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NATIONAL
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Framework Governing
Use of Presidential
Library Facilities and
Staff



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Why GAO Did This Study

The National Archives and Records Administration (NARA) operates presidential libraries for all of the former U.S. presidents since Herbert Hoover. These libraries received over 2.4 million visits in 2009, including researchers, public program attendees, and museum visitors. Each library is associated with a private foundation, which raised the funds to build the library and then turned the library facility over to the federal government. These foundations typically have ongoing relationships with the libraries they built, and some of these library–foundation relationships involve sharing of staff and facilities.

Per your request, this report describes the principal laws, regulations, and NARA policies that govern library–foundation relationships and the appropriate use of library facilities and staff.

GAO reviewed specific laws governing presidential libraries, and NARA regulations and policies. We also reviewed applicable laws and regulations governing activities held on government property and acceptable activities of federal employees. Further, we interviewed relevant NARA officials.

NARA reviewed a draft of this report and had no substantive comments. NARA made technical suggestions which we incorporated as appropriate. GAO is not making any recommendations in this report.

View [GAO-11-390](#) or key components. For more information, contact Michael Brostek at (202) 512-9110 or brostekm@gao.gov.

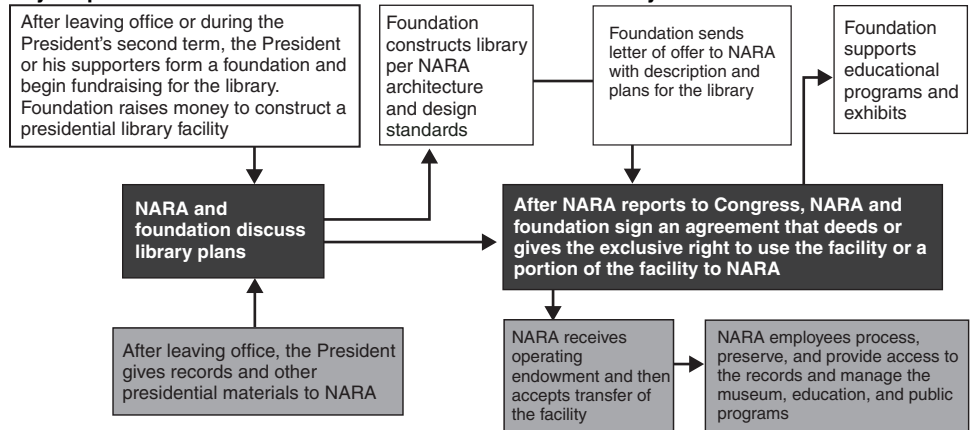
NATIONAL ARCHIVES

Framework Governing Use of Presidential Library Facilities and Staff

What GAO Found

The federal laws specific to presidential libraries focus primarily on the design and construction of library facilities and, once constructed, the deeding of the library facilities, or the rights to use the facilities, to the federal government. NARA building-use regulations outline the permissible and prohibited uses of presidential library facilities by outside organizations. Prohibited uses include profit-making, commercial advertisement or sales, partisan political activities, or sectarian activities. Other laws and regulations govern what federal employees may and may not do in their official capacity. As federal employees, NARA library employees must follow these rules in their interactions with the foundation associated with the library. NARA’s Office of Presidential Libraries has developed a policy manual and standards that address topics such as museum activities and records. This office also works with the NARA General Counsel to develop guidance governing the library–foundation relationship, such as those related to the foundations’ use of library facilities and when and how library staff can support foundation activities. The libraries also have one or more written agreements with their associated foundation that govern different aspects of the relationship. These agreements differ in format; content; and the extent to which they address use of facilities, library and foundation staff relationships, and political activities.

Key Steps in the Establishment of a Modern Presidential Library



Activity conducted by:

- Foundation
- National Archives and Records Administration (NARA)
- Both

Source: GAO.

Note: Where the library is built on a university campus, the university is also involved in the various stages of library development.

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Abbreviations

GSA	General Services Administration
NARA	National Archives and Records Administration
OSC	U.S. Office of Special Counsel

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Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

February 28, 2011

The Honorable Danny K. Davis
Ranking Member
Subcommittee on Health Care, District of Columbia, Census and the
National Archives
Committee on Oversight and Government Reform
House of Representatives

The Honorable William Lacy Clay
House of Representatives

The National Archives and Records Administration (NARA) operates presidential libraries for all of the former U.S. presidents since Herbert Hoover. These libraries received over 2.4 million visits in 2009, including researchers, public program attendees, and museum visitors. Each library is associated with a private foundation and some of these library–foundation relationships involve sharing of staff and facilities. Libraries are generally funded by appropriated funds, donations, museum store revenue, admission and other fees, endowments, and foundation funds. Some libraries are located on university campuses and also receive some support from the university. In some cases, state or local governments also contributed to library construction and provide ongoing support for some libraries. NARA manages its federal employees’ activities and determines the appropriate use of federal facilities and federal funds at the presidential libraries based on an understanding of the applicable laws, regulations, and policies. On the basis of your request and subsequent discussions with your staff, this report describes the principal laws, regulations, and NARA policies that govern library–foundation relationships and the appropriate use of library facilities and staff.

We reviewed applicable laws and regulations governing activities held on government property and acceptable activities of federal employees. We also reviewed specific laws governing presidential libraries, and NARA regulations and policies. We interviewed NARA officials in the Office of Presidential Libraries, General Counsel, and Inspector General. To identify the principal laws, regulations, and NARA policies that govern library–foundation relationships, we reviewed 29 policy documents, laws, and regulations that related to presidential libraries. We identified 17 that were relevant to the library–foundation relationship for facilities use, staff, and political activities. We also reviewed an additional 30 documents that NARA described as agreements establishing the relationship between

presidential libraries and private foundations.¹ We conducted our work from May 2010 through February 2011 in accordance with all sections of GAO's Quality Assurance Framework that are relevant to our objective. The framework requires that we plan and perform the engagement to obtain sufficient and appropriate evidence to meet our stated objectives and to discuss any limitations in our work. We believe that the information and data obtained, and the analysis conducted, provide a reasonable basis for the findings and conclusions in this product.

Background

Prior to 1940, U.S. presidents or their descendents typically retained ownership of papers documenting their terms of office. The fate of these papers was up to the former president or his descendents, and some were lost forever. In 1940, Franklin D. Roosevelt was the first president to arrange to have a library built using privately raised funds and to then transfer both the facility and his papers to the federal government. Through its Office of Presidential Libraries, NARA operates presidential libraries housing the papers of all subsequent presidents through George W. Bush,² as well as President Roosevelt's predecessor in the White House, Herbert Hoover. At the end of a president's term, NARA staff begin working with the president's official records and other materials. This work goes on during library construction and during the period between the dedication of the library facility and its transfer to the federal government. Table 1 provides facts about the 13 presidential libraries and museums operated by NARA.

¹Some presidential libraries are located on university campuses and the libraries have ongoing relationships with those institutions. Because this report concerns the libraries and their associated private foundations, it does not go into detail on library–university relationships where they exist. Generally, the framework governing library–foundation relationships also applies to any library–university relationships.

²The George W. Bush Presidential Library and Museum is under construction in Texas. The library currently operates in a temporary facility leased by NARA.

Table 1: Presidential Library Facts

Library name	Location	Year of transfer to the federal government ^a	Size of NARA-owned or controlled space (square feet)	Visits in 2009 ^b
Herbert Hoover Presidential Library and Museum	West Branch, Iowa	1964	47,169	96,324
Franklin D. Roosevelt Presidential Library and Museum	Hyde Park, N.Y.	1940	108,750	144,332
Harry S. Truman Library and Museum	Independence, Mo.	1957	96,612	120,348
Dwight D. Eisenhower Presidential Library and Museum	Abilene, Kans.	1964 (library) 1966 (museum)	109,254	207,367
John F. Kennedy Presidential Library and Museum	Boston, Mass.	1979	134,293 ^c	329,766
Lyndon Baines Johnson Library & Museum	Austin, Tex.	1984	134,695	274,253
Nixon Presidential Library and Museum	Yorba Linda, Calif.	2007	55,373	82,906
Gerald R. Ford Presidential Library and Museum	Ann Arbor, Mich. (library) Grand Rapids, Mich. (museum)	1980-1982 ^d	104,764 ^e	134,276
Jimmy Carter Library and Museum	Atlanta, Ga.	1986	85,592	64,033
Ronald Reagan Presidential Library and Museum	Simi Valley, Calif.	1991	147,400	444,240
George Bush Presidential Library and Museum	College Station, Tex.	1997	69,049	228,209
William J. Clinton Presidential Library and Museum	Little Rock, Ark.	2004	68,698	321,430
George W. Bush Presidential Library	Dallas, Tex. ^f	NA	NA	NA

Source: GAO analysis of NARA and presidential library data.

Notes: NA=Not Applicable.

^aThe National Archives was created as an independent agency in 1934, but became a component of the General Services Administration (GSA) in 1950. In 1985, NARA again became an independent agency. As a result of these changes, some libraries were transferred to GSA and some were transferred to NARA, depending on whether NARA was an independent agency at the time of transfer. These dates indicate the year of transfer of title or legal control to the federal government.

^bThe number of visits includes researchers, public program attendees, and museum visitors. Researchers or others who return to the library on multiple days are counted once on each day they visit.

^cAn approximate 30,000 additional square feet of space is currently being constructed at the Kennedy Library.

^dThe museum is located in Grand Rapids, Michigan, and was transferred to the federal government in 1982. Although the dedication ceremony for the library in Ann Arbor was in 1981, according to NARA officials, staff moved into the library facility in 1980.

^eThe Gerald R. Ford Presidential Library and Museum is housed in two separate locations. This is the total square feet of both the museum and the library.

^fThe George W. Bush Library is temporarily located in Lewisville, Texas, while a permanent facility is under construction in Dallas.

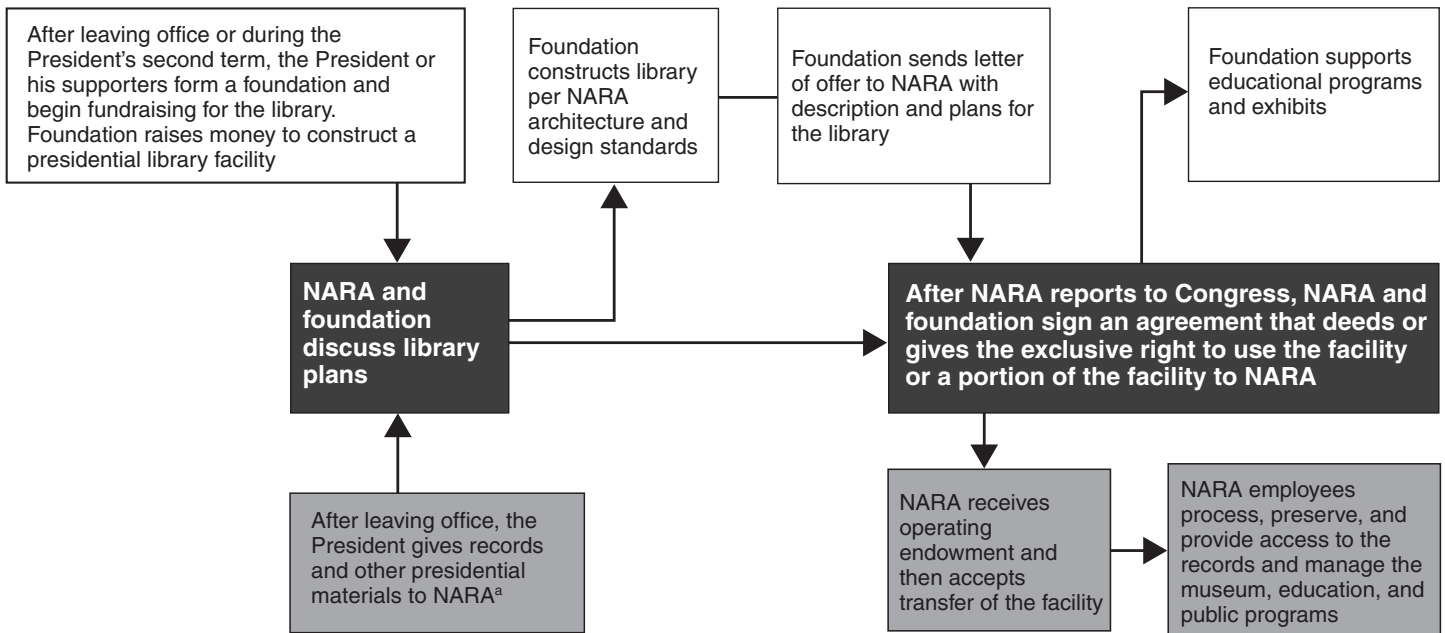
For most of the libraries, as the president's term was coming to a close or after it ended, friends and supporters of the president created a private charitable foundation to collect donations to construct a library.³ Under current law, NARA collaborates with each presidential library foundation on the construction of the library facility, and when the facility construction is complete, the foundation deeds or gives the right to use the library facility or a portion of the facility to NARA. The Presidential Libraries Act of 1986 also requires that the National Archives Trust Fund receive an operating endowment for each library before NARA can accept the transfer of the library.⁴ These endowments fund some of the federal government's costs for the operation and maintenance of the presidential libraries.⁵ Figure 1 captures key steps of the current process of establishing a presidential library. Some variations from this process may exist.

³These foundations are 501(c)(3) tax-exempt charitable organizations. At some libraries, the foundation created to build a library went out of business after completing that task, with another foundation created to further the library's activities and programs, other charitable missions of interest to the president or his supporters, or both.

⁴While the 1986 act does not specify who must raise the endowment funds, for both libraries currently subject to the requirement—the Clinton and George H.W. Bush Libraries—NARA told us that the library foundations raised and donated the monies that form the principal portion of the endowments, and NARA expects the same to occur for the George W. Bush Library.

⁵As discussed later, the amount of the endowment required from foundations has increased over time.

Figure 1: Key Steps in the Establishment of a Modern Presidential Library



Activity conducted by:

- Foundation
- National Archives and Records Administration (NARA)
- Both

Source: GAO.

Notes: Where the library is built on a university campus, the university is also involved in the various stages of library development.

^aUnder the Presidential Records Act of 1978, 44 U.S.C. § 2201 et seq., the United States owns all presidential records from the moment of their creation or receipt by a President or his administration. The Archivist of the United States assumes custody and control of presidential records when the President leaves office.

Each library is operated by a director who is a NARA employee, and other library staff who are also NARA employees. The staffs typically include an administrative officer, facility manager, education and exhibits specialists, archivists, archives technicians, and clerks, among other staff. The director of a presidential library is appointed by the Archivist of the United

States, the head of NARA, who consults with the former president in selecting a candidate.⁶

The Office of Presidential Libraries is headed by the Assistant Archivist for Presidential Libraries. The Office of Presidential Libraries is responsible for overseeing the management of records at the libraries, the development of policies and procedures for the management and operation of presidential libraries, and the development and coordination of plans, programs, and resource allocations at presidential libraries. The Office of Presidential Libraries is also involved in the creation of new presidential libraries.

Funds appropriated by Congress support NARA's staffing, administration, security, maintenance, and renovation projects at the library. In fiscal year 2009, NARA spent more than \$68 million in appropriations to operate the presidential libraries. In addition, for fiscal year 2009 NARA received \$41.5 million in special appropriations for repairs and restoration to the John F. Kennedy Presidential Library and Museum (\$22 million), the Franklin D. Roosevelt Presidential Library and Museum (\$17.5 million), and the Lyndon Baines Johnson Library & Museum (\$2 million).

Each private foundation is operated by a director, president, or CEO and other staff that may include a chief financial officer and director of communications, among other positions. Foundation support enables the libraries to expand their research and archival functions, as well as undertake additional projects such as public outreach efforts. The foundations' level of involvement in the activities at their associated library, such as collaboration on public and educational programs, varies from library to library. Foundations may also sponsor their own programs and activities, such as hosting a lecture series or academic discussion or producing a newsletter. NARA officials told us that, in most cases, these kinds of programs and activities are offered in conjunction with and supported by library staff. For example, a foundation may pay for a lecture series that is held in NARA-controlled space.

The foundations may also generally support their associated libraries with additional funding for new facilities and equipment and for updating permanent exhibits, adding program space, and giving the library the use

⁶The Archivist consults with the library's associated foundation or other representative of the former president after the president's death.

of foundation staff time for library activities. Foundations provide these resources directly to their associated library. This process generally is handled at the library level based on the relationship between the library and the foundation. Each presidential library also has a trust fund that receives revenue from the sale of publications, museum shop sales, document reproductions, audio-visual reproductions, library admissions, public space rentals, educational conferences, and interest income. Trust-fund money helps the library cover the cost of museum shop inventory, personnel, operational and financial systems, equipment, and supplies. These funds may also support exhibit-related and public-programming expenses. In fiscal year 2009, the trust funds for presidential libraries had a total end-of-year balance of approximately \$15 million. In addition to trust funds, presidential libraries also maintain funds from gifts donated to a library for general library support or for specific projects or programs.

Federal Laws and Regulations, NARA Policies, and Individual Library Agreements Provide Guidance on the Library–Foundation Relationship

Federal Laws Govern Library Creation

The federal laws specific to presidential libraries focus primarily on the design and construction of library facilities and, once constructed, the deeding of the library facilities, or the rights to use the facilities, to the federal government. Congress has enacted three primary statutes⁷ that

⁷A fourth statute, the Consolidated Appropriations Resolution, 2003, Pub. L. No. 108-7, div. J, title V, § 513, 117 Stat. 11, 462 (Feb. 20, 2003), increased the endowment funding requirement from 20 percent to 40 percent of the assessed value of the library for Presidents who take the oath of office for the first time after July 1, 2002. This statute is not listed in table 2 because no libraries were constructed under the 40 percent requirement, and the requirement was subsequently increased (to 60 percent) by the Presidential Historical Records Preservation Act of 2008.

provide the legal rules for the design, construction, and transfer of library facilities.

Table 2: Relevant Laws Governing Presidential Libraries

Law	Provisions
The Presidential Libraries Act of 1955 (Pub. L. No. 84-373)	<p>Established the basic policy for the creation of federally maintained presidential libraries. Provided the policies for</p> <ul style="list-style-type: none"> • accepting land and buildings for a presidential archival depository; • depositing presidential papers, documents, and other historical materials; • cooperating with organizations or individuals interested in studying/researching the historical materials; • entering into agreements with outside organizations, such as universities, institutes, or foundations, to use their land, facilities, or equipment for a presidential archival depository; and • charging fees for visiting the museum and exhibits and for accepting gifts or donations. <p>This act, as amended by the statutes below, applies to all federally maintained presidential libraries.</p>
The Presidential Libraries Act of 1986 (Pub. L. No. 99-323)	<p>Established certain congressional reporting requirements, architectural and design requirements, and fiscal limitations for the constructing of presidential libraries. One of the main requirements was an operating endowment of 20 percent of the total cost of building and equipping the facility or the portion of the facility transferred to NARA control.^a If the presidential library foundation constructs a facility that exceeds 70,000 square feet, the operating endowment increases with every square foot the facility is in excess of 70,000 square feet.^b</p> <p>This act applies to those libraries starting with George H.W. Bush.</p>
The Presidential Historical Records Preservation Act of 2008 (Pub. L. No. 110-404)	<p>Increased the minimum endowment to 60 percent of the assessed value of the library facility.^c</p> <p>This act applies to libraries whose presidents take the oath of office as President for the first time on or after July 1, 2002.</p>

Source: GAO analysis of applicable legal statutes.

Notes: Other statutes relevant to presidential libraries, such as the Presidential Recordings and Materials Preservation Act of 1974 and the Presidential Records Act of 1978, discuss the ownership and management of presidential records.

^aThe foundation must offer the operating endowment by gift or bequest before the Archivist, the appointed head of NARA, may accept the library facility. NARA may only use income from the operating endowment to cover facility operation costs and may not use it for archival functions.

^bThe operating endowment requirement applies to the George Bush Presidential Library and Museum, the William J. Clinton Presidential Library and Museum, and all future libraries, including the George W. Bush Presidential Library.

^cThe act also established a grant program for "Presidential Centers of Historical Excellence." These grants are for eligible entities wishing to preserve and provide access to historical records of former Presidents that do not have a depository managed by the federal government.

Federal Regulations Govern the Use of Library Facilities by Outside Organizations

NARA's building-use regulations outline the permissible and prohibited uses of the presidential library facilities by other groups. According to the regulations, other groups may request the use of presidential library facilities when the activity is

- sponsored, cosponsored, or authorized by the library;

-
- conducted to further the library's interests; and
 - does not interfere with the normal operation of the library.

The regulations prohibit the use of the facilities for profit-making, commercial advertisement or sales, partisan political activities, or sectarian activities.⁸

When NARA considers it to be in the public interest, NARA may allow for the occasional, nonofficial use of rooms and spaces in a presidential library and charge a reasonable fee for such use.⁹ Additionally, the regulations require outside organizations to apply for the use of library space by writing to the library director and submitting an Application for Use of Space in Presidential Libraries.¹⁰ Applying organizations must agree to review their event plans with library staff and that the plans will conform to library rules and procedures. The application also confirms that the organization will not charge admission fees, make indirect assessment fees for admission, or take collections for their events. Further, the application prohibits the organization from suggesting that the library endorses or sponsors the organization.

Federal Laws and Regulations Govern the Use of Staff

Federal laws and regulations specify for all federal employees—including federal employees working at presidential libraries—what they may and may not do in their official capacity. For example, federal employees may not engage in commercial or political activity associated with their federal positions. According to NARA's General Counsel, there are no special laws or regulations that apply only to how library employees interact with the foundation or, if applicable, university associated with their library, but the laws and regulations that apply throughout the federal government also apply to library employees.

The Hatch Act¹¹ provides the rules for the activities of library employees at events such as candidate debates or speeches by candidates that

⁸36 C.F.R. § 1280.94(d).

⁹44 U.S.C. § 2112(e).

¹⁰36 C.F.R. § 1280.94(c). The Application for Use of Space in Presidential Libraries has Office of Management and Budget control number 3095-0024, and its agency number is NA Form 16011.

¹¹5 U.S.C. §§ 1501-1508.

sometimes take place at the libraries. The Hatch Act, which is enforced by the U.S. Office of Special Counsel (OSC),¹² prohibits certain political activities for federal employees. At an event such as these (or at any other time) a library employee may not

- use official authority to interfere with an election;
- solicit, accept, or receive political contributions from any person;
- run for nomination or as a candidate for election to a partisan political office; or solicit or discourage the political activity of any person connected to the business of the employee's office.

NARA employees must also follow the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government Ethics.¹³ The standards emphasize that employees have a responsibility to the U.S. government and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain, and set forth 14 general principles. Among other things, the standards describe limitations on actions an employee may take while seeking other employment, and require that employees use the time they are serving in an official capacity in an honest effort to perform official duties.

The Office of Presidential Libraries Provides Further Guidance on Facilities' Use and Staff Activities

NARA's Office of Presidential Libraries oversees the 13 presidential libraries. That office has developed systemwide policies, including the Presidential Libraries Manual, which discusses museum activities and records topics, and the NARA / Office of Presidential Libraries Architecture and Design Standards for Presidential Libraries. The Office of Presidential Libraries also works with the NARA General Counsel on the development of policies governing the library–foundation relationship. The NARA General Counsel has issued legal opinions on foundations' use of library facilities, when and how library staff can support foundation activities, and if library staff can fundraise for the foundations. Additionally, NARA officials explained that the NARA General Counsel and the Office of Presidential Libraries negotiate with the foundations on

¹²The U.S. Office of Special Counsel (OSC) is an independent federal investigative and prosecutorial agency whose primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices. OSC promotes compliance by government employees with legal restrictions on political activity by providing advisory opinions on, and enforcing, the Hatch Act.

¹³5 C.F.R. pt. 2635.

the agreements establishing the relationship between a new library and its associated foundation.

According to NARA officials, library directors at the individual libraries consult with the NARA General Counsel about activities that could have political undertones before allowing a program or event. For example, library directors have contacted NARA General Counsel to inquire about using libraries as polling places. NARA approved the use of libraries as polling places as long as certain requirements were met such as that no political solicitation occurs on library-controlled property. In another example, a local political party requested but was not allowed to hold a political forum at the library.

NARA officials told us that NARA does not have internal directives specifically regarding the supervision of library and foundation staff. They said that when library staff are concerned about supervision or other issues while working on a collaborative project with the foundations, they are expected to seek advice from the NARA General Counsel's ethics program staff. Table 3 provides a summary of NARA policies and NARA General Counsel opinions concerning library–foundation activities and other outside uses of the libraries.

Table 3: NARA Policies Relating to Library–Foundation Relationships

Library–foundation relationship scenarios/issues	Related NARA policies and General Counsel opinions addressing these situations
Use of library facilities by foundations or other organizations	<ul style="list-style-type: none"> • A library may provide office space at no charge to the foundation • Libraries and foundations may cosponsor events in public spaces • The public spaces can be used by foundations and other organizations for lectures, seminars, etc., when the activities are authorized by the Director. The events and activities must further the library’s interests, not conflict with normal operations, relate to the mission and programs of the library, and be consistent with the perception of the library as a research and cultural institution. Religious services, partisan political, profit-making, or commercial events or events that are essentially social in nature are not permitted. The Director will ordinarily assess additional charges to reimburse the government for use of the space.
Employees working in support of foundation activities	<ul style="list-style-type: none"> • Library employees may engage in activities, including fundraising activities, involving the foundations as part of their official duties as long as NARA and the library are authorized to engage in the foundation-funded or sponsored activity and the agency/library expects to derive a direct benefit from the activity. • When working with the foundations, library employees cannot accept compensation from the foundations, lobby Congress, or represent the foundations before other federal agencies. • Employees are also subject to federal ethics statutes and regulations.
Candidate events (debates, forums, etc.)	<ul style="list-style-type: none"> • According to the NARA General Counsel, libraries can host candidate events, such as multicandidate debates and candidate speeches, because they further the libraries’ mission of educating the public on matters of civic interest; the programs cannot endorse political views, policies, activities, or undertakings of any person or group. • Candidate events must be organized and sponsored by the foundation; a nonpartisan, nonprofit organization; or a media organization. A political party may sponsor a debate as long as a media organization or other nonpartisan group cosponsors the event. Neither NARA nor the library may be a sponsor. • The library director must approve the candidate event, but cannot participate in the subject matter of the event nor can any of the library’s employees. They may not suggest candidates to participate in the debates. Library directors should consult with Office of Presidential Libraries management and the NARA General Counsel before agreeing to allow candidate events.
Library director working in support of foundation activities	<ul style="list-style-type: none"> • Directors may fundraise for their library’s gift fund or their foundation when the purpose is to support the library. The directors cannot fundraise for the foundations for nonlibrary purposes. • Library directors and employees cannot attend political fundraisers for the purpose of raising funds for the library or identify themselves as library employees at political fundraisers, even if they attend the fundraisers during off-duty hours.

Source: GAO analysis of NARA policy documents.

Library–Foundation Agreements Further Define Their Relationship

Each presidential library has a written agreement with its associated foundation and, if applicable, the associated university that governs aspects of the relationship between the entities.¹⁴ These agreements differ in format; content; and the extent to which they address use of facilities, library and foundation staff relationships, and political activities. These agreements must be consistent with the applicable statutes and NARA regulations. At some libraries, the library–foundation relationship is addressed by more than one agreement due to the updating or supplementing of original documents, or to the changing format of the agreements over time. Some of the oldest agreements are primarily a series of Letters of Offer and Acceptance between the foundation and the General Services Administration (GSA), with later agreements taking the form of a mutually signed agreement between the foundation and NARA. For example, the Ford museum and the Hoover, Truman, Eisenhower, and Kennedy library agreements (from 1957 to 1980) include one or more Letters of Offer and Acceptance between the foundation and the GSA. Later agreements from more-recently established libraries, as well as earlier libraries that updated their agreements, include mutually signed agreements between the foundation and NARA. Of these later agreements, some focus on a specific project or aspect of the library–foundation relationship, while some focus broadly on the library–foundation relationship.

We reviewed the library–foundation agreements and found that, over time, the agreements have become increasingly more detailed, especially regarding staff, each entity’s use and control of the different parts of the facilities, and political activities. Earlier agreements are largely focused on the transfer of property from the foundation to the United States, while later agreements address additional aspects of the library–foundation relationship. For example, later agreements address which entity controls specific parts of the facilities, including details related to one entity’s use of the other’s space (such as the permitted purposes for using the other’s space, and reimbursing the other entity for costs associated with using its space). Later agreements are also more likely to clarify the different roles and responsibilities of library and foundation staff, and address activities or tasks that library staff are not allowed to perform. Some of the later agreements also address potential conflicts of interest between the library and the foundation. For example, two of the later agreements state that

¹⁴The George W. Bush Presidential Library is currently under construction and GAO did not review any agreements related to it.

foundation staff are to act in the best interests of the foundation, and NARA staff are to act in the best interests of NARA and the United States. Regarding political activities, two of the later agreements state that library space is not allowed to be used for partisan political activities. Also, NARA regulations give library directors the authority to establish supplemental policies. According to NARA officials, these supplemental policies may provide further detail on the library–foundation relationship regarding facilities, staff, and political activities. Our review was limited to NARA-wide policies and library–foundation agreements and we did not review any local library supplemental policies.

NARA officials explained that the written agreements between individual libraries and the foundations are important, but that they also do not fully prescribe the relationships between the entities. They said that the relationships are shaped over time and by factors such as the particular foundation’s interest in collaborating with the library or doing charitable work elsewhere. For example, the Harry S. Truman Library and Museum and its associated foundation, the Truman Library Institute, are colocated and often collaborate on educational programs. The foundation describes itself as working with the library to “fulfill the Truman Library’s commitment to research and education.” In contrast, the mission of the foundation associated with the Jimmy Carter Library and Museum, The Carter Center, does not directly focus on the library, but rather “to advance peace and health worldwide.” NARA officials said that interaction between individual libraries and their foundations vary, but they also stressed that no one foundation’s emphasis is more correct than another. These are examples of differences among foundations and how those differences shape the level of involvement by a foundation with a library.

Agency Comments

We provided a draft of this report to NARA. NARA had no substantive comments and provided technical comments by e-mail, which we incorporated as appropriate. NARA’s letter is reprinted in appendix I.

We will send a copy of this report to the Archivist of the United States. This report will also be available at no charge on GAO's Web site at <http://www.gao.gov>. If you or your staff have any questions about this report, please contact me at (202) 512-9110 or brostekm@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. Key contributors to this report are listed in appendix II.



Michael Brostek
Director, Tax Issues
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Appendix I: Comments from the National Archives and Records Administration



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February 23, 2010

Michael Brostek,
Director, Strategic Issues
Government Accountability Office
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Washington DC, 20548

Dear Mr. Brostek:

Thank you for the opportunity to comment on the draft report GAO-11-390, *National Archives: Framework Governing Use of Presidential Library Facilities and Staff*. We appreciate the thorough work by your staff to gain an understanding of the complex and individual relationships between NARA and the foundations that support each of our Presidential Libraries.

Under separate cover, we provided several technical comments. We have no substantive comments for this report. If you have any questions regarding this memo or our action plan process, please contact Mary Drak, NARA's Audit Liaison at 301-837-1668 or via email at mary.drak@nara.gov.

David S. Ferriero
Archivist of the United States

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Appendix II: GAO Contact and Staff Acknowledgments

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Staff Acknowledgments

In addition to the contact named above, David Lewis, Assistant Director; Sonya Phillips; Juliann Gorse; Brianna Benner; Sabrina Streagle; Lois Hanshaw; Susan Christiansen; Lindsay Read; and Jessica Thomsen made key contributions to this report.

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