

CIVIL RIGHTS HISTORY PROJECT ACT OF 2008

SEPTEMBER 15, 2008.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted the following

R E P O R T

[To accompany H.R. 998]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 998) to direct the Librarian of Congress and the Secretary of the Smithsonian Institution to carry out a joint project at the Library of Congress and the National Museum of African American History and Culture to collect video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments (stated in terms of the page and line numbers of the introduced bill) are as follows:

Page 2, line 3, strike “2007” and insert “2008”.

Page 8, line 14, strike “2008” and insert “2009”.

Page 8, line 16, strike “2009 through 2012” and insert “2010 through 2013”.

PURPOSE OF THE LEGISLATION

H.R. 998, the Civil Rights History Project Act of 2008, would authorize funding to create a comprehensive compilation of audio and video recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement.

BILL SUMMARY

H.R. 998 would direct the Library of Congress and the Smithsonian Institution’s National Museum of African American History and Culture to jointly work to collect and preserve for posterity

audio and video recordings of the memories and stories of individuals who participated in and witnessed first-hand the Civil Rights movement during the 1950s and 1960s.

As participants in the Civil Rights movement continue to age, it is important that memories and stories of those individuals who participated in events such as the sit-ins, the Freedom Rides, the drive for voting rights in Mississippi, and the March to Selma are documented so that future generations will be able to access original sources of information regarding the lives and times of that era.

The purpose of this Act is to coordinate at a national level the collection and the preservation of oral and video recordings. It will also serve to complement previous and ongoing documentary work on this subject.

#### COMMITTEE CONSIDERATION

H.R. 998 was introduced on February 12, 2007 by Representative Carolyn McCarthy of New York along with Representative John Lewis of Georgia. On July 30, 2008, the Committee considered H.R. 998 and, by voice vote, ordered the bill reported favorably with technical amendments offered by Chairman Brady which would move the start of the project to Fiscal Year 2009. No recorded votes were taken during the consideration of the bill.

#### BACKGROUND AND NEED FOR H.R. 998

It is in the best interest of the Nation to undertake the Civil Rights History Project so that future generations will be able to learn of the struggles and sacrifices of those who participated in the Civil Rights movement. A basic principle of democracy is that individuals should stand up for their rights and beliefs and pursue justice. The Library of Congress and the Smithsonian Institution will join forces to develop an extensive collection of oral histories of those participants who played a part and witnessed the American Civil Rights movement.

The Library of Congress and the Smithsonian Institution have jointly signed a letter of intent outlining their agreement to carry out identified activities related to the project to the extent that funding for the project is available through appropriations or donations, specifically committing to create a detailed Memorandum of Understanding within two months of enactment of H.R. 998. That letter is appended to this report.

#### ANALYSIS OF THE BILL (AS REPORTED)

The Civil Rights History Project Act of 2008 requires the Librarian of Congress and the Secretary of the Smithsonian Institution (acting through the Director of the National Museum of African American History and Culture) to establish an oral history project to: (1) collect video and audio recordings of, and visual and written materials relevant to the personal histories of participants in the Civil Rights movement; and (2) make the collection available for public use through the Library of Congress and the Museum.

Section 1. Section 1 states the short title of the Act, the "Civil Rights History Project Act of 2008."

Section 2. Section 2 states that the participants in the civil rights movement hold an invaluable resource in their first-hand accounts of the era. The retelling of their memories and stories will capture the real-life events and actions of those who participated in the civil rights movement from the 1950's through the 1960's. Much is known about the lives of Thurgood Marshall, Dr. Martin Luther King, Jr., Rosa Parks and other prominent leaders of the movement; however, there were many others whose impact and experience were just as important to the cause but whose stories are not well known or documented.

Section 3. Section 3 establishes the joint project at the Library of Congress and the National Museum of African American History and Culture. The initial phase of the project will be to survey the collections of audio and video recordings that are housed in various archives, libraries, museums, and other education institutions. The next step will be to solicit and collect materials that will create an extensive collection to be made available for public use through the Library of Congress and the National Museum of African American History and Culture.

Section 4. Section 4 encourages private support for the Civil Rights History Project. Both the Librarian of Congress and the Smithsonian Secretary are encouraged to solicit and accept donations of funds and in-kind contributions to support the collection of materials. Donations will be deposited only into an account established for such purpose.

Section 5. Section 5 authorizes appropriations to carry out this Act—

- (1) \$500,000 for Fiscal Year 2009; and
- (2) Such sums as may be necessary for each of the Fiscal Years 2010 through 2013.

#### MATTERS REQUIRED UNDER RULES OF THE HOUSE

##### *Constitutional Authority*

Clause 3(d)(1) of House Rule XIII requires each committee report on a public bill or joint resolution to include a statement citing the specific constitutional power(s) granted to the Congress on which the Committee relies for enactment of the measure under consideration. The Committee cites the legislative power granted to Congress in article I, section 8, clause 18.

##### *Committee Votes*

Clause 3(b) of House Rule XIII requires the results of each recorded vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the committee report. No recorded votes were taken during the Committee's consideration of H.R. 998.

##### *Congressional Budget Office Estimate*

Clause 3(c)(3) of House Rule XIII requires the report of a committee on a measure which has been approved by the committee to include a cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,  
 CONGRESSIONAL BUDGET OFFICE,  
 Washington, DC, September 5, 2008.

Hon. ROBERT A. BRADY,  
 Chairman, Committee on House Administration,  
 House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 998, the Civil Rights History Project Act of 2008.

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

Sincerely,

ROBERT A. SUNSHINE  
 (For Peter R. Orszag, Director).

Enclosure.

*H.R. 998—Civil Rights History Project Act of 2008*

H.R. 998 would direct the Librarian of Congress and the Secretary of the Smithsonian Institution to establish an oral history project to survey, solicit, reproduce, and collect audio and video recordings of participants in the Civil Rights movement. The bill would permit the Librarian and Secretary to solicit and accept donations of funds and in-kind contributions to support those activities. In addition, H.R. 998 would authorize the appropriation of \$500,000 for fiscal year 2009 and such sums as may be necessary for fiscal years 2010 through 2013.

Based on information from the two agencies, and assuming appropriation of the necessary amounts, CBO estimates that enacting H.R. 998 would cost \$4 million over the 2009–2013 period.

Because H.R. 998 would allow the Librarian and Secretary to accept and spend donations for projects, enacting H.R. 998 could affect direct spending and receipts, but the spending and the receipts would offset each other. Thus, CBO estimates that provision would not have a significant net effect on the federal budget.

H.R. 998 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Christina Hawley Anthony. This estimate was approved by Peter H. Fontaine, Assistant Director for Budget Analysis.

*Federal mandates*

Section 423 of the CBA requires a committee report on any public bill or joint resolution that includes a federal mandate to include specific information about such mandates. The Committee states that H.R. 998 includes no federal mandates.

*Preemption clarification*

Section 423 of the CBA requires a committee report on any public bill or joint resolution to include a committee statement on the extent to which the measure is intended to preempt state or local law. The Committee states that H.R. 998 is not intended to preempt any state or local law.

*Oversight findings*

Clause 3(c)(1) of rule XIII requires each committee report to contain oversight findings and recommendations required pursuant to clause 2(b)(1) of House Rule X. The Committee has general oversight responsibility of the Library of Congress and the Smithsonian Institution. The Committee has included the findings in the body of the report.

*Statement of general performance goals and objectives*

Clause 3(c)(4) of House Rule XIII requires committee reports to include a statement of general performance goals and objectives. The Committee believes enactment of the bill would enhance the collections at both the Library of Congress and the Smithsonian Institution. It would gather and preserve invaluable historical information, and provide additional resources to scholars for research, and to the public.

*Congressional "earmarks"*

Clause 9 of House Rule XXI requires committee reports on public bills and resolutions to contain an identification of congressional "earmarks," limited tax benefits, limited tariff benefits, and the names of requesting Members. The bill contains no such items either as introduced or as reported to the House.

*Congressional Accountability Act applicability*

Section 102(b)(3) of the Congressional Accountability Act of 1995 (Pub. L. 104-1) (CAA) requires each report on a public bill or joint resolution relating to terms and conditions of employment or access to public services or accommodations to describe the manner in which the legislation apply to the Legislative Branch. H.R. 998 does not impact any provisions covered by the CAA.

*Changes in existing law made by the bill, as reported*

H.R. 998 makes no changes in existing law.



July 21, 2008

The Honorable Robert Brady  
 U.S. House of Representatives  
 Committee on House Administration  
 1309 Longworth House Office Building  
 Washington, DC 20515

Dear Mr. Chairman:

Attention: Khalil Abboud  
 Diana Rodriguez

At the request of the Committee on House Administration staff, the Library of Congress (LOC) and the Smithsonian (SI) have been working together to determine the role of our respective institutions in carrying out H.R. 998, the Civil Rights History Project Act of 2007. We appreciate the courtesy of your staff in bringing about these discussions so that the coordination of this important project can begin prior to Committee action on the bill.

It is our intent that the Library's American Folklife Center (AFC) and the Smithsonian Institution's National Museum of African American History and Culture (NMAAHC) will work cooperatively and in equal partnership to plan and implement a five-year oral history project to collect and preserve video and audio recordings of personal histories and testimonials of individuals who participated in the Civil Rights movement.

Each organization has already identified its respective strengths in carrying out the identified activities related to this project. The following activities will be carried out to the extent that funding for the project is available through appropriations or donations specifically for this purpose:

- Create a detailed Memorandum of Understanding (MOU) between the LOC and the SI within two months of enactment of HR 998 (this will not require additional funding). This MOU will be based on joint planning that will assign budgetary and reporting responsibilities and assign specific duties and tasks to both AFC and NMAAHC, subject to appropriations.
- Conduct a survey of major extant Civil Rights Movement oral histories, repositories and other resources for researchers; identify gaps in the historic record; and develop plans to interview individuals who are not represented in existing collections.

Identify a representative set of individuals who lived through and worked in the Civil Rights Movement of the 1950s and 1960s in the United States and make contact.

Professionally interview as many of these individuals as possible, concentrating on the most elderly participants first; and continue to collect oral histories to create a balanced and wide-ranging collection available for research.

Create methodologies, databases and archival tools to preserve, catalog, and make accessible these oral histories at both the AFC and NMAAHC.

Develop long-term preservation and access plans for the collection.

Create a website to showcase the collection and make it accessible to the public.

Develop and implement public programming as appropriate and within the limits of available funding.

Because the Library and the Smithsonian are funded through different legislative vehicles, it would be very helpful to expressly authorize within the bill transfers of appropriated and gift funds between our agencies in order to carry out the project. It is our intent that the MOU will spell out more specifically any further formalities in this arrangement. We suggest the following language: "TRANSFER OF FUNDS- The Librarian of Congress and the Secretary may enter into agreements with each other to perform or procure services under this section, and may transfer between themselves appropriations or other available funds to pay the costs therefor."

We appreciate the hard work and commitment of Reps. Carolyn McCarthy and John Lewis and their staff in envisioning this very worthwhile project so that the voices of the Civil Rights movement will be heard for generations to come.

Deanna Marcum  
Deanna Marcum  
Associate Librarian for Library Services  
Library of Congress

Date: July 21, 2008

Lonnie A Bunch  
Lonnie Bunch  
Director, NMAAHC  
Smithsonian Institution

Date: 7/21/08

