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Presidential Libraries and Museums

At the conclusion of a presidency, former Presidents and their supporters may seek to construct facilities to commemorate their terms of office and house presidential materials. In 1955, Congress enacted the Presidential Libraries Act (PLA; P.L. 84-373) to create a system of privately erected and federally maintained libraries to house presidential materials and artifacts.

Section 2112 of Title 44 of the *U.S. Code* provides the Archivist of the United States (the head of the National Archives and Records Administration, or NARA) with the authority to accept—for and in the name of the United States—land, a facility, equipment, and gifts for the purpose of creating a presidential archival depository when the Archivist considers it to be in the public interest.

The presidential library system consists of both the collections of presidential materials and the physical depositories that hold the materials. Currently, the presidential library system comprises 15 presidential collections (and 13 depositories) documenting Presidents Herbert Hoover through Donald Trump. In FY2022, the presidential libraries welcomed 985,800 visitors. Construction on the Obama Presidential Center in Chicago, IL, is underway. Plans for a depository for former President Trump's materials and for President Joe Biden's materials have not been announced.

In the decades since the PLA's enactment, both Congress and NARA have reconsidered what would constitute a donation in the public interest and how presidential libraries should be administered. This In Focus provides information on the current presidential library system and the ownership and control of records held in presidential libraries, and it concludes with information on the funding for construction, building, and records maintenance within presidential libraries.

Current Presidential Library System

Presidential libraries are located throughout the United States, and according to NARA, "Presidents have often acknowledged their origins by placing their Libraries in their hometowns. However, in some cases Presidents place their Libraries on or near a university campus." In the case of the Lyndon Baines Johnson Library and Museum, for example, the library is located on the campus of the University of Texas at Austin.

The NARA system currently includes the library depositories of 13 former Presidents: (1) Herbert Hoover (West Branch, IA); (2) Franklin D. Roosevelt (Hyde Park, NY); (3) Harry Truman (Independence, MO); (4) Dwight D. Eisenhower (Abilene, KS); (5) John F. Kennedy (Boston, MA); (6) Lyndon B. Johnson (Austin, TX); (7)

Richard Nixon (Yorba Linda, CA); (8) Gerald Ford (Ann Arbor, MI); (9) Jimmy Carter (Atlanta, GA); (10) Ronald Reagan (Simi Valley, CA); (11) George H. W. Bush (College Station, TX); (12) Bill Clinton (Little Rock, AR); and (13) George W. Bush (Dallas, TX). It also includes the collections of former Presidents Barack Obama and Donald Trump.

Ownership of Presidential Records

Historically, presidential papers were the private property of the President, who would then donate the materials to institutions through deeds of gift for public display. Presidential records created on or after January 20, 1981, are subject to the requirements of the Presidential Records Act (PRA; 44 U.S.C. §§2201-2209) and are the property of the United States. Under the law, "The United States shall reserve and retain complete ownership, possession, and control of Presidential records; and such records shall be administered in accordance with the provisions of this chapter" (44 U.S.C. §2202). For more information on the PRA, see CRS Report R46129, *The Presidential Records Act: An Overview*, by Meghan M. Stuessy.

Unlike historical presidencies, at the conclusion of a presidency under the PRA, the responsibility for the custody, control, preservation, and access to presidential records shifts to the Archivist (44 U.S.C. §2208). Additionally, statute requires the Archivist to make the former President's records publicly available as rapidly and as completely as possible. Because the United States owns all presidential records, a former President must seek the Archivist's permission to display presidential records in a different depository, such as a presidential library.

In the case of former President Obama, NARA and the Obama Foundation have agreed upon a new model to provide access to Obama Administration records, and no original materials would be transferred to a new depository. Under this plan, the original physical and digital records are to remain in existing NARA facilities, and the Obama Presidential Center is to provide digital copies of the President's records.

Accepting a Presidential Library

At the immediate conclusion of a presidency, the records are transferred to the care of NARA. While the PRA requires that presidential records materials be archived and maintained, neither the PRA nor the PLA requires the construction of a new and separate archival depository for a former President's records. The PLA provides the Archivist with a process to accept gifts of land, facilities, and equipment to create such a depository on behalf of the United States when the Archivist considers such acceptance to be in the public interest (44 U.S.C. §2112(a)). Consistent

with the requirements of the PLA, the Archivist may then deposit the presidential records into a presidential library.

The PLA requires the Archivist to submit a written report on the proposed presidential archival depository to the President of the Senate and the Speaker of the House of Representatives prior to accepting any land, facilities, or equipment (44 U.S.C. §2112(a)(3)). The Archivist may not accept any such materials “until the expiration of a period of 60 days of continuous session of Congress beginning on the date on which the Archivist transmits the report required,” allowing Congress the opportunity to disapprove of a proposed presidential archival depository (44 U.S.C. §2112(a)(5)). The report is to include information such as:

- a description of the land, facility, and equipment offered;
- a statement specifying the estimated total cost of the proposed depository and the amount of the endowment for the depository required;
- an estimate of the total annual cost to the United States of maintaining, operating, and protecting the depository; and
- a certification that such facility and equipment (whether offered as a gift or made available without transfer of title) comply with architectural and design standards promulgated by the Archivist.

At the conclusion of this process, the Archivist is directed to deposit all of the former President’s records in the depository and is authorized to designate, after consultation with the former President, a director of the chosen facility who is responsible for the care and preservation of the records (44 U.S.C. §2203(g)(2)).

Constructing a Presidential Library

The first step in funding presidential libraries typically occurs when a President’s supporters or family members establish a foundation to raise money for acquiring land (if necessary) and constructing the library. The foundation must also consult with NARA before beginning the process of offering a gift to establish or add to an existing library facility (36 C.F.R. §1281.10). After the library is constructed and per agreements negotiated between NARA and the foundation, the Archives typically takes control of the facility, the land, and the foundation’s operating endowment. For historical information, see CRS Report R40209, *Fundraising for Presidential Libraries: Recent Legislative and Policy Issues for Congress*, by R. Sam Garrett. Presidential libraries are not constructed using federal funds but are operated and maintained by NARA through its budget.

Architectural Standards

NARA has issued archival storage standards in the form of NARA Directive 1571 (“NARA 1571”), which details requirements related to facility design, protections against water damage, security requirements, acceptable relative humidity ranges, among other specifications. Supplement 5

to NARA 1571 specifically details architecture and design standards for presidential libraries.

The guidance also requires new libraries to comply with additional construction standards—such as Executive Order 13834, the Buy American Act (41 U.S.C. §8302), and NARA’s Strategic Sustainability Performance Plan—and achieve platinum certification in the U.S. Green Building Council’s Leadership in Energy and Environmental Design Program.

Presidential Library Funding

Amid concerns about growing costs of the libraries, the PLA was substantially amended in 1986 (P.L. 99-323) to “shift the burden of on-going building operations costs of future libraries from the taxpayer to endowment funds” (U.S. Congress, House Committee on Government Operations, *Preservation and Management of Presidential Records*, To accompany H.R. 5584, 98th Cong., 2nd sess., June 21, 1984, H. Rept. 98-856, p. 2). At the time of the legislation’s consideration, some lawmakers were concerned that the greatest public interest in presidential libraries was for its museums, not research access to presidential documents, and that the footprint of libraries continued to expand (U.S. Congress, Senate Homeland Security and Governmental Affairs Committee, *Cost of Former Presidents to U.S. Taxpayers*, 96th Cong., 1st sess., November 6-8, 1979).

To address those concerns, the PLA amendments require the Archivist to establish endowments for the purpose of defraying government costs of maintaining and operating presidential libraries that were built for Presidents who first took the oath of office after 1985. The amount of the required endowment is formulated based on several factors, including the size of the facility and the total costs of construction and improvements. For the libraries of Presidents George H. W. Bush, Bill Clinton, and George W. Bush, the formula requires a 20% endowment, and for Presidents first taking the oath of office after July 1, 2002—including Presidents Obama and Trump—the formula requires a 60% endowment. This percentage also increases if the library square footage exceeds 70,000 square feet. As a result, the PLA amendments have had the effect of limiting the size of presidential libraries (44 U.S.C. §2112(g)(3)(C)).

Future Presidential Libraries

Generally, under the PRA, the public may access presidential records 12 years after the conclusion of a presidency, although the Archivist maintains immediate control after the President leaves office (44 U.S.C. §2204(a)). Because the PLA does not require a presidential library be established on a particular timeline, if at all, the timing of announcements concerning possible Trump or Biden depositories may be difficult to anticipate. Given Congress’s reexamination of endowments for future presidential libraries, monitoring the implementation of digital access at the Obama Presidential Center while retaining the original materials at existing NARA facilities may be an option to consider moving forward.

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