

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
MINORITY (202) 225-5074
<https://oversight.house.gov>

December 13, 2022

Ms. Debra Steidel Wall
Acting Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Ms. Steidel Wall:

I write regarding the additional classified records that were recovered from former President Trump's storage facility in Florida during a recent search and turned over to the Federal Bureau of Investigation (FBI). I am deeply concerned that former President Trump's storage facility and other properties may contain presidential records that were not the focus of the search and therefore have not been turned over to the federal government. In accordance with the Presidential Records Act (PRA), it is imperative that the National Archives and Records Administration (NARA) "assume responsibility for the custody, control, and preservation of, and access to" all presidential records.¹

Since December 2020, I have written to NARA on multiple occasions to express concerns and request information about former President Trump's removal of presidential records after his term as president ended, including his dangerous decision to retain classified records in non-secure locations.² The PRA gives legal ownership of presidential records to the American people and former President Trump was required to turn over the records to NARA at

¹ 44 U.S.C § 2201 – 2209.

² Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Dec. 21, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-12-21.CBM%20to%20Ferriero-NARA%20re%20PRA.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 9, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-09.CBM%20to%20Ferriero-NARA%20re%20Trump%20Mar-a-Lago%20FINAL.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 24, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-24.CBM%20to%20Ferriero-NARA%20re%20Document%20Request.pdf>); Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to Deborah Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration (Sept. 13, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-09-13.CBM%20to%20Steidel%20Wall-NARA%20re%20MAL%20Certification%20FINAL.pdf>).

the end of his presidential term. The PRA specifically states:

Upon the conclusion of a President's term of office, or if a President serves consecutive terms upon the conclusion of the last term, the Archivist of the United States shall assume responsibility for the custody, control, and preservation of, and access to, the Presidential records of that President.³

In response to the Committee's September 13, 2022, letter, you confirmed that "While there is no easy way to establish absolute accountability, we do know that we do not have custody of everything we should." You also indicated that NARA has a shared interest in ensuring that all presidential records are in its custody that, under the PRA, should have been transferred at the end of the Trump Administration.⁴

On December 7, 2022, the *Washington Post* reported that after an outside team was hired to conduct searches for classified materials at Trump properties, "at least two items marked classified" were retrieved and turned over to the FBI. The search was reportedly conducted after the "Chief U.S. District Judge Beryl A. Howell told Trump's legal team to continue to search for documents after the Justice Department expressed concerns that the team had not fully complied with a subpoena earlier this year."⁵

As early as December 2020, the Committee expressed concerns about the White House's process of archiving and transferring records to NARA.⁶ Specifically, I noted that "due to the coronavirus pandemic, NARA has not detailed any employees to the White House to assist or oversee this process, as it has in past transitions."⁷ At the end of the Trump Administration, the General Services Administration assisted former President Trump's staff with arrangements to ship pallets of boxes and other items from a presidential transition space in Northern Virginia to a storage unit in West Palm Beach, Florida.⁸ The storage facility reportedly contains "boxes, gifts, suits and clothes," including "swords and wrestling belts and all sorts of things."⁹

Former President Trump has failed to turn over presidential records and classified

³ 44 U.S.C. §§ 2201, 2203(g)(1).

⁴ Letter from Debra Steidel Wall, Acting Archivist of the United States, National Archives and Records Administration to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform (Sept. 30, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/09.30.2022-acting-archivist-to-congresswoman-maloney-ltr.pdf>).

⁵ *Items with Classified Markings Found at Trump Storage Unit in Florida*, Washington Post (Dec. 7, 2022) (online at www.washingtonpost.com/nation/2022/12/07/trump-tower-bedminster-records-search/).

⁶ 3 U.S.C. §102 note; Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Dec. 21, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-12-21.CBM%20to%20Ferriero-NARA%20re%20PRA.pdf>).

⁷ *Id.*

⁸ 3 U.S.C. §102 note; General Services Administration, *2021 Moving Support* (online at www.gsa.gov/cdnstatic/2021%20Moving%20Support.pdf) (accessed December 9, 2022).

⁹ *Id.*

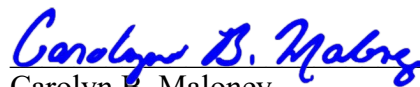
documents on multiple occasions. Specifically, Mr. Trump failed to turn over all presidential records at the conclusion of his term in office, after NARA made multiple requests, and after receipt of a grand jury subpoena. It appears that the former President continued to retain government property even after a court-authorized search of his Mar-a-Lago Club on August 8, 2022, when the FBI recovered more than 11,000 government records.¹⁰

As the Committee with primary jurisdiction over the PRA and as the principal oversight Committee of the House of Representatives, the Oversight Committee has been investigating Mr. Trump's mishandling of presidential records for approximately 11 months. This inquiry, which is separate from the Department of Justice's ongoing criminal investigation into Mr. Trump's actions, seeks to understand the full extent and impact of former President Trump's violations of the PRA in order to "determine what additional steps, including potential legislative reforms, may be needed to ensure the preservation of presidential records for the American people."¹¹

I am deeply concerned by former President Trump's flagrant disregard for the PRA. I therefore request that NARA, in consultation with other federal entities as appropriate, conduct a review to determine what, if any, presidential records former President Trump has retained at his storage facility in Florida or his other properties that should be under NARA's custody and control consistent with the Presidential Records Act.¹²

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate "any matter" at "any time" under House Rule X. If you have any questions regarding this request, please contact Committee staff at (202) 225-5051. Thank you for your prompt attention to this matter.

Sincerely,


Carolyn B. Maloney
Chairwoman

cc: The Honorable James Comer, Ranking Member

¹⁰ Detailed Property Inventory Pursuant to Court's Preliminary Order United States' (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294); Response to Motion for Judicial Oversight and Additional Relief (Aug. 30, 2022), *Donald J. Trump v. United States*, S.D.FLA (No. 22-cv-81294).

¹¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, to David S. Ferriero, Archivist of the United States, National Archives and Records Administration (Feb. 24, 2022) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2022-02-24.CBM%20to%20Ferriero-NARA%20re%20Document%20Request.pdf>).

¹² 44 U.S.C § 2201 – 2209.