

Chairman Peters Opening Statement As Prepared for Delivery
Full Committee Hearing: Correcting the Public Record: Reforming Federal and
Presidential Records Management
March 15, 2022

I'd like to thank our witnesses for joining us today to help examine gaps in existing federal records laws, and to discuss how lawmakers can ensure the National Archives and Records Administration, or NARA, can adequately maintain and preserve presidential and federal records.

The federal government produces and receives an enormous volume of documents and records every day. These are essential to keeping an accurate account of what activities the government engages in, as well as ensuring that Americans, such as former servicemembers, are able to get to the benefits they have so rightly earned.

Accurate federal records are also critical to helping Congress hold the executive branch accountable, ensure appropriate use of taxpayer dollars, and make sure the federal government is working effectively for the American people.

However, officials in previous administrations of both parties have failed to adhere to current federal record-keeping requirements, and in some cases, blatantly disregarded them.

Whether administrations avoided creating records of meetings, used personal emails and devices, disappearing message apps, or attempted to obscure their decisionmaking processes, these failures to appropriately handle presidential and federal records have limited transparency for the American people, and risked letting critical moments in our nation's history slip through the cracks. This has left the door wide open for historical misrepresentations and distortion. Most recently, we saw alarming reports that presidential records from the Trump Administration were destroyed inside the White House, and others were taken to the former president's private residence, rather than turned over to NARA.

And, although some of these records have been recovered, it is impossible for Congress to tell whether additional records have been destroyed or improperly handled, or if NARA has received all appropriate records from that Administration.

This lack of transparency, and other challenges related to enforcing our existing federal records laws, have made it difficult for NARA to ensure it is receiving all relevant presidential records.

Other challenges, including inadequate resources and technology, and the rapid proliferation of electronic records, have also complicated NARA's responsibility to preserve these essential documents.

For example, the National Personnel Records Center within NARA, which is responsible for storing military personnel records, faces a serious backlog of requests from veterans.

This backlog, along with limited accessibility during the pandemic, has left veterans unable to obtain critical documents that help them access benefits they depend on every day. That is unacceptable, and a key reason that Congress must urgently reform and modernize this process.

Additionally, outdated computer systems and outdated laws that regulate federal record-keeping have also made the mishandling of sensitive and important documents more common. This can have severe consequences for government transparency and could conceal fraud, waste, and abuse from Congress as we work to provide oversight of the federal government.

Despite these deficiencies, I remain confident that if this body works together, on a bipartisan basis, we can work to improve the federal record-keeping process.

I am currently working on legislation that will increase visibility, strengthen existing laws, update regulations, and modernize this process by using emerging technologies so we can ensure NARA can adequately preserve, and provide appropriate access to, presidential and federal records.

As we mark the 17th annual Sunshine Week, a nationwide initiative dedicated to educating the public about the importance of transparency in government, I look forward to discussing how Congress can further strengthen federal records processes and improve transparency for all Americans.

Today, I am grateful to welcome a panel of experts, who can discuss our federal records management in greater detail, help us identify gaps in the law and in its implementation, and broadly discuss what actions Congress can take to better protect the public record.