

LIBRARY OF CONGRESS MODERNIZATION ACT OF 2016

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JULY 25, 2016.—Ordered to be printed
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Mrs. MILLER of Michigan, from the Committee on House
Administration, submitted the following

R E P O R T

[To accompany H.R. 5227]

[Including cost estimate of the Congressional Budget Office]

The Committee on House Administration, to whom was referred the bill (H.R. 5227) to authorize the National Library Service for the Blind and Physically Handicapped to provide playback equipment in all forms, to establish a National Collection Stewardship Fund for the processing and storage of collection materials of the Library of Congress, and to provide for the continuation of service of returning members of Joint Committee on the Library at beginning of a Congress, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE AND SUMMARY

H.R. 5227 (MILLER OF MICHIGAN)—LIBRARY OF CONGRESS
MODERNIZATION ACT OF 2016

This bill authorizes the Library of Congress to purchase, maintain, or replace books published either in raised characters, on sound-reproduction recordings, or in any other form (currently limited to reproducers of sound-reproduction recordings) for the use of the blind and for other physically disabled U.S. residents.

The bill also establishes the Library of Congress National Collection Stewardship Fund, whose fund may be used directly for preparing collection materials for long-term storage.

The bill also provides organizational continuity on the Joint Committee on the Library (JCL) during the transition period at the start of a new Congress until the JCL organizational meeting can be held by establishing that Members on the Committee during the previous Congress will retain their positions until new Members are appointed.

BACKGROUND AND NEED FOR THE LEGISLATION

Current law authorizes NLS to only provide content in hard-copy braille materials or sound recordings and since 1947 has also authorized using appropriated funds for machines for the playback of talking books. H.R. 5227 grants the Library the authority for the National Library Service for the Blind and Physically Handicapped (NLS) to provide playback equipment in additional formats. This would enable the Library to use modern technologies such as digital braille readers to users, greatly increasing cost-effectiveness and access to braille titles.

Background provided by the Library states the NLS produces hard copy braille versions of its braille titles for distribution to cooperating libraries; however, digital technology is quickly making these types of requirements obsolete. Libraries must store the hard copies, requiring significant space and infrastructure. In addition, shipping hard-copy braille titles to users is very costly for the services that provide the mailing privileges. NLS has produced materials in digital braille for nearly 20 years, and materials are currently available through a download service. NLS' authorizing statute does not, however, permit NLS to provide devices to reproduce digital files into braille, so only users with the resources to purchase the appropriate devices can access the braille content that NLS provides in digital form. The Library estimates that thousands of books, magazines, and other materials cannot be accessed.

With this amendment to its authorizing statute, NLS could provide affordable and reliable refreshable braille display devices to its readers in a manner similar to playback equipment NLS has been providing for digital talking books.

The bill also creates a National Collection Stewardship Fund intended to ease the challenges the Library faces with its collection and storage backlog of materials. The funding and development of storage modules at Fort Meade has not been able to accommodate the Library's need for space, so this fund would be used to ensure there are sufficient resources for new construction and the adaptation of existing facilities.

Background provided by the Library explains the challenges surrounding their storage planning. In 1993, the Library and the Architect of the Capitol developed a plan for storage of collections which determined building 13 collections storage modules by 2027 would be suitable to preserve Library collections, copyright deposits, and other activities. This plan anticipated having ten storage modules completed as of 2015 for the Library. Currently only four modules have been completed, with a fifth funded and under construction.

The Library has indicated its shelves are loaded at 100% capacity, and it has over 3 million books that cannot be shelved properly. Books are located on the floor, on book carts parked in the stacks, as well as other places, and this has led to concerns over the health of the works and fire and safety concerns. As a result, the Library has also had to turn to other methods of storage, such as creative use of compact shelving, leased storage, and overcrowding the stacks on Capitol Hill. As a temporary solution, the Library has leased space through GSA in Landover, MD. This lease is costly, and the space is not as suited to preservation as would be ideal.

In July 2015, space necessities led to the Library also leasing space at the Cabin Branch Road Facility in Landover. This space is better suited to the storage of collections, and is more financially viable.

However, developing a more permanent solution and consistently funding storage modules at Fort Meade would provide the Library with the storage it needs, and the National Stewardship Collection Fund is intended to accomplish that. The fund would be intended to provide consistent support for storage infrastructure. The fund would also ensure that new facilities are built to the highest preservation science and security standards and that existing facilities are upgraded. The no-year fund could be filled in three ways: the Library could transfer funds from its “Salaries and Expenses” appropriation, the Architect could transfer appropriations from the “Library of Congress Building and Grounds” funding, and it could receive direct appropriations.

Finally, the bill provides continuity for the Joint Committee on the Library (JCL). At the start of each new Congress, there is a period of time that passes before the organizing meeting that appoints new Members to the JCL takes place. This legislation would confirm that Members who served on the Joint Committee during the previous Congress remain on the Committee, including the Chairman and Vice-Chairman in their respective roles, until new Members are appointed. This would ensure the operations of the Joint Committee can continue during the interim time period.

CONCLUSION

This bill addresses some needed administrative reforms for the Library of Congress. Allowing the NLS to provide digital braille reading devices provides a needed service that exponentially increases user access to braille titles and materials. It also provides a cost-effective method for the Library to spread its collections to participating Libraries and users. The National Stewardship Collection Fund provides a consistent financial solution for the Library to address its backlog of collections and storage problems. As the construction of modules at Fort Meade has not been able to keep pace with the demand for space, providing the Library with some financial flexibility empowers it to find alternate ways to better utilize its financial resources. Finally establishing an organizational structure for the Joint Committee on the Library during the transitional period at the start of a Congress ensures that any needed JCL business can be completed, and that in the event of significant Membership turnover, there is still a determined structure and composition for the Committee, removing any uncertainty and potential questions that could arise.

INTRODUCTION AND REFERRAL

On May 13, 2016, Rep. Candice Miller (MI-10) introduced H.R. 5227, which was referred to the Committee on House Administration and the Committee on Transportation and Infrastructure.

HEARINGS

There were no legislative hearings held on H.R. 5227.

COMMITTEE CONSIDERATION

On May 17, 2016, the Committee on House Administration met to consider H.R. 5227. The Committee ordered the bill reported favorably to the House without amendment by voice vote with a quorum present.

COMMITTEE RECORD VOTES

In compliance with House rule XIII, clause 3(b), requiring the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, to be printed in the Committee report, the Committee states that there were no record votes during the Committee's consideration of H.R. 5227.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

In compliance with House rule XIII, clause 3(c)(1), the Committee states that the findings and recommendations of the Committee, based on oversight activities under House rule X, clause 2(b)(1), are incorporated into the general discussion section of this report.

STATEMENT OF BUDGET AUTHORITY AND RELATED ITEMS

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 5227, from the Director of the Congressional Budget Office.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 7, 2016.

Hon. CANDICE MILLER,
*Chairman, Committee on House Administration,
U.S. House of Representatives Washington, DC.*

DEAR MADAM CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 5227, the Library of Congress Modernization Act of 2016.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Christina Hawley Anthony.

Sincerely,

KEITH HALL.

Enclosure.

H.R. 5227—Library of Congress Modernization Act of 2016

H.R. 5227 would authorize the National Library Service for the Blind and Physically Handicapped to provide playback equipment in all formats, rather than only sound-reproduction recordings as authorized under current law. In addition, the bill would create a “stewardship fund” that would consist of amounts transferred from the Library of Congress and the Architect of the Capitol, as well as from appropriations. Those funds would be used to prepare collection materials of the Library of Congress for long-term storage and to equip and acquire storage facilities. The bill also would make some changes to the membership of the Joint Committee of the Library of Congress.

CBO estimates that creating the stewardship fund would increase direct spending by \$5 million over the 2017–2026 period because it would allow the Architect of the Capitol to transfer amounts to the fund that have already been appropriated but would expire and remain unspent under current law. Amounts in the fund would be available indefinitely. Because amounts appropriated to the Library of Congress are available for obligation for a shorter period of time, CBO expects that no previously appropriated amounts would be available to transfer to the new stewardship fund by the time that fund is operational.

Because H.R. 5227 would affect direct spending, pay-as-you-go procedures apply. CBO estimates that enacting H.R. 5227 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 5227 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 contacts for this estimate are Christina Hawley Anthony and Matthew Pickford. This estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

In compliance with House rule XIII, clause 3(c)(4), the Committee states that the general discussion section of this report includes a statement of the general performance goals and objectives, including outcome-related goals and objectives.

DUPLICATION OF FEDERAL PROGRAMS

In compliance with Sec. 3(g)(2) of H. Res. 5 (114th Congress), the Committee states that no provision of the bill establishes or reauthorizes: (1) a program of the Federal Government known to be duplicative of another Federal program; (2) a program included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139; or (3) a program related to a program identified in the most recent Catalog of Federal Domestic Assistance, published pursuant to the Federal Program Information Act (Pub. L. No. 95–220, as amended by Pub. L. No. 98–169).

DISCLOSURE OF DIRECTED RULE MAKINGS

In compliance with Sec. 3(i) of H. Res. 5 (114th Congress), the following statement is made concerning directed rule makings: The Committee estimates that the bill requires no directed rule makings within the meaning of such section.

INFORMATION RELATING TO UNFUNDED MANDATES

This information is provided in accordance with section 423 of the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104-4). The Committee has determined that the bill contains no unfunded mandate on the private sector, nor does it impose a Federal inter-governmental mandate on State, local, or tribal governments.

CONSTITUTIONAL AUTHORITY STATEMENT

Congress has the power to enact this legislation pursuant to Article 1, Section 8 of the U.S. Constitution granting Congress the authority to exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States.

ADVISORY ON EARMARKS

In accordance with House rule XXI, clause 9, the Committee states that H.R. 5227 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of rule XXI.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) 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, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

ACT OF MARCH 3, 1931

AN ACT to provide books for the adult blind.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, such sums for expenditure under the direction of the Librarian of Congress as may be necessary to provide books published either in raised characters, on sound-reproduction recordings or in any other form, [and for purchase, maintenance, and replacement of reproducers for such sound-reproduction recordings] *and for purchase, maintenance, and replacement of reproducers for any such forms,* for the use of the blind and for other physically handicapped residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia, all of which books, recordings, and reproducers will remain the property of the Library of Congress but will be loaned to blind and to other

physically handicapped readers certified by competent authority as unable to read normal printed material as a result of physical limitations, under regulations prescribed by the Librarian of Congress for this service. In the purchase of books in either raised characters or in sound-reproduction recordings the Librarian of Congress, without reference to the provisions of section 3709 of the Revised Statutes of the United States (41 U.S.C. 5), shall give preference to nonprofit-making institutions or agencies whose activities are primarily concerned with the blind and with other physically handicapped persons, in all cases where the prices or bids submitted by such institutions or agencies are, by said Librarian, under all the circumstances and needs involved, determined to be fair and reasonable.

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SECTION 2 OF THE ACT OF MARCH 3, 1883 (THE FINAL UNDESIGNATED PARAGRAPH UNDER THE HEADING SENATE.)

AN ACT making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and eighty-three, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section four of the act of June fourteenth, eighteen hundred and seventy-eight, heretofore paid from permanent appropriations, and for other purposes.

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【That the portion of the Joint Committee of Congress upon the Library on the part of the Senate remaining in office as Senators shall during the recess of Congress exercise the powers and discharge the duties conferred by law upon the Joint Committee of Congress upon the Library.】

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