

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NARA

Wednesday, March 1, 2023

U.S. House of Representatives,
Permanent Select Committee on Intelligence,
Washington, D.C.

The committee met, pursuant to call, at 9:01 a.m.,
in Room HVC-304, Capitol Visitor Center, the Honorable
Michael Turner (chairman of the committee) presiding.

Present: Representatives Turner, Wenstrup, Crawford,
Stefanik, Kelly, LaHood, Scott, Hill, Crenshaw, Waltz,
Garcia, Himes, Plaskett, Gottheimer, Gomez, Houlihan, and
Spanberger.

Staff Present:

[REDACTED]

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25



1 THE CHAIRMAN: Before we begin -- I am going to call the
2 committee to order -- and before we begin, the committee's
3 security director has an announcement.

4 [REDACTED] I just want to remind everyone, if you
5 haven't already left your electronics out front, please do so
6 at this time. That includes iPhones, Androids, tablets,
7 laptops, recording devices, cameras, wireless headsets,
8 pagers, and any type of Bluetooth wristband or watch, with
9 the exception of any approved medical devices.

10 THE CHAIRMAN: Obviously, with the recent focus of
11 classified documents that were found at President Trump's,
12 President Biden's, and Vice President Pence's house, there
13 has been renewed focus on the role of the Archives and the
14 Archivist in both Presidential records and the handling of
15 classified documents.

16 One of the concerns, obviously, is the identification of
17 classified documents and the manner in which very sensitive
18 materials and classified documents are handled by the
19 Archives.

20 Our effort today is to try to learn more from you about
21 your processes because, as the committee that deals with some
22 of our most secret issues, we are going to be looking at how
23 classified documents are handled, and you certainly are part
24 of that missing puzzle.

25 I have an opening statement that I would ask to submit

1 for the record.

2 [The statement of The Chairman follows:]

3

4 ***** COMMITTEE INSERT *****

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 THE CHAIRMAN: To my ranking member, Mr. Himes.

2 MR. HIMES: Yeah. Thank you, Mr. Chairman.

3 And thank you to the witnesses for appearing today.

4 I hope today's session will provide us with a baseline
5 understanding, perhaps one that we didn't have before, of
6 NARA's important but limited role in preserving and
7 protecting classified records. There has been, obviously, a
8 great deal of attention paid in recent instances in which
9 classified records that should have been residing with NARA
10 or another secure facility have been found unsecured.

11 I understand that you are not in a position to enlighten
12 us about the specifics of those cases, but I hope that you
13 can help us understand the process of Presidential
14 transitions and NARA's role.

15 This occupied a huge space in the American imagination,
16 and it sort of feels to me, unburdened by facts as I am, like
17 we just don't have basic processes. It should not be that
18 complex or as expensive to make sure that these records are
19 secure.

20 I also welcome your views as to whether there are any
21 additional legal or policy changes that could be adopted to
22 help address the issue of classified records not being
23 properly secured.

24 Again, thanks for the opportunity to have this
25 conversation. I yield back.

1 THE CHAIRMAN: Who will begin?

2 MR. BOSANKO: I will go.

3 Good morning. Thank you, Mr. Chairman and Mr. Ranking
4 Member, for the opportunity to share some information with
5 you today about how the National Archives and Records
6 Administration safeguards classified information and manages
7 its declassification when appropriate.

8 By way of introduction, I have worked at the National
9 Archives for more than 30 years. I have served as the chief
10 operating officer for the last decade, and I oversee all of
11 our archival operations.

12 Since 2017, I have played a leading role in interagency
13 efforts to comply with the JFK Assassination Records
14 Collection Act. I also led efforts to have the Central
15 Intelligence Agency declassify the oldest pre-World War II
16 classified documents at the National Archives.

17 I worked at the Information Security Oversight Office
18 for more than a decade and served as its director during
19 parts of the George W. Bush and Barack Obama administrations.
20 In that capacity, I co-led the drafting of Executive Order
21 13526, Classified National Security Information, and I led
22 the drafting of its government-wide implementing directive 32
23 CFR part 2001. I also led the drafting of the first Public
24 Interest Declassification Board written report.

25 The holdings of the National Archives represent the

1 largest and most complete mosaic of the classified activities
2 of the United States Government. We receive the equities of
3 every department and agency in all formats and at all
4 classification levels.

5 Our classified holdings include those of each
6 Presidential library, from Hoover through Trump. Besides the
7 classified records of permanent historical value that are in
8 our physical and legal custody, our Federal Records Centers
9 Program provides reimbursable classified records storage and
10 related services to other departments and agencies.

11 In addition, our classified holdings include not only
12 those of the executive branch, but those of the legislative
13 and judicial branches as well.

14 On the other end of the spectrum, our unclassified and
15 declassified holdings represent the largest and most complete
16 body of open source information on the U.S. Government's
17 activities.

18 I am not sure what specific questions you might have in
19 store for me today, but you are right to ask them. All too
20 often the role of the National Archives with regard to
21 classified information is overlooked or misunderstood.

22 I look forward to the opportunity to discuss our mission
23 and the challenges we face with you. Thank you.

24 MR. BRADLEY: Good morning, Chairman Turner, Ranking
25 Member Himes, and committee members and staff. Thank you for

1 the opportunity to speak with you today about the critically
2 important topic of classified national security information.

3 My name is Mark A. Bradley, and I currently serve as the
4 fifth director of the Information Security Oversight Office,
5 or ISOO as we are often called, at the National Archives and
6 Records Administration. As I will explain shortly, my office
7 plays an important role with respect to classification and
8 declassification, oversight and policy for the United States
9 Government's executive branch.

10 Before serving in my current position, I served at the
11 Department of Justice as director of Freedom of Information
12 Act declassification and prepublication review at the
13 National Security Division, as well as deputy counsel for
14 intelligence policy, where I practiced in front of the U.S.
15 Foreign Intelligence Surveillance Court, and acting chief --
16 first acting chief -- for intelligence oversight at the
17 Department of Justice.

18 Before that, I worked as Senator Daniel Patrick
19 Moynihan's last legislative director, a public defender here
20 in the District, and as a CIA intelligence officer here and
21 overseas.

22 Out of all those roles in my career, my role as director
23 of ISOO has turned out to be the position with the broadest
24 array of responsibilities and probably dealing with the most
25 arcane subject matter.

1 IS00 was established by an executive order by President
2 Jimmy Carter, who signed it in 1978. IS00 is at least a
3 product, probably a direct product of the Church Committee.
4 You all will remember the Church Committee, abuses of the
5 Intelligence Communities. We were looking for independent
6 oversight.

7 We support the President by helping to ensure that the
8 government protects and provides proper access to information
9 to advance the national and public interest. So we are
10 constantly balancing between classification and
11 declassification. We do this through standardizing and
12 assessing the management of classified and controlled
13 unclassified information through oversight, policy
14 development, guidance, education, and reporting.

15 In particular, my office has significant
16 responsibilities under four executive orders, as well as one
17 statute, with a staff of approximately 20. I say 20 because
18 it fluctuates back and forth. We are hiring a couple.

19 I, myself, am retiring at the end of June, so we will be
20 needing a new director. Hopefully, that will happen as soon
21 as we get a new Archivist. This job requires the nomination
22 of the Archivist of the United States, and then the President
23 of the United States has to approve the position or the
24 person selected.

25 The first of the orders that we are responsible for is

UNCLASSIFIED

1 the one that Jay mentioned, Executive Order 13526, which
2 governs classified national security information. It was
3 signed by President Obama in 2009, and it governs how we
4 classify and declassify information in the executive branch.

5 The second is Executive Order 12829, as amended, titled
6 the National Industrial Security Program, which governs
7 classified information that is handled by contractors,
8 licensees, and grantees of the United States Government.
9 That is the so-called national industrial base.

10 Third is Executive Order 13549, titled State, Local,
11 Tribal, and Private Sector Entities, which established a
12 program to safeguard and govern access to classified national
13 security information shared by the U.S. Government with
14 State, local, Tribal, and private sector entities.

15 Fourth, Executive Order 13556, Controlled Unclassified
16 Information, which established a uniform program for managing
17 information that is not classified but which still requires
18 safeguarding or dissemination controls that are consistent
19 with Federal law, regulations, and government-wide policies.

20 Fifth is the Public Interest Declassification Act of
21 2000, as amended, which established an independent government
22 board, called the Public Interest Declassification Board, and
23 designated the director of IS00 to serve as its executive
24 secretary and my staff to provide administrative and staff
25 support to the board. Incidentally, I co-wrote the

UNCLASSIFIED

UNCLASSIFIED

1 legislation which created that board when I was with Senator
2 Moynihan.

3 My office is also referred to in several other policies,
4 including Executive Order 13587, Structural Reforms to
5 Improve the Security of Classified Networks and the
6 Responsible Sharing and Safeguarding of Classified
7 Information, and Executive Order 13691, Promoting Private
8 Sector Security Information Sharing.

9 There are several areas of responsibilities that I feel
10 are of particular significance and importance I would like to
11 highlight for you today.

12 ISOO serves as an independent, neutral office to oversee
13 the Classified National Security Information Program across
14 the executive branch. It is important to note that we are
15 not located within the Intelligence Community, and that is by
16 design. We are not in the IC, we are not in the Department
17 of Defense, not at the Department of State, not at the
18 Department of Homeland Security, or any of the other 18
19 members that make up the U.S. Intelligence Community.

20 I would like to refer to the importance of this
21 neutrality as being the umpire in a baseball game. We call
22 the balls and strike as we see them impartially, without
23 influence by one department or agency.

24 Another important thing we do -- I think it is probably
25 the most important thing we do -- is report annually to the

UNCLASSIFIED

UNCLASSIFIED

1 President of the United States on the health and status of
2 the Classified National Security Information System. We
3 execute this through a report that I write, and it passes to
4 the President through the National Security Advisor. In the
5 past, I have used this report to highlight key
6 recommendations and judgments concerning the system as well
7 as reporting oversight data and information.

8 Pursuant to 32 CFR 2001.36, another function my office
9 does is we have a small team that manages the Classified
10 Outside Government Control Program, which provides for
11 processes by outside government organizations or individuals
12 to contact IS00 for guidance and assistance when they
13 discover potentially classified national security information
14 outside government control.

15 I think specifically about libraries. Since about 2010,
16 we have gotten over 80 calls from different libraries where
17 mostly Members of Congress have taken papers and deposited
18 them in libraries for collections, their own papers. For
19 instance, Senator Muskie at Bates College took 98.

20 Anyway, when these records are being processed,
21 librarians know to call us. We dispatch a team to go
22 retrieve them and bring them back to Washington.

23 THE CHAIRMAN: I am sorry. You were unclear. As you
24 get phone -- I am sorry to interrupt.

25 MR. BRADLEY. Sure. Go ahead.

UNCLASSIFIED

UNCLASSIFIED

1 THE CHAIRMAN: But you went to pronouns, and we lost
2 context.

3 MR. BRADLEY: Go ahead.

4 THE CHAIRMAN: You said Members when they retire --

5 MR. BRADLEY: Correct.

6 THE CHAIRMAN: -- give their materials to libraries.

7 MR. BRADLEY: Sometimes.

8 THE CHAIRMAN: And you get called by those libraries.

9 MR. BRADLEY: Yes, sir.

10 THE CHAIRMAN: Why?

11 MR. BRADLEY: Because they know that the information
12 belongs to the United States Government.

13 THE CHAIRMAN: Which information?

14 MR. BRADLEY: Classified information.

15 THE CHAIRMAN: Okay. You didn't say that. That is why
16 I wanted you to say that.

17 MR. BRADLEY: That is what I meant.

18 THE CHAIRMAN: So could you go back again when you
19 started this sentence to tell what was the number of contacts
20 that you have had?

21 MR. BRADLEY: We have had over 80, sir.

22 THE CHAIRMAN: Eighty?

23 MR. BRADLEY: Since 2010.

24 THE CHAIRMAN: Since 2010.

25 MR. BRADLEY: Yes, sir.

UNCLASSIFIED

UNCLASSIFIED

1 THE CHAIRMAN: Of libraries that have contacted you and
2 said: We have classified information from Members of
3 Congress.

4 MR. BRADLEY: Correct, sir.

5 THE CHAIRMAN: Okay. Thanks. I just want to fill in
6 your sentences.

7 MR. BRADLEY: That is all right.

8 THE CHAIRMAN: Because you dropped a bunch there.
9 Thank you.

10 MR. BRADLEY: Quite all right. Thank you for the
11 amplification.

12 I also serve as the executive secretary of the body
13 established under Executive Order 13526, called the
14 Interagency --

15 THE CHAIRMAN: Sir?

16 MR. BRADLEY: Yes, sir.

17 THE CHAIRMAN: I am assuming -- I am sorry to interrupt
18 again.

19 MR. BRADLEY: Go ahead.

20 THE CHAIRMAN: I am assuming that that fact, even though
21 we are in this SCIF, is not classified information.

22 MR. BRADLEY: No, sir. It was in The Washington Post a
23 couple of weeks ago.

24 DR. WENSTRUP: That doesn't mean it is not.

25 [Laughter.]

UNCLASSIFIED

UNCLASSIFIED

1 THE CHAIRMAN: Okay. Great. I didn't see it there.

2 Yes, we all know that. That is a very good point, very
3 good point.

4 MR. BRADLEY: It is unclassified.

5 THE CHAIRMAN: So can we have -- so this is your
6 information. I just want to have an agreement that you are
7 informing this committee that you are informing us of a
8 nonclassified fact: that you have received contact from 80
9 libraries to which Members of Congress materials have been
10 sent that found that there were classified materials in those
11 documents.

12 MR. BRADLEY: We have gotten over 80 calls from
13 different -- different -- I want to say 80 separate
14 libraries. We could go back and get you the exact number.

15 THE CHAIRMAN: But I mean it is because of 80 --

16 MR. BRADLEY: Yeah.

17 THE CHAIRMAN: -- separate caches --

18 MR. BRADLEY: Yes, sir.

19 THE CHAIRMAN: -- of Member of Congress documents?

20 MR. BRADLEY: Or other documents, too. I mean, not just
21 to point the finger at Members of Congress, too. I mean,
22 this is not --

23 THE CHAIRMAN: But all the calls were classified --

24 MR. BRADLEY: They were classified --

25 THE CHAIRMAN: -- concerned classified documents.

UNCLASSIFIED

UNCLASSIFIED

1 MR. BRADLEY: Yes.

2 THE CHAIRMAN: And you are informing us that on a
3 nonclassified basis so we can repeat this publicly.

4 MR. BRADLEY: You can, sir.

5 THE CHAIRMAN: Thank you.

6 MR. BRADLEY: In fact, we can send you the Washington
7 Post article.

8 THE CHAIRMAN: Please, continue. Thank you.

9 MR. BRADLEY: Sure. All right. Okay.

10 I serve also as the executive secretary of a body
11 established under Executive Order 13526 called the
12 Interagency Security Classification Appeals Panel. This
13 panel has the authority to perform four critical functions,
14 which are deciding on classification challenges from inside
15 the executive branch of the United States Government;
16 approving, denying, or amending agency exemptions from
17 automatic declassification; deciding mandatory
18 declassification reviews; and informing senior agency
19 officials and the public of final panel decisions.

20 I also serve as the executive secretary of the Public
21 Interest Declassification Board, which we have mentioned here
22 before, which is an advisory committee established by statute
23 with a mandate of promoting the fullest possible public
24 access to a thorough, accurate, and reliable documentary
25 record of significant U.S. national security decisions and

UNCLASSIFIED

1 activities.

2 Last year, I highlighted six recommendations in my
3 report that I want you all to know about and to consider.

4 One, that the White House aggressively push to update
5 the critical national security authorities governing the
6 classified national security system per the Executive Orders
7 13526 and 12829. 13526 goes back to 2009. The order that
8 governs our national industrial security base goes back to
9 the mid-1990s. I don't have to tell you the changes that
10 have taken place during that time period.

11 Two, that the White House -- and this is extremely
12 important -- ensures that modern technologies are applied to
13 support a modern declassification system. Right now, too
14 much of this is done by hand.

15 Three, that all agencies must implement the Controlled
16 Unclassified Information program under Executive Order 13556
17 to fill a critical national security gap. There is
18 unclassified information, classified information, and then
19 there is a huge swath of information that is sensitive but
20 neither one. That information is of huge interest to our
21 adversaries, especially to the Department of Defense's
22 sensitive technologies.

23 Four, that the administration must develop and implement
24 new flexible personnel policies and spend the necessary funds
25 to expand secure communication capabilities. We learned that

UNCLASSIFIED

1 during COVID.

2 Five, that the agencies must update, correct,
3 streamline, and reduce the number of their security
4 classification guides. Right now there are 2,116 separate
5 guides we have been able to identify that govern how agencies
6 classify information. So we are trying to add for more
7 standardization, more consistency.

8 Six, that the White House should reevaluate the criteria
9 for creating and maintaining special access programs,
10 including additional oversight of these programs. An area
11 where I believe that Congress may be able to support these
12 key recommendations is through the possible establishment of
13 a new congressional commission staffed by experts to examine
14 the second recommendation, which deals with technology.

15 As I said, I worked for Senator Moynihan. The Moynihan
16 and the Hamilton commission on government secrecy now is
17 almost 30 years old. It would be useful to have another look
18 at this stuff from the outside by experts, especially being
19 able to explain what technological developments are happening
20 out there that we could adapt for our own -- adapt -- adopt
21 and adapt for our own use.

22 With that, I thank you for your time and look forward to
23 your questions.

24 THE CHAIRMAN: Let me just start with: Wow. Okay.
25 Let's try to get -- so this, obviously, is an area that we

UNCLASSIFIED

UNCLASSIFIED

1 are not incredibly familiar with but came into the limelight.
2 And intuitively we should have been aware that, with the
3 Presidential Preservation Records Act, that your role was
4 going to include classified information.

5 But it was a surprise to us the manner of which this is
6 all handled, even though we are a customer of yours. I
7 understand that we send our classified documents to you when
8 we are done with them.

9 So the problem is, is that from the point of
10 understanding that documents were packed at the White House
11 and went to you, and that documents were packed here and went
12 to you, nobody has looked under the hood. And so that is
13 what we are trying to figure out at this point, is: How does
14 this work? How should it work? What do you need?

15 And so let's start with you, Mark, with a question,
16 because you have raised some questions just in your comments
17 themselves.

18 One, you listed a bunch of recommendations from a report
19 that you did. We don't have that report. Can you send us
20 that report?

21 MR. BRADLEY: Absolutely.

22 THE CHAIRMAN: And what else is in that report besides
23 the recommendations that you listed for us? What is its
24 context?

25 MR. BRADLEY: It is a detailed report. It deals

UNCLASSIFIED

UNCLASSIFIED

1 overall, Congressman Turner, with the health of the
2 classification/declassification system. So it is looking at
3 specific trends and data. We track the number of people in
4 the government who have original classification authority.
5 We tracked the number of classification guides.

6 So it gets very granular at certain levels. But it is
7 also looking at much broader things.

8 I mean, we are, as you might have guessed from my
9 opening statement, we are a unique office. We are probably
10 the only one in the government, the executive branch anyway,
11 who has a good 50,000-foot look at this system.

12 THE CHAIRMAN: Okay. And give us some understanding.

13 My understanding is that you are part of the Archives.

14 MR. BRADLEY: We are, sir.

15 THE CHAIRMAN: Okay. So do you report to the Archivist?

16 MR. BRADLEY: I take my policy guidance from two
17 streams, one, from the Archivist of the United States, and
18 secondly, from the National Security Council. So we are kind
19 of an odd body.

20 THE CHAIRMAN: How many employees do you have?

21 MR. BRADLEY: Right now, sir, about 18.

22 DR. WENSTRUP: That is interesting.

23 THE CHAIRMAN: I was afraid of that.

24 MR. BRADLEY: Eighteen.

25 THE CHAIRMAN: So you said that you handle the

UNCLASSIFIED

UNCLASSIFIED

1 classification and the declassification of documents. And I
2 am assuming that that is --

3 MR. BRADLEY: The policy, sir.

4 THE CHAIRMAN: Sorry?

5 MR. BRADLEY: The policy, sir. We implement the
6 policies, or see that the policies are implemented.

7 THE CHAIRMAN: Across agencies or at the Archives?

8 MR. BRADLEY: The entire executive branch of the United
9 States Government, sir.

10 THE CHAIRMAN: With 18 people.

11 MR. BRADLEY: Yes, sir.

12 THE CHAIRMAN: So let's just focus on the Archivists for
13 a second. So you report to them, but you also, in that
14 process of overseeing policy, they somewhat report to you.

15 In the declassification process, how do you, with all
16 the thousands of pages that must be under the control of the
17 Archivists, determine, of those documents, which are
18 remaining classified and which are now currently
19 declassified?

20 MR. BRADLEY: We don't, sir.

21 THE CHAIRMAN: Right. That was what I suspected.

22 So if you receive a document that is marked classified,
23 even if it has been declassified, even before it got to you,
24 do you handle it as classified if you have no other direction
25 as to whether or not it is declassified?

UNCLASSIFIED

UNCLASSIFIED

1 MR. BRADLEY: It depends how it is marked, sir, whether
2 it has been properly --

3 THE CHAIRMAN: So do -- I guess I should rephrase this
4 question. Do you only follow the markings of the documents
5 that you have received for determining its handling as
6 classified or declassified?

7 MR. BRADLEY: We actually handle very little or very few
8 documents ourselves. That is more the National
9 Declassification Center and other parts of the Archives.

10 THE CHAIRMAN: But do you have give them the direction
11 as to how to handle those documents?

12 MR. BRADLEY: Directions, broadly writ, are in the
13 Executive Order 13526 and then in the implementing
14 directives.

15 THE CHAIRMAN: Okay. I have 13556 that you talked
16 about. So --

17 MR. BRADLEY: Yeah, 13526.

18 THE CHAIRMAN: Maybe this is an appropriate question to
19 Jay.

20 Jay, you get a box. It has documents in it that are
21 marked classified. You have no other information as to the
22 status of those documents. Do you have handle them in
23 perpetuity as if they are classified?

24 MR. BOSANKO: No, we do not.

25 THE CHAIRMAN: And how do you determine whether or not

UNCLASSIFIED

UNCLASSIFIED

1 they have been declassified?

2 MR. BOSANKO: So there are two streams, if you will,
3 because the standards change once material is more than
4 25 years old.

5 But, regardless, if we look at a document and those
6 classification markings and there is any doubt as to the
7 classification status of the information, we are going to
8 coordinate back with the originating agencies and any other
9 agency that has an equity in that document.

10 When the materials are more than 25 years old, we have
11 some additional authorities. It is not solely up to an
12 individual agency as to what they can keep classified beyond
13 25 years.

14 But, yes, when we --

15 THE CHAIRMAN: So does that mean that you do have some
16 declassification authority?

17 MR. BOSANKO: Yes, we have declassification authority
18 through classification guidance, memorandums of understanding
19 and agreement with other agencies, things of that nature.

20 THE CHAIRMAN: Can you provide those to us, please, that
21 specifically relate to your declassification authority?

22 MR. BOSANKO: Yes.

23 THE CHAIRMAN: Okay.

24 How many thousands of pages do you think you have that
25 are actual classified and that are and/or being treated by

UNCLASSIFIED

UNCLASSIFIED

1 you as classified?

2 MR. BOSANKO: Buckle up. I am storing 555,000 cubic
3 feet of classified national security information. To put
4 that in perspective, the white boxes that many of you have
5 seen in your offices, that is a cubic foot. It holds about
6 2,500 pages.

7 Another way for me to describe it, a typical stack area
8 that we store records in a Federal records center can hold
9 about 100,000 cubic feet. And that is a room that is about
10 roughly the size of a football field. So you are looking at
11 five and a half football fields floor to ceiling shelving of
12 classified.

13 I can break that out --

14 THE CHAIRMAN: Can you pause for a second? Okay. Go
15 ahead. Please tell us everything you have got on a piece of
16 paper.

17 MR. BOSANKO: I can break it out just for context.
18 About 4,800 cubic feet is classified congressional and
19 legislative branch materials. I have got about 39,000 cubic
20 feet out of the Presidential library system, 154,000 cubic
21 feet of Federal records, about 9,000 cubic feet of what we
22 call special media records. So we have classified motion
23 picture films, audio tapes, things of that nature. And then
24 there is 350,000 cubic feet that we are storing on behalf of
25 other Federal agencies as part of our reimbursable records

UNCLASSIFIED

UNCLASSIFIED

1 storage program.

2 THE CHAIRMAN: And how many employees do you have that
3 maintain those records?

4 MR. BOSANKO: Cleared staff? Nationwide, 563.

5 THE CHAIRMAN: Okay. Are they the only ones -- so you
6 have staff that are cleared that have access to these 550,000
7 square feet, or whatever it is --

8 MR. BOSANKO: Cubic feet.

9 THE CHAIRMAN: -- cubic feet of documents. What do they
10 do with them? Do they just watch them? Do they go through
11 them? Are they processing them?

12 MR. BOSANKO: So the 350,000 cubic feet that we are
13 storing and servicing on behalf of other Federal agencies, we
14 are essentially receiving those materials, securing them in a
15 vault, and then they sit in that vault space until another
16 Federal agency that owns them needs access to them. They may
17 get access to them to respond to an oversight request from
18 the Hill. They might need access to them to respond to a
19 Freedom of Information Act request. Or they might need
20 access to them for their own mission requirements.

21 THE CHAIRMAN: So are they -- they are cataloged in a
22 manner in which you can retrieve them. Is that correct?

23 MR. BOSANKO: At the box or the folder level, but not at
24 the document level, yes, sir.

25 THE CHAIRMAN: So do you have any information as to the

UNCLASSIFIED

UNCLASSIFIED

1 contents of each box?

2 MR. BOSANKO: When an agency sends a transfer to the
3 Federal Records Center Program, we get general information
4 about what the transfer includes. So it might say, for
5 example, the Secretary of Defense's Correspondence File 1960
6 to 1965.

7 In the first box, in the first folder of the first box,
8 there should be a folder title list that then lays out the
9 folder titles to help us and then manage the records. But
10 beyond that, we don't have --

11 THE CHAIRMAN: Okay. That is what I was going to get
12 to. You just said "us and then manage the records." So how
13 is it that you manage the records?

14 MR. BOSANKO: So we will do pulls and refiles for them
15 if they need access to specific items that are in those
16 boxes.

17 THE CHAIRMAN: Do they open them? Do they determine
18 that the inventory in the front is accurate? Do they
19 determine that the inventory, when it comes in, is complete?
20 And do you do any security inventory to determine that
21 nothing is missing?

22 MR. BOSANKO: So when a transfer arrives on the loading
23 dock, we spot-check the materials to make sure that they are
24 what they said they were, that the classification level is
25 correct. We do make sure that the folder title list is

UNCLASSIFIED

UNCLASSIFIED

1 there, and that it is generally accurate. But we don't do --
2 we are not resourced to do any kind of inventory.

3 As far as knowing that something is missing, we wouldn't
4 know that.

5 THE CHAIRMAN: And what is the classification of the
6 people that are on the loading dock?

7 MR. BOSANKO: These materials are received via secure
8 transportation, secure couriers. And then the people that
9 are receiving the materials on the loading dock have the
10 appropriate security clearances for the materials that are
11 coming in.

12 THE CHAIRMAN: Presidential records. What is your
13 inventory notice of what you are going to receive before you
14 receive it? Is it just like the loading dock, the box shows
15 up? And is an inventory on it? Or do you have some
16 understanding of what the inventory of Presidential records
17 are going to be that you are going to receive?

18 MR. BOSANKO: So every transfer is different. The
19 biggest difference is whether it is a one-term or two-term.

20 If it is a second-term transfer, they have known for
21 4 years that the date is coming, and everybody has kind of
22 rolled up their sleeves earlier in the process to prepare for
23 transfer.

24 When it is a one-term, it is usually a hurry-up. You
25 are going from November, the loss of an election, to a

UNCLASSIFIED

UNCLASSIFIED

1 January transfer date.

2 THE CHAIRMAN: Let me be more specific. When we deliver
3 documents to you, you don't know what is coming, you don't
4 know what we have. I am assuming that you don't know what
5 Presidential records a Presidential administration has.

6 MR. BOSANKO: Correct, other than we have been doing
7 this for so long in so many administrations, we know the
8 types of things --

9 THE CHAIRMAN: Right. Categories, but not specifics.

10 MR. BOSANKO: Right.

11 THE CHAIRMAN: Right. So how is it that you knew that
12 there were Trump documents missing if you don't know what
13 documents an administration has and you don't know what
14 documents we have that are intended to go to you?

15 MR. BOSANKO: So, Mr. Chairman, I can't speak to aspects
16 that are going to tie back to the actual ongoing
17 investigation, but --

18 THE CHAIRMAN: But you are not the Department of
19 Justice. You are not in an investigation. You are a
20 witness. And you are also a witness in front of our
21 committee, and we have absolute jurisdiction over this topic,
22 and we want to understand custody and control.

23 MR. BOSANKO: I am going to get to that.

24 THE CHAIRMAN: And this is one who we actually
25 understand occurred. So, please, answer the question.

UNCLASSIFIED

UNCLASSIFIED

1 MR. BOSANKO: Yeah. My goal is to get to yes. I just
2 need to be mindful of -- I have been interviewed by the
3 Department of Justice and the FBI, and I have been put on
4 notice.

5 MS. STEFANIK: Put on notice? What do you mean?

6 MR. BOSANKO: That I have been told that the information
7 that I am providing is directly related to an ongoing
8 investigation and that I am not to --

9 MS. STEFANIK: So they told you what to say to this
10 committee?

11 MR. BOSANKO: No, they don't even know I am here.

12 THE CHAIRMAN: Okay. So, Jay, help us get to yes. Show
13 us how it is that --

14 MR. BOSANKO: So I am going to speak hypothetically.

15 So it is -- inside the White House the records flow
16 through the White House Office of Records Management,
17 affectionately known as WHORM -- just in case I say "worm" --

18 THE CHAIRMAN: Go ahead.

19 MR. BOSANKO: So as those materials go through that
20 office, they are capturing different information, they are
21 doing the minimal amount of sort of cataloging, if you will,
22 that they are able to do. They are --

23 THE CHAIRMAN: Who do they report to?

24 MR. BOSANKO: The White House Office of Records
25 Management, I believe, is part of the Office of

UNCLASSIFIED

UNCLASSIFIED

1 Administration, but I am not 100 percent.

2 THE CHAIRMAN: Okay. That is fine. We will find out.

3 MR. BOSANKO: So not specific to any administration, but
4 over time they have learned that they need to keep their eyes
5 and ears open to ensure that certain things flow through the
6 office. So if a President of the United States says today I
7 signed or I receive or something is covered in the press,
8 they know, hey, that is going to be -- you know, a classic
9 example is one President leaving a letter in a desk for the
10 next President. It is something that they make reference to.
11 Everybody knows it is there. They are looking for it because
12 of the historical significance.

13 So they are keeping a running list of things that kind
14 of flow through that office. And if certain things don't
15 flow through the office, then they are aware of it --

16 THE CHAIRMAN: Do they flow through that office to you?

17 MR. BOSANKO: Eventually what goes through WHORM will
18 come --

19 THE CHAIRMAN: So that is the office that handles the
20 actual transference of official Presidential records to the
21 Archives?

22 MR. BOSANKO: In large measure, yes.

23 THE CHAIRMAN: So, physically, they are the ones who
24 receive them and transfer them to you.

25 MR. BOSANKO: Yes. The final transfer, it is a very

UNCLASSIFIED

UNCLASSIFIED

1 rushed -- WHORM is a very small office, not everything is
2 flowing through them.

3 We largely work with the Department of Defense for
4 logistical support. But we essentially are going up, we are
5 moving the materials as they are given us to. We stage them
6 out of Archives I, the main National Archives building. And
7 then we work with DOD to prepare them for eventual shipment
8 to wherever they are going to be.

9 But our role is largely that of a receiver, and then we
10 use the next 5 years to get ready for the onset of FOIA.

11 THE CHAIRMAN: So does -- I almost said "mole," excuse
12 me -- does WHORM handle Vice Presidential offices? Because
13 we have two Vice Presidential offices that have records that
14 didn't make it to you that apparently nobody knew existed.
15 Is that a gap?

16 MR. BOSANKO: So not everything is going to flow through
17 WHORM. I believe that the Vice Presidential materials would
18 as well. But I am not sure that -- you asked for general
19 advice. I don't --

20 THE CHAIRMAN: If they are doing sort of this sensing of
21 what should be there.

22 MR. BOSANKO: I think the bigger challenge is one of --
23 what you have here is the intersection of classification
24 management, records management, and information management.
25 And under the PRA, the Presidential Records Act, the

UNCLASSIFIED

UNCLASSIFIED

1 President is wearing multiple hats during the course of a
2 day. At certain points in time, he is acting as a private
3 individual, he or she. At other times they are dealing with
4 a political question: Should they run? Yes? No? And other
5 times they are doing the traditional work of the President.

6 So there are almost three buckets, if you will, that
7 their paperwork needs to flow through. But the PRA isn't --
8 the way it is set up as far as how the records ought to flow
9 and how we all work throughout our day doesn't quite line up.
10 So there is the records management aspect.

11 Mark made reference to 80 instances. Classified has
12 been going outside of government control for an extended
13 period of time. More often than not it is not due to a lack
14 of care or respect for classified. It is just a matter of
15 how people are moving paper throughout the day. And then the
16 information management pieces, it is not -- we have got to
17 move to electronic record keeping and live digitally more in
18 order to manage this.

19 THE CHAIRMAN: This is my last question. I promise you
20 no follow-up to this question, but this is like a substantive
21 question for which we need an answer.

22 Jay, Mark, were either of you the individuals at the
23 Archivist that contacted the Department of Justice concerning
24 the documents that were outstanding from the Trump
25 administration?

UNCLASSIFIED

UNCLASSIFIED

1 Jay, yes, no?

2 I have no follow-up questions.

3 MR. BOSANKO: No, it is okay.

4 THE CHAIRMAN: I am just asking for yes, no.

5 MR. BOSANKO: It is a yes, however, our referral was
6 done to our Office of Inspector General, who then referred it
7 to the Department of Justice.

8 But, yes, I was very much involved in all three of those
9 as well as many of the 80 before that. I have been doing
10 this for a long time.

11 THE CHAIRMAN: Well, then, I am going to have to ask you
12 a follow-up question.

13 MR. BOSANKO: That is fine.

14 THE CHAIRMAN: Because I didn't expect you to identify
15 someone else.

16 MR. BOSANKO: That is okay.

17 THE CHAIRMAN: So the call went from the IG to DOJ?

18 MR. BOSANKO: Correct.

19 THE CHAIRMAN: Mark, you weren't involved?

20 MR. BRADLEY: No, sir. We have nothing to do with the
21 Presidential Records Act. Thank God.

22 [Laughter.]

23 THE CHAIRMAN: Yet. We could change this law.

24 Ranking Member Himes.

25 MR. HIMES: Thank you.

UNCLASSIFIED

UNCLASSIFIED

1 I want to focus very narrowly on the three issues before
2 us here. And by the way, I am completely uninterested in the
3 specifics of those issues. We just know that we have bad
4 processes for Presidents and ex-Vice Presidents to secure
5 these documents. Again, completely uninterested in what the
6 DOJ cares about, which is the specifics of the case. I just
7 want to sort of tease out possible processes.

8 And my frustration comes from, I am hearing proposals
9 for commissions, and this is a really complicated problem. I
10 have never worked in the executive branch, but I have talked
11 to people who have. Almost everybody I talked to says it is
12 chaos at the end of an administration. You know, papers
13 everywhere, boxes everywhere. Everybody is out watching a
14 parade on Pennsylvania Avenue. And there are 24-year-olds
15 throwing documents into boxes.

16 So I understand this is totally speculative, but I just
17 want to form in my own mind what the nature of the problem
18 here is.

19 So, again, based on what you know, with zero interest in
20 the particularities of these three cases, is it likely, based
21 on what you know about these transitions, that we have an
22 underwhelming process? And what I mean by that -- let me ask
23 specific questions.

24 At the end of an administration, at the Naval
25 Observatory and the White House, are your people in the room

UNCLASSIFIED

UNCLASSIFIED

1 for the final boxing up of paper?

2 MR. BOSANKO: No.

3 MR. HIMES: Okay. So one thing we might consider would
4 be somebody who understands classified information,
5 presumably not somebody -- somebody who understands
6 classified information being physically present on that
7 one day when the boxes. Right?

8 I mean, again, I have got to be serious about this, but
9 it just doesn't strike me as that hard of a problem. One of
10 the things we might do is make sure that on that chaotic day
11 somebody from your organization is there and responsible for
12 every last piece of paper that is in the building, correct?

13 MR. BOSANKO: Yes.

14 MR. HIMES: Okay. So that gets me to --

15 MR. BOSANKO: Preferably not just on the last day. A
16 little --

17 MR. HIMES: Yeah. No, I understand.

18 MR. BOSANKO: The more time the better.

19 MR. HIMES: No. And there has been some interesting
20 contrast drawn between -- and I am not going to use names
21 here -- but Presidential administrations that were very
22 disciplined about the regular provision of information and
23 administrations that were not. I could imagine it is a lot
24 easier on day -- last day -- if an administration has been
25 disciplined.

UNCLASSIFIED

UNCLASSIFIED

1 So there is an interesting line in the briefing I have
2 here, which is that NARA has no independent authority or
3 capacity to enforce or compel compliance with the PRA.

4 Do you feel like when a new administration comes in,
5 with everybody from the Secretary of Defense to the
6 22-year-old intern, do you feel like you have adequate access
7 to at least train and educate everyone who is going to be
8 exposed to Presidential records as to the best practices and
9 systems that are designed to protect those documents?

10 Is there an ongoing initial onboarding training for
11 everybody who is going to have access to Presidential
12 records?

13 MR. BOSANKO: We are not involved in any such activity.

14 MR. HIMES: Okay. And, presumably, if this is to be
15 good activity, you would be?

16 MR. BOSANKO: In an ideal scenario, yes, absolutely.

17 MR. HIMES: So when somebody goes to work for the White
18 House, who does the training around Presidential records, not
19 the handling of classified information but around the
20 obligations associated with Presidential records?

21 MR. BOSANKO: So under the Presidential Records Act, the
22 President themselves has great and wide discretion with
23 respect to how to apply the PRA in their administration.

24 What we typically are able to do is to provide them with
25 some initial early guidance, make sure they know what the PRA

UNCLASSIFIED

UNCLASSIFIED

1 is, they know that we are a resource.

2 One of the things they will typically do is they will
3 look at the guidance that the prior administration might have
4 issued or other past administrations. And then usually White
5 House counsel is going to draft their guidance. Every
6 administration under the PRA has drafted guidance for the
7 PRA.

8 Interestingly enough, the guidance for the Trump
9 administration is the only guidance that has ever been made
10 public. It was actually released and is available.

11 What they do then as far as training for personnel, I am
12 not privy to that.

13 MR. HIMES: Okay. So it is possible that this guidance
14 exists on a piece of paper in the White House counsel's
15 office, but it is possible that all these hundreds of people
16 who go to work around the President never receive any
17 training or even exposure to that guidance. It is possible.

18 MR. BOSANKO: We know that some training is done in the
19 past because we see the vestiges of it in the records. But
20 it is possible that as people come and go, whether or not
21 that is the first thing that they get on day one, things of
22 that nature, no idea.

23 MR. HIMES: Okay. My last question. I have been sort
24 of focused on paper documents. Again, in my briefing here it
25 says: The NSC's executive secretary maintains a searchable

UNCLASSIFIED

UNCLASSIFIED

1 database of nearly all classified records generated over the
2 course of an administration.

3 So help me understand that. And it may get to the
4 chairman's question around: How do we know if a document is
5 missing? I am concerned about this "nearly all" qualifier.

6 So here is my question. If a document is -- if a
7 classified document is printed and handed to the Secretary of
8 Defense, or whoever, is a notation made in this database that
9 there now exist a copy of this classified document inside the
10 White House? Is it with that level of precision that this
11 database operates?

12 MR. BOSANKO: So you hit upon a key thing that I should
13 have referenced earlier, which is that you have White House
14 Office of Records Management, NSC has its own records
15 management component.

16 With regard to that specific system, I have no awareness
17 of it or how it works or what they annotate or what they
18 don't annotate.

19 MR. HIMES: Okay. So is there a formal -- so NSC has
20 this pretty substantial responsibility to take care of
21 classified information as well as to abide by the
22 Presidential Records Act. Is there a robust back and forth
23 between your office and the ever-changing NSC about best
24 practices and procedures and guidance?

25 MR. BOSANKO: If you hadn't used the word "robust," I

UNCLASSIFIED

UNCLASSIFIED

1 think I would have said yes. It could be stronger.

2 MR. BRADLEY: Congressman, if I might, we just, ISOO
3 last year trained the NSC on handling classified information.

4 So you have to understand, some administrations are more
5 amenable to training than others. Some are more amenable to
6 oversight than others. And so a lot of it comes from up top.

7 MR. HIMES: I mean, I am going to yield back my time
8 here. But I am concluding from this back and forth -- and
9 let's set aside all the possibilities that might have
10 happened with these three principals. God only knows, maybe
11 there is a Hollywood movie somewhere. But just I am focused
12 on what are some clear problems.

13 What I am drawing from this is that there is far from a
14 robust system for the training of people who have exposure to
15 Presidential records in their proper handling, storage, and
16 ultimate disposition. I am drawing the conclusion that
17 before we start talking about blue ribbon commissions and
18 national labs being involved -- I say that sarcastically --
19 we might just consider putting somebody from your office in
20 the Naval Observatory and in the White House, perhaps, if
21 nothing else, on the last day of an administration.

22 And I am learning that maybe we need to take a hard look
23 at this classified database to make sure that it is, in fact,
24 comprehensive, that it both records all classified documents
25 inside the White House as well as the ultimate disposition of

UNCLASSIFIED

UNCLASSIFIED

1 any printouts of those documents.

2 Are those three fair conclusions from our conversation?

3 MR. BOSANKO: If our general counsel were sitting next
4 to me, he would tell me that I should defer to the President
5 with respect to the implementation of the PRA.

6 MR. HIMES: You should, but we shouldn't. We make the
7 laws. We are the Article I authority. So I understand that
8 it is very tense for you, because at the end of the day you
9 are an executive creature. But we make the laws, so we can
10 impose obligations on the President.

11 MR. BOSANKO: But I am a third-generation libraries and
12 archives person; a second-generation Archives employee. I
13 have spent my entire career in the records management space,
14 and in particular in the classified space. So I owe you my
15 best, and my best is that this system is in need of greater
16 attention.

17 MR. HIMES: Okay. All right. Thank you.

18 Yield back.

19 THE CHAIRMAN: Ms. Stefanik.

20 MS. STEFANIK: So, Jay, NARA was the first entity to
21 identify classified documents or documents broadly from one
22 of three prominent elected officials. The other two were
23 self-identified by staffers for former Vice Presidents.

24 Why was it that NARA knew about supposed missing
25 information in one case but not the other two? How can that

UNCLASSIFIED

UNCLASSIFIED

1 happen?

2 MR. BOSANKO: Sure. So in the first instance, we were
3 not aware of missing classified information. We were aware
4 of missing records. And we worked for over a year to try and
5 recover those materials.

6 When materials were finally shipped to us after nearly a
7 year, it was when we received the boxes of materials and
8 opened them that we discovered classified national security
9 information. And that was when we had to sort of look at
10 that situation differently. So we weren't aware that there
11 were missing classified materials.

12 With the second and third instances, as you note, they
13 were self-identified, but there isn't document-level tracking
14 in the executive branch in the White House Complex. So
15 anybody's ability to know that something has gone missing or
16 astray is very limited.

17 MS. STEFANIK: So let me take a step back. Let's take
18 out the classification. So NARA knew. And obviously that
19 was what led to the outreach to the previous administration.

20 What was it that made you do that versus we were unaware
21 from NARA's perspective of the two missing boxes? And my
22 fear here is there could be missing boxes in other garages
23 around the country that NARA has no idea about and whether or
24 not they include classified information.

25 MR. BOSANKO: Right. So your point at the end there is

UNCLASSIFIED

UNCLASSIFIED

1 something that has been a challenge for me personally in my
2 career.

3 When I was a junior analyst at IS00, I was sent out to
4 Stanford University. There was a vault there. And they had
5 asked for help from the National Archives to try and figure
6 out all of this material they had. It came from multiple
7 donations over the years from multiple officials.

8 Fast forward. Mark made reference to Senator Muskie. I
9 actually went up to Bates College. I was the IS00 staffer
10 that was sort of the first person there and going through the
11 materials and hand-carrying it back.

12 In 2009, when the President issued the new executive
13 order and I was leading the development of the implementing
14 regulation, 32 CFR Part 2001, I intentionally put language in
15 there for the first time that covered what you are supposed
16 to do when there is classified outside of government control.
17 And those provisions were put in there because of exactly the
18 concern that you have, is what else is out there.

19 With the first instance, there were multiple
20 high-visible items --

21 MS. STEFANIK: Like what?

22 MR. BOSANKO: The letter between President -- that
23 President Obama had left for President Trump. The
24 correspondence with the leader of North Korea. There was a
25 whole list of items that we were telling them, the

UNCLASSIFIED

UNCLASSIFIED

1 administration, hey, that we don't have this. It must exist
2 somewhere.

3 MS. STEFANIK: And that is what led to the outreach,
4 those two letters?

5 MR. BOSANKO: Those two letters.

6 MS. STEFANIK: And what else?

7 MR. BOSANKO: Well, there was a stack of letters between
8 --

9 MS. STEFANIK: Can we get the list of what led to that
10 outreach? I am asking for that list. So consider that an
11 official request.

12 MR. BOSANKO: There isn't a formal official list that we
13 are working off of.

14 MS. STEFANIK: So this is informally making the decision
15 to reach out to the previous administration, previous
16 Presidents?

17 MR. BOSANKO: Yes.

18 MS. STEFANIK: Informally. You named two documents here
19 and then said there was a stack of letters and now said there
20 is not a list. So which is it?

21 MR. BOSANKO: There was never a list. We knew of
22 different items that were missing. So one item was the
23 letter left by President Obama. The second was multiple
24 pieces of correspondence between President Trump and Kim
25 Jong-il.

UNCLASSIFIED

UNCLASSIFIED

1 There were a couple other items that I am not recalling.
2 But these were very obvious things that, given our role as
3 the Nation's record keeper, we went back very informally to
4 representatives of the former President and said: Might you
5 have these?

6 MS. STEFANIK: I am requesting what those are,
7 specifically, and for you to follow up with the committee.

8 And my final question -- if you would give me a couple
9 more seconds, Mr. Chairman -- is, has there ever been -- you
10 said, Jay, that you referred this to the IG, who then
11 referred it to the Department of Justice. Has there ever
12 been another case where you have referred a previous
13 President to the IG for not -- for any reason -- or any
14 previous Vice President you have referred to the IG?

15 MR. BOSANKO: Prior to the three instances that have
16 just happened? No.

17 MS. STEFANIK: Yield back.

18 THE CHAIRMAN: Ms. Houlahan.

19 MS. HOULAHAN: Thank you.

20 My background is as an industrial engineer, and
21 inventory management is my jam. I did my master's thesis on
22 it. And I have also spent a lot of time in industry with
23 ERPs and warehouse management systems. So I am kind of going
24 to go down a wormhole with you on that.

25 The first question, more broadly, with the five football

UNCLASSIFIED

UNCLASSIFIED

1 fields, or however many, has that been growing in its size,
2 or is it shrinking because of the electronification of
3 documents?

4 MR. BOSANKO: That is a really good question. And one
5 would have expected the number to be declining faster than it
6 has.

7 Part of the challenge is we don't typically receive --
8 agencies hold on to materials until they, to be honest,
9 usually, until their filing cabinets or their own storage
10 space gets full. Then they shed it, if you will, and send it
11 to the records center. And then they don't then come to the
12 National Archives legally until later.

13 So it is sort of, as the shift to the use of IT, there
14 is a really long tail before we are seeing --

15 MS. HOULAHAN: A decline. Yeah.

16 And in terms of the warehouse management system that I
17 am hoping that you use, is it sort of something that industry
18 would be proud of having? Have you had any opportunity to
19 reach out to industry to understand their best practices in
20 this area?

21 MR. BOSANKO: Yeah. To be clear, in the Federal Records
22 Center Program nationwide, we are storing 25 million cubic
23 feet of paper. We have our own system that we are using. We
24 have met, for example, with Iron Mountain --

25 MS. HOULAHAN: That would be my first one, yeah.

UNCLASSIFIED

UNCLASSIFIED

1 MR. BOSANKO: Gone out to their locations, looked at how
2 they operate. One of the benefits of how they work is they
3 -- we store -- if you send me six boxes, I store those
4 six boxes side by side. Iron Mountain plugs the six boxes
5 in. They are a little --

6 MS. HOULAHAN: Commingling, yeah.

7 MR. BOSANKO: Yeah. They are a little more efficient.
8 So their system has to be able to manage that.

9 MS. HOULAHAN: And does your system, whatever
10 proprietary system that you have, which I think probably is
11 problematic to begin with --

12 MR. BOSANKO: It is held together with bubble gum and
13 baling twine.

14 MS. HOULAHAN: Yeah, yeah. Does it talk to or speak to
15 the systems that are getting transfers from it in any
16 electronic way?

17 Because it seems like an obvious fix would be to have
18 electronic bridges between the systems on, instead of the day
19 that you are closing up shop in one office, having a mass
20 scramble to make you are physically accounting for things,
21 rather an electronic transfer of information so that you
22 could find what is missing and what is not missing more
23 quickly.

24 MR. BOSANKO: Yeah, our systems don't do that.

25 MS. HOULAHAN: Is there a way that we can be helpful to

UNCLASSIFIED

UNCLASSIFIED

1 allow you to make that transfer happen?

2 MR. BOSANKO: So we are facing sort of, I would say,
3 three challenges off the top of my head to be able to get to
4 that point.

5 The first is the system we have in place is sort of on
6 borrowed time.

7 The second is the inability of executive branch
8 departments and agency systems to talk to one another --

9 MS. HOULAHAN: Right.

10 MR. BOSANKO: -- largely because of the security rules
11 that need to be there.

12 I said three, but those are the two.

13 MS. HOULAHAN: I don't have a whole lot of other
14 questions, but I would like to understand and be helpful in
15 trying to find ways to think about the data aspects of this.
16 And while we visualize a lot of the products that you are
17 talking about, it is really about the electrical -- the data
18 that is behind it, that is the most useful way that I think
19 that we can manage this.

20 And so if there is anything that I can be doing or we
21 can be doing as a body to help upgrade those systems for you,
22 as well as to have them be able to talk to other systems, I
23 think that is probably a good way to start to having a more
24 efficient record keeping.

25 I am just envisioning Indiana Jones and the warehouses.

UNCLASSIFIED

UNCLASSIFIED

1 And back in my day we used to call it the "Joe, go find it"
2 system. And that, I think, is probably what I am envisioning
3 is happening with you guys, too.

4 MR. BOSANKO: And thank you. And to be clear, I have
5 spoken about what we have, all of those 555,000 cubic feet.
6 There are multiple IC components that manage their own record
7 centers, CIA, NSA, for example. They have their own record
8 center. They don't use our record centers.

9 Now, they eventually -- their equities are in everybody
10 else's records, so we end up with them as well. So there is
11 a bigger challenge with regard to managing it, sort of the
12 historical classified materials of the IC, than just the
13 Archives.

14 MS. HOULAHAN: Thank you. I yield back.

15 THE CHAIRMAN: Just to give people an idea as to where
16 the list is. Next, it is Garcia, Gomez, Scott, Plaskett,
17 Hill -- Hill is gone -- and then Gottheimer.

18 Next is Garcia.

19 Mr. Garcia.

20 MR. M. GARCIA: Thank you, Mr. Chairman.

21 And thank you, gentlemen, for your time.

22 Since the age of 18, I have treated classified material
23 like a loaded weapon. If we protect it and store it
24 correctly, it is used in our defense and it is an asset to
25 us. If we don't do those things, then it can literally kill

UNCLASSIFIED

UNCLASSIFIED

1 us. And that is why this is so important.

2 I think we are all just trying to get to the root cause
3 of how do these mishandlings, these leaks, which is
4 effectively what they should be treated like, how they
5 happen, especially coming out of the White House.

6 My sense coming out of this discussion and just
7 everything I have seen in the public domain is that there are
8 folks in the White House just running with scissors when it
9 comes to classified information.

10 Who is the single point of contact, besides the
11 individuals and the President themselves who are in charge of
12 classified material, who are the custodians of classified
13 material at the White House during the two administrations
14 that we have been discussing?

15 Yeah, Jay, thank you.

16 MR. BOSANKO: So it is a really good question, and you
17 are focusing in on one of the big challenges. And,
18 essentially, each individual is serving as their own
19 custodian with very limited oversight. And you start off
20 with empty file cabinets and an empty safe. And until it
21 gets full, most people don't worry about records management.

22 And so when they do, depending where they are in the
23 White House Complex, they are going to get help either from
24 the Office of Administration, the NSC staff.

25 And, frankly --

UNCLASSIFIED

UNCLASSIFIED

1 MR. M. GARCIA: Not to interrupt you, but we know there
2 is going to be classified information coming through the
3 White House. Literally on day one there should be briefs and
4 turnover and pass down of information.

5 So why is there not already -- and maybe this is the
6 root cause -- of a permanent structure, of a civilian
7 professional custodian, your counterpart in not just the
8 executive branch writ large, but in the White House,
9 specifically, for the President, for the Vice President, and
10 for the staffers? That doesn't exist right now is what I am
11 taking away from what you are saying, right?

12

13

14

15

16

17

18

19

20

21

22

23

24

25

UNCLASSIFIED

UNCLASSIFIED

1 [10:01 a.m.]

2 MR. BOSANKO: Not to the extent it should. And to me it
3 is a symptom of a bigger problem, which is records management
4 typically is the last thought.

5 MR. M. GARCIA: Right.

6 MR. BOSANKO: But if records aren't managed properly we
7 have the current situation which erodes public confidence in
8 the system itself. It puts systems and information and
9 sources at risk. I mean, it is no different --

10 MR. M. GARCIA: Understood.

11 MR. BOSANKO: -- than all the other reasons we
12 safeguard.

13 MR. M. GARCIA: You mentioned -- you said, in your
14 words: not due to a lack of caring of handling of paperwork.
15 But I would submit that it is absolutely due to a lack of
16 caring of handling of paperwork.

17 I think, because of the cultures in all of these
18 instances, that maybe it comes from the top, like you said,
19 Mr. Bradley.

20 But each individual is not treating this material like
21 the loaded weapon that it is, and I think that is absolutely
22 the problem.

23 That is what needs to be changed, in my opinion. If
24 charges need to be filed for individuals who didn't do this
25 correctly, then we should do that to send a signal and hold

UNCLASSIFIED

UNCLASSIFIED

1 people accountable.

2 And I am talking about everyone that is involved in
3 this, throughout the White House, throughout the
4 administrations, throughout the 24-year-olds.

5 Do we even know that the 24-year-olds are, you know, the
6 metaphor that we use, the 24-year-old that is packing up on
7 the last week of the administration, are they even cleared?
8 Do we have full accountability of the eyes and the human
9 beings that are in these situations, knowing that they are
10 cleared?

11 Jay, does that exist right now, some accountability?

12 MR. BOSANKO: I can't speak for how the White House is
13 managing the personnel that are going through the process.
14 But very often when these things go astray they are in bodies
15 of records that one would expect to be unclassified. So it
16 is possible that they would not be ensuring that.

17 MR. M. GARCIA: Okay. And then so I think that is root
18 cause.

19 What has the DOJ instructed you to say or not say or do
20 or not do? You said the DOJ has instructed you. What
21 counsel have they given you?

22 MR. BOSANKO: That is probably a poor choice of words.
23 "Instruct" sounds much more formal.

24 I know I was interviewed as a witness in each of the
25 three cases. And through that process it is very obvious

UNCLASSIFIED

UNCLASSIFIED

1 that it is an ongoing investigation. And multiple times the
2 National Archives has had reason to engage with the
3 Department of Justice about the release of information, what
4 we can respond to. And, obviously, they are going to want to
5 protect their equities and interests.

6 MR. M. GARCIA: Okay. Just to wrap up, there is no
7 formal custodian, there is no formal sort of auditor within
8 the White House protocols that make sure people are cleared
9 who are actually seeing and have access to classified
10 material.

11 I did find it interesting you were talking specifics
12 about the Trump case but not talking, assuming specifics,
13 about the Biden or the Pence cases.

14 But I am out of time. So I will yield back.

15 Thank you, Mr. Chair.

16 THE CHAIRMAN: Okay. Current standing of the list is
17 Gomez, Plaskett, Gottheimer -- Gottheimer stepped out, he
18 might come back -- Spanberger.

19 Mr. Gomez.

20 MR. GOMEZ: Real quick. When it comes to the case, when
21 it comes to the Trump administration, you said that certain
22 just obvious documents were missing; a letter from Obama,
23 correspondence with North Korea, so forth.

24 In previous administrations, were there any documents
25 that were so obviously publicly known that you should have

UNCLASSIFIED

UNCLASSIFIED

1 received? Were there any instances that you didn't have
2 those same kind of obvious documents?

3 MR. BOSANKO: No, sir.

4 MR. GOMEZ: And that is kind of what my point is. It
5 wasn't -- I was trying to -- if there were no obvious
6 documents, then there is no reason to contact the previous
7 administration to follow up with them on documents that you
8 should have received. And this instance was more unique
9 because you knew that these should have been in your
10 possession.

11 You said you informally reached out. How was that done?

12 MR. BOSANKO: It was largely emails and phone calls
13 between our general counsel and counsel for the former
14 President.

15 MR. GOMEZ: Okay. So there isn't an email that has --
16 was it, in that email, did it include a list of those
17 documents?

18 MR. BOSANKO: My recollection is that references were
19 made to the two examples I gave. And that in and of itself
20 was sufficient reason to ask them: Do you have any records?
21 We believe we didn't receive everything. And it was
22 sufficient for them to then say: We need to go look.

23 And my recollection is, as part of that, they notified
24 us pretty quickly that they found the letters. But then they
25 informed us that, in the course of looking, they had

UNCLASSIFIED

UNCLASSIFIED

1 identified other materials, and then they arranged to ship
2 those materials.

3 MR. GOMEZ: And then you received those additional
4 materials, and then you noticed certain other documents were
5 missing.

6 MR. BOSANKO: We didn't notice other things were
7 missing, but we realized that we recovered a great deal of
8 materials we should have received under the Presidential
9 Records Act, and then also the classified national security
10 information that was commingled with what we received.

11 MR. GOMEZ: And when was it reported to the IG in this
12 long process?

13 MR. BOSANKO: I don't have any notes in front of me on
14 this topic, and I am trying to give you my best recollection.

15 We received the materials. We opened the materials and
16 knew that there was a problem within the first 24 hours.
17 That kicked off a series of discussions and back and forth
18 between myself, our counsel, the individual that received the
19 materials.

20 Within a couple of days, maybe within a day or two -- it
21 was a weekend -- we contacted our Office of Inspector General
22 and then went from there.

23 MR. GOMEZ: Thank you.

24 THE CHAIRMAN: Austin Scott.

25 MR. SCOTT: I hope this is short and quick.

UNCLASSIFIED

UNCLASSIFIED

1 But most classified information has a red cover. Did
2 the information that you received have the red cover?

3 MR. BOSANKO: In the materials that we received that
4 were shipped up from Florida?

5 MR. SCOTT: Yes.

6 MR. BOSANKO: There were documents in there that had
7 cover sheets, but an awful lot of them didn't. But they were
8 clearly marked. It was readily apparent that they were
9 classified.

10 MR. SCOTT: Okay. It was readily apparent from someone
11 who just took a brief look at the documents that it was a
12 classified document. So if it didn't have the red cover, it
13 still had "classified" written across.

14 So who packed the documents at the White House? That is
15 what I can't get out. Donald Trump didn't pack those
16 documents. Joe Biden didn't pack the documents.

17 Was it the Office of Records Management? Was it WHORM
18 that packed the documents in the bankers boxes? Who packed
19 the documents?

20 MR. BOSANKO: I have no awareness or knowledge of who
21 packed those, the boxes we received.

22 And also the boxes we received, I can't say with any
23 confidence that they were received by us in the same form
24 they were packed up. As a matter of fact, we know they
25 weren't.

UNCLASSIFIED

UNCLASSIFIED

1 MR. SCOTT: I guess what I have a hard time with is how
2 the documents ever got put in the box if they were marked
3 "classified." And that, to me, seems where the breakdown is.
4 And you seem to agree with that, right?

5 MR. BOSANKO: Absolutely.

6 MR. SCOTT: So whoever saw the documents -- Donald Trump
7 didn't pack the documents. Joe Biden didn't pack the
8 documents. But someone saw that they were packing classified
9 documents inside a box that was going to an unsecure area.
10 Is that right?

11 MR. BOSANKO: Yes, sir.

12 MR. SCOTT: I think that is where the breakdown is, and
13 I think that is what we have got to address. And maybe that
14 gets back to what I think Chairman Turner was saying, that
15 you guys need to be there -- somebody needs to be there that
16 knows what should and shouldn't be packed before it leaves.

17 With that, I yield the remainder of my time.

18 THE CHAIRMAN: Ms. Plaskett.

19 MS. PLASKETT: Thank you, Mr. Chairman.

20 And thank you for the information that you are providing
21 to us.

22 My colleague, Ms. Houlihan, raised some really
23 interesting points, I think, that this committee needs to
24 look at in terms of I know that there are security issues
25 related to how documents and how your offices speak to one

UNCLASSIFIED

UNCLASSIFIED

1 another. But greater clarity needs to be made between what
2 is being generated in the White House and you all having a
3 tickler list.

4 So you said that there are -- and I think this goes to
5 you, sir, at the National Archives -- that as things are
6 happening in a President's administration, during an
7 administration, you are recalling that events have happening,
8 documents would be generating.

9 Are you keeping an actual list of that, or how do you
10 know what documents should be brought over to your -- in your
11 possession at the end of an administration?

12 MR. BOSANKO: Thank you.

13 So to be clear, the sort of the tickler I was
14 referencing was inside -- the personnel inside the White
15 House.

16 MS. PLASKETT: Okay.

17 MR. BOSANKO: We at the National Archives --

18 MS. PLASKETT: And when you say the person, is that
19 someone from the office, the counsel --

20 MR. BOSANKO: The White House.

21 MS. PLASKETT: -- the counsel's office of the President?

22 MR. BOSANKO: White House Office of Records Management.

23 MS. PLASKETT: The White House Office of Records
24 Management.

25 Now, I know the DOJ also gives guidelines at the

UNCLASSIFIED

UNCLASSIFIED

1 beginning of an administration and support, if necessary, to
2 the records management. Are they involved in that throughout
3 the process, or is it only for the guidelines at the
4 beginning?

5 MR. BOSANKO: I am not aware of them having any
6 involvement at all, other than perhaps I think what you are
7 referring to is maybe initial guidance on --

8 MS. PLASKETT: The initial guidance on how to comply
9 with PRA.

10 MR. BOSANKO: So I am not aware of DOJ doing that. I
11 know our counsel meets with the White House counsel's office
12 to help them understand. But I am not aware of any DOJ
13 involvement.

14 MS. PLASKETT: Okay. And then with no DOJ involvement
15 in that, the next time that the Department of Justice would
16 be involved is at the end, if necessary, if there is a
17 referral from an inspector general, et cetera, to do an
18 investigation or to enforce conditions of the Presidential
19 Records Act, correct?

20 MR. BOSANKO: Correct. I am not aware of any other
21 instance where the Department of Justice has gotten involved
22 in this.

23 MS. PLASKETT: And do you think that there is a
24 mechanism that could be created for there to be a list, as
25 Ms. Houlahan suggested, of documents as they are being

UNCLASSIFIED

UNCLASSIFIED

1 generated, which are then transferred to the National
2 Archives for you all to kind of have a checklist, right, at
3 the end of an administration of we should receive this, we
4 should receive that, et cetera?

5 MR. BOSANKO: So from a technological perspective, I
6 think the ability is there. I think it could be very
7 helpful.

8 I would say the National Archives is not resourced in a
9 way where --

10 MS. PLASKETT: Sure.

11 MR. BOSANKO: -- we would be able to check off against a
12 list after we receive it. It takes us 5 years to get ready
13 for FOIA, and we inevitably have a backlog at that point.

14 MS. PLASKETT: And do I understand from the other
15 questions, from Ms. Stefanik, that while this is done at the
16 Presidential level, there is not the same mechanism at the
17 Vice President's level or below that for review and the kind
18 of checking that is done at the Presidential level?

19 MR. BOSANKO: It is my understanding that they have a
20 process.

21 MS. PLASKETT: Who is "they"?

22 MR. BOSANKO: The Vice President's office --

23 MS. PLASKETT: Okay.

24 MR. BOSANKO: -- would have their own training, their
25 own sort of managing of their own records. But they still

UNCLASSIFIED

UNCLASSIFIED

1 have to comply with the same requirements of the Presidential
2 Records Act.

3 MS. PLASKETT: All right. And then as to Mr. Gomez's
4 questions regarding the discussion, if you would, back and
5 forth between your offices and the former President's
6 counsel, for the most part those were amicable, just emails,
7 communications requesting we understand that these documents
8 are there.

9 Was there a reticence in returning those to you, or were
10 you simply working out the process by which they would be
11 returned?

12 MR. BOSANKO: The process took an extended period of
13 time. It took almost a year. And I think it is my
14 recollection that we did state that at a certain point we are
15 going to have to involve the Department of Justice.

16 MS. PLASKETT: Okay. And meaning a year before you
17 first reached out and them actually returning, giving the
18 boxes to you, it took almost a year.

19 MR. BOSANKO: Roughly, yes.

20 MS. PLASKETT: And you stated that you knew that the
21 President did not pack the boxes. Is that because you were
22 told the President did not do that, or is that an assumption
23 of yours?

24 MR. BOSANKO: So I, to be clear, I did not say whether
25 or not the President had packed them or not.

UNCLASSIFIED

UNCLASSIFIED

1 MS. PLASKETT: Oh, correct. That is correct. My
2 colleague said that.

3 MR. BOSANKO: But what I said is I didn't believe that
4 the boxes we received were in the same form that they would
5 have left the White House.

6 MS. PLASKETT: Okay. Thank you.

7 I yield back.

8 THE CHAIRMAN: Very good.

9 Okay. Our last two, unless somebody else walks in the
10 room, is Hill, Gottheimer.

11 Mr. Hill.

12 MR. HILL: Thank you, Mr. Chairman.

13 So I am a former commissioned officer of the White
14 House, and I was there at noon on January 20. So I spent 6
15 weeks packing up boxes.

16 So the safe in my office was emptied out into a
17 classified box, and the classified box had the red -- the box
18 looked like this. So that is the same process now?

19 MR. BOSANKO: Yes, sir. And that is the way it is
20 supposed to work.

21 MR. HILL: Yeah. So, I mean, it is just not
22 complicated, and the lowest Schedule C employee knows this in
23 the White House staff. So that is point one.

24 However, we learned from Secretary Clinton that we send
25 a lot of confidential and classified information by email

UNCLASSIFIED

UNCLASSIFIED

1 now. So were any of the documents you think, to your
2 knowledge, were essentially printed out that were in a sort
3 of classified but from an electronic source that you found at
4 Mr. Trump's residence as opposed to clearly a paper memo that
5 was classified and distributed in a meeting or whatever?

6 MR. BOSANKO: The vast majority would have been hard
7 copy paper.

8 But to go back to your point about -- you described the
9 perfect scenario, the way it is supposed to work. Most of
10 the instances, the 80 that Mark referenced and the 3 we are
11 dealing with now, it appears that classified were
12 inadvertently -- presumably inadvertently commingled with
13 unclassified documents prior to packing. So when somebody
14 unpacks -- or the unclassified area it was classified in.

15 MR. HILL: Yeah, well, again, I am just arguing that is
16 pretty tough under the rules I operated under in the White
17 House where each document was logged out of the safe and
18 logged back into the safe at night, every night. It is just
19 not sitting around in a file, it is never sitting around on a
20 desk. Is that still the procedure?

21 MR. BOSANKO: I will tell you that -- so every PRA
22 administration from Reagan forward we have found classified
23 information in unclassified boxes.

24 MR. HILL: Boxes. Yeah.

25 MR. BOSANKO: But that -- they were in our custody.

UNCLASSIFIED

UNCLASSIFIED

1 MR. HILL: Yeah.

2 MR. BOSANKO: We move everything as TS/SCI. So that is
3 one of the reasons DOD comes in, when we get them all read
4 in, into the process, not read into the programs. Wrong
5 choice of words.

6 But we are using, even for the unclassified materials,
7 we are using people that at least have a secret clearance.

8 MR. HILL: Got it. So that is because humans are
9 involved and so humans make mistake and we have a lot of
10 stuff classified.

11 Where is Mr. Trump's NARA warehouse? Where are his
12 materials? Is it in Florida?

13 MR. BOSANKO: He doesn't -- so this is a really good
14 question because it is a common misperception.

15 Each President does not get a facility. So the
16 classified materials from the Trump administration are stored
17 in a Washington, D.C., facility.

18 Prior to President Obama, Presidents were building
19 Presidential libraries under the Presidential Libraries Act,
20 and it would include storage space to include for the
21 classified.

22 Congress increased the endowment requirements to almost
23 a 60 percent endowment when they would donate that building.
24 And so starting with President Obama, there was a decision to
25 not build a facility. President Trump hasn't made a

UNCLASSIFIED

UNCLASSIFIED

1 decision. And as far as the National Archives is concerned,
2 we don't want to continue that model.

3 I am current -- I have currently started a process to
4 bring all the classified from the Presidential libraries to
5 the Washington, D.C., area. It is better from a safeguarding
6 perspective. It is more efficient and effective for
7 declassification. So building SCIFs all over the United
8 States is not a sustainable model for us.

9 So he has no -- there is no Trump facility, if you will.

10 MR. HILL: Well that makes sense.

11 I yield back, Mr. Chairman.

12 THE CHAIRMAN: Mr. Gottheimer.

13 MR. GOTTHEIMER: Thank you, Mr. Chairman.

14 And following up on what the ranking member and the
15 chairman questioned earlier, I am mostly interested in the
16 process of when -- and I also, like Mr. Hill, was a
17 commissioned officer in the White House and was in the White
18 House on the last day of the Clinton administration. And I
19 think, like all of these transitions, it is a bit mayhem. I
20 don't know what yours was like, but it is a lot. You know,
21 you have a lot of people coming and going, people who are
22 leaving, getting new jobs, and a lot of people have left
23 already.

24 So whoever is left is trying to do their best to pack.
25 I remember receiving boxes a couple of weeks before to pack

UNCLASSIFIED

UNCLASSIFIED

1 up. But there are a thousand things going on.

2 And one question I have and one process area, and
3 Mr. Himes sort of alluded to this a bit, I think it is
4 probably impossible to have enough of your folks around. And
5 you can't be in every office, right? So it would be
6 difficult to be there for the packing for staff.

7 But from the President's perspective, and this is, it
8 seems like it would be a challenge, but I assume Presidents
9 can pick stuff up at night out of the Oval and they walk
10 upstairs or their aides grab something and walk upstairs.

11 And it is not someone like from the Archives is going to
12 run behind: Mr. President, Mr. President, you took something
13 that was in your folder.

14 And I remember the staff -- I know the staff secretary
15 tracks with NSC a lot of this paper that would go with the
16 President or was on the President's desk, I assume, and then
17 suddenly it is gone. So there must be a record of something
18 that was sent to the Oval and then didn't come back to Staff
19 Sec or through NSC. I assume that there is a -- there can be
20 a gap there.

21 And then do you get -- does anybody get an alert that,
22 hey, what we sent up didn't come back down, even if it was 2
23 months later, so you would know that it probably went
24 upstairs? And at that point no one is running up to the
25 residence and saying -- and rummaging through his desk and

UNCLASSIFIED

UNCLASSIFIED

1 trying to grab paper back, right? I mean, that is the
2 challenge we have here.

3 MR. BOSANKO: So I am not privy to the actual tracking
4 that is done within the White House, but I think you have hit
5 upon a key issue here, which is essentially open storage.

6 We don't typically -- and this is bigger than the White
7 House. This is a problem at the Secretary level and others,
8 when you have essentially a suite that is treated as open
9 storage and the person that is administering that, whether it
10 is SecDef, SecState, President, Vice President, their job
11 isn't exclusively what would typically happen within a SCIF.
12 They are doing lots of other things. So the flow in and out
13 is much larger than the classified.

14 And so this commingling that has been happening is part
15 of the problem.

16 MR. GOTTHEIMER: Right, because there are red folders --
17 I remember there are red folders, blue folders.

18 MR. BOSANKO: Orange.

19 MR. GOTTHEIMER: Orange folders.

20 MR. BOSANKO: Right.

21 MR. GOTTHEIMER: So the President, on the President's
22 desk, I remember Betty Currie might have on her desk three
23 red folders, the President's secretary, bring it in to the
24 President. It sits on his desk. I would walk into the Oval
25 Office on a meeting about something that is unclassified, and

UNCLASSIFIED

UNCLASSIFIED

1 there would be stuff sitting there.

2 MR. BOSANKO: Prior to the sort of instant three, the
3 most common place that things went awry were trip folders.
4 The trip details might be classified for the duration of the
5 trip but everybody knows when they come back it is not. But
6 in the meantime somebody got a classified bio on an official
7 they were going to meet with. It is tucked inside the
8 binder. They come back, the binder.

9 But as far as you have to expect a President, a Vice
10 President to not just work in the Oval but, as you said, in
11 the residence. And then how -- whether or not records
12 management extends into that location or to other facilities
13 that they use around the country, whether, you know --

14 MR. GOTTHEIMER: Right, their personal, their home
15 somewhere.

16 MR. BOSANKO: Exactly.

17 MR. GOTTHEIMER: And then they pack -- I remember
18 President Clinton at the end, and other Presidents, I am
19 sure, they pack their own stuff, right? I mean, it is not
20 just -- they throw things in boxes and what they want to
21 bring back to their lives. And so stuff that could be
22 sitting there could easily get thrown in a box, right?

23 MR. BOSANKO: Yes, sir.

24 MR. GOTTHEIMER: And so there is no process right now to
25 deal with the -- it seems like the big gap here is what gets

UNCLASSIFIED

UNCLASSIFIED

1 to the Oval and then upstairs or does it get back.

2 And does somebody have the authority to run up to the
3 President, to Jim's point, Mr. Himes' point, to run up and
4 say: Mr. President, it seems like you have these seven
5 documents in the residence with you because we can't figure
6 out where they would be otherwise. Can we please have them
7 back?

8 That seems to be a gap that nobody wants to probably
9 have that conversation, right?

10 MR. BOSANKO: Right. Yeah. It is do they have the
11 authority and then will they exercise it.

12 MR. GOTTHEIMER: Yield back. Thank you.

13 THE CHAIRMAN: Jay -- Ms. Spanberger is next.

14 Before we end, because we are going to have to run for
15 votes, you made a statement that in every administration
16 since Reagan that you have found documents commingled that
17 are classified and nonclassified.

18 Can we have that not on a classified basis to take with
19 us?

20 MR. BOSANKO: Yes. Absolutely.

21 THE CHAIRMAN: Great. So we have got one for Mark and
22 one for you. That is perfect.

23 Ms. Spanberger.

24 MS. SPANBERGER: Thank you so much.

25 Thank you for this hearing. Thank you for the

UNCLASSIFIED

UNCLASSIFIED

1 tremendous information that you have provided.

2 I have a couple of disconnected question that are
3 follow-up on some of the things that my colleagues have said.

4 As I understand from what you have said today, a lot of
5 this comes down to what a President wants to do, the way a
6 President handles things. If a President said, "I want to
7 have someone from NARA in my office to make sure that from
8 day one we are keeping" -- I thought your comment, if a
9 President wanted -- records management is always -- often a
10 last thought.

11 If a President wanted someone in the White House or kind
12 of from day one or early in the administration, that is just
13 something that they could operationalize, would that help
14 potentially mitigate some of the issues? Although you then
15 get what Mr. Gottheimer was talking about, presumably.

16 MR. BOSANKO: I think it would and it wouldn't be out of
17 the ordinary. For example, the diarist is a NARA employee.
18 And if we were asked, we would be there.

19 MS. SPANBERGER: Okay. And what sort of briefing does
20 or doesn't exist, to your knowledge, for new White House
21 staff members to understand classified information that might
22 come across in these various different folders that they
23 might see but not either have access to or might be holding
24 and moving but not necessarily allowed to look at?

25 MR. BOSANKO: So, in theory, everybody should get

UNCLASSIFIED

UNCLASSIFIED

1 training, not just initially but annual refresher training.

2 Mark made reference to ISOO recently stepping up and
3 providing some during some prior administrations. My
4 predecessor and director of ISOO and I went up and did
5 training because there had been some problems.

6 So that is about all I can speak to as far as what kind
7 of --

8 MS. SPANBERGER: Okay.

9 MR. BOSANKO: There is initial training that is required
10 under the executive order and the directive, and there is
11 annual refresher training.

12 MS. SPANBERGER: But I would argue -- and I think this
13 is a weakness in Congress as well -- so I would argue that if
14 it were regular, incredibly good, that that would be a very
15 easy question for you to answer, which I mean no offense by.

16 MR. BOSANKO: And I wouldn't disagree with a need for
17 greater education and training.

18 MS. SPANBERGER: Okay.

19 MR. BRADLEY: Congresswoman, original classification
20 authorities like myself are required to go through annual
21 training once a year or your clearance can be revoked. And
22 so it is supposed to be -- I mean, it exists.

23 MS. SPANBERGER: But under the President's purview,
24 those things can be different.

25 MR. BRADLEY: Yes.

UNCLASSIFIED

UNCLASSIFIED

1 MS. SPANBERGER: And kind of going back to the various
2 different documents that you found, certainly we have talked
3 about some that have been labeled and some that haven't, and
4 it says TS/SCI/HCS, et cetera. But right here before us we
5 have the CIA budget. It is on a piece of paper that is
6 labeled clearly as a classified piece of information. But if
7 I were to just write down those numbers, tuck it in my
8 pocket, it is not labeled but it is still classified.

9 The documents that you found, would you say the majority
10 are actually labeled and easy for relatively any person to
11 recognize they are classified? Or are some of them you have
12 to maybe know that this information is classified because it
13 has been transcribed or written down or parts of notes?

14 MR. BOSANKO: The vast majority were clearly and
15 unequivocally marked.

16 MS. SPANBERGER: Oh, okay. Thank you for that
17 clarification.

18 And I think there has been a variety of different things
19 that we could move forward on, but you mentioned that you
20 move everything as though it is TS/SCI. Given that this is
21 such a consistent challenge --

22 MR. BOSANKO: And that is a point of frustration, not a
23 point of pride.

24 MS. SPANBERGER: Yeah, because that limits who can
25 handle those documents and you have to contend with those

UNCLASSIFIED

UNCLASSIFIED

1 documents in such a way, even though presumably the vast
2 majority are indeed not classified.

3 MR. BOSANKO: Right.

4 MS. SPANBERGER: If someone wanted it -- and I recognize
5 the position you are in based on some of your earlier
6 comments -- but if a Presidential administration said there
7 is clearly something that is not working, NARA shouldn't have
8 to be transmitting or moving documents in a TS/SCI posture,
9 what do we need? Is your organization able to kind of put
10 forth really concrete, based on the things you have seen,
11 recommendations to how to improve upon a system that clearly
12 isn't working?

13 MR. BOSANKO: I think we would want to explore the
14 systems that are in place a little bit more. But I think
15 absolutely, yes, we could.

16 MS. SPANBERGER: Some best practices. Because,
17 presumably, an administration that wants to do the right
18 thing, they arrive at the White House day one, they have got
19 a laundry list of items to do, records management, and
20 presumably for some people it is thinking about a
21 Presidential library when there is the signed note from the
22 prior President to the new President, as opposed to
23 classified documents along the way that get mixed in.

24 MR. BOSANKO: It is the historical record. And it is
25 their legacy, too.

UNCLASSIFIED

UNCLASSIFIED

1 MS. SPANBERGER: Yeah. Interesting.

2 Okay. Thank you so much.

3 I yield back.

4 THE CHAIRMAN: I do have one follow-up question, but,
5 first, I want to thank you guys. You have answered
6 incredibly well all the questions of the members. Our
7 members have done a great job.

8 As you can see, we are all struggling to try to figure
9 out how does this even work, because this is not even -- this
10 is behind-the-curtain stuff, right? We have never really
11 thought about it. So you are getting our raw questions.

12 Jay, I want to follow up on something that you had said.
13 There was a series of questions about the emailing back and
14 forth and that in the year time period before you got
15 documents from the Trump legal team.

16 You said that there were specific documents that you are
17 pursuing, and then when you got the box that you opened it
18 and it was clear that there were classified documents in
19 there.

20 What I was unclear of is, during that period, before the
21 box shows up, did they give you any indication that -- which
22 I think your answer is no, which is why I am asking -- that
23 classified documents were on their way to you?

24 MR. BOSANKO: None. Zero.

25 THE CHAIRMAN: That is what I thought. Thank you very

UNCLASSIFIED

1 much.

2 With that, if there are no other questions for anybody,
3 we will be adjourned.

4 [Whereupon, at 10:30 a.m., the committee was adjourned.]

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25