

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3477

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 27, 2008

Referred to the Committee on Oversight and Government Reform

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## AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. GRANT PROGRAM.**

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

7 (1) redesignating subsection (f) as subsection  
8 (g); and

9 (2) inserting after subsection (e) the following:

10 “(f) GRANTS FOR PRESIDENTIAL CENTERS OF HIS-  
11 TORICAL EXCELLENCE.—

12 “(1) IN GENERAL.—The Archivist, with the rec-  
13 ommendation of the Commission, may make grants,  
14 on a competitive basis and in accordance with this  
15 subsection, to eligible entities to promote the histor-  
16 ical preservation of, and public access to, historical  
17 records and documents relating to any former Presi-  
18 dent who does not have a Presidential archival de-  
19 pository currently managed and maintained by the  
20 Federal Government pursuant to section 2112 (com-  
21 monly known as the ‘Presidential Libraries Act of  
22 1955’).

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

25 “(A) an organization described under sec-  
26 tion 501(c)(3) of the Internal Revenue Code of

1           1986 and exempt from taxation under section  
2           501(a) of that Code; or

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

5           “(3) USE OF FUNDS.—Amounts received by an  
6           eligible entity under paragraph (1) shall be used to  
7           promote the historical preservation of, and public ac-  
8           cess to, historical records or historical documents re-  
9           lating to any former President covered under para-  
10          graph (1).

11          “(4) PROHIBITION ON USE OF FUNDS.—  
12          Amounts received by an eligible entity under para-  
13          graph (1) may not be used for the maintenance, op-  
14          erating costs, or construction of any facility to house  
15          the historical records or historical documents relat-  
16          ing to any former President covered under para-  
17          graph (1).

18          “(5) APPLICATION.—

19                 “(A) IN GENERAL.—An eligible entity  
20                 seeking a grant under this subsection shall sub-  
21                 mit to the Commission an application at such  
22                 time, in such manner, and containing or accom-  
23                 panied by such information as the Commission  
24                 may require, including a description of the ac-

1           activities for which a grant under this subsection  
2           is sought.

3           “(B) APPROVAL OF APPLICATION.—The  
4           Commission shall not consider or recommend a  
5           grant application submitted under subpara-  
6           graph (A) unless an eligible entity establishes  
7           that such entity—

8                   “(i) possesses, with respect to any  
9                   former President covered under paragraph  
10                  (1), historical works and collections of his-  
11                  torical sources that the Commission con-  
12                  siders appropriate for preserving, pub-  
13                  lishing, or otherwise recording at the pub-  
14                  lic expense;

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

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

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

1 “(v) has raised funds from non-Fed-  
2 eral sources in support of the efforts of the  
3 entity to promote the historical preserva-  
4 tion of, and public access to, such histor-  
5 ical works and collections of historical  
6 sources in an amount equal to the amount  
7 of the grant the entity seeks under this  
8 subsection;

9 “(vi) shall coordinate with any rel-  
10 evant Federal program or activity, includ-  
11 ing programs and activities relating to  
12 Presidential archival depositories;

13 “(vii) shall coordinate with any rel-  
14 evant non-Federal program or activity, in-  
15 cluding programs and activities conducted  
16 by State and local governments and private  
17 educational historical entities; and

18 “(viii) has a workable plan for pre-  
19 serving and providing public access to such  
20 historical works and collections of histor-  
21 ical sources.”.

22 **SEC. 3. TERM LIMITS FOR COMMISSION MEMBERS;**  
23 **RECUSAL.**

24 (a) **TERM LIMITS.**—

1           (1) IN GENERAL.—Section 2501(b)(1) of title  
2 44, United States Code, is amended—

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

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

7           (2) EFFECTIVE DATE.—The restrictions on the  
8 terms of members of the National Historical Publi-  
9 cations and Records Commission provided in the  
10 amendments made by paragraph (1) shall apply to  
11 members serving on or after the date of enactment  
12 of this Act.

13       (b) RECUSAL.—

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

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

22           (2) EFFECTIVE DATE.—The requirement of  
23 recusal provided in the amendment made by para-  
24 graph (1) shall apply to members of the National  
25 Historical Publications and Records Commission

1 serving on or after the date of enactment of this  
2 Act.

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

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

7 **“§ 2120. Online access of founding fathers documents**

8 “The Archivist may enter into a cooperative agree-  
9 ment to provide online access to the published volumes of  
10 the papers of—

11 “(1) George Washington;

12 “(2) Alexander Hamilton;

13 “(3) Thomas Jefferson;

14 “(4) Benjamin Franklin;

15 “(5) John Adams;

16 “(6) James Madison; and

17 “(7) other prominent historical figures, as de-  
18 termined appropriate by the Archivist of the United  
19 States.”.

20 (b) TRANSFER OF FUNDS.—

21 (1) IN GENERAL.—The Archivist of the United  
22 States, in the role as chairman of the National His-  
23 torical Publications and Records Commission may  
24 enter into cooperative agreements pursuant to sec-  
25 tion 6305 of title 31, United States Code, that in-

1        involve the transfer of funds from the National Histor-  
2        ical Publications and Records Commission to State  
3        and local governments, tribal governments, other  
4        public entities, educational institutions, or private  
5        nonprofit organizations for the public purpose of  
6        carrying out section 2120 of title 44, United States  
7        Codes.

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

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

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

21        **SEC. 5. ADVISORY COMMITTEE.**

22        (a) ESTABLISHMENT.—The Archivist of the United  
23       States may establish an advisory committee to—

1           (1) review the progress of the Founding Fa-  
2           thers editorial projects funded by the National His-  
3           torical Publications and Records Commission;

4           (2) develop, in consultation with the various  
5           Founding Fathers editorial projects, appropriate  
6           completion goals for the projects described in para-  
7           graph (1);

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

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

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

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

23                        (A) Federal, State, and local government  
24                        sources;

25                        (B) the host institution for the project;

1 (C) private or public foundations; and

2 (D) individuals.

3 (2) Information on all activities carried out  
4 using nongovernmental funding.

5 (3) Any and all information related to perform-  
6 ance goals for the funding year in which the report  
7 is submitted.

8 (c) COMPOSITION; MEETINGS; REPORT; SUNSET; AC-  
9 TION.—The advisory committee established under sub-  
10 section (a) shall—

11 (1) be comprised of 3 nationally recognized his-  
12 torians appointed for not more than 2 consecutive 4-  
13 year terms;

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

15 (3) provide a report on the information ob-  
16 tained under subsection (b) to the Committee on  
17 Homeland Security and Governmental Affairs of the  
18 Senate and the Committee on Oversight and Govern-  
19 ment Reform of the House of Representatives not  
20 later than 1 year after the date of enactment of this  
21 Act and annually thereafter;

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

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

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

6           (a) IN GENERAL.—

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

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

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

20                (C) the basis upon which each cost esti-  
21                mate was developed.

22          (2) PROVIDED TO CONGRESS.—The capital im-  
23          provement plan shall be provided to the committees,  
24          as described in paragraph (1), at the same time as  
25          the first Budget of the United States Government

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

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

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

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

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

18 (c) REPORT.—Not later than 270 days after the date  
19 of enactment of this Act, the Archivist of the United  
20 States shall provide a report to the Committee on Home-  
21 land Security and Governmental Affairs of the Senate and  
22 the Committee on Oversight and Government Reform of  
23 the House of Representatives, that provides 1 or more al-  
24 ternative models for presidential archival depositories  
25 that—

- 1           (1) reduce the financial burden on the Federal  
2           Government;
- 3           (2) improve the preservation of presidential  
4           records; and
- 5           (3) reduce the delay in public access to all pres-  
6           idential records.

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

10          (a) **IN GENERAL.**—The Archivist of the United  
11 States may preserve relevant records and establish, as  
12 part of the National Archives and Records Administration,  
13 an electronically searchable national database consisting  
14 of historic records of servitude, emancipation, and post-  
15 Civil War reconstruction, including the Refugees, Freed-  
16 man, and Abandoned Land Records, Southern Claims  
17 Commission Records, Records of the Freedmen’s Bank,  
18 Slave Impressments Records, Slave Payroll Records, Slave  
19 Manifest, and others, contained within the agencies and  
20 departments of the Federal Government to assist African  
21 Americans and others in conducting genealogical and his-  
22 torical research.

23          (b) **MAINTENANCE.**—Any database established under  
24 this section shall be maintained by the National Archives  
25 and Records Administration or an entity within the Na-

1 tional Archives and Records Administration designated by  
2 the Archivist of the United States.

3 **SEC. 8. GRANTS FOR ESTABLISHMENT OF STATE AND**  
4 **LOCAL DATABASES FOR RECORDS OF SER-**  
5 **VITUDE, EMANCIPATION, AND POST-CIVIL**  
6 **WAR RECONSTRUCTION.**

7 (a) IN GENERAL.—The Executive Director of the Na-  
8 tional Historical Publications and Records Commission of  
9 the National Archives and Records Administration may  
10 make grants to States, colleges and universities, museums,  
11 libraries, and genealogical associations to preserve records  
12 and establish electronically searchable databases con-  
13 sisting of local records of servitude, emancipation, and  
14 post-Civil War reconstruction.

15 (b) MAINTENANCE.—Any database established using  
16 a grant under this section shall be maintained by appro-  
17 priate agencies or institutions designated by the Executive  
18 Director of the National Historical Publications and  
19 Records Commission.

Passed the Senate September 26 (legislative day,  
September 17), 2008.

Attest:

NANCY ERICKSON,  
*Secretary.*