The Creation of Presidential Records



What are presidential records?



The Presidential Records Act (PRA) defines *presidential records* as "documentary materials, or any reasonably segregable portion thereof, created or received by the President, the President's immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President."

The term *presidential records* includes any documentary materials relating to the political activities of the President or members of the President's staff if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President. Personal records of a purely private or nonpublic character (such as diaries or journals) are not considered presidential records.

What Executive Office of the President (EOP) components create presidential records?

Certain components create presidential records, while others create federal records. Presidential and federal records are accessible under different statutory mechanisms.

Presidential Records Act (PRA)

44 U.S.C. §§2201-2209

- · White House Office
- · Office of the Vice President
- · Office of Policy Development
- · Council of Economic Advisors
- · National Security Council
- · President's Foreign Intelligence Advisory Board
- · President's Intelligence Oversight Board
- · National Economic Council
- Office of Administration

Federal Records Act (FRA)

44 U.S.C. Chapters 21, 29, 31, and 33

- · Office of Management and Budget
- Office of the United States Trade Representative
- · Council on Environmental Quality
- · Office of Science and Technology Policy
- Office of National Drug Control Policy







Candidates, Presidents-elect, and their staff do not create presidential records. However, their communications between agencies or components of the EOP (e.g., transition briefing materials, agency working files) may be captured under the ERA or PRA.

After entering office, the President and components of the EOP create presidential records. However, under Title 44, Section 2201(3)(C) of the U.S. Code, materials relating exclusively to the President's own election to the presidency or to the election of individuals to federal, state, or local office, are not presidential records.

The President leaves office and **no longer creates** presidential records.

Volume of Presidential Records

The National Archives and Records Administration administers 15 presidential libraries. The volume of records materials has changed over time from analog records to electronic records.



Textual Records (Cubic feet)



Non-Textual Audio-Visual Records (Cubic feet)



Electronic Records (Terabytes) 60,000 Cubic feet Terabytes 300 50,000 250 40.000 200 30,000 150 20.000 100 10.000 50 Trump Bush (ennedy ohnson

For more information about the Presidential Records Act, see CRS Report R46129: *The Presidential Records Act: An Overview*, by Meghan M. Stuessy. Information as of July 30, 2024. Prepared by Meghan M. Stuessy, Analyst in Government Organization and Management, and Jamie Bush, Visual Information Specialist.

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