

National Coalition for History
400 A St., SE
Washington, DC 20003

September 16, 2008

The Honorable Joseph I. Lieberman
Chairman
Committee on Homeland Security and
Governmental Affairs
United States Senate
340 Dirksen Senate Office Building
Washington, D.C. 20515

Dear Chairman Lieberman:

I am writing today on behalf of the National Coalition for History (NCH) to express our serious concerns about S. 3477, the “Presidential Historical Records Preservation Act of 2008.” The bill is on the agenda to be marked up before the Senate Homeland Security and Governmental Affairs Committee on September 17, 2008, and NCH opposes the bill in its current form.

A consortium of over 60 organizations, the National Coalition for History (NCH) advocates on federal legislative and regulatory issues affecting historians, archivists, teachers, researchers, and other stakeholders. Since 1982, the National Coalition for History (formerly the National Coordinating Committee for the Promotion of History) has served as the voice for the historical and archival professions in Washington, DC. The history coalition is a non-profit organization organized under Section 501(c)(3) of the Internal Revenue Code.

This bill is the latest iteration of legislation (H.R. 1664, S. 1878) introduced earlier in this Congress. That legislation would have authorized the National Archives and Records Administration (NARA) to make pass-through grants towards the establishment of the Woodrow Wilson Presidential Library in Staunton, Virginia. While the Bush administration took no formal position on H.R. 1664 when it was considered in the House, the National Coalition for History opposed that bill on the grounds that the National Archives should not be used as a pass-through for federal funds to a private entity. Private institutions usually receive funds through specific earmarks in appropriations bills, not through separate legislation.

The National Coalition for History is opposed to S. 3477 for a number of reasons:

1. The bill would put further strain on the limited financial and human resources that the NHPRC has at its disposal. For the last number of years, the Bush Administration has annually proposed the elimination of the NHPRC in its budget request to Congress. The historical and archival communities have fought year after year merely to save the NHPRC so it can perform its basic mission. Although authorized at an annual spending level of \$10 million, in FY '08 the NHPRC received \$7.5 million in appropriations and in FY '07 and '06 it only received \$5.5 million (plus an additional \$2 million for administrative costs). In fact, the last time the NHPRC received its fully authorized amount of \$10 million was FY '04.

While S. 3477 would increase NHPRC's authorization to \$15 million, the budget history of recent years makes it clear that it is highly unlikely that the Congress will appropriate that amount. As a result, the NHPRC will be given additional responsibilities to implement this program without the resources it needs to administer this new grants initiative. In addition, the NHPRC only has eight employees who will now have this additional burden placed on them.

2. S. 3477 duplicates existing law. The NHPRC's current authorizing statute allows it to make grants to the institutions delineated in S. 3477. Section 2504 (e) of title 44, of the United States Code states, "The Archivist of the United States may, within the limits of available appropriated and donated funds, make grants to State and local agencies and to non-profit organizations, institutions and individuals for those activities in subsection (d)." Subsection (d) states "The Commission may recommend the expenditure of appropriated or donated funds for the collecting, describing, preserving, compiling and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States. . ."

S. 3477 would authorize the National Historical Publications and Records Commission (NHPRC) to make grants to non-profit institutions and state and local governments "to promote the historical preservation of, and public access to, historical records and documents relating to any President who does not have a Presidential archival depository currently managed by the Federal Government pursuant to section 2112 (commonly known as the 'Presidential Libraries Act of 1955')."

Obviously, the records of a former president would already qualify as, "documentary sources significant to the history of the United States." The institutions described in S. 3477 can apply under current law for NHPRC grant funding and there is no reason to duplicate existing law. While the preservation and documentation of the records of former presidents is of significant historical value, the qualifying institutions in S. 3477 should compete on their own merits and on equal footing with other worthwhile institutions and projects under existing law for the limited funds available to the NHPRC.

3. Unlike NHPRC's existing authorization statute, this bill removes the discretion of the Archivist and the Commission in making grants to non-federal presidential libraries.

Section 2 of S. 3477 states "The Archivist, with the recommendation of the Commission *shall* (emphasis added) make grants on a competitive basis." As noted above, Sections 2504 (e) of title 44, of the United States Code states, "The Archivist of the United States may, within the limits of available appropriated and donated funds, make grants to State and local agencies and to non-profit organizations, institutions and individuals for those activities in subsection (d)."

The current language in S. 3477 saying the Archivist "shall" make these grants clearly establishes a preference in NHPRC's grant making process for non-federal presidential libraries.

Why should other applicants for NHPRC funds be subject to the discretion of the Archivist and the Commission and not non-federal presidential libraries? In addition why aren't these institutions subject to the "limits of available appropriated and donated funds" that apply to other institutions and projects? As we have noted, NHPRC has extremely limited financial resources and to give preference to one type of historical or archival institution over another in the competitive grants process.

We appreciate the opportunity to provide our views on this legislation.

Sincerely,

Lee White
Executive Director

Cc: Senator Susan M. Collins
Senator Thomas R. Carper
Senator Tom Coburn