

Archival Records of Congress: Frequently Asked Questions

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Archival Records of Congress: Frequently Asked Questions

Congressional offices and committees receive, generate, and process many paper and digital files in the course of their work. Archivists preserve some of this historical material, which can help inform future Congresses and researchers studying congressional history. This report is intended to assist congressional staffers who want to locate and access these historical materials.

Recordkeeping rules, policies, and practices vary by type of congressional office. Materials in a Member's office are traditionally considered the Member's personal property. Although some Members choose to donate their papers to an archival repository after they leave office, there is no legal requirement for Members to preserve papers or make them available to researchers. The *Biographical Directory of the United States Congress*, among other resources, can help users locate Member papers and other relevant archival collections.

Files from congressional committees and House or Senate administrative offices may be official records. House Rule VII and Senate Rule XI govern records for the House and Senate, respectively. In accordance with 44 U.S.C. §2118, the Clerk of the House and Secretary of the Senate transfer noncurrent House and Senate records to the National Archives and Records Administration (NARA) at the end of each Congress. Although NARA's Center for Legislative Archives is responsible for preserving those files, they remain the property of Congress.

In general, House records are closed to the public for 30 years, and Senate records are closed for 20 years. Some sensitive congressional records may remain closed for 50 years. In some circumstances, however, Members and congressional staff may be able to access otherwise-restricted records. The House archivist or Senate archivist, respectively, offer guidance and assistance with access to archival records, as well as managing active records and papers.

NARA also stores other legislative-branch records, as well as pre-1789 legislative records. Separately, both NARA and the Library of Congress operate programs to capture and preserve public-facing congressional websites.

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Introduction

Congressional offices and committees receive, generate, and process many paper and digital files in the course of their work. The National Archives and Records Administration (NARA) and other repositories preserve some of this historical material. Preserving these materials helps ensure these historical records are available to inform future Congresses and researchers studying congressional history.

How and what materials are preserved varies because recordkeeping rules, policies, and practices vary by type of congressional office:

- Files in a Member’s office are considered the Member’s personal property. Members are not required to preserve papers or make them available to researchers, neither during their congressional service nor after leaving office. Some Members choose to donate their papers to an archive.
- Files in committee and administrative offices may be official records. The Clerk of the House and Secretary of the Senate transfer noncurrent House and Senate records to NARA every two years. Those files remain the property of Congress, and access to them is typically restricted for a period of 20, 30, or 50 years, depending on the document’s content and chamber of origin. Members and congressional staff may be able to access otherwise-closed records in some circumstances; the House archivist and Senate archivist can provide guidance and assistance.

This report seeks to assist congressional offices with frequently asked questions about

- the laws, rules, and customs that govern congressional records and Member papers in terms of ownership, preservation, and access;
- how to locate and access records at NARA’s Center for Legislative Archives and other archival repositories; and
- how to conduct historical research using archival records.

This report does not discuss published legislative documents—such as bills, committee reports, hearing transcripts, and the *Congressional Record*—that are available on Congress.gov or through the U.S. Government Publishing Office (GPO). For guidance on locating legislative documents, see CRS Report R43434, *Policy and Legislative Research for Congressional Staff: Finding Documents, Analysis, News, and Training*, by Sarah W. Caldwell, Ellen M. Lechman, and Michele L. Malloy.

Frequently Asked Questions

Background

What Are Archival Records?

In general, archival records are materials deemed worthy of long-term preservation “because of the enduring value contained in the information they contain or as evidence of the functions and

responsibilities of their creator.”¹ These can be handwritten manuscripts, printed documents, digital files, and other objects that are no longer in active use by their owners: individuals, families, businesses, governments, and other entities.

What Are Archival Records in the Congressional Context?

House and Senate offices process information in many print and digital formats daily. These may include correspondence, constituent casework, personnel records, internal memos, investigative material, maps, statistical data, and policy studies. Some of these files may be placed into storage when they are no longer in active use, preserved by archivists as historical evidence, and made available to researchers.

Published legislative documents such as bills, committee reports, hearing transcripts, and the *Congressional Record* are generally not archival records, and many copies exist in different formats and venues.²

What Laws, Rules, and Customs Govern the Records of Congress and Member Papers?

The Legislative Reorganization Act of 1946 established a requirement that, at the end of each Congress, the Clerk of the House and Secretary of the Senate collect “all of the noncurrent records of the Congress and of each committee thereof” and send them to the National Archives (now NARA) for safekeeping.³

Title 44, Section 2118, of the *U.S. Code* currently states,

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

In the House, Rule VII governs records. Among other things, it requires committee chairs and officers to transfer “any noncurrent records” to the Clerk of the House at the end of each Congress, and

The Clerk shall deliver the records ..., together with any other noncurrent records of the House, to the Archivist of the United States for preservation at the National Archives and Records Administration. Records so delivered are the permanent property of the House and remain subject to this rule and any order of the House.

In the Senate, Rule XI governs records, including a requirement that

The Secretary of the Senate shall obtain at the close of each Congress all the noncurrent records of the Senate and of each Senate committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate.

¹ “Archival records” in *A Glossary of Archival and Records Terminology*, by Richard Pearce-Moses (Chicago: Society of American Archivists, 2005), p. 28.

² For research guidance, see CRS Report R43434, *Policy and Legislative Research for Congressional Staff: Finding Documents, Analysis, News, and Training*, by Sarah W. Caldwell, Ellen M. Lechman, and Michele L. Malloy.

³ 60 Stat. 812.

These guidelines do not apply to materials in a Member's office, which "by custom and tradition" belong to that Member.⁴ In 2008, during the 110th Congress, the House and Senate adopted H.Con.Res. 307, which recognized that "by custom, these papers are considered the personal property of the Member who receives and creates them, and it is therefore the Member who is responsible to decide on their ultimate disposition."

The House in 2017 made this longstanding practice explicit in its rules:

Records created, generated, or received by the congressional office of a Member, Delegate, or the Resident Commissioner in the performance of official duties are exclusively the personal property of the individual Member, Delegate, or the Resident Commissioner and such Member, Delegate, or Resident Commissioner has control over such records.⁵

The 2008 concurrent resolution also expressed the sense that Members should "take all necessary measures to manage and preserve the Member's own Congressional papers," and

each Member of Congress should be encouraged to arrange for the deposit or donation of the Member's own noncurrent Congressional papers with a research institution that is properly equipped to care for them, and to make these papers available for educational purposes at a time the Member considers appropriate.⁶

The Federal Records Act (FRA) does not apply to Congress,⁷ nor does the Freedom of Information Act (FOIA).⁸

Who Owns Congressional Records and Member Papers?

The House and Senate retain ownership of the records from their committees and administrative offices, even after handing the files over to NARA for preservation and storage.⁹

Papers in a Member's office are considered the Member's personal property. If a Member chooses to donate its papers to an archival repository, the Member might prepare a *deed of gift* or other agreement transferring ownership and detailing terms of use and access.¹⁰

⁴ Karen Dawley Paul, "Congressional Papers and Committee Records: Private vs. Public Ownership," in *An American Political Archives Reader*, eds. Karen Dawley Paul, Glenn R. Gray, and L. Rebecca Johnson Melvin (Lanham, MD: The Scarecrow Press Inc., 2009), p. 89.

⁵ The House added this provision to Rule VII by adopting H.Res. 5 (115th Congress).

⁶ H.Con.Res. 307 (110th Congress).

⁷ 44 U.S.C. §2901(14). See also CRS Report R43072, *Common Questions About Federal Records and Related Agency Requirements*, by Meghan M. Stuessy and CRS In Focus IF11119, *Federal Records: Types and Treatments*, by Meghan M. Stuessy.

⁸ 5 U.S.C. §551(1)(A). See also CRS In Focus IF12301, *Congress and the Freedom of Information Act (FOIA)*, by Benjamin M. Barczewski and Meghan M. Stuessy.

⁹ James Wyatt (assistant director, Center for Legislative Archives), interview by CRS, March 1, 2023. See also National Archives and Records Administration (NARA), Center for Legislative Archives, *About Our Records*, at <https://www.archives.gov/legislative/research/about-our-records.html>: "The Center for Legislative Archives holds the historically valuable records of the U.S. House of Representatives and the U.S. Senate, including the official Committee records, all of which remain the legal property of the House and Senate."

¹⁰ "Deed of gift" in Pearce-Moses, *Glossary of Archival and Records Terminology*, pp. 108-109.

Where Can I Find Guidance on Managing Active Records and Papers?

House offices can contact the House archivist, in the Office of Art and Archives, for assistance with records management.¹¹ Handbooks—*Records Management Manual for Committees* and *Records Management Manual for Members*—are also available on the HouseNet intranet.

Senate offices can contact the Senate archivist, in the Senate Historical Office, for assistance with records management.¹² Handbooks are also available on the Webster intranet.¹³

Finding and Accessing Records and Papers

Where Are Congressional Records and Member Papers Stored?

The Center for Legislative Archives is in the National Archives building in Washington, DC.¹⁴ House and Senate records are stored there or in storage space at the GPO near the Capitol.¹⁵

Members' papers are located across the country at various archives and other institutions (see "How Can I Find Papers from Member Offices?").

How Can I Find Information About House Records?

NARA designates House records as Record Group 233.¹⁶

NARA's *Guide to the Records of the U.S. House of Representatives at the National Archives, 1789-1989* is the online version of a reference guide published when Congress marked its bicentennial.¹⁷

On the House website, *Researching the House: Official Records* contains background information; finding aids organized by Congress (1789-1981); and inventories for special, select, and joint committees.¹⁸

These resources are not comprehensive. Contact the Center for Legislative Archives, House historian, and House archivist for additional information.

How Can I Find Information About Senate Records?

NARA designates Senate records as Record Group 46.¹⁹

¹¹ House archivist may be contacted via archives@mail.house.gov or (202) 226-1300.

¹² Senate archivist may be contacted via historian@sec.senate.gov or (202) 224-6900.

¹³ Karen D. Paul (Senate archivist), email to CRS, March 15, 2023.

¹⁴ This building near the National Mall is often called *Archives I*, to distinguish it from NARA's larger *Archives II* facility in College Park, MD.

¹⁵ Wyatt, interview.

¹⁶ See *Records of the United States House of Representatives* in NARA's *Guide to Federal Records in the National Archives of the United States (Guide to Federal Records)*, available at <https://www.archives.gov/research/guide-fed-records/groups/233.html>.

¹⁷ Available at <https://www.archives.gov/legislative/guide/house>. The original was printed as H.Doc. 100-245: Charles E. Schamel et al., *Guide to the Records of the United States House of Representatives at the National Archives, 1789-1989: Bicentennial Edition*.

¹⁸ Available at <https://history.house.gov/Records-and-Research/House-Records/>.

¹⁹ See *Records of the United States Senate* in NARA's *Guide to Federal Records*, available at <https://www.archives.gov/research/guide-fed-records/groups/046.html>.

NARA's *Guide to the Records of the U.S. Senate at the National Archives* is, like its House counterpart, the online version of a guide from 1989.²⁰

On the Senate website, *Archives* has background on historical documents and photographs.²¹

These resources are not comprehensive. Contact the Center for Legislative Archives, Senate historian, and Senate archivist for additional information.

What Other Legislative Records Are Available at NARA?

NARA's Record Group 128 contains records from joint congressional committees.²² Additional information is available in Chapter 23 of the *Guide to the Records of the U.S. House of Representatives at the National Archives, 1789-1989*.²³

NARA's Record Group 360 contains records that predate the 1st Congress (1789-1791): the First Continental Congress in 1774, Second Continental Congress that began in 1775, "United States in Congress Assembled" that operated under the Articles of Confederation, and Constitutional Convention in 1787.²⁴

The Center for Legislative Archives holds records from legislative branch agencies and organizations, such as the Government Accountability Office (GAO) and the U.S. Capitol Police,²⁵ and commissions, including the National Commission on Terrorist Attacks Upon the United States (9/11 Commission).²⁶ It also has several special collections.²⁷

Are There Restrictions on Public Access to House and Senate Records at NARA?

Yes.²⁸

House Rule VII bars public access to most House records for 30 years. Some records remain closed for 50 years: investigative records, personnel records, and records related to closed hearings. The House and its committees can also set a different "time, schedule, or condition" for making certain records available to the public.²⁹

²⁰ Available at <https://www.archives.gov/legislative/guide/senate>. The original was printed as S.Doc. 100-42: Robert W. Coren et al., *Guide to the Records of the United States Senate at the National Archives, 1789-1989: Bicentennial Edition*.

²¹ Available at https://www.senate.gov/reference/reference_index_subjects/Archives_vrd.htm.

²² See *Records of Joint Committees of Congress* in NARA's *Guide to Federal Records*, available at <https://www.archives.gov/research/guide-fed-records/groups/128.html>.

²³ Available at <https://www.archives.gov/legislative/guide/house/chapter-23.html>.

²⁴ See *Records of the Continental and Confederation Congresses and the Constitutional Convention* in NARA's *Guide to Federal Records*, available at <https://www.archives.gov/research/guide-fed-records/groups/360.html>.

²⁵ See *Records of Legislative Branch Organizations*, available at <https://www.archives.gov/legislative/research/browse/legislative-organizations.html>.

²⁶ See *Records of the Legislative Commissions*, available at <https://www.archives.gov/legislative/research/browse/legislative-commissions.html>.

²⁷ See *Special Collections*, available at <https://www.archives.gov/legislative/research/special-collections>.

²⁸ See *Rules of Access*, an overview available at <https://www.archives.gov/legislative/research/rules-of-access.html>.

²⁹ The House adopted the 30-year rule in 1989 (101st Congress) with H.Res. 5, which incorporated language from H.Res. 419 (100th Congress). Previously, in 1953, the adoption of H.Res. 288 during the 83rd Congress had barred access to House records for a period of 50 years.

In addition, under Rule VII, records “may not be made available for public use ... if the Clerk determines that such availability would be detrimental to the public interest or inconsistent with the rights and privileges of the House.”

Most Senate records remain closed to the public for 20 years, with a 50-year delay for access to records dealing with investigations, personnel matters, and executive nominations. Under S.Res. 474 (96th Congress), Senate committees can set different timetables for the release of their records.³⁰

In addition, the Secretary of the Senate may “prohibit or restrict the public disclosure of any record” other than committee records “if he determines that public disclosure of such record would not be in the public interest.”³¹

The Center for Legislative Archives can facilitate access to records that are old enough to be open for research. However, before providing records to researchers, archivists must review them for personally identifiable information (PII) and other sensitive content, so researchers may contact the center ahead of time to discuss availability.³²

Can I See Restricted Records If I Am a Member or Congressional Staffer?

Maybe, in certain circumstances.³³ Members and staff can contact the House archivist or Senate archivist for guidance and assistance.³⁴

How Can I Find Papers from Member Offices?

Because files from Member offices are considered the Member’s personal property, their disposition is up to the Member. Some Members choose to donate their papers to archives, often an institution in their home state or one affiliated with a college or university they attended. Many other Members have opted not to make their papers available to researchers.

Research guidance is available on the House (*Researching Former Members of Congress*)³⁵ and Senate (*Senators’ Papers and Archives*)³⁶ websites.

The *Biographical Directory of the United States Congress* contains information about the location of Member papers and other relevant archival collections, when available, under the “Research Collections” tab on each profile.³⁷

³⁰ The 20-year rule dates to 1980, when the Senate adopted S.Res. 474 during the 96th Congress. Previously, a patchwork of different guidelines applied as “Senate committees ... made individual arrangements with the National Archives governing access. Some committees open[ed] the records at the time they transfer[ed] them. Others set a specific time period ranging from 10 to 20 years. Still others require[d] researchers to petition them on a case-by-case basis, regardless of the records’ age.” See U.S. Congress, Senate Committee on Rules and Administration, *Relating to Public Access to Senate Records at the National Archives*, report to accompany S.Res. 474, 96th Cong., 2nd sess., S.Rept. 96-1042, December 1, 1980, p. 2.

³¹ 96th Congress, S.Res. 474.

³² Wyatt, interview. Personal identifiable information (PII) can include Social Security numbers.

³³ For instance, House Rule VII states that a committee “may withdraw ... any record of the committee ... on a temporary basis and for official use of the committee.”

³⁴ Heather Bourk (House archivist), interview by CRS, March 7, 2023; Paul, email.

³⁵ Available at <https://history.house.gov/Records-and-Research/Archival-Research/Member-Resources/>.

³⁶ Available at <https://www.senate.gov/legislative/senate-archives/about-senators-papers.htm>.

³⁷ The *Biographical Directory of the United States Congress* is available at <https://bioguide.congress.gov>.

See also NARA's *Congressional Collections* directory,³⁸ and several older reference works:

- *A Guide to Research Collections of Former Members of the United States House of Representatives, 1789-1987*;³⁹
- *Guide to Research Collections of Former United States Senators, 1789-1995*;⁴⁰ and
- *Members of Congress: A Checklist of Their Papers in the Manuscript Division, Library of Congress*.⁴¹

How Can I Find Archived Congressional Websites?

Both NARA and the Library of Congress (LOC) preserve public-facing congressional websites.

The Center for Legislative Archives conducts a biennial “congressional web harvest” at the end of each Congress. The collection currently contains websites from the 109th Congress (2005-2006) through the 117th Congress (2021-2022).⁴²

LOC maintains a Legislative Branch Web Archive that goes back to September 2001⁴³ and a United States Congressional Web Archive that goes back to December 2002.⁴⁴ The Legislative Branch collection focuses on websites for legislative-branch agencies and party leaders. The Congressional collection contains Member and committee websites.

Research Guidance

What Should I Know About Conducting Research with Archival Records?

Archival research typically involves sifting through physical papers from a large number of boxes, skimming each page for relevant information. It can be a search for “needles in haystacks,”⁴⁵ complicated by the fact that the needles might not exist anymore.

Archival collections are incomplete by their nature, as “selection is an inescapable response to the massive, uncoordinated scale of records creation and the unprecedented diversity of their use.”⁴⁶ Gaps in collections may also reflect inconsistent records-management practices,⁴⁷ bias and blind

³⁸ Available at <https://www.archives.gov/legislative/repository-collections>.

³⁹ Printed as H.Doc. 100-171.

⁴⁰ Printed as S.Doc. 103-35.

⁴¹ A digitized version of this 1980 publication is available in the HathiTrust database at <https://hdl.handle.net/2027/uc1.31210024918268>.

⁴² Available at <https://www.archives.gov/legislative/research/web-harvest.html>.

⁴³ Available at <https://www.loc.gov/collections/legislative-branch-web-archive>.

⁴⁴ Available at <https://www.loc.gov/collections/united-states-congressional-web-archive>.

⁴⁵ Zachary M. Schrag, *The Princeton Guide to Historical Research* (Princeton, NJ: Princeton University Press, 2021), p. 189.

⁴⁶ Raymond Frogner, “Selection” in *Encyclopedia of Archival Science*, eds. Luciana Duranti and Patricia C. Franks (Lanham, MD: Rowman & Littlefield, 2015), pp. 373-377.

⁴⁷ Anna Kasten Nelson, “Disorder in the House: The Inaccessible Record,” *The Public Historian*, vol. 2, no. 4 (Summer 1980), pp. 73-83.

spots in selection criteria,⁴⁸ and the deliberate or inadvertent loss of documents.⁴⁹ For instance, British troops burned early House records in 1814, and archivists in the 1930s found Senate records damaged by mold and insects in damp storage rooms.⁵⁰

At the same time, archival collections can contain a huge amount of material in a variety of formats, and congressional collections in particular are “notorious for their bulk and complexity.”⁵¹ Boxes of archival material can be difficult to navigate, in part because the arrangement and description of records vary. Although the major categories of documents generated by congressional offices may be generally consistent, “each office is organized a bit differently, and the location within the files of any specific type of record varies.”⁵² It is unusual for finding aids or inventories to describe each item in a collection; folder- or box-level descriptions are more typical, and even that may be unavailable. Many archival records are not digitized, and most archives have backlogs of unprocessed material.⁵³

Are There Handbooks About How to Conduct Archival Research?

There are many written guides to conducting historical and archival research, including *Using Archives: A Guide to Effective Research*,⁵⁴ *Historical Research in Archives: A Practical Guide*,⁵⁵ and *Doing Archival Research in Political Science*.⁵⁶

Who Can Help Me with My Research?

The House’s Office of the Historian,⁵⁷ Senate Historical Office,⁵⁸ and NARA’s Center for Legislative Archives⁵⁹ are all potential sources of guidance and assistance for congressional history research.

⁴⁸ See “archival silence” in Society of American Archivists, *Dictionary of Archives Terminology*, available at <https://dictionary.archivists.org/entry/archival-silence.html>.

⁴⁹ Randall C. Jimerson, *Archives Power: Memory, Accountability, and Social Justice* (Chicago: Society of American Archivists, 2009), pp. 220-221.

⁵⁰ David R. Kepley, “Congressional Records in the National Archives,” *Prologue: Journal of the National Archives*, vol. 19, no. 1 (Spring 1987), pp. 25-26.

⁵¹ Linda A. Whitaker and Michael Lotstein, “Pulling Back the Curtain: Archives and Archivists Revealed,” in *Doing Archival Research in Political Science*, eds. Scott A. Frisch, Douglas B. Harris, Sean Q. Kelly, and David C.W. Parker (Amherst, NY: Cambria Press, 2012), p. 109.

⁵² Patricia Aronsson, “Appraising Modern Congressional Collections,” in Paul et al, *American Political Archives Reader*, p. 151.

⁵³ Larisa K. Miller, “All Text Considered: A Perspective on Mass Digitizing and Archival Processing,” *The American Archivist*, vol. 76, no. 2 (Fall/Winter 2013), p. 522.

⁵⁴ Laura Schmidt, *Using Archives: A Guide to Effective Research* (Chicago: Society of American Archivists, 2011). The text is available at <https://www2.archivists.org/usingarchives>.

⁵⁵ Samuel J. Redman, *Historical Research in Archives: A Practical Guide* (Washington: American Historical Association, 2013). The Library of Congress (LOC) catalog record is available at <https://lcn.loc.gov/2013017484>.

⁵⁶ Scott A. Frisch, Douglas B. Harris, Sean Q. Kelly, and David C.W. Parker (eds.), *Doing Archival Research in Political Science* (Amherst, NY: Cambria Press, 2012). The LOC catalog record is available at <https://lcn.loc.gov/2012003352>.

⁵⁷ House Office of the Historian can be reached at history@mail.house.gov or (202) 226-1300.

⁵⁸ Senate Office of the Historian can be reached at historian@sec.senate.gov or (202) 224-6900.

⁵⁹ NARA’s Center for Legislative Archives can be reached at legislative.archives@nara.gov or (202) 357-5350.

The Advisory Committee on the Records of Congress,⁶⁰ Association of Centers for the Study of Congress,⁶¹ and Congressional Papers Section of the Society of American Archivists⁶² are all involved in discussions related to congressional records and recordkeeping.

Members and congressional staff can also request research assistance from the Congressional Research Service.

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⁶⁰ See <https://www.archives.gov/legislative/cla/advisory-committee>.

⁶¹ See <https://congresscenters.org>.

⁶² See <https://www2.archivists.org/groups/congressional-papers-section>.