

WILLIAM ORTON LAW LIBRARY IMPROVEMENT AND
MODERNIZATION ACT

JUNE 19, 2009.—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. 2728]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 2728) to provide financial support for the operation of the law library of the Library of Congress, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Amend section 5 to read as follows:

SEC. 5. DESIGNATION OF LAW LIBRARY OF LIBRARY OF CONGRESS AS NATIONAL LAW LI-
BRARY.

The law library of the Library of Congress shall be known and designated as the “National Law Library”, and any reference to the law library of the Library of Congress in any law, rule, regulation, or document shall be deemed to be a reference to the National Law Library.

PURPOSE AND SUMMARY OF THE LEGISLATION

H.R. 2728 (The William Orton Law Library Improvement and Modernization Act) would authorize \$3,500,000.00 to the Librarian of Congress for maintaining and administering the operations of the Law Library. Any amounts appropriated pursuant to the bill’s authorization would be available without fiscal year limitation until spent. Further, section 2 of the bill provides for the cataloging and archiving of nonproprietary material in the collection of the Law Library.

The bill also would provide the Law Library with a line item appropriation ensuring that all amounts appropriated are attributed

solely to the Law Library. The line item would begin in 2010 and continue for each succeeding fiscal year.

Finally, the bill would establish the William Orton Program, named after former Representative William Orton who represented Utah's 3rd District from 1991–1997. Representative Orton served on numerous task forces for the American Bar Associations Standing Committee on the Law Library of Congress. The program would implement enhanced or special services and programs for the Law Library and otherwise supports the mission of the Law Library through a public-private partnership.

The Committee strongly supports this bill.

COMMITTEE CONSIDERATION

On June 10th, 2009, the Committee considered H.R. 2728 and, by voice vote, ordered the bill reported favorably with one amendment. No recorded votes were taken during consideration of the bill.

BACKGROUND AND NEED FOR H.R. 2728

The Law Library of the Library of Congress was established in 1832 to address Congress's need for readily accessible legal information. Today, the Law Library of the Library of Congress is the largest legal library in the world, with a collection of over 3 million volumes that cover almost every jurisdiction worldwide. While the strides the Law Library has made in its almost 200 years of existence are remarkable, there is still much work to be done.

The Law Library occupies a unique position, not just with respect to library science or the legal profession, but within the nation as a whole. H.R. 2728 will provide the Law Library the resources necessary not just to maintain this distinctive position but also to offer new and innovative services for years to come.

The Law Library is currently in the process of organizing all materials using the uniform K classification system as university law libraries do. Law Library estimates state that this process could be completed in 6.5 years with 6 full-time catalogers.

The line item appropriation will ensure that all funds for the Law Library are received by the Law Library and the William Orton Program and will ensure the continued availability of and access to this amazing collection of legal materials for future generations.

ANALYSIS OF THE BILL (AS REPORTED)

Section 1. Short title ("The William Orton Law Library Improvement and Modernization Act").

Section 2. Section 2 of the bill provides new financial support mechanisms for the Law Library. In addition to other funds available for financial support of the Law Library, the bill authorizes a onetime appropriation of \$3,500,000.00 to be used for maintaining and administering Law Library services. Further, section 2 of the bill provides for the cataloging and archiving of nonproprietary material in the collection of the Law Library.

Section 3. Section 3 of H.R. 2728 provides for a line item appropriation for the Law Library. Currently, funding for the Law Library is drawn from the Library of Congress's general budget. Sec-

tion 3 gives the Law Library a separate appropriated amount beginning in fiscal year 2011.

Section 4. Section 4 establishes the William Orton Program. The program calls for the implementation of enhanced or special services and programs for the Law Library and otherwise supports the mission of the Law Library.

Funding of the Program will come in the form of appropriations as well as private donations of funds or in-kind contributions. These contributions will be accepted by the Library of Congress Trust Fund Board and by the Librarian of Congress. Any amount accepted in support of the Program by either the Trust Fund Board or the Librarian of Congress will be subject to disbursement upon the recommendation of the Law Librarian. The Librarian of Congress can also accept voluntary services in support of the Program.

The bill also provides for a separate account in the Treasury for the Program, which will consist of amounts accepted by the Trust Fund Board, amounts accepted by the Librarian of Congress, amounts appropriated and interest on the balance of the account. Any funds in the account shall be used solely in support of the Law Library.

No later than April 30th of each year, beginning in 2010, the Librarian of Congress shall submit a report on Program funding and activities to the Committee on House Administration, the Senate Committee on Rules and Administration, the American Bar Association and the American Association of Law Libraries. The report shall include:

- Listing of all donations received during the previous year;
- Total obligations during the previous year;
- The amount appropriated pursuant to the authorization under subsection (f) for the fiscal year beginning on the previous October 1;
- List of Program activities, along with budget information for each such activity, planned for the calendar year; and
- Any finding in the most recently completed Library audit with respect to the Law Library or Programs funds or investments.

The bill also authorizes to be appropriated for the Program an amount equal to 40% of the amount of the donations accepted by the Library of Congress Trust Fund Board in support of the Program.

Section 5. The introduced version of Section 5 of the bill was amended at mark-up to strike the existing language and insert new language to change the name of the Law Library of the Library of Congress to the National Law Library.

MATTERS REQUIRED UNDER THE 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 on House Administration finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

Clause 1(j)(4) of House rule X charges the Committee on House Administration with jurisdiction of the Library of Congress, including management thereof.

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. 2728.

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 403 of the CBA, if timely submitted. The Director submitted the following estimate:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 18, 2009.

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. 2728, the William Orton Law Library Improvement and Modernization Act.

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

Sincerely,

DOUGLAS W. ELMENDORF.

Enclosure.

H.R. 2728—William Orton Law Library Improvement and Modernization Act

H.R. 2728 would authorize the appropriation of \$3.5 million for the law library of the Library of Congress, and would establish a William Orton program to support the mission of the law library. The library could receive donations of funds and in-kind support, and could spend those funds (and the interest earned on them) without future appropriation. In addition, the bill would authorize appropriations equal to 40 percent of the donations received for support of the law library.

Based on the nature of previous donations in support of the law library and historical spending patterns, and assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 2728 would cost \$3.5 million over the 2009–2013 period.

Because the bill would allow the Librarian to accept and spend donations for projects, enacting H.R. 2728 could affect direct spending, but gross outlays would be offset by the donations. In addition, the bill would allow the Librarian to spend any interest earned on the donations, though CBO expects that such interest would be

negligible. Thus, CBO estimates enacting the bill would not have a significant net effect on the federal budget.

H.R. 2728 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. 2728 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. 2728 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 for the Library of Congress. The findings in support of this legislation are incorporated in the body of this 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 goal and objective of H.R. 2728 is to modernize the Law Library of the Library of Congress and to ensure the Law Library is provided with adequate funding to fully carry out its mission.

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 applies to the Legislative Branch. The bill contains no such items either as introduced or as reported to the House.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

The bill makes no changes to existing law.

