

**Testimony of Alan R. Swendiman**

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**Before the**

**House Committee on Oversight and Government Reform**

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Good morning Chairman Waxman, Ranking Member Davis, and members of the House Committee on Oversight and Government Reform. I am Alan Swendiman and I currently serve as Special Assistant to the President and Director, Office of Administration (OA). Thank you for inviting me to participate in this hearing. Accompanying me this morning is Theresa Payton, Chief Information Officer of the Office of Administration.

I am pleased to appear before you today on the subjects of email records keeping practices at the Executive Office of the President (EOP) during this Administration, and the status of Presidential Transition planning in relation to records of this Administration. I will summarize these remarks, and ask that my full statement be included in the record.

I have served as Special Assistant to the President and Director, Office of Administration since November 27, 2006. OA was created by Reorganization Plan No. 1 of 1977 and was formally established by Executive Order 12028 on December 12, 1977. OA's mission is to provide common administrative and support services to the EOP.

The Office of the Chief Information Officer (OCIO) is one of the operating units of OA. Among its important functions, OCIO is responsible for providing all EOP components with unified enterprise services such as production support, application development and support, office automation, email, disaster recovery back-up information, Continuity of Operations (COOP) support, and internet/intranet capabilities. It also provides coordination of compliance

programs for Federal Records, and is charged with protecting and safeguarding the complex, sensitive but unclassified EOP network (including the infrastructure, web sites, remote access, and data). Certain of the subjects that the Committee has asked OA to address today are within the purview of the OCIO, and Ms. Payton may speak to them.

I will direct my remarks principally to OA's efforts on the important subject of Presidential Transition planning. Presidential records are the property of the United States and OA takes very seriously its responsibilities for the transfer of records to the National Archives and Records Administration (NARA) at the end of this Administration. These responsibilities derive in significant measure from the Presidential Records Act (PRA) and effective fulfillment of these responsibilities is important to the continuity of the presidency as an institution, and for the Bush Presidency and Library. We are focused on making this transition process as smooth and cooperative as possible. We are working to anticipate and resolve issues as they are identified. In these efforts, we are working closely with NARA and the White House Office of Records Management. We have held a number of meetings with NARA representatives, and have ongoing communications with technical and legal representatives of NARA, including NARA's General Counsel. We know that NARA is eager to have the transition process completed. OA is likewise dedicated to ensuring a full and effective transition is accomplished in a timely manner.

Toward that end, transition-related meetings between NARA and the White House began approximately in the summer of 2007. NARA noted and welcomed what it described as the EOP's early engagement on transition and Presidential records issues. Since that first meeting, there have been at least 8 meetings with NARA, and numerous internal meetings to plan and prepare. For example, to date NARA has met with representatives of OA's Office of the Chief

Financial Officer, Office of the Chief Operating Officer, and Office of the Chief Facilities Management Officer, to receive records-related functional and operational briefings and to ask questions. NARA and OA have committed to meeting regularly to complete the transition-related reviews that are currently under way, and to address any transition-related issues as they arise. Through these meetings, NARA will learn about the dozens of computer applications at the EOP that may have records subject to the PRA which will need to be transferred to NARA at the end of this Administration. Most of these applications are currently being used at the EOP; a relative few are purely legacy systems that, while they may house Presidential records, are not presently operational. NARA will also be surveying physical records as part of these meetings.

Internally to OA, our General Counsel has provided oral briefings and written guidelines to the entire OA staff on compliance with the PRA. In addition, guidance and assistance has been and is being provided by the White House Office of Records Management. OA's General Counsel receives and responds to questions from OA personnel, consulting with NARA as appropriate.

It must be acknowledged that the upcoming Presidential transition will be complex, involving new technologies and new people. These complexities are heightened by the existing cyber threats, of which this Committee is undoubtedly keenly aware. During this Administration alone, OA has seen a tremendous increase in risk from cyber-threats to the EOP Network. As a result, we cannot be too careful in protecting the security of EOP information and systems. These cyber security considerations impact, among other things, the way we are able safely to transfer records to NARA.

This will be OA's first transition as an entity whose records are subject to the PRA. OA is fully engaged with NARA in this process. We have already seen issues arising as to whether

certain materials are “records” or “non-records” under the PRA and we are dedicated to resolving these issues. One particular challenge facing the institution is the necessity of identifying, and making available in some form, records that will be needed by the forty-fourth President and his or her staff. In order to satisfy its administrative services and support mission, which continues across administrations, it will be necessary to identify and then determine the correct handling of Presidential records that will need to be available across the EOP on January 20, 2009, in order to support the initial and continuing operations of the new Administration. Financial records, procurement records, leases, blueprints and other property records, security records, and personnel records are just a few of the kinds of documents that may need to be readily available to the new Administration.

As the Committee is aware, a significant portion of Presidential records are stored electronically. We are working with NARA to devise the means by which electronic records, including email records, will be transferred to NARA. As part of the transition planning, NARA is seeking an estimate of the size of the electronic records to be transferred, and we are working to provide that estimate. In addition, we are working to estimate the volume of hardcopy records to be transferred to NARA. These estimates will assist NARA to have adequate storage space for the records and other materials it will receive.

From this summary, we trust the Committee can see that a lot of predicate work has begun, and is ongoing. We have approximately 11 months remaining to work on this transition. We are committed to making sure that all the Presidential records that we have are transferred to NARA at the end of this Administration.

As a final matter, I understand that the Committee has inquired about whether EOP emails may not have been properly preserved between 2003 and 2005 and the potential

implications on transition should it be determined that any such emails are missing. The discovery of a potential issue, and the immediate response to it, of course, pre-date my service as OA Director. The staff of the OCIO, including Ms. Payton, can discuss this issue in more detail, but I will say this: I am proud of the work they have been doing and continue to do under the leadership of Ms. Payton in order to determine whether any such emails have been lost. It is a complex process, one that takes time to do right, and one that we have not taken lightly.

Mr. Chairman, this concludes my statement. Thank you for your attention, and I would be pleased to answer any questions.