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September 28, 2015

VIA ELECTRONIC TRANSMISSION

The Honorable Charles E. Grassley
Chairman, Committee on the Judiciary
United States Senate
Washington, DC 20510-6275

Dear Mr. Chairman:

Thank you for your letter of September 4, 2015. We are happy to assist the Judiciary Committee in understanding how NARA implements the Federal Records Act (FRA) in response to the questions that you have asked. (A copy of your letter is attached in Appendix A.)

Questions one through four and question six address former Secretary of State Hillary Clinton's use of a non-government email account and the application of 44 U.S.C. § 3106 (a) to this matter. By way of background, NARA has issued regulations to implement section 3106 of the FRA (36 C.F.R. Part 1230), which your letter references. In accordance with those regulations, when NARA learns of allegations of unauthorized destruction or removal of federal records, NARA will write a letter to the agency asking it to report back to NARA within 30 days and open a case file on the matter. This letter begins a process of communication between NARA and the agency to address the allegations and any underlying records management challenges that may have contributed to the problem. If records have been removed, NARA coordinates actions with the agency to retrieve them; if records have been deleted or destroyed, NARA requires the agency, per 36 CFR § 1230.14, to attempt to recover or reconstruct them. The actual course of action depends on a number of factors related to the particular situation.

We would also note that it is not uncommon that other entities, such as the agency Inspector General, the Department of Justice, or Congressional committees, would conduct reviews or investigations related to the same issue. In these situations, NARA will generally wait until all third-party investigations have been completed before reaching final conclusions and closing the case file. Accordingly, the process of resolving a case may take several months or sometimes much longer. In some cases, civil litigation is brought against the agency (and sometimes NARA as well) seeking to enforce the FRA, which means that the Department of Justice becomes involved in representing the government agency defendants.

Appendix B is a timeline of significant actions that, to the best of our knowledge, have occurred since NARA became aware in early March 2015 of Secretary Clinton's use of a non-government email account.

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In this particular case, NARA did not become aware of Secretary Clinton's use of a non-governmental email account until we were contacted on March 1, 2015, by *The New York Times*. Once aware of the situation, NARA immediately acted in accordance with our regulations by sending a letter to the State Department, setting off the process described above. Accordingly, in response to your questions, NARA had no reason to suspect that Secretary Clinton was using a non-governmental email account, and we did not grant her a waiver or any other legal mechanism permitting her to do so. NARA has not initiated an "investigation" of Secretary Clinton's email practices; rather, as noted above, we have been communicating with the State Department on this matter, and are deferring to the State Department's review (and any other agencies conducting investigations).

In response to your fourth question, the State Department has not provided notice to NARA that the 15 emails Mr. Blumenthal produced to Congress are not in their collection. Nonetheless, in light of the ongoing activities, reviews, inquiries, and litigation described above, in which the Department of Justice reportedly is actively involved, we do not believe that it is appropriate or necessary at this time for NARA to request that the Attorney General initiate an action.

Question five asked about any communications from the State Department to NARA over the past ten years expressing concerns with State Department's record keeping practices. By way of background, NARA has ongoing communications with all federal agencies concerning their records management programs, principally between the agency Records Officers and the appraisal staff in NARA's Office of the Chief Records Officer. NARA assigns appraisers for each agency, whose primary responsibility is to appraise the agency's federal records to determine whether the records have permanent or temporary value and then determine the time period after which the records should either be disposed of or transferred into the legal custody of the National Archives.

NARA appraisers carry out this function through the review of records disposition schedules submitted by agencies to NARA for approval by the Archivist of the United States. Records schedules are legally binding documents that provide authority for agencies to dispose of records lacking permanent value and to accession records having permanent value to the National Archives. Disposal or accessioning of the records as specified in the schedules is performed at a time when the records are no longer needed by the agency for business use. NARA's review and approval of agency schedules authorizing the disposition of records is mandated by 44 U.S.C. § 3303a. NARA's acceptance of the legal custody of records designated as permanent is mandated by 44 U.S.C. § 2107.

Organizationally, within the Office of the Chief Records Officer, NARA has four teams of appraisers (approximately six members on each team), with each team covering a group of related federal agencies. Each appraiser is assigned to work with specific agencies and gains a certain amount of expertise with respect to those agencies' records. In conducting appraisals and reviewing draft records schedules, appraisers work closely with the Records Officers of the assigned agencies. In addition to the four teams covering particular agencies, there is a team of six appraisers that is revising the General Records Schedules, which cover records common to all or most agencies.

In addition to appraising records and reviewing records schedules, appraisers perform other duties, including: providing advice on NARA's records management policies to Records Officers and other agency personnel; serving as the primary NARA contact for records management inquiries from agency personnel; advising other NARA staff as well as agency records management staff on the proper implementation of schedules; serving as a subject matter expert on the appraisers' assigned agencies for other NARA records management staff; addressing cases of alleged unauthorized disposition of records by agencies; and serving as instructors in NARA's records management training classes for agency personnel.

Appendix C provides a summary of the concerns that we have identified to date that were raised by State Department officials to NARA officials regarding the State Department's records management program.

Questions seven and eight address NARA's inspection program. By way of background, under 44 U.S.C. §§ 2904(c)(7) and 2906, NARA has the authority to conduct inspections or surveys of the records management practices of federal agencies for the purpose of providing recommendations for improvements. In the late 1970s, the Office of Records Management, the predecessor to NARA when the National Archives and Records Service (NARS) was part of GSA, conducted several evaluations of records disposition and files maintenance programs, including those of the Departments of Justice and Labor. After NARA became a free-standing agency in 1985, NARA continued with its inspection program publishing agency evaluation reports from approximately 1988 through 2000. These evaluations were multi-year projects that were very resource intensive. Due to the high resource requirements required to complete these comprehensive evaluations, NARA was not able to complete a sufficient number of evaluations each year to achieve the desired impact and improvements to agency records management programs across the Government. As a result, in the early 2000s, NARA determined that this approach to oversight was neither an effective use of NARA's staff resources, nor sustainable over the long term, and we therefore put a hold on the inspection program.

In the late 2000s, based on input from GAO and the increasing need for NARA to conduct more oversight of agency records management programs, NARA began developing new methodologies and processes for conducting and reporting its oversight activities. This methodology is more targeted and focused, and allows NARA to provide more timely feedback to ongoing agency records management activities. NARA's oversight tools include agency self-assessments, surveys, program reviews, inspections, and other tools for collecting and reviewing information about federal records management activities. NARA initiated the first records management self-assessment (RMSA) in FY 2009, and re-instituted agency inspections beginning in FY 2010.

Now, each inspection or review focuses on one or more specific elements of an agency's records management program. Inspection reports include findings and recommendations that the target agencies are required to address. Plans of Corrective Action (PoCA) are created by the inspected agency and approved by NARA within 120 days after the inspection report is formally transmitted to the head of the agency. The PoCA is a mutually agreed upon document detailing the actions the agency is going to take in response to NARA's recommendations, including what is needed to close each item. Agencies report periodically on their progress (usually quarterly, but in some cases semi-annually). These reports include a description of progress to date and any documentation that evidences progress. In order to verify what is being reported, the progress report and related evidence are shared with appropriate NARA staff. If there are areas of disagreement on progress, the oversight team investigates the issue. Any challenges or issues are reported to NARA managers as appropriate. Agencies receive an acknowledgement of their report, which includes concurrence or requests for more information or clarification if needed. Many of our recommendations are multi-year projects and will be tracked for several years before closing.

A review, which is less formal than an inspection, is an assessment or survey by NARA of an agency's recordkeeping processes that focuses on specific records management issues or problems. They are typically conducted at the request of an agency. The scope is usually narrow or focused on a particular topic or organization within an agency and designed to assist agencies in identifying gaps in their programs or to help with a particular issue. The subject of the review receives a report with recommendations; however, these reports are not reviewed by NARA senior management, and are not posted to the website. Plans of corrective actions are not required.

With regard to the State Department, NARA has not conducted an inspection or review during my tenure. The criteria for selecting agencies for an inspection or records management program review include, but are not limited to, the results of an agency's annual records management self-assessment, the

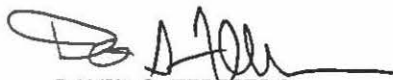
significance of certain records and the related business processes, the risk of improper management of records, and the presence of important issues that are relevant to the management of federal records in general. Based on these criteria, until March 2015, the State Department records management program had not, based on NARA's analysis, exhibited sufficient program risk to warrant an inspection.

Government-wide, since Fiscal Year 2010, NARA has conducted 12 inspections, 8 records management program reviews, and 6 records management self-assessments (RMSA). The reports of all the inspections are available on our website at: <http://www.archives.gov/records-mgmt/resources/inspections.html>, and are also described in Appendix D.

I am committed to addressing the difficulties of managing email records, which has challenged not only the State Department, but virtually every agency in the Government over the past two decades. Since I became Archivist, NARA has been working diligently on this problem. My staff and I have testified and worked with Congress as it has sought to develop legislation. Moreover, with our support, in 2011, the President issued a seminal Memorandum on Managing Government Records, which was followed in 2012 by a joint OMB/NARA implementing directive to all agencies. The directive requires that agencies manage all email records electronically by the end of 2016. NARA's 2013 "Capstone" Bulletin advises agencies on how to meet the 2016 requirement, and just this month NARA issued a new General Records Schedule for using the Capstone approach. I believe that these measures will go a long way to improving the Government's ability to manage email records.

Your staff should feel free to contact John Hamilton, my Director of Congressional Affairs, if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "D. S. Ferriero", with a stylized flourish at the end.

DAVID S. FERRIERO
Archivist of the United States

Enclosure.

Appendix A

CHARLES E. GRASSLEY, IOWA, CHAIRMAN
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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

KELAN L. DAVIS, Chief Counsel and Staff Director
KRISTINE J. LUCAS, Democratic Chief Counsel and Staff Director

September 4, 2015

VIA ELECTRONIC TRANSMISSION

Mr. David S. Ferriero
Archivist of the United States
National Archives and Records Administration
700 Pennsylvania Avenue, NW
Washington, DC 20408

Dear Mr. Ferriero:

On March 3, 2015, in response to the news that Secretary Clinton maintained a personal server to maintain custody of her official emails, NARA wrote to the State Department (the Department) and expressed concern that “Federal records may have been alienated from the Department of State’s official record keeping system.”¹ Use of a private server for official matters outside of a government facility is problematic.

Generally, removal of federal records from an agency that owns them runs afoul of regulation because the removal “allow[s] a record to leave the custody of a Federal agency without the permission of the Archivist of the United States.”² NARA is authorized to determine the disposition of Federal records under 44 U.S.C. 2904. NARA has substantial responsibility in ensuring that federal officials preserve federal records as well as oversee that federal agencies properly follow recordation protocols. One of the primary responsibilities of the Archivist is to prevent the alienation or unauthorized destruction of records.³

Department guidance during Secretary Clinton’s tenure makes clear that emails are considered federal records.⁴ Likewise, according to the Foreign Affairs Manual, all Department

¹ Paul Wester, NARA Chief Records Officer to Margaret P. Grafeld, Deputy Assistant Secretary for Global Information Services, Department of State (March 3, 2015).

² 36 C.F.R. 1230.3(b).

³ 36 C.F.R. 1228.100(a).

⁴ 5 FAM 443.1(c).

personnel must properly archive email outside of email inboxes.⁵ Significantly, the Department records schedule generally requires all of Secretary Clinton's emails to be preserved.⁶ And based on a memorandum from the Under Secretary of Management, Patrick Kennedy, it has been Department policy since 2009 that departing officials must ensure that the Department has "capture[d] electronically the email accounts of the senior officials..."⁷

Secretary Clinton did not turn over her emails to the Department until 22 months after leaving office. Even then, it was not a complete production. At least 15 emails to or from Secretary Clinton turned over to the U.S. House Select Committee on Benghazi by Sidney Blumenthal were not within the set that Secretary Clinton provided to the Department after leaving office.⁸ The fact that Secretary Clinton had to turn over 30,490 emails 22 months after leaving office illustrates that the Department failed to keep the emails preserved within its custody. Moreover, the fact that the 15 emails provided by Mr. Blumenthal were not within Secretary Clinton's production to the Department indicates that some emails about official business that appear to be federal records may have been altered or destroyed.

Federal law provides the procedure by which federal records can be destroyed.⁹ Accordingly, federal law *requires* the head of each federal agency to notify the Archivist of an actual or potential unlawful destruction or modification of a federal record if that agency head knows or has reason to believe that the record has been unlawfully removed from the agency.¹⁰ In addition, if a federal agency does not initiate an action for recovery, the Archivist *shall* request the Attorney General to initiate a recovery action and notify Congress when the request has been made.¹¹

To assist the Judiciary Committee in understanding the facts and circumstances that have occurred in the past few years as it relates to Secretary Clinton's recordation of official matters and the Department's failure to secure and safeguard those federal records, please respond to the following questions no later than September 24, 2015.

1. Did you or any other NARA staff have any reason to suspect that Secretary Clinton was using a non-government email address to send and receive official emails prior to being asked about it by the press? If so, please explain?
2. Did you grant a waiver, or other legal mechanism, permitting Secretary Clinton to destroy government records? If so, when, and under what authority did you issue it?

⁵ 5 FAM 754(b).

⁶ Department of State Records Schedule, Chapter 1.

⁷ Patrick Kennedy, Senior Officials' Records Management Responsibilities (August 28, 2014).

⁸ Michael S. Schmidt, "State Dept. Gets Libya Emails That Hillary Clinton Didn't Hand Over," THE NEW YORK TIMES (June 25, 2015).

⁹ 44 USC Chapter 33, Disposal of Records.

¹⁰ 44 USC § 3106.

¹¹ 44 USC § 3106.

3. If you knew that Secretary Clinton was using a non-government email address to send and receive official emails, what steps, if any, did you take to ensure those records were preserved according to federal law? Please explain in detail.
4. The Federal Records Act, 44 U.S.C. § 3106 (a), requires that when a deletion occurs, the head of the agency in question must notify the Archivist, and with the help of the Archivist, initiate an action through the Attorney General for the recovery of those records. Has Secretary Kerry provided such notice to you regarding the 15 emails to or from Secretary Clinton that Mr. Blumenthal produced to Congress but were not provided to the State Department by former Secretary Clinton?
 - a. If so, when? Please provide documentation.
 - b. If not, given that Secretary Kerry was notified of the 15 missing emails in June 2015 at the latest, will you now request the Attorney General initiate an action for recovery for the 15 missing emails and potentially other federal records that may have been deleted by Secretary Clinton, as required under 44 U.S.C. § 3106?¹²
 - c. If not, please explain how that decision comports with the requirements of 44 U.S.C. § 3106 (b).
5. In the last 10 years has any State Department official communicated to NARA concerns as to records keeping practices at that agency? If so, please provide the following information about those communications:
 - a. Who contacted NARA and when?
 - b. Who was the point of contact at NARA?
 - c. The content of each referral/communication.
 - d. All documentation specific to the referral to include internal NARA communications and deliberations at the staff and senior agency level to include the Office of the Archivist.
6. To date, have you initiated an investigation of the record keeping practices of Secretary Clinton during her tenure at the State Department? If so, who is leading this investigation? What is the status of the investigation and to whom will a report be generated?

¹² "In any case in which the head of a Federal agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action described in subsection (a), or is participating in, or believed to be participating in any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and *shall* notify the Congress when such a request has been made." (emphasis added).

7. How many inspections pursuant to NARA's authority under 44 U.S.C. § 2906 has NARA conducted of the State Department during your tenure, when were they conducted, and what were the results? If none, please explain why not.
8. How many inspections pursuant to NARA's authority under 44 U.S.C. § 2906 has NARA conducted of any agency or department during your tenure, when were they conducted, of which agency or department, and what were the results? If none, please explain why not.

Please contact Paul Junge or Josh Flynn-Brown of my Committee staff at (202) 224-5225 if you have any questions about these matters. Thank you.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary

Appendix B

Timeline of significant actions relating to former Secretary Clinton's use of a non-government email account:

- March 1-2, 2015: NARA first learned about Secretary Clinton's use of a personal email account from *The New York Times*.
- March 3, 2015: NARA's Chief Records Officer sent a letter to the State Department asking State to report on this situation. (Attachment B1.)
- March 25, 2015: Secretary of State Kerry asked the State Department Inspector General to review the Department's records management and related activities.
- April 2, 2015: State Department responded to NARA's March 3 letter, explaining that in the fall of 2014 it had requested the four prior Secretaries of State to provide copies of any federal records in their possession, and that in December 2014 Secretary Clinton had provided approximately 55,000 pages of emails that were potentially federal records. (Attachment B2.)
- April 6, 2015: NARA convened a meeting of the Senior Agency Officials for Records Management to address email management issues to address management of email records and use of non-governmental email accounts in light of State Department issue.
- May 25, 2015: FRA lawsuit filed against State Department (*Judicial Watch v. Kerry*, Civ. A. No. 15-00785-JEB (DDC)).
- June 12, 2015: State Department responded to NARA's May 6, 2015, query concerning use of personal email accounts by agency heads. (Attachment B3.)
- July 2, 2015: NARA's Chief Records Officer sent a follow-up letter to the State Department's April 2 response requesting additional information. (Attachment B4.)
- July 8, 2015: FRA lawsuit filed against State and NARA (*Cause of Action v. Kerry & Ferriero*, Civ. A. No. 15-01068-JEB (DDC)).
- July-August 2015: Justice Department reportedly begins review of possible classified national security information related to Secretary Clinton's emails; server and other electronic media reportedly are provided to FBI.
- August 20, 2015: U.S. District Court Judge Emmett Sullivan (in *Judicial Watch v. Department of State*, Civ. No. 13-1363-EGS (DDC)) ordered State Department to request that the FBI inform it about any information recovered from Secretary Clinton's server and thumb drive related to a pending FOIA lawsuit against State.
- September 2, 2015: State Department sent a letter to the FBI per the August 20, 2015 court order. (Attachment B5.)
- September 14, 2015: State Department sent a second letter to the FBI requesting that it preserve any recoverable media and content and apprise State of any potential federal records that may have existed on the server. (Attachment B6.)
- September 17, 2015: Justice Department filed a Motion to Dismiss the consolidated cases brought by Judicial Watch and Cause of Action. (Attachment B7.)
- September 21, 2015: FBI send letter in response to State Department's September 2, 2015 letter. (Attachment B8.)

Appendix C

Summary of concern identified to date from State Department officials to NARA regarding their records management program:

1. FY 2009-14: Concerns about technology problems with obsolete Secretariat Automated Index System (SADI), an automated index microfilmed records from State's Executive Secretariat from the 1970s through early 1990s. The SADI system provided indexing information for records maintained by the Executive Secretariat for the principal officers of the State Department. NARA archivists and State Department personnel addressed how to read old magnetic tapes with classified information on them and what documentation is available related to the structure and format of the records. The State Department provided NARA with a sample of the tapes, which NARA successfully read and duplicated the information onto CDs. NARA and State Department staff then worked over the following months to read and copy the tapes.
2. FY 2010: Concern about how to raise score for NARA's Records Management Self-Assessment. State Department asked NARA officials for information, including a copy of their responses and scores, relating to focus group testing of questions for NARA's annual Records Management Self-Assessment.
3. FY 2010: Concerns about the State Department's State Messaging and Archiving Retrieval Toolset (SMART) system used to capture record emails and other documents. The SMART system was designed to replace State's existing email and cable systems with a single Outlook-based system. A working group, which included NARA representatives, met regularly to assess the new system, its roll out and records management concerns. As part of the process, State provided test data to NARA for feedback on the records management front. A number of major and minor issues were identified by NARA and State engaged in efforts to address them.
4. FY 2010-15: Unauthorized destruction case file for older passport files. NARA opened an unauthorized destruction case in 2010 after it was revealed at a regular NARA and State Department meeting on records scheduling issues that State had destroyed selected passports dating from 1925 to 1965. The records were destroyed between 1977 and 1983, when NARA (then part of GSA) pressured State to separate permanent and temporary records in the passports records series and to reduce the retention period because of the volume of records.
5. FY 2012: Comments about a State Department Office of the Inspector General report addressing State's "Records Management Program Management" and its use of the SMART system (Inspection of the Bureau of Administration, Global Information Services, Office of Information Programs and Services, Report Number ISP-I-12-54, September 2012).

6. FY 2013: Request for authorization of the emergency destruction of records in the Tunisian embassy, pursuant to 44 U.S.C. § 3311 (“Destruction of records outside continental United States in time of war or when hostile action seems imminent”). The State Department notified NARA in February 2013 that temporary and permanent records were destroyed at the Tunisian embassy in response to a violent mob attack at the embassy on September 12, 2012.
7. FY 2013: Questions about adopting the Capstone approach to managing email records. The State Department asked NARA to provide it more time to review drafts of NARA’s new Capstone policy for managing email records because of the State Department’s size and the complexity of its records management issues.
8. FY 2013: Destruction of records in Tokyo due to earthquake, tsunami, and nuclear meltdown, pursuant to 44 U.S.C. § 3311 (“Destruction of records outside continental United States in time of war or when hostile action seems imminent”). The State Department notified NARA in 2013 of the destruction of records that occurred in 2011 at the Japanese Embassy in Tokyo, following the state of emergency instituted after the earthquake, tsunami, and nuclear meltdown at that time.
9. FY 2014: Destruction of records in the South Sudan embassy, pursuant to 44 U.S.C. § 3311 (“Destruction of records outside continental United States in time of war or when hostile action seems imminent”). The State Department notified NARA in 2014 regarding the destruction of records at the embassy in Juba, South Sudan, as part of the preparations for a possible evacuation.
10. FY 2015: Concern about possible destruction of textual records during office move, which turned out to be non-record material. State Department employees stated that paper records had been thrown out during an office move. NARA advised the State Department that, if in its follow-up in to the issue it discovered there had been in fact an unauthorized destruction of records, a report would need to be made. State responded that the destroyed materials were non-record copies.

Appendix D

Inspections

Fiscal Year 2015 - Completed and in Progress

- ***Department of the Treasury/Internal Revenue Service:*** *This inspection was mandated by Congress. In addition to the parameters specified by Congress, the purpose of this inspection was to examine the IRS RM Program with particular attention to the policies and procedures pertaining to the management of email; electronic records; records scheduling and implementation; and the identification, risk assessment, and transfer of permanent records. The inspection report (<http://www.archives.gov/records-mgmt/pdf/irs-inspection.pdf>) made nine recommendations. The IRS has submitted a plan of corrective action to NARA for review.*
- ***Department of the Treasury Records Management Program:*** *The purpose of this inspection was to examine the methods whereby the Department RM program and the records programs within its component agencies share, organize, communicate, and cooperate in order to develop and implement records management practices that strengthen the RM program within Treasury as a whole. Inspection has been completed. NARA is drafting a report, which should be available during the first quarter FY 2016.*
- ***Department of Energy Records Management Program:*** *The purpose of this inspection was to examine the methods whereby the Department RM program and the records programs within its component agencies share, organize, communicate, and cooperate in order to develop and implement records management practices that strengthen the RIM program within the Department of Energy as a whole. Inspection has been completed. NARA is drafting a report, which should be available during the first quarter FY 2016.*
- ***Department of Defense/Navy Electronic Records Management Application transition from TRIM to DON TRACKER:*** *The purpose of this inspection is to examine the Navy's standards, policies, procedures, and practices in relation to the management of electronic records including email. In particular, NARA is interested in the Navy's planning, development, and implementation of its legacy records management application, TRIM; adoption process (planning, development, and implementation) of its new record management system for electronic records, DON Tracker; and overall management of its electronic records including email records. NARA started its inspection in FY 2015 and will complete it in FY 2016.*

Fiscal Year 2014

- **National Transportation Safety Board (NTSB) Records Management Program:** *The purpose of this inspection was to determine if the NTSB records management program had sufficient policies and procedures to appropriately manage active and inactive records, make the transition from paper to electronic records management, and ensure the transfer of permanently valuable records to the National Archives. The inspection report, <http://www.archives.gov/records-mgmt/resources/ntsb-inspection.pdf>, made 14 recommendations. A plan of corrective action is being finalized.*
- **U.S. Securities and Exchange Commission (SEC) Office of Records Management Services (ORMS):** *This inspection had two purposes. The first was to examine the progress SEC ORMS has made since a 2012 SEC OIG report on the agency's records management program. Second, this inspection served to validate the SEC's score of 100 out of 100 possible points on the 2013 RMSA. The inspection report, <http://www.archives.gov/records-mgmt/pdf/sec-inspection.pdf>, made five recommendations. NARA is monitoring the agency's modernization plan instead of a plan of corrective action.*
- **United States Nuclear Regulatory Commission Records Management Program:** *The purpose of this inspection was to verify that the records management programs at the NRC have sufficient policies, processes, and procedures for managing active records; ensuring that the storage of inactive records meet regulatory standards; that records are adequately maintained and managed in the ADAMS recordkeeping system; and ensuring that temporary and permanent records are being handled according to their approved retention schedules. The inspection report, <http://www.archives.gov/records-mgmt/pdf/nrc-inspection.pdf>, made 16 recommendations. The plan of corrective action is being monitored.*

Fiscal Year 2013

- **Department of Homeland Security Shared Use of Alien Registration Files by U.S. Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE):** *NARA chose to examine USCIS and ICE's shared management of A-Files because of the high volume, high activity level, and permanent historical value of this record series. The purpose of this inspection was to determine if DHS had established sufficient business processes, policies, and procedures to ensure the safety, security, and preservation of the high volume, highly active, and permanently valuable A-Files record series. The focus was the sharing of files among the various components of DHS and whether such sharing posed undue risk to the records. The inspection report, <http://www.archives.gov/records-mgmt/pdf/dhs-inspection.pdf>, made 15 recommendations. The plan of corrective action is being monitored.*

- **Department of Energy/National Nuclear Security Administration: Records Management Practices at the National Laboratories: Sandia, Lawrence Livermore, and Los Alamos:** The purpose of this inspection was to verify that the records management programs at the NNSA national laboratories have sufficient policies, processes, and procedures for managing active records; ensuring that the storage of inactive records at the laboratories meet regulatory standards; and ensuring that temporary and permanent records are being handled according to their approved retention schedules. The inspection report, <http://www.archives.gov/records-mgmt/pdf/nnsa-inspection.pdf>, made 27 recommendations. The plan of corrective action is being monitored.

Fiscal Year 2012

- **Management of Soft Copy Mapping Products in the National Geospatial Intelligence Agency:** This inspection was prompted by concerns that NARA has not received regular transfers of maps and charts from NGA since the inception, in 1996, of its predecessor, the National Imagery and Mapping Agency (NIMA) and consistently poor scores on the RMSA. (This inspection was phase II of an inspection of this body of records.) The scope of this inspection was limited to NGA's management of electronic (digital) copies of their mapping products, specifically those scheduled under NGA File Series 801-10 and 801-11. NARA did not seek to review the effectiveness and compliance of NGA's overall records management program. The inspection report, <http://www.archives.gov/records-mgmt/pdf/nga-soft-inspection.pdf>, made eight recommendations. The plan of corrective action is being monitored.

Fiscal Year 2011

- **Management of Hard Copy Mapping Products in the National Geospatial-Intelligence Agency:** This inspection was prompted by concerns that NARA has not received regular transfers of maps and charts from NGA since the inception, in 1996, of its predecessor, the National Imagery and Mapping Agency (NIMA). (This inspection was phase I of an inspection of this record series.) The scope of this inspection was limited to NGA's management of hard copies of their mapping products, specifically those scheduled under NGA File Series 801-10 and 801-11. NARA did not seek to review the effectiveness and compliance of NGA's overall records management program. The inspection report, <http://www.archives.gov/records-mgmt/pdf/nga-inspection.pdf>, made 19 recommendations. The plan of corrective action is being monitored.
- **Records Management in the Office of the Secretary of Defense:** NARA selected this inspection because the OSD maintains a large volume of valuable permanent records, including email, in an electronic archiving application. The inspection report, <http://www.archives.gov/records-mgmt/pdf/osd-inspection.pdf>, made nine recommendations. The plan of corrective action is being monitored.

Records Management Program Reviews

Fiscal Year 2015

- **Overseas Private Investment Corporation (OPIC):** *OPIC requested this review of their records management program due to the retirement of their records officer and the need to address the goals of the Managing Government Records Directive (M-12-18). This review was started in FY 2015 and it is anticipated that it will be completed in FY 2016.*

Fiscal Year 2014

- **Department of Defense/Defense Threat Reduction Agency/and United States Strategic Command Center for Combating Weapons of Mass Destruction (DTRA/SCC-WMD):** *NARA conducted this review because DTRA/SCC-WMD creates or receives records pertinent to the national security of the United States, maintains records on a large variety of media for which migration may not be possible, and maintains a substantial collection of historical records in the Defense Threat Reduction Information Analysis Center (DTRIAC). This review focused on records in Albuquerque, NM.*
- **Peace Corps:** *This records management review was conducted to help the Peace Corps develop a compliant records management program in the context of its Five Year Rule (FYR), a rule that prevents most staff at headquarters from serving any more than five consecutive years at the agency.*

Fiscal Year 2013

- **Department of the Interior/U.S. Geological Survey/Astrogeology Science Center:** *This review was conducted as a follow- up to reports of unauthorized destruction and failure to transfer permanent records. This review was conducted at the center in Flagstaff, AZ.*
- **Department of Homeland Security/FEMA Region 6 – Hurricane Katrina Records:** *This review focused specifically on the handling of records related to Hurricane Katrina to ensure that a freeze order issued by the White House in September 2005 was being properly implemented.*

Fiscal Year 2012

- **Fish and Wildlife, Region 6 - Denver, Colorado:** *This records management review was prompted by the fact that so few permanent records, only five cubic feet, have been transferred to NARA over the years, indicating that a number of permanent, mission- related documents are most likely being stored on site at USFWS offices. Additionally, a portion of the roof of the office building that houses the Region 6 Office suffered damage when rain water came through the seams of the sixth floor*

ceiling in February 2012. Some permanent and long-term records were harmed in this incident and had to be dried and repaired. The overall objective of this review was to determine if the records management program at USFWS is in compliance with 36 C.F.R. Chap.12, Subchapter B, and more specifically, why so few permanent records are being transferred to NARA.

- **Department of Defense/U.S. Strategic Command Joint Functional Component Command for Space Joint Navigation Warfare Center:** This Records Management (RM) Review was based on previous contact with agency staff whereby NARA identified that the agency was not managing their extensive collection of electronic records appropriately in accordance with the Code of Federal Regulations (CFR), specifically 36 CFR § 1236. The overall objective of this RM Review was to determine if the records management program at JNWC is in compliance with regulations under 36 C.F.R. Chap. 12, Subchapter B.

Fiscal Year 2011

- **Naval History and Heritage Command (NHHC) - U.S. Navy - Records Storage Facility:** This review was conducted at the request of the NHHC to assess whether or not the storage facility was appropriate for historical permanent records.
- **Department of Energy Office of Legacy Management Records Storage Center in West Virginia:** This review was conducted at the request of the Department of Energy to assess whether or not the storage facility and procedures were in compliance with regulations regarding the storage of federal records.

Records Management Self-Assessment (RMSA)

Since 2009 all federal agencies have been required to conduct an annual Records Management Self-Assessment (RMSA) and submit the findings to NARA. The goal of the self-assessments is to determine whether federal agencies are compliant with statutory and regulatory records management requirements. Summary reports for 2009 through 2013 are available at <http://www.archives.gov/records-mgmt/resources/inspections.html>. We anticipate that the report for 2014 will be posted in the first quarter of FY 2016. The 2015 RMSA will be run during the first quarter of FY 2016 with a report posted as soon as possible after the data has been received and analyzed.