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The Presidential Records Act: An Overview

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The Presidential Records Act: An Overview

Presidential records provide Congress, members of the public, and researchers with documentation, context, and explanations for presidential actions. The Presidential Records Act (PRA; 44 U.S.C. §§2201-2209) set forth requirements regarding the maintenance, access, and preservation of presidential and vice presidential information during and after a presidency.

Amid ongoing litigation regarding the constitutionality of the PRA, this report describes the institutions involved in presidential recordkeeping, details the history of ownership of presidential records, explains what is and is not considered a presidential record, and identifies recordkeeping responsibilities and access policies during and after a presidency. The report concludes with information and policy options for congressional oversight and enforcement of the PRA with respect to electronic records provisions under the Presidential and Federal Records Act Amendments of 2014.

Prior to the PRA, records were considered the President’s private property, and the degree to which presidential records were maintained, preserved, or accessible was determined by the outgoing President on an ad hoc basis. Now, the PRA states that presidential records are the property of the United States. Under the PRA, the President may request advice and assistance from the National Archives and Records Administration (NARA) regarding records management practices, and the Archivist of the United States (the head of NARA) plays an important role in the maintenance of and access to a former President’s records.

The PRA does not establish automatic access to an incumbent President’s records, which may be protected by executive privilege on a case-by-case basis. However, the PRA does statutorily narrow an incumbent President’s ability to restrict records access as the Administration draws to a close. As the length of time between the conclusion of a presidency and the present day increases, presidential records become more accessible.

Access to a former President’s records is governed in terms of time passed since the conclusion of the presidency:

- Less than 5 years out, no public access is granted due to the Archivist’s processing of the records.
- Between 5 and 12 years out, the Archivist determines PRA restrictions with the former President in accordance with Title 44, Section 2204, of the *U.S. Code*.
- After 12 years, these PRA restrictions no longer apply.

Certain federal officials may access a former President’s records within the 12-year time frame by gaining “special access” to presidential records. The PRA permits either house of Congress, committees, or subcommittees requesting information for chamber or committee business to be granted special access to the former President’s records. In practice, observers have questioned what constitutes a House or Senate request for presidential records and who needs to make the request to qualify under the PRA. This statutory ambiguity may impact the ability of minority party members and general committee members to gain access to presidential records.

As a result of the Presidential and Federal Records Act Amendments of 2014 (P.L. 113-187), presidential records are assessed for preservation not by the media used to store the information but rather by the content of the information itself. Questions regarding the volume and completeness of records may be suitable for congressional consideration. Any delay in NARA’s processing of records may directly impact timely access to those records and the ability of NARA to comply with the PRA’s statutory directive to make records available as rapidly and completely as possible.

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Following his resignation as President, Richard Nixon wanted to destroy recordings created in the White House that, among other things, documented actions he and others took in response to investigations connected to a burglary in the Watergate building and his reelection campaign. Under policy at the time, presidential materials were considered the President's private property. In response, Congress passed a number of laws to preserve the integrity of documents and other information related to Nixon's presidency and made those laws applicable to all future presidencies.¹

Enacted in 1978, the Presidential Records Act (PRA; 44 U.S.C. §§2201-2209) established public ownership of records created by Presidents and their staff in the course of discharging their official duties. The PRA additionally established procedures for congressional and public access to presidential and vice presidential information and the preservation and public availability of such records at the conclusion of a presidency.²

This report provides context on the institutions involved in presidential recordkeeping, explains what is and is not considered to be a presidential record, and identifies recordkeeping responsibilities and access policies during and after a presidency. The report concludes with information and policy options for congressional oversight and enforcement of the PRA with respect to electronic records provisions under the Presidential and Federal Records Act Amendments of 2014 (P.L. 113-187).

On April 1, 2026, the Department of Justice (DOJ) Office of Legal Counsel issued a memorandum opinion for the Counsel to the President asserting that the PRA is unconstitutional and therefore "the President need not further comply with its dictates."³ In response, several organizations have sued to compel the Trump Administration to fulfill the recordkeeping responsibilities described in the PRA.⁴ On May 20, 2026, the U.S. District Court for the District of Columbia preliminarily ordered the Administration to comply with the PRA while the court hears the case.⁵

While the PRA provides similar provisions for records created by the Vice President, this report focuses on presidential records. Information on the Federal Records Act (FRA; 44 U.S.C. Chapters 21, 29, 31, and 33), more broadly, is available in 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.

¹ David S. Ferriero, "NARA's Role Under the Presidential Records Act and the Federal Records Act," *Prologue Magazine*, Summer 2017, <https://www.archives.gov/publications/prologue/2017/summer/archivist-pra-fra>.

² U.S. Congress, House Committee on Government Operations, *Presidential Records Act of 1978*, 95th Cong., 2nd sess., August 14, 1978, H. Rept. 95-1487, p. 2.

³ Constitutionality of the Presidential Records Act, 50 Op. O.L.C. (Apr. 1, 2026) (slip op. at 51, 52), <https://www.justice.gov/olc/media/1434131/dl>. For more information about the Office of Legal Counsel opinion, see CRS Legal Sidebar LSB11432, *Congressional Authority to Regulate Presidential Recordkeeping*, by Todd Garvey.

⁴ See American Historical Association (AHA), "AHA Files Lawsuit to Defend the Presidential Records Act," press release, April 7, 2026, <https://www.historians.org/news/aha-files-lawsuit-to-defend-the-presidential-records-act/> and Lauren Harper, "FPF Seeks Emergency Injunction to Save Presidential Records," Freedom of the Press Foundation, May 17, 2026, <https://freedom.press/the-classifieds/fpf-seeks-emergency-injunction-to-save-presidential-records/>.

⁵ *American Historical Association v. Trump*, No. 26-1169 (D.D.C. May 20, 2026) (order granting preliminary injunction).

The Institutions

The PRA governs the records of the President, Vice President, and certain components of the Executive Office of the President (EOP).⁶ The PRA specifies roles and responsibilities for the management and enforcement of presidential records policy to the President, the National Archives and Records Administration (NARA), and DOJ.

The PRA requires the President to take “all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of the President’s constitutional, statutory, or other official or ceremonial duties are adequately documented.”⁷ The President is further directed to implement records management controls to accomplish these ends and may consult NARA and DOJ on how to best comply with the statute.

NARA preserves selected government records, oversees recordkeeping throughout the government, and makes government records publicly available pursuant to the PRA and other authorities.⁸ NARA provides advice and assistance to the White House on records management practices upon request, throughout a presidential transition and a presidency, and to former Presidents.⁹ The PRA details which presidential records and materials NARA is to assume responsibility for at the conclusion of a President’s Administration. The PRA requires the head of NARA, the Archivist of the United States, to consult with Congress and particular congressional committees on requests for the disposal of such records deemed to be of special congressional interest.

DOJ provides guidance to the executive branch on how to comply with the legal requirements of government information policy, of which records-maintenance policy, including presidential records, is a part. Additionally, the Archivist and the Attorney General jointly investigate the unlawful removal or destruction of government and presidential records.¹⁰

Ownership of Presidential Records

Public ownership of presidential records was not explicitly provided in statute prior to the Presidential Recordings and Materials Preservation Act (PRMPA; P.L. 93-526) and the PRA.¹¹ Previous Presidents, acting on the assumption that their presidency’s materials were personal property, would add the collections to family archives, university libraries, or other institutions.¹² In 1938, President Franklin D. Roosevelt announced his intention to create a new type of facility to house his presidential papers in order to preserve and provide public access to the historical

⁶ Details on components of the Executive Office of the President that create presidential records versus federal records are provided in the “Creators of Presidential Records” section.

⁷ 44 U.S.C. §2203(a).

⁸ 36 C.F.R. §1220.10. Selected additional authorities include those under FRA (44 U.S.C. Chapters 21, 29, 31, and 33) and the Freedom of Information Act (FOIA; 5 U.S.C. §552). FOIA for the purposes of the PRA is discussed in “Restricted Access to Presidential Records.”

⁹ Ferriero, “NARA’s Role Under the Presidential Records Act and the Federal Records Act.”

¹⁰ 44 U.S.C. §3106. For a brief discussion of the President’s records management responsibilities and issues related to preservation and disposal of records, see CRS In Focus IF12056, *Presidential Records Management: Preservation and Disposal*, by Meghan M. Stuessy.

¹¹ This section details the administrative practices of preserving presidential materials. For discussion of the 2026 Department of Justice (DOJ) Office of Legal Counsel opinion, see CRS Legal Sidebar LSB11432, *Congressional Authority to Regulate Presidential Recordkeeping*, by Todd Garvey.

¹² H. G. Jones, *The Records of a Nation: Their Management, Preservation, and Use* (Atheneum, 1969), p. 147.

materials.¹³ At the time, these materials were considered to be the property of the former President.¹⁴ NARA notes that the 1930s were marked by a dramatic increase in the volume of presidential papers, leading President Roosevelt to seek the advice of historians and others on how to preserve such papers.¹⁵ In 1939, Congress passed a joint resolution permitting the Archivist to accept these materials from President Roosevelt as a gift “for and in the name of the United States.”¹⁶ In his remarks at the library’s 1941 opening, President Roosevelt commented on the importance of keeping presidential materials safe, stating his intention that the library serve as “proof – if any proof is needed – that our confidence in the future of democracy has not diminished in this Nation and will not diminish.”¹⁷

Similarly, upon the establishment of the Harry S. Truman Library under the 1955 Presidential Libraries Act (P.L. 84-373), President Truman remarked that “[t]his Library will belong to the people of the United States. My papers will be the property of the people and be accessible to them. And this is as it should be. The papers of the Presidents are among the most valuable sources of material for history. They ought to be preserved, and they ought to be used.”¹⁸ Commenting on the importance of maintaining the context of presidential decisionmaking for the historical record, President Dwight D. Eisenhower observed that “[j]ust as no political program can be carried out in a vacuum, so can no record or history of that time be properly portrayed except with a background of the events and the times in which they lived.”¹⁹ Although successive Presidents agreed on the importance of providing presidential materials for public use after the conclusion of an Administration, prior to 1978 and the PRA, the law did not provide a mechanism for inspecting the completeness of the records being gifted to the people of the United States.

President Lyndon B. Johnson attested in 1971 that “[t]here is no record of a mistake, nothing critical, ugly, or unpleasant that is not included” in the LBJ Presidential Library & Museum’s files.²⁰ At the time of the LBJ Library’s establishment, the process of donating materials rested on an unspoken understanding that the former President would provide materials that would be of interest to the public. Three years later, this understanding was tested upon President Richard Nixon’s resignation in 1974.

¹³ National Archives and Records Administration (NARA), “Presidential Libraries: Frequently Asked Questions,” April 15, 2026, <https://www.archives.gov/presidential-libraries/about/frequently-asked-questions>.

¹⁴ For example, President Theodore Roosevelt wrote to George Herbert Putnam, Librarian of Congress, about his “great mass of papers” and the preservation of these materials: “If I sent them to you, could they be catalogued and arranged, and permission given to me, or any of my representatives, to examine them at any time, with a clear understanding that no one else was to see them until after my death?” For more, see Brigit Katz, “Library of Congress Digitizes Its Huge Trove of Teddy Roosevelt Papers,” *Smithsonian Magazine*, October 19, 2018, <https://www.smithsonianmag.com/smart-news/library-congress-digitizes-its-huge-trove-teddy-roosevelt-papers-180970583/>.

¹⁵ Franklin D. Roosevelt Presidential Library and Museum, *Press Conference #508, (Special), Held in the President’s Study at the White House Proper*, December 10, 1938, p. 42, http://www.fdrlibrary.marist.edu/_resources/images/pc/pc0073.pdf.

¹⁶ 53 Stat. 1063. See Sections 202 and 203.

¹⁷ Franklin D. Roosevelt Presidential Library and Museum, “Dedication,” <https://www.fdrlibrary.org/dedication>.

¹⁸ Harry S. Truman Library and Museum, “History of the Truman Library & Museum,” <https://www.trumanlibrary.gov/about/history>.

¹⁹ Dwight D. Eisenhower Presidential Library, Museum & Boyhood Home, “Eisenhower Library Dedication, Abilene, Kansas, May 1, 1962,” in *Post-Presidential Speeches*, p. 47, https://www.eisenhowerlibrary.gov/sites/default/files/file_post_presidential_speeches.pdf.

²⁰ LBJ Presidential Library & Museum, “Remarks of President Johnson at the LBJ Library Dedication, May 22, 1971,” <https://www.lbjlibrary.org/object/text/remarks-president-johnson-lbj-library-dedication-05-22-1971>.

Presidential Recordings and Materials Preservation Act of 1974

Shortly after his resignation in August 1974, President Nixon entered into an agreement with General Services Administrator Arthur Sampson concerning the ownership and control over Nixon Administration materials.²¹ The Nixon-Sampson Agreement, as it came to be known, controversially permitted President Nixon to destroy tape recordings of conversations in the White House and Executive Office Building—including the Watergate tapes—after 10 years or in the event of his death, whichever came first.²²

In response, Congress debated and passed in fall 1974 the PRMPA, which was signed into law by President Gerald R. Ford in December 1974.²³ In its corresponding report, the Committee on House Administration wrote that the Nixon-Sampson Agreement allows President Nixon to destroy materials and “ignores the public interest in preserving them.” The report further states that the agreement also “ignores the needs of Congress and executive agencies for continued use of the documents in the process of government. And it ignores the needs of historians, political scientists, and other scholars for the information these materials contain on the events of recent years and the workings of our government.”²⁴

The PRMPA required the Administrator of the General Services Administration to receive and retain, and make reasonable efforts to obtain, “complete possession and control” of all presidential materials covering the Nixon Administration from January 1969 to August 1974.²⁵ The PRMPA marks a key development in changing the ability of a former President to determine which materials remain his property to the present understanding that all presidential materials are to be preserved to serve the needs of the federal government and future researchers.²⁶

²¹ At the time of the Nixon-Sampson Agreement, NARA was a subordinate agency within the General Services Administration (GSA). NARA was reestablished as a separate agency in 1985. For more information, see John W. Carlin, “NARA Marks Twentieth Anniversary of Independence Legislation,” *Prologue Magazine*, vol. 36, no. 3 (Fall 2004), <https://www.archives.gov/publications/prologue/2004/fall/archivist.html>.

²² Letter from Richard Nixon to Arthur F. Sampson, Administrator, GSA, September 6, 1974, <https://catalog.archives.gov/id/7335978>, p. 4 (concerning donation of presidential materials to the United States). See also Jessie Kratz, “More than Watergate: The Nixon-Sampson Agreement,” NARA (blog), September 5, 2024, <https://prologue.blogs.archives.gov/2024/09/05/more-than-watergate-the-nixon-sampson-agreement/>.

²³ P.L. 93-526.

²⁴ U.S. Congress, House Committee on House Administration, *Presidential Recordings and Materials Preservation Act*, report to accompany S. 4016, 93rd Cong., 2nd sess., November 27, 1974, H. Rept. 93-1507, p. 3. The report also writes of the Nixon-Sampson Agreement that it

provides that the materials are to be transferred to California for deposit in a GSA facility for at least three years until a permanent depository may be established. The cost of storage is to be assumed by the Federal Government. Access to the materials would be controlled by Mr. Nixon, who would have absolute veto power over persons who could review the tapes and records. . . . This arrangement would permit Mr. Nixon to remove and destroy any of these documents if he wishes to do so.

²⁵ P.L. 93-526, 88 Stat. 1695.

²⁶ In *Nixon v. Administrator of General Services*, the Supreme Court opinion wrote

[a]n incumbent President should not be dependent on happenstance or the whim of a prior President when he seeks access to records of past decisions that define or channel current governmental obligations. Nor should the American people’s ability to reconstruct and come to terms with their history be truncated by an analysis of Presidential privilege that focuses only on the needs of the present. Congress can legitimately act to rectify the hit-or-miss approach that has characterized past attempts to protect these substantial interests by entrusting the materials to expert handling by trusted and disinterested professionals.

Nixon v. Administrator of General Services, 433 U.S. 425, 452-453 (1977).

Presidential Records Act of 1978

Although the PRMPA answered the immediate question of whether and how to preserve Nixon Administration materials, questions remained regarding whether the existing arrangement permitting former Presidents to donate their materials with minimal oversight or inspection for completeness should continue. To answer the question about how to treat presidential materials moving forward, in July 1978, Congress introduced and debated the text of what would become the PRA in November of the same year. In the corresponding House report, the Committee on Government Operations wrote that the PRA's two purposes were "(1) to establish the public ownership of records created by future Presidents and their staffs in the course of discharging their official duties; and (2) to establish procedures governing the preservation and public availability of these records at the end of a Presidential administration."²⁷

The committee report also characterizes the PRA's provisions as belonging to three categories:

1. definition and declaration of ownership of presidential records,
2. public access to presidential records after the conclusion of a presidency, and
3. records management procedures during and after a President's term.²⁸

Discussion of the PRA's provisions continues throughout the remainder of this report.

Defining *Presidential Records*

The PRA defines *presidential records* as

documentary materials, or any reasonably segregable portion thereof, created or received by the President, the President's immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term—

(A) includes any documentary materials relating to the political activities of the President or members of the President's staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.²⁹

²⁷ U.S. Congress, House Committee on Government Operations, *Presidential Records Act of 1978*, report to accompany H.R. 13500, 95th Cong., 2nd sess., August 14, 1978, H. Rept. 95-1487, p. 2. The report also cites H. G. Jones in "The Records of a Nation" as explaining the importance of public ownership of presidential materials:

To recognize the constitutional independence of the Presidency is not to establish a sound premise for the conclusion that presidential records are the private property of the incumbent, whether in or out of office. On the contrary, it would seem that if any proposition collides with constitutional principles it is that the President should be exempted from the legal obligation that rests upon other officials in government to protect and refrain from appropriating to personal use records produced or received into custody by virtue of the exercise of a public office. To assume otherwise would be to vest in the highest office of the land, or in his heirs or descendants, the right to sell, to destroy, to disclose, to refuse to disclose, or otherwise to dispose of documents of the highest official nature involving information that, if improperly, prematurely, or irresponsibly revealed, could not only wreck private lives, but also endanger the security of the nation.

²⁸ U.S. Congress, House Committee on Government Operations, *Presidential Records Act of 1978*, report to accompany H.R. 13500, 95th Cong., 2nd sess., August 14, 1978, H. Rept. 95-1487, p. 3.

²⁹ 44 U.S.C. §2201(2).

This definition of *presidential records* is distinct from federal records and excludes a President’s personal records.³⁰ Unlike federal records, which may be considered temporary or permanent records depending on their content, all presidential records are considered permanent records due to their permanent value and, as a result, should be maintained in perpetuity by the federal government, subject to some limitations described below.³¹ A President’s personal records—identified in the PRA as documents “of a purely private or nonpublic character”—are excluded from preservation requirements.³²

As a result of the Presidential and Federal Records Act Amendments of 2014, all government records (both presidential and federal) are assessed for preservation not by the media used to store the information but rather by the content of the information itself.³³ In the PRA’s case, *documentary materials*, of which presidential records are a part, includes “all books, correspondence, memoranda, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio and visual records, or other electronic or mechanical recordations, whether in analog, digital, or any other form.”³⁴ If the content of any documentary material meets the criteria of a presidential record, the information must be preserved according to the PRA regardless of the information’s format.³⁵

Presidential records are additionally protected and restricted from public consumption for a set period of time. Because of these additional restrictions on presidential records versus federal records, it is important to identify which organizations within the EOP create presidential records instead of federal records. Furthermore, the time during a President’s life in which the documents are created may help differentiate between personal, private records and presidential records.

Creators of Presidential Records

As defined in statute, the President and the President’s immediate staff create presidential records. In addition, certain EOP components create presidential records, while others create federal records. The difference in statutory application between these components may have implications for access to their records. According to NARA, EOP components considered to “solely advise and assist the President” and therefore create presidential records include

- The White House Office,
- The Office of the Vice President,
- The Office of Policy Development,
- The Council of Economic Advisors,
- The National Security Council,
- The President’s Foreign Intelligence Advisory Board,

³⁰ 44 U.S.C. §2201(3).

³¹ 36 C.F.R. §1220.18. For more information about temporary and permanent records requirements, see CRS In Focus IF11119, *Federal Records: Types and Treatments*, by Meghan M. Stuessy.

³² 44 U.S.C. §2201(3).

³³ P.L. 113-187.

³⁴ 44 U.S.C. §2201(1).

³⁵ For additional information on the scope of intended social and digital media record capture in the Trump Administration, see Stefan C. Passatino, *FW: Compliance Reminder; Presidential Records Act*, Office of the White House Counsel, October 2, 2017, <https://www.archives.gov/files/foia/Passantino%20Email%20of%20redacted.pdf>.

- The President’s Intelligence Oversight Board,
- The National Economic Council, and
- The Office of Administration.

Conversely, NARA has identified EOP components that create federal records and *not* presidential records as follows:

- The Office of Management and Budget,
- The Office of the United States Trade Representative,
- The Council on Environmental Quality,
- The Office of Science and Technology Policy, and
- The Office of National Drug Control Policy.³⁶

Presidential Versus Personal Records

The PRA distinguishes between a President’s personal records and presidential records. Personal records of a purely private or nonpublic character include such things as diaries or journals but also include (1) materials relating exclusively to the President’s own election and to the election of a particular individual or individuals to federal, state, or local office that “have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President” and (2) materials relating to private political associations.³⁷ Because personal records are not presidential records, they are not subject to the same materials retention or access requirements.³⁸

Presidential Transition Materials

Records created by the President-elect and his transition team prior to inauguration are considered personal records. NARA also notes, “To the extent that these records are received and used after the inauguration by the incoming Presidential Administration, they may become Presidential or Federal records. Former Presidents have traditionally donated these personal transition records to [NARA] for deposit in their Presidential Library.”³⁹

During the 2016 election cycle, NARA issued additional guidance relating to President-elect transition team materials where it specified how the PRA would govern such materials. As the statute makes clear, materials relating to the President’s own election (e.g., campaign materials) are not considered presidential records. Similarly, transition team materials are considered personal and private, not presidential records. In instances where the transition team receives briefing materials from a federal agency, however, the briefing materials are considered federal records of the briefing agency and maintained accordingly.⁴⁰

³⁶ NARA, *Guidance on Presidential Records*, p. 5, <https://www.archives.gov/files/presidential-records-guidance.pdf>.

³⁷ 44 U.S.C. §2201(3).

³⁸ In addition to the statutory text of 44 U.S.C. §2201, DOJ has provided some guidance on what constitutes personal records, albeit in the context of federal, not presidential, records. The guidance is located at DOJ, Office of Information Policy, *FOIA Update: OIP Guidance: “Agency Records” vs. “Personal Records,”* January 1, 1984, <https://www.justice.gov/oip/blog/foia-update-oip-guidance-agency-records-vs-personal-records>.

³⁹ NARA, *Guidance on Presidential Records*, p. 5.

⁴⁰ Laurence Brewer, Memorandum to Federal Agency Records Officers: Guidance Relating to President-Elect Transition Team Materials, NARA, November 16, 2016, <https://www.archives.gov/records-mgmt/memos/ac09-2017>.

Who Decides If Information Is a Presidential Record?

While statute allows for materials relating to campaign events and private political associations to be considered personal records so long as the materials have no relation to or direct effect upon the carrying out of the President's various duties, critically, the President has a high degree of discretion over what materials are to be preserved under the PRA.

NARA does not have direct oversight authority over the White House records program as it does over federal agencies' records programs. Instead, NARA "provides advice and assistance to the White House on records management practices upon request," which would appear to give the President discretion over which materials might be included under the PRA.⁴¹ As noted previously, whether these records are classified as presidential or personal records affects public and congressional access to such materials. For example, the PRA does not provide an access mechanism for personal records.

Improper Disposal Investigations and Penalties

In the event of potentially unlawful removal or destruction of government records, Title 44, Section 3106(a), of the *U.S. Code* requires the head of a federal agency to notify the Archivist. The agency head must also initiate action, with the Archivist's assistance, through the Attorney General for the possible recovery of such records.⁴² In the event the agency head does not notify the Archivist, under Section 3106(b) the Archivist shall request the Attorney General initiate action to recover the records, and the Archivist will notify Congress when such a request is made. The Archivist is not authorized to independently investigate any removal or recover records.⁴³

Thus, investigation of alleged unlawful removal or destruction of government and presidential records requires the joint cooperation of NARA and DOJ. However, the statute makes agency heads accountable for agency records programs. In the case of presidential records, where the President functions as the agency head, the President would be responsible for notifying the Archivist in the event of unlawful removal or destruction of government records. Unlike the relationship between the Archivist and other agency heads, the relationship of the Archivist to the President may raise questions about the ability of the Archivist to initiate an investigation.

Anyone found guilty of "willfully and unlawfully" concealing, removing, mutilating, obliterating, destroying, or attempting to do any such action against a record can be fined and imprisoned for up to three years.⁴⁴ Anyone holding federal office who is convicted of this crime, in addition to fines and possible imprisonment, can lose his or her position and be disqualified from holding federal office in the future.

⁴¹ Ferriero, "NARA's Role Under the Presidential Records Act and the Federal Records Act."

⁴² For a brief discussion of presidential records management as it relates to preservation and disposal, see also CRS In Focus IF12056, *Presidential Records Management: Preservation and Disposal*, by Meghan M. Stuessy.

⁴³ 44 U.S.C. §3106. NARA provides information on missing records and efforts to retrieve materials at <https://www.archives.gov/research/recover/help-recover.html>.

⁴⁴ Under Title 18, Section 2071, of the *U.S. Code*, anyone found guilty of "willfully and unlawfully" concealing, removing, mutilating, obliterating, destroying, or attempting to do any such action against a record can be fined and imprisoned for up to three years. In addition to fines and possible imprisonment, anyone holding federal office who is convicted of this crime can lose his or her position and be disqualified from holding federal office in the future.

Custody and Control of Presidential Records

Policies concerning the custody of presidential materials inform the way such information is controlled, accessed, and released during and after a President's time in office. Prior to the PRA's enactment, presidential papers were traditionally the private property of the President, who would then donate the materials to institutions for public consumption. The PRA fundamentally changed the status of presidential records as publicly owned materials.⁴⁵

The PRA is explicit: "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."⁴⁶ In passing the PRA, Congress required that "public access to the materials would be consistent under standards fixed in law."⁴⁷ The PRA provides records-maintenance requirements and permissions depending on whether a presidency is in progress or has concluded.

During a Presidency

During a presidency, the incumbent President is exclusively responsible for custody, control, and access to presidential records, and the Archivist may maintain and preserve the records on behalf of the President.⁴⁸ While the PRA establishes the President's responsibility, NARA notes that the agency is available for the President to consult with regarding records management practices upon request, although the PRA does not require such a consultation.⁴⁹

Disposal of Presidential Records

An incumbent President also has authority under the PRA to seek the disposal of records, which routinely occurs with temporary records under the Federal Records Act.⁵⁰ All presidential records are initially considered permanent records,⁵¹ but the PRA provides a process for the incumbent President to seek a change in the disposal schedule of the President's own records by obtaining the Archivist's written approval.

Additionally, such presidential records may be disposed of if the President submits copies of the intended disposal schedule to (a) the Senate Committee on Rules and Administration and the Senate Committee on Homeland Security and Governmental Affairs, and (b) the House Committee on Oversight and Government Reform (now the House Committee on Oversight and Reform) and the House Committee on Government Operations (now the House Subcommittee on Government Operations) at least 60 calendar days before the proposed disposal date.⁵²

⁴⁵ The PRA applies only to presidential records created on or after January 20, 1981. As a result, presidential records created since President Ronald Reagan are owned by the United States. Portions of President Nixon's records are also owned by the United States, per the Presidential Recordings and Materials Preservation Act at 44 U.S.C. §2111 note.

⁴⁶ 44 U.S.C. §2202.

⁴⁷ U.S. Congress, House Committee on Government Operations, *Presidential Records Act of 1978*, 95th Cong., 2nd sess., August 14, 1978, H.Rept. 95-1487, p. 2.

⁴⁸ 44 U.S.C. §2203(f).

⁴⁹ Ferriero, "NARA's Role Under the Presidential Records Act and the Federal Records Act."

⁵⁰ 36 C.F.R. §1270.30.

⁵¹ Ferriero, "NARA's Role Under the Presidential Records Act and the Federal Records Act."

⁵² 44 U.S.C. §2203(d). The statute requires these 60 days to occur when Congress is in continuous session. The section specifies that "continuity of session is broken only by an adjournment of Congress sine die, and the days on which (continued...)"

If the Archivist considers the identified records in the President’s proposed disposal schedule to be of special interest to Congress or that consultation with Congress is necessary to assess the disposal request, the Archivist shall request the advice of the listed committees.

After a Presidency

After a presidency, the responsibility for the custody, control, preservation of, and access to presidential records shifts to the Archivist.⁵³ Additionally, statute requires the Archivist to make the former President’s records publicly available as rapidly and as completely as possible.

The PRA does not provide the former President with a process for disposing of presidential records after leaving office. In contrast to the disposal request process for incumbent Presidents, the Archivist may dispose of a former President’s presidential records if they are deemed by the Archivist to have insufficient value to warrant their continued preservation. The Archivist must publish a notice in the *Federal Register* at least 60 days in advance of the proposed disposal date.⁵⁴

Designating a Presidential Library

Because the United States owns all presidential records, a former President must seek the Archivist’s permission to display presidential records in a different facility, such as a presidential library. The Archivist is directed to deposit all of the former President’s records in a presidential archival depository⁵⁵ or another federal archival facility 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.⁵⁶ Presidential libraries are not constructed using federal funds but are operated and maintained by NARA through its budget.⁵⁷

There is no statutory requirement to construct a library for a former President, nor is there a requirement for a President to request the transfer of physical records to such a facility. In the case of former President Barack Obama, for example, NARA and the Obama Foundation have agreed to provide digital copies of the President’s records to the Barack Obama Presidential Library while keeping the original physical and digital records in existing NARA facilities.⁵⁸

either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the days in which Congress is in continuous session.”

⁵³ 44 U.S.C. §2208.

⁵⁴ 44 U.S.C. §2203(g)(4).

⁵⁵ All presidential records in federal presidential libraries dedicated to the records of previous presidential Administrations not covered by the PRA (Herbert Hoover through Jimmy Carter) are materials donated to the libraries’ collections. Those records are released according to the dictates of the applicable President (if living) or the dictates of the families of the former President (if deceased). For more information on presidential libraries, see CRS Report R41513, *The Presidential Libraries Act and the Establishment of Presidential Libraries*, by Wendy Ginsberg, Erika K. Lunder, and Daniel J. Richardson, which is available to congressional clients upon request.

⁵⁶ 44 U.S.C. §2203(g)(2).

⁵⁷ NARA, “Learn about Presidential Libraries: Frequently Asked Questions,” <https://www.archives.gov/presidential-libraries/about/faqs.html>.

⁵⁸ NARA, “National Archives Announces a New Model for the Preservation and Accessibility of Presidential Records,” press release, May 3, 2017, <https://www.archives.gov/press/press-releases/2017/nr17-54>. See also NARA, Barack Obama Presidential Library, “About the Library,” <https://www.obamalibrary.gov/about-us>.

Restricted Access to Presidential Records

The PRA does not establish automatic access for an incumbent President's records, which may be protected by executive privilege on a case-by-case basis.⁵⁹ However, the PRA does statutorily narrow an outgoing President's ability to restrict records access. As the length of time between the conclusion of a presidency and the present day increases, presidential records become more accessible.⁶⁰

Access to a former President's records is governed in terms of time passed since the conclusion of the presidency:

- Less than 5 years out, no public access is granted due to the Archivist's processing of the records.
- Between 5 and 12 years out, the Archivist determines PRA restrictions in accordance with Title 44, Section 2204, of the *U.S. Code* with the former President.
- After 12 years, these PRA restrictions no longer apply.

The Freedom of Information Act (FOIA; 5 U.S.C. §552) governs the public release of government information, including presidential records.⁶¹ Throughout these time periods, FOIA exemptions (for example, information that is prohibited from disclosure by another federal law) may additionally restrict records access. However, records created by a former President are not subject to FOIA's (b)(5) deliberative process exemption (which incorporates the deliberative process, executive, and attorney-client privileges, among others).⁶²

The PRA permits the outgoing President to restrict access to six categories of presidential records for specified durations of time, not to exceed 12 years. The records categories for which a former President can restrict access include

1. Records described in an executive order⁶³ as in the interest of national defense or foreign policy or are otherwise classified documents,
2. Records relating to appointments to federal office,
3. Records specifically exempted from disclosure by statute,
4. Records that contain trade secrets and commercial or financial information,
5. Records of confidential communications requesting or submitting advice between the President and the President's advisers or between such advisers, and
6. Records of personnel and medical files whose disclosure would constitute an invasion of personal privacy.⁶⁴

⁵⁹ For more information on access for congressional oversight purposes, see CRS Report RL30240, *Congressional Oversight Manual*, coordinated by Ben Wilhelm, Todd Garvey, and Christopher M. Davis.

⁶⁰ NARA, *Guidance on Presidential Records*, p. 12.

⁶¹ NARA's Office of Government Information Services (OGIS) helps resolve disputes regarding whether or not information should be released. Additionally, the DOJ Office of Information Policy and OGIS jointly provide information on and oversee FOIA's implementation.

⁶² 44 U.S.C. §2204(c)(1). For more information on FOIA, see CRS Report R41933, *The Freedom of Information Act (FOIA): Background, Legislation, and Policy Issues*, by Meghan M. Stuessy.

⁶³ Presidents have updated the executive order guiding this exemption over time. The current executive order is Executive Order 13489 of January 21, 2009, "Presidential Records," 74 *Federal Register* 4669, January 26, 2009.

⁶⁴ 44 U.S.C. §2204.

After the expiration of the 12-year period, under Executive Order 13489, incumbent and former Presidents must be notified of the Archivist's intent to disclose materials at least 30 days in advance of the release of the records.⁶⁵ Prior to this release, incumbent and former Presidents may assert a claim of executive privilege over certain presidential records, thereby limiting public access. If an incumbent President invokes a claim of executive privilege over the release of a former President's records, the Attorney General and the Counsel to the President shall review and decide whether the invocation of executive privilege is justified.

Similarly, if a former President invokes a claim of executive privilege, the current Archivist, Attorney General, and Counsel to the President are to confer and determine whether to honor the former President's claim of executive privilege. The incumbent President may extend the time period to withhold the records and is to provide a reason for the extension.⁶⁶

Exceptions to Restricted Access of a Former President's Records

Certain federal officials may access a former President's records within the 12-year time frame by gaining "special access" to presidential records. Per the PRA:

[S]ubject to any rights, defenses, or privileges which the United States or any agency or person may invoke, Presidential records shall be made available—

(A) pursuant to subpoena or other judicial process issued by a court of competent jurisdiction for the purposes of any civil or criminal investigation or proceeding;

(B) to an incumbent President if such records contain information that is needed for the conduct of current business of the incumbent President's office and that is not otherwise available; and

(C) to either House of Congress, or, to the extent of matter within its jurisdiction, to any committee or subcommittee thereof if such records contain information that is needed for the conduct of its business and that is not otherwise available.⁶⁷

Observers have questioned what constitutes a House or Senate request for presidential records and who needs to make the request for the records for it to qualify under Section 2205(C). NARA explains that its "longstanding and consistent practice has been to respond only to requests from the Chair of Congressional Committees, regardless of which political party is in power."⁶⁸ This practice as a result of statutory ambiguity may impact the ability of minority party members or general committee members to gain access to presidential records.

Issues for Congress: Enforcement of the PRA

The PRA's effectiveness relies on its ability to be enforced, both in terms of accessing presidential records for oversight purposes through the mechanisms described in statute and in terms of maintaining the records themselves so that they may be accessed. In light of the Presidential and

⁶⁵ The 30-day review period is identical to the review period established by President Ronald Reagan in Executive Order 12667 of January 18, 1989, "Presidential Records," 54 *Federal Register* 3403, January 23, 1989.

⁶⁶ Executive Order 13489 of January 21, 2009, "Presidential Records," 74 *Federal Register* 4669-4670, January 26, 2009.

⁶⁷ 44 U.S.C. §2205.

⁶⁸ NARA, "National Archives Works to Release Records Related to Judge Kavanaugh," NARA, August 15, 2018, <https://www.archives.gov/news/articles/archives-staff-release-records-related-to-judge-kavanaugh>. For more discussion about the ability of Congress to access executive branch information and the intersection between Congress and FOIA, see CRS In Focus IF12301, *Congress and the Freedom of Information Act (FOIA)*, by Benjamin M. Barczewski and Meghan M. Stuessy.

Federal Records Act Amendments of 2014 requirement to collect presidential records regardless of their media but based on their content, questions regarding the volume and the meaning of an electronic record's completeness are creating policy implications that may be suitable for congressional consideration. Additionally, the prevalence of digital formats raises new administrative considerations regarding the transfer of presidential records to NARA's custody and control at the conclusion of a presidency. These matters may be of particular interest to Congress as it carries out its oversight activities and ensures that emerging formats of presidential records are effectively collected and controlled. Furthermore, as the lawsuits concerning the DOJ memorandum opinion on the constitutionality of the PRA are resolved, new questions may emerge regarding enforcement of the present PRA, or Congress may wish to examine or establish a new presidential records management framework.

Volume of Electronic Presidential Records

The volume of presidential records has increased exponentially in the digital age, as indicated by reporting on the amount of such records at the conclusion of a presidency. According to NARA's 2009 *Report on Alternative Models for Presidential Libraries*, the Clinton Administration provided NARA 20 million presidential record emails at the conclusion of the President's eight-year tenure. The George W. Bush Administration provided 150 million email records after its eight-year tenure—more than seven times the number of emails provided by the previous Administration.⁶⁹ To date, the Barack Obama Presidential Library estimates that NARA has received 300 million emails, doubling the amount from the previous Administration.⁷⁰

“Huge volumes of electronic information” are a “major challenge” in record management, according to the Government Accountability Office (GAO), and “electronic information is increasingly being created in volumes that pose a significant technical challenge to our ability to organize it and make it accessible.”⁷¹

NARA's ability to process the volume of presidential records is closely linked to information access issues. In its FY2020 congressional budget justification, NARA noted it has “a significant backlog of unanswered [FOIA] requests at Presidential Libraries covered” by the PRA in part because of the volume of records and the information restriction process:

NARA must review all Presidential papers page-by-page, to identify and redact national security and other restricted information, which means it will take decades to make all of the records available to the public. Processing records in response to FOIA requests is even more time-consuming than processing the same number of pages in a systematic, archival fashion and does not produce discrete records collections that would be meaningful to the general public.⁷²

Because of this increased volume, NARA's ability to keep pace with the explosion of records will be dependent on NARA's staffing, funding, and training levels. Any delay in NARA's processing of records may impact the ability of interested parties to access materials in a timely fashion, and

⁶⁹ NARA, “Report on Alternative Models for Presidential Libraries,” September 25, 2009, p. 25, <http://www.archives.gov/presidential-libraries/reports/report-for-congress.pdf>.

⁷⁰ Barack Obama Presidential Library, “National Archives Announces a New Model for the Preservation and Accessibility of Presidential Records,” May 3, 2017, <https://www.obamalibrary.gov/news/national-archives-announces-new-model-preservation-and-accessibility-presidential-records>.

⁷¹ GAO noted that it did not independently verify these reported volumes of records. See GAO, *Information Management: The Challenges of Managing Electronic Records*, GAO-10-838T, June 17, 2010, <http://gao.gov/assets/130/124883.pdf>, pp. 10-11.

⁷² NARA, *National Archives and Records Administration: FY2020 Congressional Justification*, March 11, 2019, pp. OE12-OE13, <https://www.archives.gov/files/about/plans-reports/performance-budget/fy2020-performance-budget.pdf>.

NARA's ability to comply with the PRA's statutory directive to make records available as rapidly and completely as possible.⁷³

Completeness of Electronic Presidential Records

The increasing use of electronic records also requires the institutions involved in presidential records oversight to ensure the record information's authenticity and completeness. The EOP and NARA need to ensure that record materials are appropriately protected from corruption or destruction, but these protections take on a different meaning in a digital, instead of analog, environment.

Given the increase in presidential records, Congress may consider whether or not the presidential records institutions are able to consistently meet NARA directives, bearing in mind that while NARA supervises agency implementation of the FRA, NARA provides advice and assistance to the White House on records management practices *upon request*.⁷⁴ NARA has provided guidance on including metadata elements⁷⁵ in the collection of federal records under the FRA that the EOP may adopt as well. However, data on implementation is self-reported by agencies,⁷⁶ and similar information is not required to be provided for presidential records on a routine basis.

Last updated in 2005, NARA's guidance on identifying and maintaining trustworthy websites says that such records have the following characteristics:

- reliability: content is trusted as a full and accurate representation of transactions, activities, or facts;
- authenticity: proven to be what it purports to be;
- integrity: complete and unaltered; and
- usability: can be located, retrieved, presented, and interpreted.⁷⁷

NARA's guidance suggests that agencies "maintain the content, context, and sometimes the structure of" their websites to ensure that their records are trustworthy.⁷⁸

One instructive example is NARA's attempts to archive underlying documents and web materials on whitehouse.gov.⁷⁹ While collecting records material appears to be a straightforward task, policy decisions such as when and what to collect impact the material's context (i.e., the circumstances that situate the material and give it meaning), usability, and completeness. Some accompanying digital information, such as who accessed the information or reviewed the document, may not be available without holistic preservation.

For example, NARA acknowledges that it does not archive the user interface of the White House website, but it has attempted to "freeze" an approximation of the website as it appeared at the conclusion of a presidency—and not at various points during an Administration. Further, NARA

⁷³ 44 U.S.C. §2203(g).

⁷⁴ Ferriero, "NARA's Role Under the Presidential Records Act and the Federal Records Act."

⁷⁵ For example, the specific elements include the file name, title, description, creator, and creation date. NARA, Bulletin 2015-04, September 15, 2015, <https://www.archives.gov/records-mgmt/bulletins/2015/2015-04.html>.

⁷⁶ NARA, "Records Management Self-Assessment (RMSA)," <https://www.archives.gov/records-mgmt/resources/self-assessment.html>.

⁷⁷ NARA, "NARA Guidance on Managing Web Records," January 2005, <https://www.archives.gov/records-mgmt/policy/managing-web-records.html>.

⁷⁸ NARA, "NARA Guidance on Managing Web Records."

⁷⁹ NARA, "Archived Presidential White House Websites," <https://www.archives.gov/presidential-libraries/archived-websites>.

notes, “These ‘frozen in time’ sites are representations of the original websites and approximate the interface and functionality for easy access by the public. These websites are no longer updated so links to external websites and some internal pages will not work.”⁸⁰ Such decisions may have implications on the type of information available to future researchers, federal agencies, and Congress.⁸¹

Transfer of Presidential Records

Although the PRA makes it clear that the incumbent President is exclusively responsible for maintaining presidential records during his or her Administration, and that at the conclusion of the Administration that responsibility transfers to the Archivist, the statute is sparse on details for how this transfer is to occur administratively. Under the present arrangement, the President maintains the Administration’s records program and may—but is not required to—consult with NARA on the implementation of a records program. As a result, NARA may have limited insight into the holdings of presidential records until the conclusion of an up-to-eight-year Administration. This lack of visibility may create challenges for NARA in verifying whether or not certain presidential records are missing.

Since the PRA’s enactment, NARA has had to contact former Presidents and Vice Presidents to retrieve presidential records. For example, in January 2023, NARA asked the representatives of former Presidents and Vice Presidents to recheck their personal records for classified materials after President Joe Biden (from his time as Vice President) and Vice President Mike Pence found such documents in their possession.⁸² In the letter from NARA, the agency wrote that “while much of the attention of these instances has focused on the classified information, the PRA requires that all Presidential records of every Administration from Reagan onward must be transferred to NARA, regardless of classification status.”⁸³

In a separate June 2023 press release concerning its administration of the PRA, NARA explained that

[t]here is no history, practice, or provision in law for presidents to take official records with them when they leave office to sort through, such as for a two-year period as described in some reports. If a former President or Vice President finds Presidential records among personal materials, he or she is expected to contact NARA in a timely manner to secure the transfer of those Presidential records to NARA.⁸⁴

⁸⁰ NARA, “Archived Presidential White House Websites.”

⁸¹ Other government agencies, educational institutions, and private organizations have worked to fill such gaps both at the conclusion of a presidency and throughout a presidency by allowing users to capture the page or subpage as it appeared on a particular day. While NARA is tasked with collecting and retaining records materials, these additional institutions may collect broader information that, while not record information, may provide valuable context to presidential documents. See End of Term Web Archive, “Project Partners,” <http://eotarchive.cdlib.org/partners.html>; and Internet Archive, “Join Us for a White House Social Media and Gov Data Hackathon!,” January 2, 2017, <https://blog.archive.org/2017/01/02/join-us-for-a-white-house-social-media-and-gov-data-hackathon/>.

⁸² Colleen Long and Zeke Miller, “National Archives Asks Former U.S. Leaders to Re-Check for Classified Documents,” PBS, January 26, 2023, <https://www.pbs.org/newshour/politics/national-archives-asks-former-u-s-leaders-to-re-check-for-classified-documents>.

⁸³ Jamie Gangel et al., “First on CNN: National Archives Asks Former Presidents and Vice Presidents to Check for Classified and Presidential Documents,” CNN, January 25, 2023, <https://www.cnn.com/2023/01/26/politics/archives-letter-former-presidents-vice-presidents-classified-documents>.

⁸⁴ NARA, “Frequently Asked Questions Concerning Presidential Records and the Presidential Records Act,” June 9, 2023, <https://www.archives.gov/press/press-releases/2023/nr23-016>.

Changing technologies may give NARA increased visibility into the creation of presidential records during an Administration while still permitting the President to maintain control over the materials.⁸⁵ The PRA appears to provide for such a practice: “During a President’s term of office, the Archivist may maintain and preserve Presidential records on behalf of the President, including records in digital or electronic form. The President shall remain exclusively responsible for custody, control, and access to such Presidential records.”⁸⁶ Digital and electronic materials, unlike paper and analog materials, can be copied and transferred remotely, potentially enabling NARA or another agency to contemporaneously copy presidential records materials during an Administration. Recent Administrations have moved increasingly toward the creation and sharing of information in digital formats, as acknowledged by the Presidential and Federal Records Act Amendments of 2014.⁸⁷

Since 2019, NARA has experimented with reducing a former President’s access to physical presidential materials.⁸⁸ The Barack Obama Presidential Library, for example, is “the first all-digital Presidential Library,” and “NARA maintains legal and physical custody of the records and artifacts. NARA will store and preserve the artifacts and all textual materials at the National Archives at College Park, MD.”⁸⁹ Because the library provides access to materials online, the corresponding Obama Presidential Center does not possess presidential records and is a “privately operated, non-federal organization that includes a presidential museum” but does not have NARA staff presence on site.⁹⁰ In light of this change, Congress may consider whether NARA has the capacity or should develop the ability to maintain copies of digital records throughout a presidency, which could then be sorted for public access under the existing statutory provisions.⁹¹ Such a process could reduce or eliminate issues related to presidential records transfer at the conclusion of an Administration.

⁸⁵ 36 C.F.R. §1270.20.

⁸⁶ 44 U.S.C. §2203(f).

⁸⁷ The accompanying Senate report acknowledges that the 2014 amendments grant presidential Administrations “the option to, in effect, allow pre-accession of physical and electronic records.” See U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *Presidential and Federal Records Act Amendments of 2014*, report to accompany H.R. 1233, 113th Cong., 2nd sess., July 22, 2014, S.Rept. 113-218, p. 7. See also CRS Infographic IG10060, *The Creation of Presidential Records*, by Meghan M. Stuessy.

⁸⁸ Memorandum of Understanding Between The Barack Obama Foundation and the National Archives and Records Administration Regarding the Digitization of Obama Presidential Records, NARA, February 15, 2019, <https://www.archives.gov/files/foia/obama-digitization-mou-executed-2-15-19.pdf>.

⁸⁹ Barack Obama Presidential Library, “Frequently Asked Questions: How Is the Barack Obama Presidential Library Different from Other Presidential Libraries?,” <https://www.obamalibrary.gov/about-us/frequently-asked-questions>.

⁹⁰ NARA, “Updated Information About Obama Presidential Library,” April 25, 2025, <https://www.archives.gov/presidential-libraries/information-about-new-model-for-obama-presidential-library>.

⁹¹ NARA also has explained that separating the digital presidential records from presidential museums is a model it supports for future presidential facilities: “Considering the increasing volume of records that are born-digital, this model aligns with changes in the expectations of the public that our holdings be available free and online. . . . This model also opens up more options for future former presidents beyond traditional brick-and-mortar facilities, will ultimately improve public access to records, and is compatible with ongoing digital government initiatives.” NARA, “Updated Information About Obama Presidential Library,” April 25, 2025, <https://www.archives.gov/presidential-libraries/information-about-new-model-for-obama-presidential-library>.

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