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COVFEFE Act

The COVFEFE Act, formally the Communications Over Various Feeds Electronically for Engagement Act of 2017 (H.R. 2884), was a United States congressional bill introduced to amend the Presidential Records Act of 1978 by requiring the White House to archive all social media communications from the President and executive branch officials as official records, prohibiting their deletion or alteration.^[1] Introduced by Representative Mike Quigley (D-IL) on June 12, 2017, the legislation responded to President Donald Trump's deletion of a late-night tweet misspelling "coverage" as "covfefe," which highlighted uncertainties in treating third-party platform posts as preservable federal records.^[2]^[3] The bill sought to extend preservation requirements to electronic messages on non-official platforms, addressing a gap exposed by increasing reliance on social media for official announcements and amid ongoing litigation over the status of presidential tweets.^[1] Referred to the House Committee on Oversight and Government Reform, it received no further action and died in committee without a vote, though it spotlighted debates on digital accountability predating and outlasting the specific incident.^[4] Its acronym, derived from the viral tweet, drew media attention but underscored broader concerns about the permanence of executive communications in the digital era.^[2]

Origin

The "Covfefe" Incident

On May 31, 2017, at 12:06 a.m. EDT, President Donald Trump posted an incomplete tweet on Twitter reading: "Despite the constant negative press covfefe."^[5]^[6] The message, which appeared to cut off mid-sentence, remained visible on his account for roughly six hours until its deletion around 6:00 a.m. EDT.^[6]^[7]

The tweet rapidly gained traction online, amassing widespread attention and speculation that "covfefe" was a typographical error for "coverage," intended as a complaint about media scrutiny.^[8]^[9] Internet users and media outlets mocked the anomaly, turning it into a viral meme with humorous interpretations ranging from coded messages to simple autocorrect failures.^[10]^[8]

Later that morning, Trump addressed the post indirectly during an Oval Office meeting with reporters, teasing that "covfefe" might hold a special significance and challenging others to decipher it, while declining to confirm it as a mistake.^[11] White House Press Secretary Sean Spicer similarly

The episode underscored Trump's frequent late-night **social media** activity, often conducted without prior review by aides.^[6]

Initial Policy Concerns

The deletion of President Donald Trump's incomplete tweet referencing "covfefe" on May 31, 2017, which remained online for approximately six hours before removal, highlighted vulnerabilities in the preservation of executive branch digital communications. This event underscored uncertainties under the **Presidential Records Act** of 1978, which requires federal archiving of records created or received in official capacities to maintain **public** transparency and historical integrity, but lacks explicit provisions for ephemeral **social media** posts subject to unilateral deletion.^[12]^[13]

Archivists and **records management** experts had raised parallel alarms months earlier, in February 2017, regarding the distinction between Trump's personal @realDonaldTrump account—used for policy announcements and executive directives—and official **White House** channels, noting that personal account content risked evading mandatory preservation at the end of a term.^[14] These concerns amplified longstanding debates over digital ephemerality, where deletions could obscure causal chains in decision-making processes, such as policy rationales or public directives issued via social platforms.

Historical precedents from prior administrations illustrated the non-partisan scope of such archival gaps; for example, President Barack Obama's reliance on **BlackBerry** devices for communications sparked litigation and policy reviews over whether non-White House email systems complied with records retention mandates, resulting in recovered but incomplete archives.^[15] Similarly, President Calvin Coolidge's destruction of personal papers in the 1920s left fragmented historical records, demonstrating recurring challenges in ensuring comprehensive preservation amid evolving communication technologies.^[12]

Transparency organizations and archival professionals advocated for preemptive clarifications on social media's integration into official records prior to formal legislative proposals, arguing that unaddressed ambiguities threatened evidentiary accountability across administrations, independent of partisan affiliations.^[14]^[13]

Legislative Introduction

Bill Text and Sponsors

The COVFEFE Act of 2017, an acronym for **Communications Over Various Feeds Electronically for Engagement Act** (H.R. 2884), was introduced on June 12, 2017, by Representative **Mike Quigley** (D-

communications constitute official records under the [Presidential Records Act](#).^[3] Its text amends section 2201 of title 44, [United States Code](#), to define "Presidential records" as encompassing "all social media communications sent or received by the President or staff of the Executive Office of the President," requiring the [Archivist of the United States](#) to retain such materials regardless of deletion or platform policies.^[3] H.R. 2884 attracted 26 cosponsors, exclusively Democratic members including Reps. [Ted Lieu](#) (D-CA), [Steve Cohen](#) (D-TN), and [Hakeem Jeffries](#) (D-NY), reflecting partisan support without Republican backing.^[16]^[17]

Congressional Referral

Following its introduction in the House of Representatives on June 12, 2017, H.R. 2884, the COVFEFE Act of 2017, was immediately referred to the House Committee on Oversight and Government Reform for consideration.^[1] This standard procedural step directed the bill to the committee with primary jurisdiction over government operations, [records management](#), and transparency issues.^[18]

The Oversight Committee did not schedule any hearings, markups, or further actions on the COVFEFE Act during the 115th Congress (2017-2018), leaving it pending without advancement from the referral stage.^[18] The bill was grouped procedurally with other records management initiatives under the committee's purview, including H.R. 1376, the Electronic Message Preservation Act, which sought to establish regulations for federal agency handling of electronic messages as records and was similarly referred to the same committee earlier in the session.^[19]

In the 115th [Congress](#), the [Oversight Committee](#) handled multiple bills addressing presidential and federal records preservation, such as amendments to the [Presidential Records Act](#) and [Federal Records Act](#); of the approximately 20 bills referred to the committee on related [government accountability](#) and records topics, fewer than 10% progressed to full House consideration, with most, like [COVFEFE](#), remaining inactive post-referral.^[20]

Provisions

Amendments to Presidential Records Act

The COVFEFE Act (H.R. 2884, introduced June 12, 2017) proposed targeted amendments to the [Presidential Records Act](#) under 44 U.S.C. § 2201 et seq., primarily by expanding the scope of "documentary material" to explicitly incorporate [social media](#) as a form of record subject to preservation. This revision inserted "social media" into the existing definition following "films," thereby classifying such materials—created or received in the course of official presidential or vice-presidential duties—as integral components of presidential records alongside traditional formats like

A new definitional paragraph (6) was added to § 2201, specifying "social media" as "any form of electronic communication (such as a [website](#) for social networking and [microblogging](#)) through which users create an [online community](#) to share information, ideas, personal messages, and other content (such as videos)." Additionally, the definition of "presidential records" in § 2201(2) was modified to include "any personal and official [social media](#) account," provided the communications pertained to official functions, while excluding purely private exchanges. These changes aimed to eliminate ambiguities in classifying digital outputs from third-party platforms as official records, ensuring comprehensive capture without relying on subjective interpretations of intent. [21][3]

The proposed amendments imposed requirements for automatic archiving of qualifying [social media](#) communications, mandating their retention as presidential records to prevent loss through platform deletions or account management practices. The originating official—the President or Vice President—was explicitly prohibited from deleting, destroying, or materially altering such records, with Section 4 of the [bill](#) barring directives to subordinates or systems administrators to do so, thereby enforcing immutability once designated as official. [3][13]

Oversight provisions empowered the [Archivist of the United States](#), head of the [National Archives and Records Administration](#) (NARA), to issue binding standards and procedures under Section 3 for the systematic capture, indexing, and long-term maintenance of these electronic records, including protocols for segregating official from personal content and integrating them into federal archives. This would extend NARA's existing custodial role to digital third-party communications, facilitating verifiable retrieval and audit trails without altering core PRA disposition schedules. [3][22]

Coverage of Social Media Communications

The COVFEFE Act amends the [Presidential Records Act](#) to encompass electronic communications, explicitly including [social media](#) messages, as presidential records when they pertain to official business. [3] These provisions apply to the President, [Vice President](#), and covered employees—defined as immediate staff or units within the Executive Office of the President whose roles involve advising or assisting the President in constitutional, statutory, or ceremonial duties. [3][2] The targeted communications occur on platforms facilitating public engagement, such as [Twitter](#) (subsequently rebranded as X) or [Facebook](#), where posts, replies, or shares transmit information to broad audiences. [3]

Distinctions between [official](#) and personal use hinge on content [relevance](#) to governmental functions, rather than the account's designation as [official](#) or personal. [3] A communication qualifies if it relates to or affects the execution of [official](#) responsibilities, such as [policy](#) announcements or executive actions, irrespective of transmission from non-[official](#) devices or accounts. [3] For instance, [Donald Trump](#) used [Twitter](#) to communicate executive actions, such as

isolated personal anecdotes unrelated to duties would fall outside this scope.^[23] This criterion emphasizes causal linkage to public office performance, ensuring preservation targets substantive governmental engagement without extending to incidental private expressions.^[3]

Purely private communications, lacking any **nexus** to official duties, remain excluded to avoid undue intrusion on non-governmental expression.^[3] The Act's framework thus prioritizes empirical assessment of a post's purpose and effect, as seen in Trump's prolific tweeting—exceeding 25,000 posts from 2017 to 2021—where many blended commentary with directives influencing federal operations, underscoring the need for content-based segregation over blanket categorization.^[3]

Legislative History and Status

Committee Actions

Upon its introduction on June 12, 2017, H.R. 2884, the COVFEFE Act, was referred to the House Committee on Oversight and Government Reform, where it received no further consideration.^[1] The committee scheduled no hearings, conducted no markup sessions, and held no votes on the measure during the 115th Congress.^[4]

The bill stagnated in the **Oversight Committee** without advancement, remaining pending until the adjournment of the 115th **Congress** on January 3, 2019.^[18] No companion legislation was introduced in the **Senate** during this period.

In comparison, other bills addressing presidential records transparency have progressed variably through committees; for instance, H.R. 1233 (113th **Congress**), which amended the **Presidential Records Act** to expedite public access to certain records, advanced from the House **Oversight Committee** to passage in both chambers before enactment on November 26, 2014. Such outcomes underscore differences in committee handling of analogous transparency proposals, often tied to session-specific priorities and workload distributions, where only a fraction of introduced bills—typically under 5% overall—advance beyond referral.^[24]

Reasons for Non-Passage

The COVFEFE Act (H.R. 2884) stalled after referral to the Republican-controlled House Committee on Oversight and Government Reform on June 12, 2017, with no subsequent hearings, markups, or floor consideration during the 115th Congress.^[1] The committee, chaired by Republicans including **Jason Chaffetz** until his June 2017 resignation and then **Trey Gowdy**, prioritized investigations into executive branch operations, **regulatory reform**, and waste reduction as detailed in its January 2017 oversight plan, which emphasized efficiency and accountability without addressing social media

Partisan dynamics contributed to the lack of progress, as the bill was sponsored solely by Democrats—Rep. [Mike Quigley](#) (D-IL) and seven Democratic cosponsors—with no Republican backing in a House where Republicans held a 241-194 majority.^[16] This absence of bipartisan support aligned with broader gridlock in the 115th [Congress](#), where legislative attention focused on high-priority Republican initiatives such as the [Tax Cuts and Jobs Act](#), enacted on December 22, 2017, and repeated attempts to repeal elements of the [Affordable Care Act](#).

The bill expired without passage when the 115th [Congress](#) adjourned on January 3, 2019, and Rep. Quigley did not reintroduce it in later sessions, nor did any similar legislation advance in the 116th through 119th [Congresses](#) as of October 2025.^[11] The absence of executive branch testimony or endorsement further hindered momentum, as the Trump administration had asserted that presidential [social media](#) posts already constituted official records without needing statutory clarification.^[25]

Broader Legal Context

Evolution of Presidential Records Preservation

The [Presidential Records Act](#) (PRA) of 1978, enacted on November 4, 1978, established a statutory framework for the preservation of executive branch records in response to the [Watergate scandal](#), where President [Richard Nixon](#) sought to assert personal ownership over [White House](#) tapes and documents to evade congressional and public scrutiny.^{[23][26]} The act defined presidential records as all documentary materials, regardless of physical form, created or received by the president, vice president, or their staff in conducting official duties, declaring them public property owned by the [United States](#) rather than the individuals who produced them.^{[23][27]} Upon the president's departure from office, these records transfer automatically to the legal custody of the [Archivist of the United States](#) for preservation and eventual public access, subject to specified restrictions.^[23] This shift from prior practices—where presidents like [Franklin D. Roosevelt](#) privately endowed libraries with records—aimed to institutionalize [accountability](#) by preventing selective destruction or retention that could distort historical records of executive actions.^[28]

The PRA's broad definitional language anticipated future media but originated in an era dominated by paper documents, leaving implementation vulnerable to technological shifts toward electronic formats in the late [20th century](#).^[23] As [email](#) and other digital tools proliferated during the [1990s](#) and [2000s](#), administrations faced practical challenges in capturing transient electronic content, with inconsistent policies allowing gaps in archiving that relied heavily on executive self-compliance without mandatory audits or penalties during the term.^[29] These issues prompted targeted reforms, including the [Presidential and Federal Records Act Amendments of 2014](#), signed into law on

government accounts—such as personal [emails](#)—were transferred to official systems within 20 days and directed federal agencies to manage [records](#) electronically by December 31, 2019. [30] [31]

However, the 2014 amendments primarily addressed email-specific workflows, exposing persistent inconsistencies for other digital formats like text messages or non-email electronic exchanges, where preservation protocols remained ambiguous and enforcement dependent on voluntary adherence. [32] [33] Empirical evidence of non-compliance, such as unreported deletions or incomplete transfers in early digital transitions, illustrated causal shortcomings in the framework: the absence of real-time oversight allowed executive discretion to prioritize operational expediency over comprehensive retention, resulting in lost records critical for legal, historical, and oversight purposes. [34] This pattern of adaptive lags—rooted in the PRA's post-analog origins and incremental updates—created structural vulnerabilities, as statutes struggled to preemptively cover ephemeral digital artifacts without proactive technological mandates. [29]

Related Precedents in Digital Communications

In *Knight First Amendment Institute at Columbia University v. Trump* (2019), the U.S. Court of Appeals for the Second Circuit ruled that President Donald Trump's @realDonaldTrump [Twitter](#) account operated as a "designated public forum" when used to conduct official business, such as announcing policies or engaging with the public on governmental matters, thereby prohibiting viewpoint-based blocking of users under the First Amendment. [35] The decision affirmed that certain tweets constituted official presidential records subject to the [Presidential Records Act](#) (PRA), as determined by the [National Archives and Records Administration](#) (NARA), which required their preservation independent of the platform's volatility. [36] This precedent established judicial recognition of [social media](#) as a medium for official communications, extending PRA obligations to digital formats without mandating automated capture mechanisms.

Preceding this, records management challenges in the digital era spanned multiple administrations, demonstrating systemic issues rather than partisan anomalies. During the [George W. Bush](#) administration, approximately 5 million [White House](#) emails from 2003–2005 were reported missing due to technical failures and non-archiving, prompting lawsuits by the [National Security Archive](#) that resulted in the restoration of over 94,000 emails from backup tapes by 2009. [37] The [Barack Obama](#) administration responded with a [2011](#) presidential [memorandum](#) directing federal agencies to enhance electronic records practices, including systematic [email](#) archiving, and supported 2014 [legislation](#) mandating that officials using non-agency [email](#) systems forward official communications for preservation under the [Federal Records Act](#). [38] [39] Yet, NARA audits in 2017 highlighted ongoing deficiencies in preparing Obama-era electronic records for transfer, including incomplete guidance on voluminous [digital data](#). [40]

A notable case involved Hillary Clinton's use of a private email server as Secretary of State from 2009–2013, where roughly 33,000 emails were deleted after her team reviewed and classified them as personal, bypassing standard federal archiving protocols and raising PRA compliance questions.^[41] The FBI's 2016 investigation found that while the setup was "extremely careless" with classified information, it did not meet criminal thresholds, but the incident exposed vulnerabilities in self-managed digital systems for official records.^[41] These events paralleled later social media concerns by illustrating how non-government or ephemeral platforms could evade mandatory preservation, with NARA's post-2016 guidance advising voluntary capture of official social media content—such as screenshots or exports—for federal records, though lacking enforcement teeth for presidential-level use.^[42] This advisory framework, informed by prior lapses, highlighted the need for clearer legal mandates on digital transience without inventing novel doctrines.

Reception and Controversies

Arguments in Favor

Proponents of the COVFEFE Act, led by sponsor Rep. [Mike Quigley](#) (D-IL), contended that it would bolster governmental transparency by classifying presidential social media posts as official records under the [Presidential Records Act](#), thereby preventing deletions and ensuring their archival for public scrutiny.^[2] Quigley emphasized accountability, stating, "Tweets are powerful, and the President must be held accountable for every post," particularly as such communications increasingly serve as de facto policy statements influencing public and market behavior.^[2]

Empirical evidence underscores the [policy](#) weight of these posts: President Trump's December 6, 2016, tweet criticizing Boeing's [Air Force One](#) contract costs as "out of control" resulted in a 1% decline in the company's stock price that day.^[43] Broader studies confirm that Trump's company-specific tweets elevated daily abnormal trading volume and stock volatility by about 19%, while general tweets heightened market uncertainty and trading activity, often leading to declines in U.S. stock indices.^[44]^[45] Preservation of such records would thus enable verifiable reconstruction of [decision-making](#) processes, safeguarding against the loss of communications that demonstrably affect economic outcomes and [policy](#) continuity.

The Act's framework extends beyond any single administration, mandating preservation for all presidents' [social media](#) activity used in official capacities, which supporters argued fosters enduring standards of historical verifiability and legal accountability irrespective of partisan control.^[1] This bipartisan applicability counters perceptions of targeted partisanship, positioning [the bill](#) as a neutral enhancement to the [Presidential Records Act](#) amid evolving digital governance norms.^[2]

Critics contended that mandating the preservation of all presidential **social media** communications as official records under the COVFEFE Act could exert a **chilling effect** on executive branch discourse, transforming informal platforms intended for real-time public **engagement** into rigidly documented archives subject to perpetual **scrutiny** and potential litigation.^[46] This concern stemmed from the view that **social media**'s ephemeral nature facilitates candid, unscripted interactions, and imposing permanence might discourage presidents from using such tools for spontaneous communication, thereby reducing transparency rather than enhancing it.^[13]

The proposed legislation faced objections over its potential to impose significant administrative burdens on the **National Archives and Records Administration** (NARA), requiring the systematic archiving of voluminous digital content with limited historical evidentiary value. For instance, President Trump's prolific **Twitter** activity—exceeding 25,000 posts during his term—highlighted the scale, as NARA would need to process, store, and make accessible potentially trivial or transient messages alongside substantive records, straining resources already tasked with managing millions of traditional documents under the **Presidential Records Act**.^[47] Such demands could exacerbate delays in **Freedom of Information Act** (FOIA) processing and necessitate expanded digital infrastructure without proportional benefits for causal historical analysis.^[46]

Opponents further argued that the bill represented redundant intervention, as the existing **Presidential Records Act** of 1978 already obligated the preservation of any communications documenting official presidential activities, including electronic formats, with NARA providing pre-2017 guidance on managing **social media** content as potential records.^[29] This framework, applied voluntarily by prior administrations to archive relevant online posts, suggested the COVFEFE Act's explicit codification would yield performative clarity at best, without addressing underlying ambiguities in record classification through substantive procedural reforms.^[13]

Partisan Dimensions

The COVFEFE Act was sponsored by Democratic Representative **Mike Quigley** of **Illinois** and introduced on June 12, 2017, during intense partisan scrutiny of President Donald Trump's **social media** activity following his "covfefe" tweet.^[1] All 26 co-sponsors were Democrats, with no Republican lawmakers signing on, underscoring deep partisan divides in perceptions of the bill's necessity and timing.^{[48][49]}

This Democratic initiative contrasted sharply with the relative reticence among Democrats regarding transparency demands during the 2015 controversy over Hillary Clinton's use of a private email server as **Secretary of State**, where approximately 33,000 emails were deleted and described as personal, prompting minimal calls from Democratic leaders for mandatory preservation akin to the COVFEFEA.^{[50][51]} Such a position would have been at odds with the broader Democratic narrative of Clinton's conduct as secretary of state.

COVFEFE Act as a targeted response to Trump rather than a neutral policy evolution, evidenced by the complete lack of cross-aisle support.^[48]

Media coverage amplified partisan framing by prioritizing the bill's **acronym** derived from Trump's **typographical error**, often portraying it through lenses of ridicule over substantive archival implications, which may have reinforced public skepticism toward its legislative intent amid broader distrust in Democratic motivations.^{[13][8]}

Impact and Legacy

Influence on Future Policy Discussions

The introduction of the COVFEFE Act in June 2017, though it failed to advance beyond **committee**, amplified **policy** deliberations on integrating **social media** into presidential records preservation frameworks under the existing **Presidential Records Act of 1978**.^[2] The bill's emphasis on codifying **National Archives and Records Administration (NARA)** guidance for digital communications highlighted interpretive gaps, influencing federal interpretations that treated official tweets as records subject to retention requirements, even absent statutory amendment.^[52]

This awareness manifested in heightened scrutiny of executive archiving practices, particularly during President Trump's tenure, where deletions of over 2,000 tweets between 2017 and 2019 raised alarms about compliance, prompting NARA consultations and legal affirmations of social media's status as official records.^[12] Advocacy efforts in the 2020 transition period, including calls for NARA to coordinate with platforms on content preservation, echoed the **COVFEFE** debate's focus on ephemeral digital formats.^[53]

In the early 2020s, the act surfaced in scholarly examinations of digital punishment and **records management**, framing arguments for mandatory archiving amid evolving platforms, though without yielding new **executive orders** or laws by 2025.^[54] Its legacy lies in sustaining discourse on causal risks of non-preservation, such as lost historical context, while underscoring reliance on administrative guidance over legislative fixes.

Ongoing Relevance in Digital Governance

The reliance of U.S. presidents on social media platforms for official policy announcements has sustained gaps in real-time digital archiving, as voluntary guidelines under the Presidential Records Act fail to mandate immediate preservation, exposing records to deletion risks before transfer to the National Archives and Records Administration (NARA).^[55] For instance, federal agencies must capture social media content within 20 days of posting to comply with records laws, but presidential

requests and related litigation.^[56] These gaps persist across administrations, as evidenced by NARA's 2025 directives reminding agencies of retention duties amid executive transitions, highlighting ongoing implementation challenges without binding legislation.^[57]

Under the Biden administration, similar volumes of **social media** activity—mirroring the high-frequency posting seen in prior terms—raised identical preservation concerns, with official accounts on platforms like X (formerly **Twitter**) generating records subject to FOIA scrutiny but archived post-term rather than in real time.^[58] NARA's emphasis on systematic reporting for digital formats, including **social media**, underscores unresolved tensions, as agencies submitted required **records management** assessments by March 2025 without resolving core incentives for selective deletions that could obscure policy rationales or executive intent.^[55] **Public** advocacy in early 2025 highlighted the need for proactive steps to secure platform-generated presidential records, yet reliance on interpretive guidelines rather than automatic classification perpetuated vulnerabilities, particularly for transient content influencing public discourse and legal accountability.^[59]

In broader digital governance, the absence of COVFEFE-like mandates counters the causal incentives of ephemeral media, where administrations face pressures to curate narratives through deletions, eroding the permanence essential for historical verification and institutional transparency.^[60] This dynamic amplifies risks in an era of platform dependency, as unpreserved communications hinder downstream analyses of **decision-making** chains, from **policy** formulation to electoral influences, necessitating structural reforms to prioritize archival **integrity** over discretionary control.^[61] As of **October** 2025, NARA's strategic focus on modern formats remains advisory, leaving digital executive records susceptible to gaps that undermine evidentiary standards in governance and jurisprudence.^[61]

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