

Opening Statement [as prepared]

Ranking Member Rob Portman

Homeland Security and Governmental Affairs Committee Hearing:
“Correcting the Public Record: Reforming Federal and Presidential
Records Management”

Tuesday, March 15, 2022

Thank you, Chairman Peters.

There’s a lot said these days about the pillars of democracy. I think one of those pillars is government transparency. That’s an area I care about and work on a lot, such as when I sponsored the *Access to Congressionally Mandated Reports Act*, the *Open Courts Act*, and the *Regulatory Accountability Act*. But in order to have government transparency and accountability, we need a record of what the government is doing every day, both of what it’s doing right and doing wrong. Then citizens can learn and hold their government and officials accountable. Having a fulsome record of government activity is also important to future generations of citizens, including journalists, historians, and think tanks, so they can learn and advocate for

improvement. So it's good that we're having this hearing today on reforming the Presidential Records Act and Federal Records Act.

This is bipartisan issue, by the way. I see from the prepared statements that some of our witnesses will reference our previous President's controversies, but will note, as do I, that administrations of both parties have had records-related controversies.

As a member of this Committee back in 2014, I worked on the 2014 Amendments to the Presidential Records Act and Federal Records Act. Among other things, it streamlined the process for making presidential records available to the public after they go to the National Archives; prohibits the use of non-official electronic messaging accounts by covered workers unless they copy or forward communications to official accounts; clarified the definition of government records so that it covers them regardless of what format they're in; and provided an enforcement scheme for violations.

But I recognize that the world has changed since 2014. Records have become more digitized. There are apps that make messages disappear. There's also technology that automatically categorizes documents. So I agree that we as a Committee should look into these

and other changes and see how the law might need updating to account for them.

And I'm glad we have these three experts here today to help us do that. I see they have all spent time dealing with records-related issues. So I thank them for testifying, and look forward to hearing what they have to say and engaging in discussion with them. Thank you.