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FEDERAL BOARDS, COMMISSIONS,
AND FOUNDATIONS
Records Management Programs

Multiple-Agency Inspection Report

National Archives and Records Administration
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**FEDERAL BOARDS, COMMISSIONS, AND FOUNDATIONS
RECORDS MANAGEMENT PROGRAMS
MULTIPLE-AGENCY INSPECTION**

INSPECTION REPORT

INTRODUCTION

The National Archives and Records Administration (NARA) is responsible for assessing the proper management of records in all media within Federal agencies to protect rights, assure government accountability, and preserve and make available records of enduring value.¹ In this capacity, and based on authority granted by 44 United States Code (U.S.C.) 2904(c)(7) and 2906, NARA inspects the records management (RM) programs of agencies to ensure compliance with Federal statutes and regulations and to investigate specific issues or concerns. NARA then works with agencies to make improvements to their programs based on inspection findings and recommendations.

In FY 2021, NARA conducted a multi-agency inspection to determine the current state of RM programs in small or micro-agencies and to validate responses to the Records Management Self-Assessment (RMSA), Federal Electronic Records and Email Management Maturity Model Report, and Senior Agency Official for Records Management (SAORM) annual reports.²

NARA's intent was to examine compliance with Federal records management statutes and regulations, and to determine whether the RM foundations that these agencies have in place provide adequate assurances of managing records appropriately that is not necessarily reflected in their annual reporting data. NARA also wanted to assess the ability of these agencies to manage permanent electronic records in an electronic format, plans to digitize or convert analog records, and the transfer of permanent records to the National Archives. In conducting a multi-agency inspection of this type, the inspection sought to identify practices that may also be common to other Federal agencies.

¹ 44 U.S.C. Chapter 29, <http://www.archives.gov/about/laws/recordmanagement.html>.

² Federal Executive Branch agencies are required to complete these reports annually. NARA analyzes the self-reported data to determine the current state of Federal RM programs. Please see NARA's *Federal Agency Records Management 2019 Annual Report* for more information: <https://www.archives.gov/files/records-mgmt/resources/2019-federal-agency-records-management-annual-report.pdf>.

To conduct the inspection, NARA selected agencies of similar *size* (between 2 and 15 Full-Time Equivalents (FTE)), *type* (board, commission, or foundation), and overall *risk level* (all extremely high risk of non-compliance to RM regulations) as determined by agency responses to the 2019 RMSA. The five inspected agencies were:

- Barry Goldwater Scholarship and Excellence in Education Foundation (BGSF);
- Denali Commission (Denali);
- James Madison Memorial Fellowship Foundation (JMMFF);
- U.S. Commission of Fine Arts (CFA); and
- U.S. Nuclear Waste Technical Review Board (NWTRB).

Micro-agencies made up 17% (42/247) of the respondents to the 2019 RMSA. The agencies selected for this inspection are representative of the specific approaches, challenges, and risks common among micro-agencies (i.e., 1 - 99 FTEs), especially on the lower end of the FTE spectrum. Specific feedback for each agency is included in Appendix A.

	FTEs	Board Members	RMSA Score 2019*
BGSF	2	9	37
Denali	14	7	43
JMMFF	7	3	18
CFA	12	10	36
NWTRB	12	11	45
*The maximum score on the RMSA is 100, and a score below 60 is considered high risk.			

OVERVIEW OF KEY ASPECTS OF THE RM PROGRAMS

All five micro-agencies have board members, commissioners, or similar-type positions that provide oversight and advisory services, including decision-making, regarding matters related to agency missions. The records of these positions are generally incorporated into the records of the agency. They also have the following in common:

- Their missions are narrowly-focused.
- The volume of records created is generally low.
- There is some organization to their files, both paper and electronic, that enables easier retrievability for records creators.
- They use shared service providers to manage administrative records (such as Human Resources, payroll and travel).

All five agencies have designated Agency Records Officers (ARO) who are responsible for RM at their agencies. Three AROs had been in the position for less than two years; the other AROs have had this responsibility for more than a decade. Several had at least some previous RM experience, while others are taking on-the-job RM training. Three AROs had earned NARA's Certificate of Federal Records Management Training/Agency Records Officer Credential (AROC) and one was in the process.

All five agencies indicated that all or most of their records are accessible and can be retrieved in a timely manner. While records can be, for the most part, easily located and retrieved for agency business, these agencies have struggled to establish and/or maintain their RM programs.³ The AROs shared similar difficulties that focused on the lack of resources. Unlike many larger agencies, the micro-agencies do not have dedicated records managers whose duties are solely records management. Those designated as AROs have the following job titles: Administrative Officer, Support Services Specialist, Technical Information Specialist, and Information Technology (IT) Systems Specialist. The AROs have numerous other duties including responsibilities as the Chief Financial Officer (CFO) and Contracting Officer's Representative (COR); timekeeping; cybersecurity; IT; travel coordination; and general administrative work. What little time they have left is set aside for RM. The AROs estimated that they spend approximately between 5% and 25% of their time on RM, with the majority being closer to 5%.

Though these percentages may vary over time, this small percentage of time makes it difficult to build momentum on improving RM in these agencies. With smaller agency budgetary resources and FTEs than their larger counterparts, these micro-agencies quickly become overwhelmed when trying to comply with Federal RM regulations. They can find their records when needed for agency business, but the basic foundational elements of an RM program are often missing.

Based on interviews with the AROs of the micro-agencies with seven or more FTEs, there is disconnect between records creators (those staff responsible for creating and maintaining agency records) and the records officer who is responsible for records disposition. Records creators know where their records are, but their location is not always apparent to the AROs. The AROs voiced concerns that because they were given the role of records officer, other staff were essentially "off the hook" in terms of managing records. Due in part to this culture, the staff often do not have an understanding of what their RM responsibilities are for managing records. They are often not aware of how their records are scheduled, including whether the records they create and maintain are unscheduled or scheduled as permanent or temporary. Having roles and responsibilities documented in directives or policies, in addition to RM training, would help to ensure that all staff have an awareness of their responsibilities as Federal employees.

³ The term "RM program" is used here to mean the establishment and ongoing implementation of all major RM activities including, but not limited to, conducting records inventories, creating RM policy and procedures, lifecycle records management, scheduling, and records transfer and disposition. (See also <https://www.archives.gov/records-mgmt/policy/prod6a.html> for typical RM program activities.)

TRANSITION TO ELECTRONIC RECORDS (M-19-21)

Since 2012, NARA and the Office of Management and Budget (OMB) have provided goals for Federal agencies to modernize recordkeeping practices and transition to a digital government. OMB/NARA *Managing Government Records Directive* (M-12-18) provided initial guidance to Federal agencies to move towards electronic recordkeeping to the fullest extent possible. This directive was superseded on June 28, 2019, by OMB/NARA *Transition to Electronic Records* (M-19-21),⁴ which provides deadlines for Federal agencies to ensure that all Federal records are created, retained, and managed in electronic formats, with appropriate metadata. NARA has been tracking agency progress through the SAORM annual reports. The inspection included a review of these reports and interviews with the five micro-agencies on these goals.

Regardless of the method used to manage electronic records, agencies need to transition to fully electronic recordkeeping, updating paper and other analog processes to meet the requirements of M-19-21. There is some progress taking place, with three of the five agencies mostly creating and maintaining records electronically. A couple of the agencies, however, are still struggling to change the culture from paper to electronic. BGSF stood out for their efforts on becoming fully electronic. The agency transitioned to Microsoft Office 365 in 2018 and began migrating records into SharePoint. They have been actively scanning analog records into SharePoint and had 70-90% of their paper records scanned at the time of the inspection. Starting in 2020, all records are now being created electronically. One other agency, CFA, was also working to set up SharePoint for recordkeeping going forward (although they were still printing and filing email and maintaining redundant paper copies of electronic files). NWTRB was maintaining records primarily on shared drives. The other two agencies are largely still a mix of paper and electronic, and it was unclear if paper processes would change in the near future. JMMFF, for example, has an informal print-and-file policy in which they will print some (not all) electronic files to save in paper files.

The COVID-19 pandemic has started to have an impact on how these agencies think in terms of records accessibility. In some ways, the pandemic has pushed these agencies to become more electronic. It will be interesting to see how these agencies move forward once normal business operations resume.

GENERAL OBSERVATIONS RELATED TO AGENCY SIZE

As a baseline for understanding the state of RM in Federal agencies, the RMSA has its limitations. This inspection confirmed that the one-size-fits-all approach does not always accurately reflect the risk to records for agencies of this size. For some agencies, the score is more or less an accurate reflection of their current RM programs. For others, having additional answer options or providing a clearer understanding of what could be considered compliant with RM regulations could make a slight difference in their scores.⁵

⁴ OMB/NARA *Transition to Electronic Records* (M-19-21), <https://www.archives.gov/files/records-mgmt/policy/m-19-21-transition-to-federal-records.pdf>.

⁵ It should be noted that not all micro-agencies score in the high-risk category on the RMSA, so this alone is not an indicator of how records will be managed.

This inspection determined that Federal RM regulations (which the RMSA is based on) are not always written in language that allows micro-agencies to readily see themselves within these requirements. For example, due to their small agency size and record volume, micro-agencies may not always need specialized RM applications for managing their records that a larger agency might need to be efficient and effective. Maintaining records in a shared drive, if managed appropriately, may be sufficient. The agencies indicated that they were sometimes overwhelmed by the regulations and struggled with knowing where to begin. For these and other micro-agencies, having a few RM fundamentals related to the intent of the regulations could be enough to establish and maintain their RM programs.

Additional items proposed for consideration by NARA based on the results of this inspection are noted in the 'Recommendations for NARA' section of this report.

FINDINGS AND RECOMMENDATIONS

Over the course of this inspection, we found that all of the agencies:

- Do not have RM policies and procedures, or they are outdated or in draft form;
- Lack RM training for staff and board members;
- Lack comprehensive inventories of records in all formats and other governance necessary for intellectual control;
- Have unscheduled records and/or have records schedules that need updating; and
- Are not routinely transferring permanent records to the National Archives.

Records Management Fundamentals

For this inspection report, NARA consolidated these issues into one major theme that appeared in all five agencies: the lack of RM fundamentals. While this can cover a wide range of activities, it was decided to focus on the main sub-themes as detailed below. These are considered vital to maintaining and improving an agency RM program for all agencies regardless of their size.

Finding: Records management fundamentals including directives, policies and guidance; training; records inventories; and retention schedules have not been created, are in need of review, or are in draft form; and records schedules are not being implemented.

Regardless of the size of an agency, there are RM fundamentals that must be in place to ensure records are created and maintained appropriately and according to records schedules, to ensure that records are accessible for business purposes throughout the records lifecycle, as well as to provide government accountability for decision-making. Among these fundamentals are RM policies and procedures, RM training, records inventories, up-to-date records schedules, and internal controls for the transfer of permanent records to the National Archives.⁶

⁶ Permanent records are records that have been determined to have value to the Nation beyond that of their original business needs. While in agency custody, permanent records must be identified, scheduled, preserved, and protected until they are eligible for transfer to the National Archives in accordance with NARA-approved retention schedules.

Policies, Procedures and Guidance for all staff

The majority of the agencies did not have RM policies and guidance that would provide clarity to staff on their recordkeeping responsibilities or document agency policy or procedure. One was in the process of developing a handbook for use by the ARO, while another had an outdated draft that was never finalized and implemented. Policies and guidance provide the foundation for any RM program laying out how records are to be handled in an agency and providing guidance on what, where, and how those records should be created and maintained. They document the responsibilities of *all* staff, including the head of the agency, the SAORM, the ARO, and anyone creating and/or maintaining records for the agency - which also encompasses board members, whether they are considered Federal employees, who serve in an advisory and/or decision-making capacity. While the agencies included in this inspection do not tend to have a lot of staff turnover, instead losing staff primarily due to attrition, there were instances of previous AROs leaving without any RM policies or guidance in place, or any knowledge transfer, so the new AROs are having to start from scratch. Two agencies, BGSF and JMMFF, specifically said they were working on policies to aid their successors to prevent this from happening again. Providing all staff with basic RM guidance would aid current staff in their day-to-day management of records, as well as any staff joining the agency in the future. While it may not seem necessary in a very small agency, policies and procedures for maintaining records can be used to show fiduciary due diligence, and a commitment to documenting the purpose of the organization and its history. Micro-agencies who scored in the low-risk category on the 2019 RMSA that were contacted as part of background research for this inspection also noted that having RM policies and procedures in place was one of the most vital steps for having a successful RM program.⁷

Policies for Board Members, Commissioners, and Similar Positions

Policies and procedures for the recordkeeping responsibilities of board members and other similar advisory positions mostly do not exist at these agencies. The positions are usually voluntary and not Federal FTEs; however, they act in an advisory capacity to the agency, providing guidance and direction to their missions. While much of their decision-making is captured in board meeting minutes and emails to the agency, there is a concern that not everything is being captured that would document for accountability purposes their specific roles, the background and process supporting decisions and their impact on agency missions. Having policies and awareness in place will help to ensure that agencies are receiving all Federal records created by these positions. Even the smallest of agencies need to provide clear guidance through policy and procedure to those acting on behalf of the board, commission or foundation regarding the creation, capture and preservation of the decisions they make on behalf of the organization.

RM Training

AROs had or were in the process of taking RM training, which is an important first step. None of the agencies, however, had RM training or guidance for staff that would provide them with an understanding of their RM responsibilities. Even when an organization has few staff members, everyone needs to understand what RM is and what their responsibilities are. NARA understands that AROs currently taking RM training may not have the ability to train others until after their training is complete. Training all staff, regardless of the form it takes, must be made a priority.

⁷ See Appendix F for more information on the micro-agencies contacted as part of background research.

At most of the agencies, there was a lack of understanding that RM is the responsibility of all staff. Certain RM functions, such as the scheduling of agency records and the implementation of records disposition, usually fall to the ARO. However, all staff (including senior officials) should be familiar with and understand basic RM principles, including knowing what a Federal record is, maintaining those records according to approved agency records schedules, using naming conventions, and implementing appropriate cutoffs. Staff should also be aware that some records have been scheduled as temporary, and some as permanent. Without this understanding, there is a risk of temporary records being destroyed before their approved disposition dates and permanent records not being transferred to the National Archives. There is also a risk of keeping records past their approved retention period which creates liabilities and inefficiencies in responding to Freedom of Information Act (FOIA) requests and for locating records for business purposes.

Intellectual Control

Having intellectual control of agency records being created and maintained (i.e., knowing the content and location of the records, how and why they are created, and ownership) as well as physical control (i.e., safeguarding access and preservation) are also critical to implementing records management. Agencies did not have comprehensive records inventories for analog and electronic records to aid AROs in their RM responsibilities. It is difficult to manage records without a regularly updated records inventory. As previously stated, records creators are aware of the records they create and where and how they are being maintained, but AROs do not always have this information. Conducting a records inventory is the first step in gaining intellectual control. It would help establish a list of records being created, where, and by whom, which would aid in determining the retention information (i.e., how or if the records are scheduled). AROs could then use this information to begin implementing cutoffs and disposition instructions as approved in agency records schedules. Since the volume of records in micro-agencies is generally small, having an inventory should not be overly burdensome.

Records Schedules

Agencies need to review and update their records schedules, including scheduling any unscheduled records. CFA and NWTRB had schedules that dated back to the 1970s and 1990s, respectively, that did not address current business processes and formats. Denali, JMMFF, and CFA commented on having unscheduled records; and CFA did not have email scheduled. Once a review of schedules is complete, record items are updated (if necessary), and records are scheduled, the agencies will be in a better position to meet the requirements of the M-19-21, target 1.4, which states that all records created or maintained by the agency must be covered by a NARA-approved records schedule, and that agencies must ensure that existing records schedules are updated as business practices transition to electronic workflows.

Transferring Permanent Records to the National Archives

Records schedules approved by the Archivist of the United States provide agencies with the legal authority to properly dispose of temporary records and to transfer permanent records to the National Archives. All records scheduled as permanent must be transferred to the National Archives after the period specified in the approved schedule. Of the five agencies, only CFA was transferring records to the National Archives. In some agencies, records have never been transferred. While in agency custody, permanent records must be identified, scheduled, and

protected until they are eligible for transfer to the National Archives in accordance with retention schedules. Delaying the transfer of permanent records no longer needed for agency purposes increases the risk of loss, damage and/or deterioration of historically valuable records. Having some of the other foundational elements in place as described in this finding will make this process easier and more efficient for AROs.

Recommendation 1: Agencies must create and disseminate RM policies and/or guidance for staff and board members (and similar roles) to ensure that roles and responsibilities are clear, and that records are being captured, maintained, transferred, and dispositioned according to Federal RM requirements. (36 CFR 1220.34(c) and 36 CFR 1222.26(e))

Recommendation 2: Agencies must provide RM training or guidance for staff on their RM responsibilities. (36 CFR 1220.34(f))

Recommendation 3: Agencies must conduct records inventories of all records in all formats. (36 CFR 1225.12(b))

Recommendation 4: Agencies must review and update records schedules, as necessary, and schedule any unscheduled records. (36 CFR 1220.34(g))

Recommendation 5: Agencies must identify and transfer permanent records overdue for transfer to the National Archives. (36 CFR 1235.12)

CONCLUSION

Over the course of this inspection, NARA found that agency size and the volume of records created and maintained by these micro-agencies enables them to, for the most part, efficiently locate and access records to meet agency business needs and to accomplish their missions. These agencies are, however, lacking several basic RM fundamentals that would ensure that records are being managed effectively throughout the records lifecycle. Having these fundamentals in place will improve compliance with Federal RM regulations and better position these agencies to meet the requirements of M-19-21.

The recommendations in this report address the core aspects of a compliant RM program and are intended to facilitate RM improvements at these agencies. NARA is also providing guidance and several RM best practices/example documents (some of which were submitted voluntarily by their peers from other micro-agencies at NARA's request) to aid these agencies with getting RM fundamentals in place and to give them guidance and a starting point from which to begin. (See Appendices E and F.)

RECOMMENDATIONS FOR NARA

Based on the observations and data collected by the NARA inspection team, this report makes the following recommendations for NARA.

- Review annual reporting requirements for micro-agencies to determine if there are more appropriate methods or answer options for gauging their compliance with Federal RM requirements and their ability to manage Federal records effectively.
- Provide policy and guidance on the creation of records management directives and policies that include practical applications for small and micro-agencies.
- Provide applicable guidance and examples to the agencies to help make the recommendations in this report more attainable.
- Ensure the small and micro-agencies are aware of the numerous free training options, materials, webinars, and job aids that NARA provides.
- Continue to share common RM challenges and solutions through inspection reports, annual reporting, and Bimonthly Records and Information Discussion Group (BRIDG) meetings and other RM forums.
- Have policies and processes in place to support Federal micro-agencies' transition to fully electronic recordkeeping.
- Expand NARA's outreach to SAORMs to include discussions on the specific challenges and concerns of small and micro-agencies.

APPENDIX A

OVERVIEW AND RESULTS FOR EACH INSPECTED AGENCY

NARA is providing feedback as a tool for the micro-agencies to focus on how the consolidated finding and recommendations relate to each respective organization. All recommendations documented in this report apply to all the inspected agencies since all were missing RM fundamentals. The method for meeting each recommendation will be determined during the Plan of Corrective Action (PoCA) phase as further explained in Appendix C and will be scaled as appropriate for each agency.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

Program Summary:

BGSF was established by Congress in 1986 and provides scholarships to sophomores and juniors in college studying Science, Technology, Engineering, and Mathematics (STEM) fields. The agency has only two FTE: the President and the Administrative Officer. The board of trustees are volunteers and include members of Congress, university faculty, and other education-related positions. The board is chaired by the youngest daughter of former Arizona senator and statesman Barry Goldwater, for whom the agency is named.⁸

The ARO, whose job title is Administrative Officer, has been responsible for RM for just over a year, and has had previous RM experience at other agencies prior to joining BGSF but does not have NARA's AROC certification.⁹ In addition to RM, the ARO's other duties include, but are not limited to: CFO, COR, and Secretary.

The agency transitioned to Microsoft Office 365 in 2018, and has been scanning and migrating records into SharePoint. Beginning in 2020, all records are now created electronically.

Records Management Challenges:

BGSF must focus on implementing approved records dispositions. The agency has not been transferring eligible records to the National Archives and, according to the ARO, has records onsite that are at least 30 years old.

⁸ <https://goldwater.scholarsapply.org/>.

⁹ BGSF received an exemption from NARA's previous RM training certification; however, NARA has since updated RM training requirements and BGSF will be required to complete training starting in January 2023 (at the same time that other AROs' credentials will be up for renewal).

Additional challenges:

- There is little or no guidance or training of board members on their RM responsibilities.
- BGSF had an informal, undocumented policy that the records of their board members would be captured through board meeting minutes and through the normal course of business by email with BGSF staff, but there was no assurance that these records are being consistently captured. Having a documented policy and/or procedure for the current and future board members will provide continuity in policy and awareness of responsibilities.
- BGSF does not have RM policies or procedures for staff. At the time of the inspection, the ARO was trying to locate RM procedural documents created by previous staff. There had been no knowledge transfer between the previous ARO and the current ARO. Having RM policies or procedures in place would help to provide a foundation for RM moving forward for current and future staff.
- The ARO has had some previous RM experience but has not earned NARA's AROC certification.
- BGSF has not conducted a comprehensive records inventory. The inventory will aid in gaining intellectual control, especially as the agency continues to transition to SharePoint. It will also help in determining if there are any unscheduled records.
- BGSF has two records schedules that were approved over ten years ago (2008 and 2009) that must be reviewed to ensure they are up to date and still meet the agency's business needs.

DENALI COMMISSION

Program Summary:

The Denali Commission was established by Congress in 1998 to provide utilities, infrastructure, job training, and other economic support throughout Alaska, with a special emphasis on promoting rural development in the following areas: bulk fuel storage, power generation, healthcare facilities, surface transportation and waterfront facilities, communication systems, and specialty housing (e.g., domestic violence shelters).¹⁰

Denali is the largest of the micro-agencies in this inspection, with 14 FTE (plus 1 FTE appointed by the Department of Commerce) and 7 board members. The board members are appointed by the Secretary of Commerce to create the proposed annual work plan for the agency. Many of the commissioners additionally serve as part of the agency's advisory bodies. The commissioners include the Governor of the State of Alaska; the Presidents of the University of Alaska, Alaska Municipal League, Alaska Federation of Natives, AFL-CIO Alaska, Associated General Contractors of Alaska, and the Federal Co-Chair of the Denali Commission.

The ARO, whose official job title is Administrative Officer and who had no prior RM experience, had just recently been designated the records officer and was in the early process of earning NARA's AROC. The ARO's other responsibilities include, but are not limited to: timekeeping, travel coordination, lease agreements, and cybersecurity activities.

¹⁰ <https://www.denali.gov/>.

Denali's records are a mix of paper in filing cabinets and electronic records on shared drives with minimal organization.

Records Management Challenges:

Denali's RM program is essentially starting from scratch. Both the SAORM and the ARO at Denali are new to RM. Their biggest challenge is familiarizing themselves with RM concepts.

Additional challenges:

- There had been no knowledge transfer from the previous ARO, and it was unclear if any RM policies and/or procedures exist for staff or board members.
- As previously stated, the ARO is in the early process of earning NARA's AROC certification. This training should provide the foundation for understanding what is currently in place at Denali in terms of RM and what should be in place to efficiently, effectively, and compliantly manage records.
- Denali does not have or require RM training for all staff. To correct this, Denali has contacted NARA's RM Training Team to discuss customized training options.
- Denali does not have intellectual control of its records. In 2017, the agency hired an outside vendor who provided them with a file-by-file inventory of electronic files stored on shared drives up to that point; however, it has not been maintained. Furthermore, no inventory was conducted of non-electronic files.
- Denali has unscheduled records and a 2013 records schedule (which the agency refers to as "NARA's Plan") that needs updating to ensure it still meets the agency's business needs. The ARO is currently working with their NARA-assigned appraisal archivist on these issues.
- Denali currently has permanent records overdue for transfer to the National Archives. Conducting a comprehensive records inventory (as mentioned above) will help to determine which records have already met retention requirements based on current approved records schedules and are eligible for disposition, whether destruction of temporary records or the transfer of permanent records to the National Archives.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

Program Summary:

JMMFF was established by Congress in 1986 to improve teaching about the United States Constitution in secondary schools. The agency offers fellowships for graduate study focusing on the Constitution, which provide recipients with numerous benefits including the opportunity to strengthen their ability to teach U.S. history and civics effectively in the classroom.¹¹

JMMFF has seven FTEs and a board of trustees who are appointed by the President of the United States. The Secretary of Education serves as an ex officio member. The board provides oversight of the agency and currently has 3 members, but can have as many as 13.

¹¹ <https://www.jamesmadison.gov/>.

The ARO, whose job title is Support Services Specialist, had been with the agency for approximately two years at the time of the inspection and volunteered to basically start the RM program from scratch. He earned NARA's Certificate of Federal Records Management Training in 2019. His other responsibilities include, but are not limited to: administrative duties and coordinating the logistics for JMMFF's Summer Institute.

Permanent and temporary records are currently created and maintained in both paper and electronic formats. Fellowship recipient information is maintained primarily in a tracking database on a shared network drive, with some additional information being maintained separately in paper files. JMMFF also uses Google Drives for collaboration, and final recordkeeping copies are saved in Portable Document Format (PDF) to the shared drives.

Records Management Challenges:

The agency struggles with transitioning to fully electronic recordkeeping. They have an informal print-and-file policy where they print electronic fellowship applications to save in paper case files instead of maintaining all records electronically. In addition, it was noted that not all fellowship recipient data could be maintained in their tracking database, so some of this information was also being printed and saved to paper case files. At the time of the interview, they had no plans to change these paper processes. A culture shift will be needed to meet the requirements of M-19-21.

Additional challenges:

- The agency currently does not require basic RM training for staff on their RM responsibilities as Federal employees. Staff currently erroneously understand RM to be the responsibility solely of the ARO.
- The agency also lacks RM policies/guidance for staff and for the board of trustees.
 - The ARO has started drafting an RM Manual for personal use to compile guidance on such activities as managing permanent records and transferring records to the National Archives. In addition, the manual will provide a foundation for future JMMFF records managers. While not part of the original intent, the manual would also benefit all JMMFF staff by providing them with a basic understanding of their RM responsibilities.
 - JMMFF does periodically send out an email policy reminder to staff regarding the use of .gov addresses for foundation work and .com addresses for anything related to the James Madison Education Fund.¹² However, it appeared that staff were unaware of their other RM responsibilities as Federal employees.
- A comprehensive records inventory has not been conducted for all record formats and locations which would aid in gaining intellectual control and locating unscheduled records.
- JMMFF has unscheduled records including social media records and possibly others that still need to be scheduled. The ARO has been working with the agency's NARA-assigned appraisal archivist, and completed several records schedule updates during the course of

¹² According to JMMFF's website, the privately funded James Madison Education Fund, Inc., is a private, non-profit organization founded in 1994 as a partner organization to JMMFF with a mission to encourage study of the United States Constitution, its roots, its formation, its principles, and its development.

the inspection. The ARO plans to continue scheduling activity with the help of the appraisal archivist.

- JMMFF has overdue permanent records. The ARO indicated there may be records onsite that are at least 30 years old, and is currently preparing to transfer some records that are overdue for accessioning to the National Archives.

U.S. COMMISSION OF FINE ARTS

Program Summary:

CFA was established by Congress in 1910 to advise the Federal Government on matters pertaining to the arts and national symbols, and to guide the architectural development of Washington, D.C. The agency is authorized to advise on the design and location of statues, fountains and monuments in public areas in the District of Columbia. Their scope also includes public buildings erected by the Federal Government within the District of Columbia, and parks, coins, and medals, as well as private buildings adjoining or abutting Federal lands and all structures within the historic district in Georgetown.¹³

The staff of CFA is made up of 12 FTE. CFA also includes the Commission of Fine Arts and the Old Georgetown Board of Architectural Consultants. The commission is composed of seven members with expertise in the arts. Commission members serve four-year terms without compensation. The board is a panel of three architects who advise the Commission of Fine Arts on projects in the Old Georgetown historic district. The architects serve three-year terms without compensation.

The ARO, whose job title is Technical Information Specialist, has been responsible for RM for over 20 years. She earned NARA's Certificate of Federal Records Management Training in 2015. Her other responsibilities include, but are not limited to: IT support, COR, FOIA activities, webmaster, and other miscellaneous administrative duties.

The bulk of the records at CFA are case files and original drawings. They still deal with a high volume of paper but have both paper and electronic files. They are aware of the M-19-21 2022 target date for transitioning to fully electronic recordkeeping and are currently exploring digitization options. Furthermore, they are also in the process of setting up SharePoint. Most of the legacy electronic records will remain on the old server, and all new records will be maintained in SharePoint going forward.

¹³ <https://www.cfa.gov/about-cfa/history>.

Records Management Challenges:

RM was not seen as a priority at CFA overall. Having senior management support for RM is critical for any RM program regardless of size and will help to build momentum for program improvements.

Additional challenges:

- CFA's records schedules are all over 30 years old, ranging from 1979 to 1990. These must be reviewed and updated to address current business processes and formats. This is an urgent priority. Up-to-date records schedules are the foundation of a solid RM program. Without updated schedules, there is an increased risk of unauthorized disposition of records, as well as an increased cost of keeping records too long.
- Due to outdated records schedules, there are unscheduled records that urgently need to be scheduled. For example:
 - CFA's email records are still unscheduled. The agency has been working to schedule email since 2019, but this effort appears to have stalled at the agency. In the meantime, email is being printed and filed in paper case files. This is potentially costly, and also risks loss of important emails or keeping some unnecessarily.
 - CFA has a photograph collection dating back to the 1930s that is most likely not covered under current schedules. This photographic record may serve as the only visual documentation for both approved and unapproved proposals.
- A comprehensive records inventory has not been conducted for all record formats and locations. The inventory will aid the ARO in gaining intellectual control and locating unscheduled and overdue records.
- CFA has been regularly transferring some records, but there are some records overdue for accessioning to the National Archives.
- RM policies, procedures, and guidance do not exist for staff or commission/board members.
 - The latter receive a welcome packet upon joining, but the ARO was unaware if RM responsibilities were included. The members do receive instruction on forwarding email correspondence from personal accounts that relate to CFA business to the CFA Secretary. Much of their records are captured during the normal course of business; however, there is a chance that their decision-making process and notes are not being captured with meeting minutes or other records of CFA.
- While agency staff know how to manage their files effectively for business purposes, the agency currently does not require RM training for staff on basic RM fundamentals or on their RM responsibilities as Federal employees.
- The agency is struggling with transitioning to fully electronic recordkeeping. The ARO indicated that electronic records are being printed and filed in paper format for redundancy reasons.

U.S. NUCLEAR WASTE TECHNICAL REVIEW BOARD

Program Summary:

NWTRB was established in 1987 to perform independent technical and scientific peer review of the U.S. Department of Energy's (DOE) activities related to managing and disposing of high-level radioactive waste and spent nuclear fuel. The agency reports its findings and recommendations to Congress and the Secretary of Energy.¹⁴

NWTRB has 12 FTE. The board is composed of 11 members who serve on a part-time basis. Board members are appointed to four-year terms by the President from a list of candidates submitted by the National Academy of Sciences.

The ARO, whose job title is IT Systems Specialist, has been responsible for RM for over a decade. She earned NARA's Certificate of Federal Records Management Training in 2014. Most of NWTRB's records are electronic and maintained on shared drives, although they do have some paper records which have largely been digitized to provide public access on the agency's website.

Records Management Challenges:

The RM program is under development. NWTRB indicated they plan to hire contract support to assist in the development of the program.

Additional challenges:

- Current, documented RM policies, procedures, and guidance do not exist for staff or board members.
 - A draft RM manual developed a decade ago has never been implemented, and at this point is outdated.
 - RM guidance to NWTRB board members is limited to the use of their government email accounts.
 - Most Board members routinely use personal email accounts for agency business. NWTRB staff has made them aware of the requirement to immediately stop use of these personal accounts for agency business and to use only government email accounts. However, it is still necessary for NWTRB staff to inform Board members that if they continue to use personal email accounts, they must copy or forward these emails to their government accounts within 20 days of creation or receipt.
 - The Board presents its positions on various issues through publications, correspondence, and Congressional testimony. Documentation is available on the Board's website. However, the Board does not have policies, procedures, or controls specifically directed at consistently and accurately capturing records created by Board members to substantiate and/or support their recommendations and votes.

¹⁴ <https://www.nwtrb.gov/>.

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- The agency does not require RM training for staff on basic RM fundamentals or on their RM responsibilities as Federal employees. NWTRB must provide training to improve awareness and the capture and management of records by staff and Board members.
 - NWTRB has records schedules dating from 1996 and 2005 that must be reviewed and updated to address current business processes and formats. This is an urgent priority. Up-to-date records schedules are the foundation of a solid RM program. Without updated schedules, there is an increased risk of unauthorized disposition of records, as well as an increased cost of keeping records too long.
 - In addition, the agency has unscheduled records that must be scheduled.
 - NWTRB has permanent and temporary records that are past due for disposition according to NARA-approved records schedules. This impacts business processes and contributes to overdue transfers of permanent records to the National Archives.
 - There is a high volume of records on shared drives, many of which are eligible for disposition. Implementing records disposition would provide a tangible benefit by ensuring a more efficient and comprehensive response to FOIA requesters and save NWTRB staff time and resources.
 - The out-of-date records schedules mentioned above also contributes to the inability to properly dispose of records. An additional NWTRB document that attempts to assist with records schedule implementation does not include items from all approved records schedules, and also does not include disposition instructions for permanent records.
 - A comprehensive records inventory has not been conducted for all record formats. The inventory will aid the ARO in gaining intellectual control and locating unscheduled and overdue records.

APPENDIX B INSPECTION PROCESS

OBJECTIVE AND SCOPE

The objective of this inspection was to determine how well the five agencies that were included in this inspection comply with Federal records management statutes and regulations, and to determine whether the RM foundations that these agencies have in place provide adequate assurances of managing records appropriately.

METHODOLOGY

Due to the COVID-19 pandemic, NARA carried out this inspection by conducting video and teleconferences with the AROs at the five agencies. In addition, the inspection team:

- Reviewed requested documentation provided by the agencies, where it existed, including but not limited to:
 - Organizational charts
 - RM program plans and performance goals
 - RM draft handbooks and manuals
 - Email policy
 - Agency records schedules
 - RM evaluation reports
 - Records inventories
- Used a detailed checklist of questions based on Federal statutes and regulations, and NARA guidance.
- Reviewed responses to current and past annual RMSA, SAORM annual reports, and Federal Electronic Records and Email Management reports.
- Reviewed internal NARA data regarding agency records schedules and records transfers and accessions.
- Requested information from other micro-agencies that scored in the low- to moderate-risk categories on the RMSA for comparison and to provide suggestions on RM tips and best practices.

APPENDIX C AUTHORITIES AND FOLLOW-UP ACTIONS

AUTHORITIES

- 44 U.S.C. Chapter 29
- 36 CFR Chapter XII, Subchapter B
- 36 CFR 1239, Program Assistance and Inspections

OTHER GUIDANCE

- OMB/NARA *Guidance on Managing Email* (M-14-16)
- OMB/NARA *Transition to Electronic Records* (M-19-21)
- Other NARA Bulletins currently in effect - <https://www.archives.gov/records-mgmt/bulletins>

STATUTES AND REGULATIONS

36 CFR Chapter XII, Subchapter B, specifies policies for Federal agencies' records management programs relating to proper records creation and maintenance, adequate documentation, and records disposition. The regulations in this Subchapter implement the provisions of 44 U.S.C. Chapters 21, 29, 31, and 33. NARA provides additional policy and guidance to agencies at its records management website - <http://www.archives.gov/records-mgmt/>.

At a high level, agency heads are responsible for ensuring several things, including:

- The adequate and proper documentation of agency activities (44 U.S.C. 3101);
- A program of management to ensure effective controls over the creation, maintenance, and use of records in the conduct of their current business (44 U.S.C. 3102(1)); and
- Compliance with NARA guidance and regulations, and compliance with other sections of the Federal Records Act that give NARA authority to promulgate guidance, regulations, and records disposition authority to Federal agencies (44 U.S.C. 3102(2) and (3)).

FOLLOW-UP ACTIONS

Each agency will be required to submit to NARA a Plan of Corrective Action (PoCA) that specifies how the agency will address each inspection report recommendation, including a timeline for completion and proposed progress reporting dates. Plans must be submitted within 60 days after the date of transmittal of the final report to the head of each agency.

NARA will analyze the adequacy of the action plans, provide comments to each agency on their plans within 60 calendar days of receipt, and assist each agency in implementing recommendations.

The AROs will be required to submit to NARA progress reports on the implementation of their respective action plans until all actions are completed. NARA will inform each agency when progress reports are no longer needed.

APPENDIX D
ACRONYMS AND ABBREVIATIONS

ARO	Agency Records Officer
AROC	Agency Records Officer Credential
BGSF	Barry Goldwater Scholarship and Excellence in Education Foundation
BRIDG	Bimonthly Records and Information Discussion Group
CFA	U.S. Commission of Fine Arts
CFO	Chief Financial Officer
CFR	Code of Federal Regulations
COR	Contracting Officer's Representative
Denali	Denali Commission
DOE	Department of Energy
FOIA	Freedom of Information Act
FTE	Full-Time Equivalent
IT	Information Technology
JMMFF	James Madison Memorial Fellowship Foundation
NARA	National Archives and Records Administration
NWTRB	U.S. Nuclear Waste Technical Review Board
OMB	Office of Management and Budget
PDF	Portable Document Format
PoCA	Plan of Corrective Action
RM	Records Management
RMSA	Records Management Self-Assessment
SAORM	Senior Agency Official for Records Management
STEM	Science, Technology, Engineering, and Mathematics
U.S.C.	United States Code

APPENDIX E

INITIAL ACTIONS TO ESTABLISH A RECORDS MANAGEMENT PROGRAM

The purpose of this appendix is to provide the agencies with a roadmap or list of steps to help establish and/or improve their RM programs.¹⁵ This list is not exhaustive and is not necessarily in chronological order as there are some efforts that may be done simultaneously. How these are implemented by each agency may differ depending on a number of factors including size and resources.

1. Assign RM roles and responsibilities.
2. Create an agency-wide RM directive from the head of the agency to establish and support the RM as a program.
3. Create or review and update existing agency-wide RM policies/procedures.
4. Identify what records must be created and maintained to support the agency's mission.
5. Conduct a records inventory to determine what exists, where and in what formats.
6. Determine if all of the records are covered under a NARA-approved records schedule.
 - a. If Yes: Review current NARA-approved records schedules to ensure they still meet agency business needs.
 - b. If No: Contact your NARA-assigned appraisal archivist to schedule the records.
7. Provide training materials or briefing to agency staff on their RM responsibilities.
8. Organize and manage records according to records retention instructions including implementing the cutoff instructions.
9. Determine which records have been scheduled as permanent and which have been scheduled as temporary.
10. Determine which permanent records are eligible for transfer to the National Archives, and work with your agency's NARA-assigned appraisal archivist to transfer the records.
11. Determine which temporary records are eligible for destruction and delete/destroy the records.

¹⁵ For more information on establishing and maintaining compliant RM programs, see the website for NARA's Office of the Chief Records Officer for the U.S. Government, <https://www.archives.gov/records-mgmt>.

APPENDIX F

BEST PRACTICES IN USE AT SIMILAR SIZE AGENCIES

During the course of this inspection, NARA contacted several other Federal micro-agencies (that were not included in this inspection) for background research purposes and to gather achievable best practices in use at other micro-agencies. The agencies all scored in the low-risk category on the RMSA (90-100 points) or showed progressive improvement in their RMSA scores over time. Several of these agencies graciously and voluntarily provided NARA with RM tips and best practices in use at their agencies that could benefit other micro-agencies in establishing and/or improving their RM programs. These have been incorporated into the report and will be shared with the agencies as part of the PoCA phase of the inspection to assist them in meeting the recommendations.

We wish to thank the following agencies for their assistance:

- Inter-American Foundation
- Marine Mammal Commission
- Office of Government Ethics
- U.S. Access Board (Architectural and Transportation Barriers Compliance Board)

In addition, NARA has several guidance products and templates available on its website at [archives.gov](https://www.archives.gov) that can be used, modified and catered to the needs of each agency. Some examples include:

- [Federal RIM Program Maturity Model and User Guide](#)
- [Free online, self-paced RM training and videos](#)
- [Model Federal Records and Information Management Entrance and Exit Checklists](#)
- [Records and Information Management Self-Evaluation Guide](#)
- [Records Management Language for Contracts](#)
- [Drafting a Records Schedule Training](#)
- [Guide to the Inventory, Scheduling, and Disposition of Federal Records](#)



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