

## REPEAL OF AMERICAN FOLKLIFE PRESERVATION ACT

JULY 26, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. THOMAS, from the Committee on House Oversight,  
submitted the following

### R E P O R T

[To accompany H.R. 3491]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Oversight, to whom was referred the bill (H.R. 3491) to repeal the American Folklife Preservation Act, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

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

Page 3, line 5, strike out “third” and insert in lieu thereof “second”.

#### GENERAL DISCUSSION

H.R. 3491 allows for the creation of the American Folklife Division at the Library of Congress by authorizing the Librarian of Congress to continue to provide the functions of collection, preservation, reference and archiving of an American folklife collection. It repeals the American Folklife Preservation Act and abolishes the American Folklife Center at the Library of Congress.

The bill reflects the Librarian’s proposal to integrate the American Folklife Center’s collections into the general operations of the Library. The proposal, supported by the Committee, is outlined in a May 16, 1996 letter from Dr. James Billington, Librarian of Congress to the Chairman of the Committee. As presented to and approved by the Committee, the Librarian will—

- (1) restructure the folklife collection to focus on core collection-based activities, such as acquisitions, preservation, and reference assistance, which is consistent with other special collection divisions in the Library;

(2) require any programmatic and outreach activities associated with the collection to be supported by private funding;

(3) downsize the Center's staffing supported by appropriated funds from 14 to 10 positions, with a commensurate budget reduction of \$150,000–\$200,000;

(4) replace the Center's Board of Trustees with a "Friends" group to assist with fundraising efforts, using the successful model of other special collection divisions; and

(5) change the name of the American Folklife Center to the American Folklife Division to reflect the restructuring.

The Committee believes that this approach is the best method to preserve and strengthen the Library's extensive folklife collections and to achieve savings responsibly by reducing Federal funding for activities unrelated to the core collections-based library functions.

#### *Preserving the American Folklife Collections*

The Library of Congress has maintained a collection of American folklife since 1928. The comprehensive collection, which now numbers over 1.5 million items, encompasses a broad range of folklife materials including photographs, recordings, film and manuscripts and covers all regions, states and cultural traditions in the United States. For example, the collections include wax cylinder recordings of music and stories of Passamaquoddy Indians in Maine, music and stories of migrant workers from the Depression, photographs of blues musicians, cowboy music and tales of pioneer life.

The Library's Folklife Reading Room is the only reading room in the country that has full and complete public access to folklife collections and publications, together with formal public reference services. In 1994, the Reading Room was used by nearly 9,000 researchers.

The Committee recognizes the importance of continuing to preserve and strengthen these unique and diverse resources and expects the Library to honor its commitment to establish and support an American Folklife Division. The Committee intends to review the status of the folklife collections as part of its ongoing oversight of Library operations.

The Committee believes that integrating the folklife collections into the general operations of the Library offers the best assurance for preserving the collections. The legislation establishing the American Folklife Center at the Library required periodic congressional reauthorization. In recent years, congressional approval has been difficult to achieve, which is reflected in reauthorization legislation freezing funding levels for the Center since 1992 and the lack of reauthorization legislation since its expiration in 1995.

#### *Achieving Responsible Savings*

While recognizing the importance of the folklife collections, the Committee also believes that savings can and should be realized at the Library. Rather than a wholesale elimination of the activities associated with the American Folklife Center, H.R. 3491 reflects a thoughtful, responsible approach to achieving savings.

The American Folklife Center performed both collections-based activities, including acquisitions, processing, reference, preservation and archiving, and programmatic activities, such as conducting

original field research and arranging concerts and exhibits. In examining areas to achieve savings, the Committee agreed with the Librarian's recommendation to differentiate between collections-based activities, which continue to be supported by taxpayer funds, and programmatic activities which are to be funded solely from private sources.

By adopting this public-private partnership approach, the Library will be able to reduce staff paid by appropriated funds by four positions and achieve a commensurate budget reduction of up to \$200,000. It is important to note that the Library has successfully used this model in other special collection areas of the Library. The Committee believes that the Library will be able to raise significant private funds to support additional outreach activities associated with the collection. This belief is fostered by the rapid increase in fundraising support for the American Folklife Center which has more than doubled since 1993.

#### COMMITTEE ACTION

On May 23, 1996, by voice vote, a quorum being present, the Committee agreed to a motion to report the bill favorably to the House, as amended. There was one technical amendment to the bill.

#### ROLLCALL VOTES

The Committee states, with respect to clause 2(1)(2)(B) of rule XI of the Rules of the House of Representatives, that there were no rollcall votes relating to the bill.

#### COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee states that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

#### STATEMENT ON BUDGET AUTHORITY AND RELATED ITEMS

The bill does not provide new budget authority, new spending authority, new credit authority, or an increase or decrease in revenues or tax expenditures and a statement under clause 2(1)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974 is not required.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, July 23, 1996.*

Hon. WILLIAM M. THOMAS,  
*Chairman, Committee on House Oversight, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3491, as ordered reported by the Committee on House Oversight on May 23, 1996. H.R. 3491 would abolish the American Folklife Center in the Library of Congress and would repeal the American Folklife Preservation Act effective on October 1, 1996. Compared to current law, this bill would have no budgetary effects, because these programs are now authorized only through fiscal year 1996. The center received an appropriation of \$891,800 in fiscal year 1996.

Enhancement of H.R. 3491 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

H.R. 3491 contains no intergovernmental or private-sector mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) and would have no significant impact on the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director.*

OVERSIGHT FINDINGS OF COMMITTEE ON GOVERNMENT REFORM AND  
OVERSIGHT

The Committee states, with respect to clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, that the Committee on Government Reform and Oversight did not submit findings or recommendations based on investigations under clause 4(c)(2) of rule X of the Rules of the House of Representatives.

INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the Committee states that the bill will have no inflationary impact on prices and costs in the operation of the national economy.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, existing law in which no change is proposed is shown in roman):

## AMERICAN FOLKLIFE PRESERVATION ACT

AN ACT To provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That this Act may be cited as the “American Folklife Preservation Act”.*

### [DECLARATION OF FINDINGS AND PURPOSE

[SEC. 2. (a) The Congress hereby finds and declares—

    [(1) that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people;

    [(2) that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences;

    [(3) that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people;

    [(4) that it is appropriate and necessary for the Federal Government to support research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs, and values of the American people in both rural and urban areas;

    [(5) that the encouragement and support of American folklife, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government; and

    [(6) that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts.

[(b) It is therefore the purpose of this Act to establish in the Library of Congress an American Folklife Center to preserve and present American folklife.

### [DEFINITIONS

[SEC. 3. As used in this Act—

    [(1) the term “American folklife” means the traditional expressive culture shared within the various groups in the United States: familial, ethnic, occupational, religious, regional; expressive culture includes a wide range of creative and symbolic forms such as custom, belief, technical skill, language, literature, art, architecture, music, play, dance, drama, ritual, pageantry, handicraft; these expressions are mainly learned orally, by imitation, or in performance, and are generally maintained without benefit of formal instruction or institutional direction;

    [(2) the term “Board” means the Board of Trustees of the Center;

    [(3) the term “Center” means the American Folklife Center established under this Act;

[(4) the term “group” includes any State or public agency or institution and any nonprofit society, institution, organization, association, or establishment in the United States;

[(5) the term “Librarian” means the Librarian of Congress;

[(6) the term “State” includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands; and

[(7) the term “workshop” means an activity the primary purpose of which is to encourage the development of skills, appreciation, or enjoyment of American folklife among amateur, student, or nonprofessional participants, or to promote scholarship or teaching among the participants.

#### 【ESTABLISHMENT OF CENTER

【SEC. 4. (a) There is hereby established in the Library of Congress an American Folklife Center.

【(b) The Center shall be under the direction of a Board of Trustees. The Board shall be composed as follows—

【(1) four members appointed by the President from among individuals who are officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts;

【(2) four members appointed by the President pro tempore of the Senate from among individuals from private life who are widely recognized by virtue of their scholarship, experience, creativity, or interest in American folklife traditions and arts, and four members appointed by the Speaker of the House of Representatives from among such individuals;

【(3) the Librarian of Congress;

【(4) the Secretary of the Smithsonian Institution;

【(5) the Chairman of the National Endowment for the Arts;

【(6) the Chairman of the National Endowment for the Humanities; and

【(7) the Director of the Center.

In making appointments from private life under clause 2, the President pro tempore of the Senate and the Speaker of the House of Representatives shall give due consideration to the appointment of individuals who collectively will provide appropriate regional balance on the Board. Not more than three of the members appointed by the President pro tempore of the Senate or by the Speaker of the House of Representatives may be affiliated with the same political party.

【(c) The term of office of each appointed member of the Board shall be six years; except that (1)(A) the members first appointed under clause (1) of subsection (b) shall serve as designated by the President, one for a term of two years, two for a term of four years, and one for a term of six years, and (B) the members first appointed under clause (2) of subsection (b) shall serve as jointly designated by the President pro tempore of the Senate and the Speaker of the House of Representatives, two for terms of two years, four for terms of four years, and two for terms of six years; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be

appointed for the remainder of such term. Members appointed by the President under clause (1) of subsection (b) shall serve only during the time they are officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts.

[(d) Members of the Board who are not regular full-time employees of the United States shall be entitled, while serving on business of the Center, to receive compensation at rates fixed by the Librarian, but not exceeding \$100 per diem, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

[(e)(1) The Librarian shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve for a term of one year. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case of a vacancy occurring in the chairmanship or vice-chairmanship, the Board shall elect a member to fill the vacancy for the remainder of the unexpired term.

[(2) A majority of the members of the Board shall constitute a quorum.

[(f) After consultation with the Board, the Librarian shall appoint the Director of the Center. The basic pay of the Director shall be at a per year rate not to exceed GS-18 of the General Schedule under section 5332 of title 5, United States Code. The Librarian upon the recommendation of the Director shall appoint a Deputy Director of the Center. The basic pay of the Deputy Director shall be fixed at a rate not to exceed GS-16 of the General Schedule under section 5332 of such title.

[(g)(1) The Director shall be the chief executive officer of the Center. Subject to the direction of the Board and the general supervision of the Librarian, the Director shall have responsibility for carrying out functions of the Center, and shall have authority over all personnel and activities of the Center.

[(2) The Deputy Director shall perform such functions as the Director, with the approval of the Librarian, may prescribe, and shall serve as Acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

#### 【FUNCTIONS OF THE CENTER

【SEC. 5. (a) The Librarian is authorized to—

[(1) enter into, in conformity with Federal procurement statutes and regulations, contracts with individuals and groups for programs for the—

[(A) initiation, encouragement, support, organization, and promotion of research, scholarship, and training in American folklife;

[(B) initiation, promotion, support, organization, and production of live performances, festivals, exhibits, and workshops related to American folklife;

[(C) purchase, receipt, production, arrangement for, and support of the production of exhibitions, displays, publications, and presentations (including presentations by still and motion picture films, and audio and visual magnetic tape recordings) which represent or illustrate some aspect of American folklife; and

[(D) purchase, production, arrangement for, and support of the production of exhibitions, projects, presentations, and materials specially designed for classroom use representing or illustrating some aspect of American folklife;

[(2) establish and maintain in conjunction with any Federal department, agency, or institution a national archive and center for American folklife;

[(3) procure, receive, purchase, and collect for preservation or retention in an appropriate archive creative works, exhibitions, presentations, objects, materials, artifacts, manuscripts, publications, and audio and visual records (including still and motion picture film records, audio and visual magnetic tape recordings, written records, and manuscripts) which represent or illustrate some aspect of American folklife;

[(4) loan, or otherwise make available, through Library of Congress procedures, any item in the archive established under this Act to any individual or group;

[(5) present, display, exhibit, disseminate, communicate, and broadcast to local, regional, State, or National audiences any exhibition, display, or presentation referred to in clause (3) of this section or any item in the archive established pursuant to clause (2) of this section, by making appropriate arrangements, including contracts with public, nonprofit, and private radio and television broadcasters, museums, educational institutions, and such other individuals and organizations, including corporations, as the Board deems appropriate;

[(6) loan, lease, or otherwise make available to public, private, and nonprofit educational institutions, and State arts councils established pursuant to the National Foundation on the Arts and the Humanities Act of 1965, such exhibitions, programs, presentations, and material developed pursuant to clause (1)(D) of this subsection as the Board deems appropriate; and

[(7) develop and implement other appropriate programs to preserve, support, revitalize, and disseminate American folklife.

[(b) The Librarian shall carry out his functions under this Act through the Center.

#### [(LIMITATIONS ON CONTRACTS

[(SEC. 6. (a) No payment shall be made pursuant to this Act to carry out any research or training over a period in excess of two years, except that with the concurrence of at least two-thirds of the members of the Board of the Center such research or training may be carried out over a period of not to exceed five years.

[(b) Assistance pursuant to this Act shall not cover the cost of land acquisition, construction, building acquisitions, or acquisition of major equipment.

[(c) No individual formerly in the employment of the Federal Government shall be eligible to receive any assistance pursuant to this Act, or to serve as a trustee of the Center in the two-year period following the termination of such employment.

[ADMINISTRATIVE PROVISIONS

[SEC. 7. (a) In addition to any authority vested in it by other provisions of this Act, the Librarian of Congress, in carrying out the Center's functions, is authorized to—

[(1) prescribe such regulations as he deems necessary;

[(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be for the purposes of the Center and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions, without reference to Federal property disposal statutes;

[(3) in the discretion of the Board of Trustees, receive (and use, sell, or otherwise dispose of, in accordance with clause (2)) money and other property donated, bequeathed, or devised to the Center with a condition or restriction, including a condition that the Center use other funds of the Center for the purpose of the gift;

[(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of the Act in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the Librarian of Congress may appoint and fix the compensation of a reasonable number of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate received by the Deputy Director of the Center;

[(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

[(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

[(7) enter into contracts to carry out the provisions of the Act, and such contracts may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds and in conformity with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); and

[(8) make advances, progress, and other payments which the Board deems necessary under this Act in conformity with the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529).

[(b) The Director shall submit to the Librarian for inclusion in the annual report of the Library of Congress to the Congress an annual report of the operations of the Center under this Act, which shall include a detailed statement of all private and public funds

received and expended by it, and such recommendations as the Center deems appropriate.

【AUTHORIZATION

【SEC. 8. There are authorized to be appropriated to the Center to carry out the provisions of this Act \$133,500 for the fiscal year 1976 and for the period from July 1 through September 30, 1976, \$295,000 for the fiscal year 1977, \$349,000 for the fiscal year 1978, \$685,000 for the fiscal year ending September 30, 1979, \$1,065,000 for the fiscal year ending September 30, 1980, \$1,355,000 for the fiscal year ending September 30, 1981, \$740,000 for the fiscal year ending September 30, 1982, \$890,000 for the fiscal year ending September 30, 1983, \$990,000 for the fiscal year ending September 30, 1984, \$838,549 for the fiscal year ending September 30, 1985, \$867,898 for the fiscal year ending September 30, 1986, \$867,900 for the fiscal year ending September 30, 1987, \$919,974 for the fiscal year ending September 30, 1988, \$975,172 for the fiscal year ending September 30, 1989, \$998,000 for the fiscal year ending September 30, 1990, \$1,050,100 for the fiscal year ending September 30, 1991, \$1,120,000 for the fiscal year ending September 30, 1992, \$1,120,000 for the fiscal year ending September 30, 1993, \$1,120,000 for the fiscal year ending September 30, 1994, and \$1,120,000 for the fiscal year ending September 30, 1995.】

FEDERAL MANDATES

The Committee states, with respect to section 423 of the Congressional Budget Act of 1974, that the bill does not include any Federal mandate.

