

Public Law 110-404
110th Congress

An Act

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

Oct. 13, 2008
[S. 3477]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Presidential Historical Records Preservation Act of 2008”.

Presidential
Historical
Records
Preservation Act
of 2008.
44 USC 101 note.

SEC. 2. GRANT PROGRAM.

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

- (1) redesignating subsection (f) as subsection (g); and
- (2) inserting after subsection (e) the following:

“(f) GRANTS FOR PRESIDENTIAL CENTERS OF HISTORICAL EXCELLENCE.—

“(1) IN GENERAL.—The Archivist, with the recommendation of the Commission, may make grants, on a competitive basis and in accordance with this subsection, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to section 2112 (commonly known as the ‘Presidential Libraries Act of 1955’).

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

“(A) an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

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

“(3) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) shall be used to promote the historical preservation of, and public access to, historical records or historical documents relating to any former President covered under paragraph (1).

“(4) PROHIBITION ON USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may not be used for the maintenance, operating costs, or construction of any facility to house the historical records or historical documents relating to any former President covered under paragraph (1).

“(5) APPLICATION.—

“(A) IN GENERAL.—An eligible entity seeking a grant under this subsection shall submit to the Commission an application at such time, in such manner, and containing

or accompanied by such information as the Commission may require, including a description of the activities for which a grant under this subsection is sought.

“(B) APPROVAL OF APPLICATION.—The Commission shall not consider or recommend a grant application submitted under subparagraph (A) unless an eligible entity establishes that such entity—

“(i) possesses, with respect to any former President covered under paragraph (1), historical works and collections of historical sources that the Commission considers appropriate for preserving, publishing, or otherwise recording at the public expense;

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

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

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

“(v) has raised funds from non-Federal sources in support of the efforts of the entity to promote the historical preservation of, and public access to, such historical works and collections of historical sources in an amount equal to the amount of the grant the entity seeks under this subsection;

“(vi) shall coordinate with any relevant Federal program or activity, including programs and activities relating to Presidential archival depositories;

“(vii) shall coordinate with any relevant non-Federal program or activity, including programs and activities conducted by State and local governments and private educational historical entities; and

“(viii) has a workable plan for preserving and providing public access to such historical works and collections of historical sources.”.

SEC. 3. TERM LIMITS FOR COMMISSION MEMBERS; RECUSAL.

(a) TERM LIMITS.—

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

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

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

(2) EFFECTIVE DATE.—The restrictions on the terms of members of the National Historical Publications and Records Commission provided in the amendments made by paragraph (1) shall apply to members serving on or after the date of enactment of this Act.

(b) RECUSAL.—

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

“(d) RECUSAL.—Members of the Commission shall recuse themselves from voting on any matter that poses, or could potentially pose, a conflict of interest, including a matter that could benefit them or an entity they represent.”.

(2) **EFFECTIVE DATE.**—The requirement of recusal provided in the amendment made by paragraph (1) shall apply to members of the National Historical Publications and Records Commission serving on or after the date of enactment of this Act. 44 USC 2501 note.

SEC. 4. ONLINE ACCESS OF FOUNDING FATHERS DOCUMENTS; TRANSFER OF FUNDS.

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

“§ 2120. Online access of founding fathers documents

“The Archivist may enter into a cooperative agreement to provide online access to the published volumes of the papers of—

“(1) George Washington;

“(2) Alexander Hamilton;

“(3) Thomas Jefferson;

“(4) Benjamin Franklin;

“(5) John Adams;

“(6) James Madison; and

“(7) other prominent historical figures, as determined appropriate by the Archivist of the United States.”.

(b) **TRANSFER OF FUNDS.**—

(1) **IN GENERAL.**—The Archivist of the United States, in the role as chairman of the National Historical Publications and Records Commission may enter into cooperative agreements pursuant to section 6305 of title 31, United States Code, that involve the transfer of funds from the National Historical Publications and Records Commission to State and local governments, tribal governments, other public entities, educational institutions, or private nonprofit organizations for the public purpose of carrying out section 2120 of title 44, United States Codes. 44 USC 2120 note.

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

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

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

SEC. 5. ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Archivist of the United States may establish an advisory committee to— 44 USC 2505 note.

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

(2) develop, in consultation with the various Founding Fathers editorial projects, appropriate completion goals for the projects described in paragraph (1);

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

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

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

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

- (A) Federal, State, and local government sources;
- (B) the host institution for the project;
- (C) private or public foundations; and
- (D) individuals.

(2) Information on all activities carried out using non-governmental funding.

(3) Any and all information related to performance goals for the funding year in which the report is submitted.

(c) **COMPOSITION; MEETINGS; REPORT; SUNSET; ACTION.**—The advisory committee established under subsection (a) shall—

(1) be comprised of 3 nationally recognized historians appointed for not more than 2 consecutive 4-year terms;

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

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

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

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

44 USC 2112
note.

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

(a) **IN GENERAL.**—

(1) **PROVISION OF PLAN.**—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a 10-year capital improvement plan, in accordance with paragraph (2), for all Presidential archival depositories (as defined in section 2101 of title 44, United States Code), which shall include—

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

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

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

(2) **PROVIDED TO CONGRESS.**—The capital improvement plan shall be provided to the committees, as described in paragraph (1), at the same time as the first Budget of the United States

Government after the date of enactment of this Act is submitted to Congress.

(3) ANNUAL UPDATES AND EXPLANATION OF CHANGES IN COST ESTIMATES.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives—

(A) annual updates to the capital improvement plan described in paragraph (1) at the same time as each subsequent Budget of the United States Government is submitted to Congress; and

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

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

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Archivist of the United States shall provide a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, that provides 1 or more alternative models for presidential archival depositories that—

(1) reduce the financial burden on the Federal Government;

(2) improve the preservation of presidential records; and

(3) reduce the delay in public access to all presidential records.

SEC. 7. ESTABLISHMENT OF NATIONAL DATABASE FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.

44 USC 2107
note.

(a) IN GENERAL.—The Archivist of the United States may preserve relevant records and establish, as part of the National Archives and Records Administration, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Refugees, Freedman, and Abandoned Land Records, Southern Claims Commission Records, Records of the Freedmen’s Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others, contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

(b) MAINTENANCE.—Any database established under this section shall be maintained by the National Archives and Records Administration or an entity within the National Archives and Records Administration designated by the Archivist of the United States.

SEC. 8. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.

44 USC 2504
note.

(a) IN GENERAL.—The Executive Director of the National Historical Publications and Records Commission of the National Archives and Records Administration may make grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) MAINTENANCE.—Any database established using a grant under this section shall be maintained by appropriate agencies

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or institutions designated by the Executive Director of the National Historical Publications and Records Commission.

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LEGISLATIVE HISTORY—S. 3477:

SENATE REPORTS: No. 110-525 (Comm. on Homeland Security and Governmental Affairs).

CONGRESSIONAL RECORD, Vol. 154 (2008):

Sept. 26, considered and passed Senate.

Sept. 27, considered and passed House.