

September 11, 2018

The Honorable David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Re: Letter of Parties' Intent Regarding the Digitization of Obama Presidential Records and Related Matters Concerning Preservation, Processing, and Display of and Access to Such Records and Artifacts

Dear Mr. Ferriero:

As you know, in spring 2017, the Barack Obama Foundation (the "Foundation") proposed a new model for the Obama Presidential Library. Whereas other presidential foundations have built and endowed NARA-operated Presidential Libraries that provide onsite preservation, access, and exhibition for the Presidential records and artifacts, the Foundation proposed a digital Presidential Library to make the Presidential records and artifacts of the Obama Administration as accessible and available to the public as possible. Since that time, the Foundation and the National Archives and Records Administration ("NARA") have been and are continuing to work in partnership to develop this new model, in which the Foundation will privately fund and operate its own Museum as part of the Obama Presidential Center.

Accordingly, the Foundation has agreed to devote sufficient resources for (i) creating digital surrogates of the unclassified analog Presidential records and artifacts of the Obama Administration, and (ii) transporting and creating suitable storage for the analog records and artifacts of the Obama Administration in compliance with NARA's archival storage standards. NARA has agreed to work with the Foundation to support and execute loans of Obama Presidential records and artifacts in a manner that seeks to reduce the risk of uncertainty to the Foundation in planning and implementing its exhibitions program.

This Letter of Intent documents the key terms of our new model that have been discussed and agreed to by representatives of the Obama Foundation and NARA. Discussions are ongoing and now include a larger group of subject matter experts to enable the Parties to reach agreement on more specific terms.

The principal commitments for the digitization of records, the move and storage of records, and the loan process are set forth below:


1. The Obama Foundation agrees to digitize the unclassified analog Obama Presidential records at the Hoffman Estates facility, to be completed no later than August 31, 2021. The Foundation also agrees to create digital images of the artifacts transferred to NARA's custody at the end of the Obama Administration. The digitized records and digital images of artifacts will be compatible with NARA's metadata and digitization standards.

2. NARA and the Foundation commit to identifying innovative tools, approaches, and solutions to the digitization process. The parties further commit to continually reevaluating the state of industry progress and technologies to facilitate and streamline NARA's review and public release of records, to promote broad digital discovery and access to unclassified records and artifacts, and to produce digital records that anticipate likely developments in relevant technology.
3. NARA commits to deliver to the Obama Foundation as early in the process as possible a copy of the digitized Obama Administration Presidential records, in accordance with the Presidential Records Act.
4. It is understood that in certain cases, the nature of a record or artifact will be such that the digitization of records or artifacts will not be practicable. In such situations, the items will be identified and alternative steps taken to capture information to support the interests of the Parties.
5. The complete terms and conditions of the digitization project, along with the terms on which NARA will make the resulting digital files and corresponding metadata available to the Foundation, will be the subject of a separate agreement.
6. The Obama Foundation and NARA agree to work collaboratively and in good faith to explore, develop, and implement strategies to facilitate broad public access to unclassified born-digital materials in as timely a manner as possible.
7. The Obama Foundation agrees to transfer up to three million three hundred thousand dollars (\$3,300,000) to the National Archives Trust Fund (NATF) to support the move of classified and unclassified Obama Presidential records and artifacts from Hoffman Estates to NARA-controlled facilities that conform to the agency's archival storage standards for such records and artifacts, and for the modification of such spaces. The first transfer of \$300,000 was already made on August 9, 2018. An additional interim transfer will be made within 180 days of that date. Subsequent payments are subject to the negotiation of terms of the digitization process and museum operations.
8. NARA agrees to loan Obama Presidential records and artifacts and other NARA holdings, including but not limited to textual records, physical artifacts, and audio-visual materials such as archival footage, sound recordings, and high resolution digital assets, to the Obama Foundation on an ongoing basis for exhibition at the Obama Presidential Center in Chicago, Illinois, and to work with the Foundation in doing so. NARA and the Foundation will set forth the terms by which NARA will loan Obama Presidential physical records and artifacts to the Obama Foundation for display at the OPC in a separate agreement, which will adhere to NARA policies and museum industry standards and best practices. The Parties agree to work together in good faith to ensure that NARA policies and procedures are applied to the Foundation's exhibitions program in a way that reduces uncertainty for the Foundation.

9. The Parties will enter into such separate agreements, as noted above or as determined necessary by the Parties, to implement all or parts of the digitization of records and artifacts, the move and storage of the Obama Presidential records, and the loan and display of Obama Presidential records and artifacts at the Obama Presidential Museum. The parties will work in good faith and make best efforts to complete the agreements referenced in this letter by December 31, 2018.

Thank you for your attention to this matter. We are excited about our ongoing collaboration with NARA to preserve, exhibit, and provide access to the Obama Presidential records and artifacts. If you or members of your staff should need any additional information, please do not hesitate to contact us.

Sincerely,


Robbin Cohen
Executive Director, Obama Foundation

Agreed to by NARA:



David Ferriero, Archivist of the United States

Date: SEP 21 2010