

14 May 2001

Dear Mr. Daniels:

Submitted for your consideration is the Commercial Activities Inventory for the Commission of Fine Arts. The Commission has eight full time employee (FTE) positions. Of these, six positions are described under the Commercial Activities Code: T804 - architects (FTE 4) and T820 - administrative support (FTE 2). Our seventh employee is the agency historian and the eighth is our technical information specialist; neither position seems to be listed as an Inventory item.

The Commission is primarily a design review agency. We believe that the Commission's function and that of its staff is "inherently governmental". However, of the two administrative support positions, the Office Automation Assistant is considered a "commercial" activity and has been contracted out from time to time as needed. The second position, the Administrative Officer for the agency, is considered "inherently governmental" since it must coordinate agency personnel and budget matters with other agencies as well as serve as assistant to the Secretary which requires an intimate understanding of agency operations.

With regard to Public Law 105 - 270, Section 5 - Definitions, items (B)(iii) and (B)(v) are pertinent to this statement. Discharge of duties relative to both the Shipstead-Luce Act (P.L. 231 - 71) and the Old Georgetown Act (P.L. 808 - 81) *significantly affect the life, liberty, or property of private citizens*. Both acts place private residential and commercial properties under the design review jurisdiction of the Commission, which ultimately can effect any intended change to such properties. In addition, the most significant duties of the Commission and its staff involve federally owned buildings, parks, and memorials, as well as circulating and commemorative coinage. Reviews of projects and the resulting actions *exert ultimate control over the acquisition, use, or disposition of the property, real or personal, tangible or intangible, of the United States*.

Mr. Daniels
Page 2

Under the circumstances, therefore, we believe the Commission staff performs “inherently governmental” functions as opposed to “commercial” functions. I would appreciate your thoughtful consideration in this matter and would welcome the opportunity to discuss it in greater detail with you.

Sincerely,

Charles H. Atherton
Secretary

Enclosure

The Honorable Mitchell E. Daniels
Director, Office of Management and Budget
Old Executive Office Building - Rm 252
17th Street and Pennsylvania Avenue, NW
Washington, D.C. 20503

**2001 FAIR INVENTORY
COMMISSION OF FINE ARTS
14 May 2001**

Org. Unit	State	Location	Activity Performed	No. of FTE	Commercial Activity	Activity Function Code	Reason Code	Year of First Appearance
CFA Staff	DC	Washington	Agency Management	1			A	6/30/99
	DC	Washington	Architectural Support	3		T804	A	
	DC	Washington	Administrative Support	2	1	T820	A	
	DC	Washington	Historical Support	1			A	
	DC	Washington	Technical Info Support	1			A	

Contact Person: Jeffrey R. Carson

A = Core Capability

B = No Satisfactory Source Available

C = Function with 10 or Fewer FTE

D = Meet Performance Standards