

Calendar No. 172

111TH CONGRESS }
1st Session }

SENATE

{ REPORT
111-87

TO PROVIDE THAT CLAIMS OF THE UNITED STATES
TO CERTAIN DOCUMENTS RELATING TO
FRANKLIN DELANO ROOSEVELT
SHALL BE TREATED AS WAIVED AND
RELINQUISHED IN CERTAIN CIRCUMSTANCES

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 692

TO PROVIDE THAT CLAIMS OF THE UNITED STATES TO CERTAIN
DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT
SHALL BE TREATED AS WAIVED AND RELINQUISHED IN CER-
TAIN CIRCUMSTANCES



OCTOBER 5, 2009.—Ordered to be printed

U.S. GOVERNMENT PRINTING OFFICE

89-010

WASHINGTON : 2009

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

JOSEPH I. LIEBERMAN, Connecticut, *Chairman*

CARL LEVIN, Michigan	SUSAN M. COLLINS, Maine
DANIEL K. AKAKA, Hawaii	TOM COBURN, Oklahoma
THOMAS R. CARPER, Delaware	JOHN McCAIN, Arizona
MARK L. PRYOR, Arkansas	GEORGE V. VOINOVICH, Ohio
MARY L. LANDRIEU, Louisiana	JOHN ENSIGN, Nevada
CLAIRE McCASKILL, Missouri	LINDSEY GRAHAM, South Carolina
JON TESTER, Montana	ROBERT F. BENNETT, Utah
ROLAND W. BURRIS, Illinois	
PAUL G. KIRK, JR., Massachusetts	

MICHAEL L. ALEXANDER, *Staff Director*

KEVIN J. LANDY, *Chief Counsel*

ADAM R. SEDGEWICK, *Professional Staff Member*

BRANDON L. MILHORN, *Minority Staff Director and Chief Counsel*

JOHN K. GRANT, *Minority Counsel*

TRINA DRIESSNACK TYRER, *Chief Clerk*

Calendar No. 172

111TH CONGRESS }
1st Session }

SENATE

{ REPORT
111-87

TO PROVIDE THAT CLAIMS OF THE UNITED STATES TO CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT SHALL BE TREATED AS WAIVED AND RELINQUISHED IN CERTAIN CIRCUMSTANCES

OCTOBER 5, 2009.—Ordered to be printed

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

R E P O R T

[To accompany S. 692]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 692) to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

CONTENTS

I. Purpose and Summary	Page 1
II. Background and Need for the Legislation	2
III. Legislative History	2
IV. Section-by-Section Analysis	2
V. Evaluation of Regulatory Impact	2
VI. Congressional Budget Office Cost Estimate	3

I. PURPOSE AND SUMMARY

S. 692 enables the National Archives and Records Administration (NARA) to acquire the Grace Tully Archive, the most important remaining private collection of documents and memorabilia relating to President Franklin Delano Roosevelt. It does so by deeming any existing claims of the United States to the material waived as of the day before the material is donated to NARA, thus resolving outstanding issues as to whether the current owner of the material may claim a tax deduction for the donation.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The Grace Tully Archive is a collection of documents and memorabilia pertaining to President Franklin Delano Roosevelt that is comprised of items that were gathered by his personal secretary throughout President Roosevelt's private and public career as Governor of New York and as President. The collection is considered to have significant historical value. The collection changed hands multiple times following the death of Grace Tully in 1981, with the most recent sale occurring in 2001.

Following the 2001 sale, the current owner initiated the process of donating the entire collection to the National Archives and Records Administration. In 2004, the National Archives asserted a claim of ownership to certain documents in the collection, arguing that those documents were Presidential records and should have originally been provided to NARA instead of staying with Grace Tully's collection. Specific statutes governing the maintenance and ownership of such records were not enacted until after the death of President Roosevelt. The question of ownership matters because it determines whether the owner may claim a tax deduction for giving the records to NARA. This dispute over ownership of the collection has stalled its donation for years and has kept the public from having full access to the collection. The passage of this legislation would resolve the dispute, ensure that these files can be fully incorporated into the Franklin Delano Roosevelt Library and preempt a further delay of litigation to resolve the issue.

III. LEGISLATIVE HISTORY

On March 25, 2009, Senator Charles Schumer introduced S. 692 which was referred to the Committee on Homeland Security and Governmental Affairs. On May 20, 2009, S. 692 was reported favorably by the Committee by voice vote. Members present for the vote on the bill were Chairman Lieberman; Senators Akaka, Carper, Pryor, McCaskill, Burris, and Bennet; Ranking Minority Member Collins; and Senator Voinovich.

IV. SECTION-BY-SECTION ANALYSIS

Section 1. Treatment of ownership of certain documents relating to Franklin Delano Roosevelt

Section 1 provides that if any person or entity makes a gift to the National Archives and Records Administration of any property that is a part of the collection of documents or memorabilia relating to Franklin Delano Roosevelt and was in the possession of Grace Tully at the time of her death, that the claim of the United States to such property shall be treated as having been waived and relinquished on the day before the date of such gift.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill. The Congressional Budget Office states that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and

would not effect state, local, and tribal governments. The enactment of this legislation will not have significant regulatory impact.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

MAY 21, 2009.

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. 692, a bill to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

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. 692—A bill to provide that the claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances

S. 692 would waive the federal government's claims to certain documents related to the Administration of Franklin Delano Roosevelt (FDR) if the papers are donated as gifts to the National Archives and Records Administration (NARA). Currently, the federal government is in negotiations with private parties regarding the ownership of the Tully Archive (Miss Grace Tully was FDR's personal secretary), which includes 5,000 documents, 100 personal letters, and other historical effects.

CBO expects that implementing S. 692 could expedite the donation of the collection to NARA. The donation would provide a tax deduction for the private party that currently owns the archive. While the value of that deduction is uncertain, CBO estimates that over time this legislation would have no significant net effect on federal revenues because the collection probably would be donated at some point without enactment of the bill.

S. 692 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 Matthew Pickford. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.