

**Congress of the United States**  
**House of Representatives**

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051  
MINORITY (202) 225-5074  
<https://oversight.house.gov>

July 1, 2022

Ms. Debra Steidel Wall  
Acting Archivist of the United States  
National Archives and Records Administration  
700 Pennsylvania Avenue, N.W.  
Washington, D.C. 20408

Dear Ms. Steidel Wall:

The Oversight Committee is concerned by the proposal put forward by the National Archives and Records Administration (NARA) to cede portions of the George W. Bush Presidential Library, including exhibition galleries, classrooms, educational support rooms, and other specified reversionary spaces, to the privately run Bush Foundation.<sup>1</sup> The Committee is planning further congressional review of this matter and requests that NARA pause any action to implement the revised agreement between NARA and the George W. Bush Presidential Library and Museum.

Since 1941, when President Franklin D. Roosevelt donated his personal records to the American public and inaugurated the first presidential library, millions of Americans have traveled to the 15 presidential libraries to engage firsthand with artifacts, documents, and records from important moments in American history.<sup>2</sup> Traditionally, following the end of an administration, a private foundation raises funds to construct a presidential library and transfers the deed or operational control of the presidential library and museum to NARA.<sup>3</sup> These libraries serve as archival depositories for presidential records and artifacts—and as places where scholars and members of the public can learn about the history of our national leaders. Under this model, NARA assumes the administration of both the library and museum spaces, along with final approval over changes to curation or programming.<sup>4</sup>

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<sup>1</sup> National Archives and Records Administration, *Report to Congress on a Proposed Physical or Material Change to the George W. Bush Presidential Library and Museum* (Apr. 28, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Report%20to%20Congress.pdf>).

<sup>2</sup> Franklin D. Roosevelt Presidential Library and Museum, *Library History* (online at [www.fdrlibrary.org/library-history](http://www.fdrlibrary.org/library-history)) (accessed June 24, 2022).

<sup>3</sup> 44 U.S.C. § 2112; Congressional Research Service, *The Presidential Libraries Act and the Establishment of Presidential Libraries* (Feb. 6, 2015) (R41513) (online at <https://sgp.fas.org/crs/secrecy/R41513.pdf>).

<sup>4</sup> 44 U.S.C. § 2203(g)(1).

On April 28, 2022, two days before the end of his term as Archivist of the United States, David Ferriero transmitted to Congress a proposal in the form of a report which contained a new memorandum of understanding between NARA and the Bush Foundation.<sup>5</sup> The proposal would cede ownership of the Bush Museum and educational spaces within the library complex to the Bush Foundation and revert more than \$4,500,000 of endowment funds to the Bush Foundation.<sup>6</sup> The specific terms of the reversion and transfer would be governed by an amended Joint Use, Operating, and Transfer Agreement (JUA). NARA would retain control of the separate archival depository facility within the Bush Library.<sup>7</sup>

Under the revised JUA, the Bush Foundation would assume all curation and programming for the museum and education spaces. The revised agreement stipulates that NARA and the Bush Foundation would agree to make “reasonable efforts” to “keep each other informed of their respective activities,” to “recognize and make decisions on opportunities for mutually beneficial joint programming,” and “resolve misunderstandings quickly.” However, the revised agreement does not establish a process to address curatorial control of or identify standards for exhibitions and programming that are fair and balanced.<sup>8</sup>

Following NARA’s notification, multiple members of the historical community, including several former directors of presidential libraries, expressed concerns about the proposed agreement—in particular that it could diminish NARA’s ability to ensure presidential materials and historic artifacts are presented in a fair and balanced manner.

Professors from the University of Maryland at College Park’s College of Information Studies recently sent a letter to the Committee articulating their concerns regarding NARA’s proposal. The professors explained that “the Bush Library will continue to operate jointly with NARA—as was its original purpose—a circumstance giving the imprimatur that the Museum on site represents an ‘official’ facility of the government (represented by experts on NARA staff).” As a result, there is a danger that “patrons of the Museum will be under a mistaken assumption that the exhibits on display have the “stamp of approval” of NARA.”<sup>9</sup>

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<sup>5</sup> 44 U.S.C. § 2112.

<sup>6</sup> National Archives and Records Administration, *Report to Congress on a Proposed Physical or Material Change to the George W. Bush Presidential Library and Museum* (Apr. 28, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Report%20to%20Congress.pdf>).

<sup>7</sup> National Archives and Records Administration, *Joint Use, Operating, and Transfer Agreement Among the George W. Bush Foundation and National Archives and Record Administration and National Archives Trust Fund Board Regarding the George W. Bush Presidential Library* (Apr. 27, 2022) (online at [https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Joint-Use-Agreement-\(JUA\)-Redacted-v2.pdf](https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Joint-Use-Agreement-(JUA)-Redacted-v2.pdf)). Pursuant to the revised agreement, NARA would continue to make presidential records and historical artifacts available for public display at the museum.

<sup>8</sup> *Id.*

<sup>9</sup> Letter from Professor Jason Baron et al. to Chairwoman Carolyn B. Maloney, House Committee on Oversight and Reform, and Chairman Gary C. Peters, Senate Committee on Homeland Security and Governmental Affairs (June 28, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/University%20of%20Maryland%20Letter%20to%20NARA.pdfm>).

Tim Naftali, former Director of the Nixon Library, criticized the plan for enabling the Bush Foundation to present or omit information, artifacts, and documents in a light disproportionately favorable to the former president. Mr. Naftali described the challenges he faced as the first NARA-appointed director of the Nixon Library to reform exhibitions that were historically biased and inaccurate. One such exhibition characterized Watergate as a “coup orchestrated by the media and Democratic elites.” With institutional support from NARA, then-Director Naftali updated the exhibition to present an historically accurate appraisal of the events of Watergate.<sup>10</sup>

In accordance with the Presidential Libraries Act, NARA is required to report all “physical or material changes” to presidential archival depositories to both the president of the Senate and the speaker of the House of Representatives. Should Congress choose not to act on the report, it takes automatic effect after 60 days of continuous session.<sup>11</sup>

The Oversight Committee has jurisdiction over presidential libraries and presidential records and has an established record of examining the mission and structure of presidential libraries.<sup>12</sup> In 2011, under then-Chairman Darrell Issa, the Committee held a joint hearing with the Committee on Transportation and Infrastructure that explored the future of presidential libraries, including the need for transparency and historical objectivity. At that hearing, former presidential library directors encouraged an objective model of museum curation. Tom Putnam, former Director of the John F. Kennedy Presidential Library, testified:

I think that should be the model, that the foundation can receive funds, but the Federal employees, again, are the ones who protect these records, help interpret them, and are in charge of how we portray those stories to the public.

Duke Blackwood, former Director of the Ronald Reagan Presidential Library, agreed with Mr. Putnam’s characterization of the ideal model:

I would agree with my colleague, Mr. Putnam; and we are similar at the Reagan Library. While the support that the foundation provides us is extraordinary, we work hand in hand for that balance, and we are very much a part of that process.<sup>13</sup>

For all these reasons, the Committee requests that NARA pause any official action to implement the proposed changes to the agreements between NARA and the Bush Foundation. This pause will allow the Committee the opportunity to fully review the proposed changes and obtain input from stakeholders and the broader historical community to help the Committee more

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<sup>10</sup> *The Death of Nonpartisan Presidential History*, The Atlantic (June 3, 2022) (online at [www.theatlantic.com/ideas/archive/2022/06/national-archives-george-bush-privatize-history/639429/](http://www.theatlantic.com/ideas/archive/2022/06/national-archives-george-bush-privatize-history/639429/)).

<sup>11</sup> 44 U.S.C. § 2112.

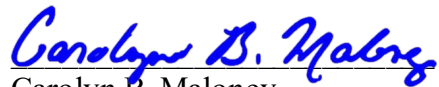
<sup>12</sup> House rule X, clause 1.

<sup>13</sup> House Committee on Oversight and Government Reform and House Committee on Transportation and Infrastructure, *Hearing on America’s Presidential Libraries: Their Mission and Their Future*, 112th Cong. (Feb. 28, 2011) (online at [www.govinfo.gov/content/pkg/CHRG-112hhrg65446/html/CHRG-112hhrg65446.htm](http://www.govinfo.gov/content/pkg/CHRG-112hhrg65446/html/CHRG-112hhrg65446.htm)).

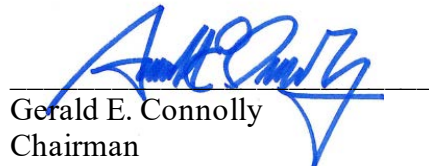
fully determine the impact of this potentially precedent-setting change. This pause would also be an opportunity to evaluate the sustainability, missions, and funding arrangements of NARA and presidential libraries.

Please confirm by July 15, 2022, that NARA will pause implementation of these proposed changes. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051. Thank you for your prompt attention to this important matter.

Sincerely,



Carolyn B. Maloney  
Chairwoman  
Committee on Oversight and Reform

  
Gerald E. Connolly  
Chairman  
Subcommittee on Government  
Operations

cc: The Honorable James Comer, Ranking Member  
Committee on Oversight and Reform

The Honorable Jody Hice, Ranking Member  
Subcommittee on Government Operations