

Advisory Committee Meeting- October 23, 2014 Washington, DC

Advisory Committee Members

Felicia Wong – Roosevelt Institute

Alex Burden – Truman Institute

Stephen Hauge – Eisenhower Foundation

Heather Campion – John F. Kennedy Library Foundation

Larry Temple – Lyndon Baines Johnson Foundation

Ronald Walker – Richard Nixon Foundation

Joseph Calvaruso – Gerald R. Ford Presidential Foundation

Jeff Carter – The Carter Center

James Cicconi – George Bush Presidential Library Foundation

Bruce Lindsey – William J. Clinton Foundation

Not in attendance: Charles Becker, Fred Ryan and Margaret Spellings

Foundation Association Members in Attendance

Glenn Baker – Ronald Reagan Presidential Library Foundation

Fred McClure - George Bush Presidential Library Foundation

Stephanie Streett - William J. Clinton Foundation

Brian Cossiboom - George W. Bush Foundation

Tobi Young- George W. Bush Foundation

NARA Staff in Attendance

The Honorable David S. Ferriero – Archivist of the United States

Debra Wall- Deputy Archivist of the United States

Gary Stern – General Counsel

Micah Cheatham- Chief Financial Officer

John Hamilton-Director, Congressional Affairs

Jim Gardner- Legislative Archives, Presidential Libraries and Museum Services

Susan Donius- Office of Presidential Libraries, Richard Nixon Presidential Library and Museum

Sam McClure- Office of Presidential Libraries, Jimmy Carter Presidential Library and Museum

Alan Lowe- George W. Bush Presidential Library and Museum

Terri Garner- William J. Clinton Presidential Library and Museum

Warren Finch- George Bush Presidential Library and Museum

Duke Blackwood- Ronald Reagan Presidential Library and Museum

Elaine Didier- Gerald R. Ford Presidential Library and Museum

Mark Updegrove- Lyndon B. Johnson Presidential Library and Museum

Tom Putnam- John F. Kennedy Presidential Library and Museum

Karl Weissenbach- Dwight D. Eisenhower Presidential Library and Museum

Amy Williams- Harry S. Truman Presidential Library and Museum

Lynn Bassanese- Franklin D. Roosevelt Presidential Library and Museum

NARA Staff Participating By Phone

Tom Schwartz- Herbert Hoover Presidential Library and Museum

David Ferrerio (Archivist of the United States) welcomed the group to the Advisory Committee meeting at the National Archives in Washington, DC. He then opened the first agenda topic: the impact of the Federal shutdown on Presidential Libraries.

Impact of the Federal Government Shutdown to Libraries

The Archivist introduced Gary Stern, who explained Chris Runkel's absence, as well as Mr. Runkel's role in NARA as Senior Counsel for Foundation and Trust Fund Policy. Mr. Stern said that because there is little existing law about agency/private foundations working together, we are learning as we go without clear guidance. He then asked if anyone had questions about last year's government shutdown. He referenced a memo that Mr. Runkel circulated the previous week to members of the committee, regarding NARA's inability to re-open a government facility during a shutdown when there aren't appropriations or authority to do so.

Micah Cheatham (NARA CFO) added that the guidance from the Government Accountability Office (GAO) and the Office of Management and Budget (OMB) regarding government shutdowns comes from the Anti-Deficiency Act and that NARA implemented this guidance consistently with the rest of the government.

Bruce Lindsey (of the Clinton Foundation) asked if it makes a difference whether the building is owned by the government, versus a private building where NARA has space. Mr. Stern responded that no, he does not believe it makes a difference. Older Libraries are all government owned and even in cases where foundations own space (like in the newer Libraries) they have transferred control to the government through a Joint Operating Agreement (JOA).

Ronald Walker (of the Nixon Foundation) asked about national parks and noted that some did open during last year's shutdown. Mr. Stern replied that they have a different legal authority than NARA does. He said that some parks did open after intense pressure from state and local governments and that they worked with OMB and the Obama administration on their particular situation. Stern added that NARA did not see that possibility with our authorities.

Mr. Walker said that the Secretary of the Interior made the call to open the parks, so why couldn't the Archivist do the same for NARA? Mr. Cheatham said that while we haven't done an analysis of the NPS situation, they likely have a different authority than NARA. Mr. Walker asked if NARA had given any thought to the difference and Mr. Stern replied that NARA is aware of their actions but reiterated that we had not done a complete analysis. He repeated that our situation is different and that our Trust Fund is operated by a board- it's not just up to the Archivist to authorize re-opening. It has to be discussed with the board (including the Secretary of the Treasury and the Director of the National Endowment for the Humanities (NEH)). Then, the scenario has to be run through OMB. He believes that the then-Secretary of the Interior cleared their plan with OMB and the Obama Administration

Mr. Lindsey asked why it wasn't possible for foundations to use their own people and pay them with private money and/or volunteers rather than using NARA funds. Mr. Stern replied that such a situation would mean that an outside party was in charge of operating a government entity, and that this is something we can't do because a core function of NARA is to control and protect all

of our operations and facilities. The Archivist suggested that we look at the NPS situation further to determine the differences.

ACTION ITEM 1: NARA will review the legal authority used by the National Park Service in reopening several national parks to determine if similar approaches could be considered by NARA in the event of future shutdowns.

Tobi Young asked if the memo referenced earlier was internal or if it was shared with outside entities. Mr. Stern replied that it was internal.

Stephanie Streett (of the Clinton Foundation) pointed out that their charter and JOA both say that if a Library ceases to serve as a Library then it goes back to the foundation and asked if this applied in this situation. Mr. Stern replied that this is only applicable in cases where there is a permanent cease of operations at the facilities by NARA. That provision in the JOA is not applicable in respect to a temporary shutdown due to a lapse of appropriations.

Joe Calvaruso (of the Ford Foundation) asked how the group can help NARA in the future, so we can avoid having uneven polity across the government. He mentioned that spoke to his member of Congress who was open to working with the Foundations and NARA to find a solution.

Mr. Ferriero noted that there was a hearing on this and that NARA was viewed very favorably by the committee led by Representative Darrell Issa. John Hamilton (Director of Congressional Affairs for the National Archives) added that other members of Congress inquired whether NARA would be in a position to accept gifts to keep the Libraries open in another shutdown. Hamilton said that NARA would have to look at the details of a specific proposal.

NARA Draft Memorandum on use of Trust Fund monies

Mr. Ferriero opened the discussion about the Trust Fund. Mr. Cheatham referenced a document that was distributed in August 2014 that intended to provide guidance in response to a request from the Advisory Committee for clear guidance on the use of the National Archives Trust Fund. Mr. Cheatham explained that in general, the main goal for the Trust Fund is to maintain a positive balance and that while administratively, the Libraries' Trust Funds are bundled with the general NARA Trust Fund, they are treated as standalone entities and that each Library's Trust Fund must be self-sustaining in perpetuity. NARA does realize that the funds are meant to be used for the benefit and support of the Presidential Libraries, so we have to balance the fact that they're not savings accounts but they also can't be spent in their entirety. As a general rule, Mr. Cheatham continued, NARA does limit expenditures to revenue generating activities and programs except permitting expenditures where the Trust Fund can afford it, based on the current financial health of the fund, the long term operating costs of the proposal, the projected revenue for the fund in the future, and the availability of appropriated funds.

Larry Temple (of the Johnson Foundation) said that it doesn't make sense to start with the basic theory of Trust Funds as revenue generating entities. Mr. Cheatham replied that they have to be self-sustaining. The majority of Library Trust Funds are small and there's not a large amount of

revenue going into them. In the past, the funds were dropping close to zero, so NARA has changed its requirement to ensure that doesn't happen again.

Mr. Temple said that when the Johnson Library switched to paid admission in 2013, the discussions between Mr. Temple and Mr. Ferriero, and the resulting Memorandum of Understanding between the LBJ Foundation and NARA, did not say anything about the Trust Fund having to be income generating. This memo was reviewed by all levels within NARA. Mr. Temple was under the impression that they were operating under the MOU guidance, not the guidance that's being discussed.

Mr. Lindsey suggested that we make decisions based on the status of the specific Trust Fund instead of starting with the premise that they must be income generating- why not impose the revenue-generating rule on the Trust Funds that are in financial trouble, and let the others operate as they wish? Mr. Cheatham replied that we are looking into the future, not just the current status of a Trust Fund. He added that when individual spending requests are made, the Trust Fund tends to be fairly liberal in its review.

Mr. Lindsey pointed out that the Libraries and Foundations might not bring requests to NARA if they're not income generating, assuming that they won't approved. He added that the bias we start with should be reversed. Mr. Cheatham responded that there has to be overall guidance for all Trust Funds. Mr. Lindsey disagreed and said that they are different Trust Funds and can have different guidelines. He said that the language of the statute is that the money is available to cover facility operations and not for archival purposes (quoting from Mr. Cheatham's memo). Mr. Cheatham pointed out that he's looking at the endowments (required for new Libraries in accordance with the Presidential Libraries Act of 1986), and that we treat each Library's Trust Fund separately just like we treat each Library's endowment separately.

Mr. Lindsey reiterated his question: if there are enough funds in an individual Library's account, why can't they use them for non-income generating purposes and only restrict the Trust Funds that are in trouble? Mr. Cheatham answered that NARA can't go to private foundations for the final word on about how to use government money.

Mr. Calvaruso said that it sounds like the rules set out for LBJ in their MOU are different from the rest of the Trust Funds, and asked how there can be different rules for different Libraries.

Mr. Ferriero asked Mr. Temple if their admissions revenue go into the Trust Fund. Mr. Temple responded that they do, and explained the process and legal issues around creating an MOU between NARA and the LBJ Foundation. He did not recall ever hearing about the income producing requirement during these talks.

Mr. Stern noted that Mr. Runkel has a deeper understanding of the details of these agreements, but that each relationship between NARA and a foundation is different, so there can't be any complete uniformity. He reiterated Mr. Cheatham's point that there needs to be some sort of consistency for the Trust Funds, which are entirely federal operations. He added that starting with the presumption of the funds being income-generating can be overcome fairly easily based on specific requests based on the solvency of a particular fund, but that it's helpful from a

financial perspective to begin with the assumption discussed earlier. Mr. Stern will ask Mr. Runkel for his opinion of the MOU with the Johnson Foundation and will relay the response back to the group.

ACTION ITEM 2: NARA will review the memorandum of understanding (MOU) between NARA and the Johnson Foundation to determine if the issue of revenue generation regarding the use of the Johnson Library's Trust Fund is addressed in the agreement.

Mr. Ferriero asked the Directors if they had been turned down on a request for use of Trust Funds based on the revenue generating rule and/or if they were discouraged from making a request based on the revenue generating language? Elaine Didier said it was the latter- that they don't ask because they assume it won't be approved. The attendees at the table agreed. Ms. Young said that it might be a matter of semantics. The foundations do not want to put the funds into the negative, but they do want to use the funds for education and other purposes that are not necessarily income generating but are part of the mission. She asked if the restrictive language might affect how future NARA and Foundation representatives interpret the rules. Cheatham acknowledged the policy is written to be more restrictive than what the practice actually is.

ACTION ITEM 3: NARA will review language in the draft policy to incorporate feedback from the Foundations. The rewritten document will be shared with the group.

Mr. Ferriero asked Susan Donius to gather example from the Directors of requests they didn't make because they were not revenue-generating.

ACTION ITEM 4: NARA will gather examples of potential Trust Fund requests that the Directors did not submit because they were not specifically tied to revenue generation.

Ticketing System Replacement in the Libraries

Mr. Ferriero asked Ms. Donius to provide an update on the replacement ticketing system for the Libraries.

Ms. Donius reported that the vendor that provides the visitors services software that supports admissions and some facility rentals is unilaterally ending their contract with NARA on June 30 2015. NARA has been working on draft functional requirements documents for potential replacement vendors, many of which are vendors well-established in the commercial marketplace. Market research has involved asking the Libraries and foundations what systems they have used in the past. She added that NARA's Acquisitions office supports the idea of a small group of foundation representatives working with the agency on this process, and that requirements for participation would be discussed later. The goal for this is to have an acquisition plan ready later this fall, recognizing the challenge of implementing the new system at all 13 Libraries before the June 30 deadline. Possible temporary fixes are to extend the current contract for a short period of time. Ms. Donius asked if there were questions.

Ms. Streett asked what the next steps for developing this group will be. Ms. Donius replied that she anticipates volunteers being asked for in the near term.

Retirement of Lynn Bassanese

Mr. Ferriero announced that this is the last meeting for Lynn Bassanese (Director of the Roosevelt Library) after more than 40 years of service to the National Archives. Ms. Bassanese said she was thankful for her opportunities at NARA.

NARA's National Outreach Plan

Mr. Ferriero asked if there were any other questions and Didier asked to talk about the unified national outreach plan. Jim Gardner (Executive for Legislative Archives, Presidential Libraries and Museum Services) responded, saying that one goal that was developed for the new NARA strategic plan was "Connect With Customers", which is about better engagement with the public. Particularly the interest is in initiative 2.1.3.1, which is to create a unified national outreach plan by making better use of the network of facilities and staff that we have across the country. He said that the schedule for programs/exhibits etc will not come as directives from DC. Rather, cross-system initiatives will be scheduled among Libraries and field locations that have outreach staff. Previous traveling exhibits have been on an ad hoc basis with different people in different roles along the way. The hope is that this will be a program to help NARA as a source of high-quality material and exhibits for cultural institutions around the country. He said that NARA is currently doing market research on topics.

Dr. Gardner also said that NARA is looking at ways of doing a better job of engaging with the public virtually. For example, the Libraries were involved with a central education resource page and the agency wants to do more pooling resources and showing people our resources via ebooks, apps, etc. He added that the point of the outreach plan is to link the 4 outreach offices under L (Center for Legislative Archives, Libraries, Exhibits, and Education/Outreach). The first topic will be the 225th anniversary of the Bill of Rights, in 2016. NARA is currently working with the Annenberg Foundation to look at ways to encourage civic engagement and civic literacy on this topic. The agency is also working with the National Archives Foundation about what can be done centrally to fund these initiatives nationally and that it will definitely include an exhibit in the O'Brien gallery.

Mr. Ferriero said that he is excited for the potential for this among the Presidential Libraries based on the positive experiences the system had with the George Washington Acts of Congress exhibit from Mt. Vernon.

Dr. Gardner emphasized that none of these plans are being made with the idea that every Library has to participate- each Library should only do what works for their community and their Library.

Ms. Streett asked if this initiative could highlight the connection with the individual Presidential Libraries and NARA. Dr. Gardner replied that yes, and loans are considered a component of national outreach. For example, the Louisiana Purchase is on loan to the Missouri History Museum. Dr. Gardner noted that challenges will include the cost of travel and security, but that solutions are being worked on. Suggestions are welcome and should be emailed to Dr. Gardner.

Mr. Ferriero asked if there are any questions. Ms. Donius returned to the Trust Fund topic, and announced that per discussions at the previous day's meeting, the Presidential Libraries will provide monthly reports to the foundations instead of annually. Mr. Cheatham added that these are *management* reports on the status of operations and activities funded by the Trust Funds and Gift Funds. Monthly reports should not be treated as financial reports because they are un-audited and unadjusted. Audited and adjusted numbers will still be annual and will be published on NARA's website. Monthly reporting will start with October 2014 (FY15)

ACTION ITEM 5: Each Library Director, will provide monthly Trust Fund reports to their foundation counterparts. The annual report will still be shared once it has been posted to archives.gov

Next meeting

Ms. Donius announced that the next meeting is tentatively scheduled for the fall of 2015, to be hosted by the Johnson Library and Foundation in Austin, Texas.

Public Comment

The Archivist opened the floor for public comment or questions. No comments / questions were offered.

Action Item Summary

ACTION ITEM 1: NARA will review the legal authority used by the National Park Service in reopening several national parks to determine if similar approaches could be considered by NARA in the event of future shutdowns.

ACTION ITEM 2: NARA will review the memorandum of understanding (MOU) between NARA and the Johnson Foundation to determine if the issue of revenue generation regarding the use of the Johnson Library's Trust Fund is addressed in the agreement.

ACTION ITEM 3: NARA will review language in the draft policy to incorporate feedback from the Foundations. The rewritten document will be shared with the group.

ACTION ITEM 4: NARA will gather examples of potential Trust Fund requests that the Directors did not submit because they were not specifically tied to revenue generation

ACTION ITEM 5: Each Library Directors will provide monthly Trust Fund reports to their foundation counterparts. These status reports will remain un-audited and unadjusted. The annual report will still be shared once it has been posted to archives.gov