



Archivist of the
United States

September 30, 2022

The Honorable Carolyn B. Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
2157 Rayburn House Office Building
Washington, DC 20514

Dear Madam Chairwoman:

I write in response to your letter of September 13, 2022, requesting that the National Archives and Records Administration (NARA) (1) “conduct an urgent review of presidential records from the Trump Administration to identify any Presidential records . . . that NARA has reason to believe may still be outside of the agency’s custody and control,” and (2) “to seek from former President Trump a written certification that he has surrendered all presidential records or classified materials, has not made any copies or reproductions of such materials, and has not transferred any records or government documents to any party other than NARA or DOJ since his term ended.”

With respect to the first issue in your request, I share your interest in ensuring that NARA has in its custody all of the records that should have been transferred to us under the Presidential Records Act at the end of the Trump Administration. As former Archivist of the United States David S. Ferriero noted in a press statement issued on February 7, 2022: “The Presidential Records Act mandates that all Presidential records must be properly preserved by each Administration so that a complete set of Presidential records is transferred to the National Archives at the end of the Administration. NARA pursues the return of records whenever we learn that records have been improperly removed or have not been appropriately transferred to official accounts.”

While there is no easy way to establish absolute accountability, we do know that we do not have custody of everything we should. Specifically, Mr. Ferriero informed you in his February 18, 2022, letter that NARA has identified that “some White House staff conducted official business using non-official electronic messaging accounts that were not copied or forwarded into their official electronic messaging accounts, as required by section 2209 of the PRA.” NARA has been able to obtain such records from a number of former officials and will continue to pursue the return of similar types of Presidential records from former officials. As appropriate, NARA

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would consult with the Department of Justice on whether “to initiate an action for the recovery of records unlawfully removed,” as established under the Federal Records Act (44 U.S.C. § 2905(a), which NARA can follow with respect to the PRA); in August 2022, DOJ filed a replevin lawsuit against Peter Navarro for the recovery of official email records from Mr. Navarro’s personal email account.

With respect to the second issue concerning whether former President Trump has surrendered all presidential records, we respectfully refer you to the Department of Justice in light of its ongoing investigation.

Sincerely,

A handwritten signature in cursive script that reads "Debra Steidel Wall".

Debra Steidel Wall
Acting Archivist of the United States

cc: The Honorable James Comer, Ranking Member