

JANUARY 17, 2025

# MEMO: RECOMMENDATIONS FROM THE PRESIDENTIAL RECORDS TRANSITION TASK FORCE

For nearly 50 years, every administration—Republican and Democrat—has faced the issue of classified documents being inadvertently removed during Presidential transitions.

In recent years, classified documents from previous Presidential administrations have surfaced in unsecured locations. In light of these discoveries, President Biden took action to strengthen how administrations safeguard classified documents during Presidential transitions. In February 2024, the White House established the Presidential Records Transition Task Force to evaluate current practices and provide recommendations to properly process sensitive documents and Presidential records, including classified materials.

## **Task Force Composition and Mandate**

The Task Force comprises offices and agencies that play a role in Presidential transitions and establishing protocols for handling classified materials, including both federal agencies and White House components. The Task Force members included federal agencies, such as the General Services Administration, the National Archives and Records Administration, and the Office of the Director of National Intelligence. The Task Force also included various offices and departments within the Executive Office of the President such as the White House Counsel's Office, the Office of Management and Budget, the National Security Council, the Office of Administration, and the White House Office of Records Management.

The Task Force was directed to:

- Study previous Presidential transitions and recommend best practices;
- Recommend guidance and training for staff involved in Presidential transitions;
- Evaluate authorities for reform, including legislation, rulemaking, and executive authorities; and
- Propose recommendations to improve Presidential transitions and better safeguard the handling of classified documents during such transitions.

### **Working Groups**

To fulfill its mandate, the Task Force established working groups focused on different parts of Presidential transitions. Four working groups were created to examine issues related to the handling and preservation of sensitive materials during Presidential transitions, which included:

- Policy and legislation, which examined the legislative authorities related to classified records and transitions;
- Classified records, which examined the management of sensitive information pursuant to federal law and executive policy as relevant to Presidential transitions;
- Logistics and administration, which examined the processes of physically moving and storing Presidential records and sensitive materials; and
- Post-transition management, which examined the processes for moving, storing, processing, and disposing of records after a transition has completed.

Each working group was tasked with evaluating current practices and providing recommendations to the Task Force. The working groups met periodically beginning in April 2024. In December 2024, the Task Force completed its assessments, and consistent with its mandate, the Task Force is now presenting its recommendations.

### **Recommendations**

The Task Force is making recommendations in three categories to improve the handling and transfer of sensitive information and Presidential records. These recommendations are: (1) that an outgoing administration should provide improved guidance materials to staff throughout Presidential transitions, (2) that an outgoing administration should conduct improved

trainings for handling and properly processing classified records consistent with the Presidential Records Act, and (3) that Congress should provide sufficient resources for the secure handling of sensitive materials in post-transition offices and spaces. Aspects of these recommendations are already being implemented throughout the current Presidential transition, and the recommendations are discussed further below.

1. The Executive Office of the President Should Provide Improved Guidance Materials to Staff to Promote Proper Handling of Sensitive Records During Transitions

The Task Force found that the inadvertent retention of classified materials is most likely to occur during an outgoing transition and, in particular, is due to the often overwhelming number of responsibilities that departing employees have to assist the departing President and Vice President and to prepare for their own transition and offboarding. Accordingly, the Task Force recommends providing improved educational materials throughout the transition process to ensure staff are aware of obligations under the Presidential Records Act, specifically with respect to classified information. In particular, the Executive Office of the President should provide shorter and more concise guidance materials during Presidential transitions to ensure all employees understand and are able to comply with obligations to properly handle and transfer all Presidential records for preservation, including classified materials, and so that Presidential records are not inadvertently mixed with personal materials. For example, educational materials should provide a brief summary of what constitutes a Presidential record; a detailed reminder of where staff should look for potential Presidential records, including desk drawers, safes, and home offices; and clear points of contact for when records are ready to be collected or transferred. In addition, the Task Force recommends that in the event that Presidential records are discovered after a transition, staff should receive clear guidance on what to do if they discover such materials—including any classified documents or other sensitive materials—as well as the proper handling of such documents and a designated point of contact.

As part of the Biden-Harris Administration transition, the White House timely provided updated and concise documentation for staff to review prior to departing federal service, including updated guidance on the proper

handling, storage, and transfer of both classified and unclassified Presidential records in a short, easy-to-digest format. In addition, as a result of the Task Force's recommendation, relevant White House offices provided staff who possess security clearances with instructions on how to transfer classified materials for preservation, including recommended best practices and contact information. Finally, departing officials and staff received detailed guidance, including a designated point of contact, on steps to take if Presidential records or other sensitive materials are discovered after the transition.

## 2. The Executive Office of the President Should Improve Year-Round Trainings Related to the Presidential Records Act in Classified Records Briefings

The Task Force found that components of the Executive Office of the President subject to the Presidential Records Act should better incorporate guidance related to the proper handling and transfer of Presidential records into regular briefings on classified materials. For example, during sections of security clearance initial indoctrination trainings that address the proper handling of classified records, such as when moving between secure buildings or spaces, these trainings should also address how to properly transfer any classified Presidential records to the appropriate records office to ensure preservation after they are no longer needed. This will also help staff supporting principals with the proper preservation of classified Presidential records. In addition, the Executive Office of the President should better incorporate trainings related to the Presidential Records Act generally into security clearance offboarding trainings for departing staff during transitions.

As a result of the Task Force's recommendations, the Office of Administration, in consultation with the National Security Council, incorporated additional materials related to staff obligations under the Presidential Records Act into initial indoctrination briefings for staff receiving new security clearances. In addition, during staff offboarding at the end of the administration, appropriate offices provided a debriefing to departing staff with security clearances that will include information about each departing staff member's obligations under the Presidential Records Act with respect to classified information.

### 3. Congress Should Properly Resource Presidential Transitions and Post-Transition Spaces to Promote the Proper Handling of Classified Materials

The Presidential Records Act provides former Presidents and Vice Presidents with the opportunity to review and access Presidential records after their terms in office have concluded. In fact, the Presidential Records Act expressly notes at 44 U.S.C. § 2205(3) that “the Presidential records of a former President shall be available to such former President or the former President’s designated representative.” Yet despite this statutory requirement that former Presidents shall have access to Presidential records—which necessarily must include their classified records—there is no dedicated funding authorized for implementation of 44 U.S.C. § 2205(3) and the statutes that authorize the General Services Administration to provide facilities to former Presidents and former Vice Presidents for approximately six months following the conclusion of their terms and longer-term offices for former Presidents (the Presidential Transition Act, as amended, and the Former Presidents Act, as amended, 3 U.S.C. 102 Note) do not expressly and specifically address space for classified records review and storage.

As a result of this gap, the Task Force identified the need for separate funding and support for dedicated secure spaces that will allow former Presidents and Vice Presidents to review classified materials, as the law entitles them. Accordingly, the Task Force recommends that Congress should provide additional, dedicated resources to promote easier secure storage in post-transition spaces, including in interim records storage facilities and long-term post-administration facilities. In addition, the Task Force also encouraged the outgoing administration to explore making use of existing secure spaces for former principals to review their classified records while post-administration spaces are being constructed, including exploring contracting with federal agencies that have secure facilities to facilitate the review of classified Presidential records by former principals.

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