capital improve-*
 11 *ment plan described in paragraph (1) at the*
 12 *same time as each subsequent Budget of the*
 13 *United States Government is submitted to Con-*
 14 *gress; and*

15 (B) *an explanation for any changes in cost*
 16 *estimates.*

17 (b) *AMENDMENT TO MINIMUM AMOUNT OF ENDOW-*
 18 *MENT.—Section 2112(g)(5)(B) of title 44, United States*
 19 *Code, is amended by striking “40” and inserting “60”.*

20 (c) *REPORT.—Not later than 270 days after the date*
 21 *of enactment of this Act, the Archivist of the United States*
 22 *shall provide a report to the Committee on Homeland Secu-*
 23 *rity and Governmental Affairs of the Senate and the Com-*
 24 *mittee on Oversight and Government Reform of the House*

1 *of Representatives, that provides 1 or more alternative mod-*
2 *els for presidential archival depositories that—*

3 *(1) reduce the financial burden on the Federal*
4 *Government;*

5 *(2) improve the preservation of presidential*
6 *records; and*

7 *(3) reduce the delay in public access to all presi-*
8 *dential records.*

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