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Records Management Practices of Legislative Agencies

Multi-Agency Records Management Inspection Report

National Archives and Records Administration
June 2024

INTRODUCTION

The National Archives and Records Administration (NARA) is responsible for assessing the management of records in all media within federal agencies to protect citizens' rights and interests, assure government accountability, and preserve and make records of enduring value available.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 improve their programs based on inspection findings and recommendations.

In June 2023, NARA conducted a multi-agency inspection of the RM programs at five legislative agencies. This inspection examined how agency records officers (ARO) coordinate with office and program staff regarding RM and inspect for compliance with 36 CFR Chapter XVII, particularly concerning email management, electronic records, records scheduling and implementation, and the identification and transfer of permanent records. The legislative agencies selected were evaluated on how they incorporate and utilize these regulations and guidelines.

The five agencies inspected were:

- Library of Congress
- Government Publishing Office
- Government Accountability Office
- Congressional Budget Office
- Medicaid and CHIP Payment and Access Commission

While this inspection was conducted as a compliance inspection, the focus was limited to how agency records officers coordinate with program staff to comply with the Federal Records Act (44 U.S.C. Chapter 31), 44 U.S.C. Chapters 33 and 35, and 36 CFR Chapter XII, Subchapter B. There was a specific focus on determining if records being created, retained, and managed in electronic formats, with appropriate metadata, are consistent with RM laws and regulations, including email, social media, and permanent records.

OVERALL OBSERVATIONS

The participating agencies were small legislative agencies, each with a few hundred personnel. One agency had fewer than 100 staff members, and none of the agencies had offices other than

¹ [44 U.S.C. Chapter 29 NARA Basic Laws and Authorities](#)

their agency Headquarters. Most of the participating agencies have been able to establish and maintain very efficient and effective RM programs. When developing the inspection methodology, we considered each organization's size and limited resources. All participating agencies are subject to the Federal Records Act and RM regulations outlined in 36 CFR Chapter XVII, Subchapter B. It was identified during the interviews that all the agencies use NARA Bulletins and guidelines to develop RM policies and procedures. These agencies are not bound by Office of Management and Budget (OMB) memorandums and guidance directed to executive branch agencies; however, most legislative agencies follow OMB guidance as a recommended best practice.

PROGRAM MANAGEMENT

Under 44 U.S.C. 3101 and 36 CFR Part 1220.30, all agencies must create, organize, and preserve records documenting their structure, policies, procedures, and transactions. Agencies must assign RM responsibilities in each program and administrative area to ensure the integration of recordkeeping requirements throughout a record's lifecycle. A well-structured RM program has comprehensive guidance and provides training to all agency personnel on their RM responsibilities, emphasizing the identification of federal records in all formats and media.

Three of the five agencies have AROs overseeing RM. In one agency, there is an appointed ARO; however, the ARO's responsibilities extend beyond sole RM duties, as they also function as an Information Technology (IT) Enterprise Architect. One agency does not currently have an ARO. All the appointed AROs maintain certifications and receive role-specific training. Three of the interviewed agencies additionally appointed a Senior Agency Official for Records Management (SAORM) to enhance their RM program strategically, signaling strong support and resource allocation from senior leadership.

POLICIES AND PROCEDURES

In accordance with 36 CFR Part 1220.34(c) and 36 CFR Part 1220.34(f), agencies must create and disseminate directives establishing RM programs. Most interviewed agencies had policies and directives in place. Only one of the agencies interviewed has not established RM policies and procedures. Established RM policies support the RM programs; however, most of the policies provided by participating agencies have not been updated in more than four years. Agencies should periodically assess their RM policies and procedures to ensure they comply with federal RM regulations. Establishing an agency-wide RM policy that clearly and comprehensively outlines federal recordkeeping requirements and regulations is imperative.

TRAINING

36 CFR Part 1220.34(f) requires agencies to provide guidance and training to personnel for their RM responsibilities. One of the interviewed agencies did not conduct any formal RM training for their staff members other than providing guidance to their agency's directors. One of the other agencies does not require all staff and contractors to take the annual training and does not track the completion of RM training. The remaining three agencies all demonstrated formalized annual training that all employees and contractors must complete.

The requirements in NARA Bulletin 2017-01 were issued to promote effective training programs. At a minimum, agencies must conduct formalized RM training for all staff members and establish a methodology to track employee participation in training programs.

ELECTRONIC RECORDS MANAGEMENT AND RECORDKEEPING REQUIREMENTS

For the most part, the agencies have established a framework and practice that ensures all electronic records are saved with metadata and are easily located. In cases where a standardized approach for naming electronic records is lacking or not enforced, program offices can establish their own methods for naming and organizing electronic files according to their unique business needs. Agencies are strongly encouraged to comply with the methodologies outlined in NARA Bulletin 2012-02 to maintain a structured recordkeeping framework.

However, not all agencies manage their permanent records electronically. After June 30, 2024, NARA will not accept hardcopy permanent records. If an agency is presently creating and managing permanent records in hardcopy, they must ensure that these records are either transferred to NARA by June 30, 2024, apply for an exception if this deadline cannot be met, or follow NARA's digitization guidelines to digitize all permanent hardcopy records.

RECORDS SCHEDULING, DISPOSITION, AND STORAGE REQUIREMENTS

36 CFR Part 1224 & Part 1226, Part 1225, and Part 1234 provide clear guidelines on how records scheduling, disposition, and storage should be executed and managed within federal agencies. A NARA-approved agency disposition authority or NARA General Records Schedules (GRS) must cover all federal records. Every five years, agencies must review all records schedules that are ten years old and older, based on the date that NARA approved the schedule. Agencies should also review their records schedules more frequently to determine if they remain accurate.

Some agencies did not have up-to-date records schedules, used older versions of the GRS, or had unscheduled records. As a result, the record schedules being used are paper-based and do not accurately reflect the current business practices of their agencies, leaving agencies open to possible unauthorized dispositions. Without up-to-date and accurate schedules, agencies cannot implement disposition appropriately.

ESSENTIAL RECORDS

Per 36 CFR Part 1223.1(a), each agency's head must make and preserve records containing adequate and proper organizational documentation and perform national security emergency preparedness functions.

NARA also provides guidance on essential (or vital) records through the Essential Records Guide, a resource crafted to assist federal agencies in recognizing and managing their vital records. This guide ensures the seamless continuation of government functions in various situations, including emergencies and other extraordinary events.

Legislative agencies must comply with this statute to effectively manage and safeguard their vital records. This commitment ensures continuous functionality of agency operations during critical moments. Except for one agency, all agencies had a designated manager to oversee the essential records program tasked with meeting the RM requirements for handling essential records.

INTERNAL EVALUATIONS

Agencies must conduct formal, routine, and comprehensive RM evaluations to ensure permanent records are being managed in compliance with federal regulations and to remediate program activities that need improvement. Only three of the interviewed agencies are conducting evaluations or audits to measure the effectiveness of their RM programs and practices. One of the other agencies is currently working on establishing an internal evaluation program.

FINDINGS AND RECOMMENDATIONS

The Library of Congress

The Library of Congress (LOC) is the most extensive library in the world and functions as the principal research entity for the U.S. Congress. It is recognized as the national library of the

United States. The LOC plays a crucial role in preserving and disseminating knowledge, promoting literacy and education, and supporting the work of the U.S. Congress. Their mission is to further the progress of knowledge and creativity and to preserve America's cultural heritage for future generations. Commendably, LOC's practices and procedures, robust information management, and engaged senior leadership has contributed to their sound records program.

Finding 1: LOC's policies and guidance indicate that the paper copy is the official record; however, LOC only creates and maintains electronic records.

While the LOC's policies and guidance appear clear, concise, and easy to execute, they do not fully reflect the LOC's business practices. According to their policies, the paper copy is considered the official record. However, LOC ultimately manages its permanent electronic records electronically.

Recommendation 1: The LOC must update its RM policies to reflect current LOC business practices. (36 CFR Part 1220.34)

Finding 2: LOC has no schedules identifying permanent instant messages and has no schedule for text messages or methodology to ensure capture of text messages.

The LOC's records retention schedules, approved in 2014, are undergoing an update to transition to a "big bucket schedule." However, there is a gap where all instant messaging is designated as "transitory" and there is no designation for capturing instant messages.

Regarding text messages, interview documentation revealed an inability to retrieve them from carriers. Currently, if a text message request arises, RM must approach the carrier directly. The carrier's reluctance to release information, citing a need for a subpoena, suggests a law enforcement aspect to this matter. A policy is in place governing LOC staff's use of text messages, which falls under the broader policy of employee use of LOC equipment. While a Mobile Device Management (MDM) system exists, it does not archive text messages. There is currently an open procurement in order to replace mobile devices and LOC will be ensuring that the new contract requires the vendor to be able to provide text messages.

Additionally, staff may use personal devices, which could lead to a potential unintentional disclosure or unauthorized disposition risk in regards to information that is stored on personal devices.

Recommendation 2.1: LOC must ensure that all permanent instant messages and text messages are scheduled and able to be retained. (36 CFR 1225.12)

Recommendation 2.2: LOC must ensure that all text messages are saved appropriately. (36 CFR 1236.6)

Recommendation 2.3: LOC must ensure RM is incorporated into all contracts that pertain to retaining records. (36 CFR 1222.32)

Government Publishing Office

The Government Publishing Office (GPO) produces, publishes, and distributes official government publications, documents, and information. GPO's core mission is to provide access to credible information from the federal government, emphasizing efficiency, cost-effectiveness, and technological innovation. Their central function involves safeguarding and disseminating government information.

Finding 1: The GPO's policies and procedures are outdated and paper-based.

While GPO's written policies and procedures are clear and uniform, they are written primarily for paper records and do not match current agency business practices. Aligning agency policies with current business practices is essential for effective management of electronic records.

Recommendation 1: The GPO must update its RM policies to reflect GPO business practices. (36 CFR Part 1220.34)

Finding 2: No annual training is established for employees, and the training the GPO provides is optional.

GPO's RM training efforts include informative brochures for new staff and optional in-person training for senior leaders. However, the absence of mandatory, annual RM training poses a risk of insufficient awareness or understanding of individual roles across the agency.

Recommendation 2: GPO must provide guidance and training to all agency personnel, including senior leaders, on their RM responsibilities. Training must include the identification of federal records in all formats and media to ensure that all employees understand RM responsibilities. (36 CFR Part 1220.34 (f) and NARA Bulletin 2017-01)

Finding 3: GPO does not manage all permanent records in electronic format.

GPO must ensure that all permanent records are managed in electronic formats in accordance with NARA standards. Starting June 30, 2024, NARA will no longer accept permanent records

in paper format. GPO must prepare for the transfer of paper-based records to NARA's custody or request an exemption for the independent management of these specific records.

Recommendation 3: GPO must review the recordkeeping formats of all permanent records and ensure that the records can be transferred to the National Archives in accordance with NARA standards. (36 CFR Part 1235.50)

Finding 4: GPO has not scheduled instant/text messages, social media, and web content.

While we acknowledge that the GPO is in the process of scheduling specific records series, such as web records, social media interactions, and instant text communications, it is required that all agency records are scheduled appropriately.

Recommendation 4: GPO must update and submit records schedules to NARA to ensure that all formats of electronic records are scheduled appropriately. (36 CFR Part 1225)

Finding 5: GPO has been deleting email records and lacks disposition authority for their email.

The ITS support team annually extracts emails from the system for the prior fiscal year. Once the emails are retrieved, they are saved in a secure location (separate database). Emails from departing employees are extracted from this database and saved separately. The emails from departing employees are kept for 6 months, with a one-year backup. After that time, the emails are deleted.

Recommendation 5.1: GPO must submit to NARA for approval a records retention schedule for their email. (36 CFR Part 1225)

Recommendation 5.2: GPO must cease any destruction of emails until the records schedule is approved and their procedures and the system are updated to ensure records are retained appropriately. (36 CFR Part 1236)

Recommendation 5.3: GPO must submit an agency report of unauthorized disposition to NARA for all emails that have been deleted. (36 CFR Part 1230)

Government Accountability Office

The Government Accountability Office (GAO), established in 1921, operates as an independent and nonpartisan entity within the U.S. federal government. GAO aims to strengthen the legislative branch in fulfilling its constitutional obligations while enhancing the efficiency and accountability of federal governance. GAO fosters a culture of openness, accountability, and efficacy in the federal administration's operational domain through audits, assessments, and documented appraisals. This effort ensures the conscientious use of taxpayer funds and the improvement of communal amenities.

Finding 1: GAO last conducted a functional or work process analysis to identify the functions or activities performed by each business unit in 2004-2006.

The GAO RM program has not reviewed its agency programs to ensure that all records created and used by each program are identified, scheduled, and appropriately maintained. This includes creating a records inventory and file plan to ensure each program office's records are managed according to their applicable records retention schedule.

Recommendation 1.1: The GAO must conduct an RM analysis to identify the functions or activities performed by each program office or unit. (36 CFR Part 1225.12(a))

Recommendation 1.2: GAO must complete a records inventory and file plan in their RM analysis to ensure records are retained appropriately. (36 CFR Part 1225.12(b))

Finding 2: GAO is not using the correct GRS for their records.

GAO cites an outdated version of the GRS in their “Simplified RIDS Crosswalk.” The “Simplified RIDS Crosswalk” is the file plan documentation that the GAO uses to document the records schedule changes from 1998 to 2001 to 2004. This document does not appear to have been updated since 2004. GAO must ensure their records documentation reflects the most current applicable records retention schedules.

Recommendation 2.1: GAO must review and update their schedules for accuracy and remove outdated record schedule citations. (36 CFR Part 1225.22)

Recommendation 2.2: GAO must identify if any federal records were prematurely destroyed or deleted because of inaccurate information in the RIDS crosswalk and submit reports of unauthorized disposition if federal records were prematurely destroyed. (36 CFR Part 1230)

Finding 3: GAO has unscheduled records, including emails, instant/text messages, social media, and web content.

GAO has not updated most of their records retention schedules since 2004-2006. GAO must ensure that all records retention schedules are reviewed and updated to reflect the agency's current format and business practices pertaining to all federal records. Under 36 CFR Part 1225.22, agencies are required to review all records schedules that are ten years old or older. Furthermore, it's worth mentioning that the GAO made an effort to submit an NA 1005 form before the inspection. Regrettably, their submission did not receive approval, potentially leaving their email and text messaging records unscheduled.

Recommendation 3.1: GAO must review all records retention schedules to ensure they reflect current business practices and to ensure records are scheduled appropriately. (36 CFR Part 1225.22)

Recommendation 3.2: GAO must update and submit to NARA for approval their updated records retention schedules records schedules. (36 CFR Part 1225.22)

Recommendation 3.3: GAO must identify their approach for managing email and other electronic messages. As appropriate, GAO must submit an NA 1005 form, an agency-specific schedule, or elect to use traditional records management to schedule their email and text messaging records. (36 CFR Part 1225.22)

Finding 4: GAO has records overdue for disposition.

During the interview, it was documented that GAO had records overdue for final disposition (i.e., permanent records overdue for transfer to NARA and temporary records overdue for destruction).

Recommendation 4: GAO must develop a plan and strategy to identify all overdue records and execute final disposition either by transferring permanent records to NARA or destroying temporary records no longer needed for agency business. (36 CFR Part 1226.24)

Congressional Budget Office

The Congressional Budget Office (CBO) is a nonpartisan agency that operates independently to provide financial and economic insights to Congress since its establishment in 1974. CBO is crucial in helping legislators make well-informed decisions regarding budgets and economic policies. Serving as a vital source of unbiased analysis and data on budgetary affairs for

Congress, their work equips lawmakers with an understanding of the potential impacts of proposed legislation on the federal budget and the U.S. economy.

Finding 1: The 2012 records schedule is outdated, contains citations from outdated schedules, and does not include all agency records.

CBO has not reviewed its retention schedule since 2012. The records retention schedule contains citations from outdated versions of the GRS. Additionally, the current version of the CBO schedule does not include social media or text messages. CBO email also remains unscheduled.

Recommendation 1: CBO must review and update their schedules for accuracy and remove outdated citations. (36 CFR Part 1225.22)

Finding 2: CBO has unscheduled records. Of note, emails, instant/text messages, social media, and web content were identified as unscheduled.

CBO has not updated its records retention schedules to ensure that all records, including emails and instant/text messages are captured and retained effectively.

Recommendation 2.1: CBO must identify all unscheduled records and submit schedules for these records to NARA. (36 CFR Part 1225.22)

Recommendation 2.2: CBO must identify their approach to managing email and other electronic messages. As appropriate, CBO must submit an NA 1005 form, an agency-specific schedule, or elect to use traditional records management to schedule their email and text messaging records. (36 CFR Part 1225.22)

Finding 3: CBO has not conducted an evaluation in approximately five years.

NARA regulations require agencies to conduct formal evaluations to measure the effectiveness of their records management programs and practices (36 CFR 1220.34(j)). Records management evaluations conducted routinely allow the ARO to identify areas of non-compliance or risk in records management practices. These reviews will ensure that agencies implement and enforce applicable policies and procedures, specifically that requirements for archiving information maintained in electronic format are included in information systems planning, design, and operation.

Recommendation 3: CBO must establish processes and procedures for periodic evaluations of the RM program that track and assure compliance. (36 CFR Part 1220.34 (j))

Medicaid and CHIP Payment and Access Commission

The Medicaid and Children's Health Insurance Program Payment and Access Commission (MACPAC) operates independently as a non-partisan entity. MACPAC's primary goal is to research, collect aggregate data, and analyze relevant federal policies. The commission provides guidance to Congress, the U.S. Department of Health and Human Services (HHS), and state authorities on matters related to Medicaid and health insurance for children.

In accordance with the provisions outlined in 44 U.S.C. 3102, all federal agencies must establish and maintain an active program for the economical and efficient administration of their records. MACPAC is developing its program with personnel designated just two weeks before the inspection.

Finding 1: MACPAC lacks an IRM Strategic Plan.

Developing an IRM Strategic Plan will ensure that the RM program receives adequate support from agency management. This will also ensure that RM is considered when all IT initiatives are developed.

Recommendation 1: MACPAC must update the IRM plan to include RM to enhance agency productivity, efficiency, and effectiveness in managing its records. (44 USC 3506 (b) and 36 CFR Part 1222.26)

Finding 2: MACPAC has not formally designated an ARO and notified NARA in writing.

The lack of an ARO means that MACPAC does not have the appropriate point of contact and designated authority to advise and train employees on the proper management of agency records. The lack of consistent oversight exposes MACPAC to the risk that its RM program will not receive adequate attention and resources to meet federal RM mandates.

Recommendation 2: MACPAC must appoint an ARO to manage its RM program and notify NARA in writing. (36 CFR Part 1220.34)

Finding 3: MACPAC's existing RM policy is out of date and does not address critical aspects of an RM program.

To manage records effectively and efficiently within an agency, agencies must establish and enforce an agency-wide policy that has clear program objectives, responsibilities, and authorities. MACPAC's policy is outdated and fails to provide a clear delineation of program objectives, responsibilities, and authorities. To rectify this, MACPAC must update the policy to align with

current best practices and ensure transparency in its RM processes. MACPAC's current Records Retention Policy addresses responsibilities at a high level. It does not promptly address the absence of specific guidelines for records management.

Recommendation 3.1: MACPAC must issue directive(s) establishing program objectives, responsibilities, and authorities for creating, maintaining, and disposing of agency records that align with RM processes. (36 CFR Part 1220.34(c))

Recommendation 3.2: MACPAC must review and revise the current policy to incorporate detailed provisions related to records creation, maintenance, and disposal.

Finding 4: MACPAC lacks formal RM training.

All MACPAC employees do not receive annual RM training, as mandated by NARA Bulletin 2017-01. Presently, only agency directors receive some form of informal RM training. While MACPAC is a small agency, it must develop and provide standard annual RM training to all employees and develop a methodology to track training completion for enforcement purposes.

Recommendation 4: MACPAC must develop mandatory, annual RM training for all agency personnel on their RM responsibilities, including identification of federal records in all formats and media. (36 CFR Part 1220.34 (f)) and NARA Bulletin 2017-01)

Finding 5: MACPAC has not correctly managed all electronic records, including emails, web content, social media content, text messages, and instant messages.

Starting June 30, 2024, NARA will no longer accept permanent records in paper format. MACPAC must ensure the timely transfer of all permanent hardcopy records to NARA's custody or request an exemption if it cannot meet the deadline.

Recommendation 5.1: MACPAC must review all records, identify electronic records, and establish processes and procedures to capture and maintain all electronic records properly. (36 CFR Part 1236.6 (a))

Recommendation 5.2: MACPAC must integrate RM and the appropriate preservation considerations into the design, development, enhancement, and implementation of electronic information systems through its policies and procedures. (36 CFR Part 1236.6(b)).

Recommendation 5.3: MACPAC must create and implement policies and procedures for managing electronic records in accordance with 36 CFR Part 1236.6(c).

Finding 6: MACPAC does not have a system or process for archiving emails.

There is no backup and storage framework for electronic records, including email messages. Email messages are currently saved on Google servers. If an email is deleted, it can be recovered, but only if the trash can is not emptied. When employees leave the agency, their manager is assigned their mailbox for 30 days to review its content and ensure the appropriate preservation of email records. MACPAC archives employees' emails for up to 7 years; however, permanent emails are not identified and stored separately from temporary emails.

Recommendation 6.1: MACPAC must provide instructions and additional training to MACPAC personnel on how to archive electronic mail records to ensure compliance with all email RM requirements. (36 CFR Part 1236.22(a))

Recommendation 6.2: MACPAC must ensure that all permanent emails are identified, captured, and retained separately from ones that are temporary records in order to ensure that all permanent emails are able to be transferred to NARA at the end of their retention period. (36 CFR Part 1236.22(e))

Finding 7: MACPAC has not identified standardized recordkeeping requirements to ensure sufficient RM of its records in its current policy.

MACPACs Record Retention policy needs to be revised. Except for a section of this policy that focuses on record transfers, it does not have any procedures and processes listed. MACPAC has not analyzed its records efficiently because policies and procedures for recordkeeping requirements have not been updated and established appropriately. The lack of this analysis could lead to the agency not managing its records appropriately throughout the records lifecycle.

Recommendation 7: MACPAC must update and implement standardized recordkeeping operating procedures. (36 CFR 1222)

Finding 8: MACPAC is not following its records schedule and executing agency records disposition.

MACPAC has a records retention schedule that was approved in 2015. However, no policies and procedures are in place to ensure that records retention is appropriately executed. This has led to permanent records being overdue for transfer to NARA and temporary records being kept longer than mandated retention periods.

Recommendation 8.1: MACPAC must develop policies and procedures to follow records retention schedules and execute the disposition instructions outlined in its records schedules. (36 CFR Part 1220.34(c))

Recommendation 8.2: MACPAC must identify overdue permanent records and create plans and procedures for their immediate transfer to NARA. (36 CFR Part 1226.22)

Recommendation 8.3: MACPAC must ensure RM instructions exist in its policies and procedures so the disposition of overdue temporary records is executed according to its records schedules. (36 CFR Part 1220.34(c)) and (36 CFR Part 1226.24)

Finding 9: MACPAC is not conducting internal evaluations of its RM program.

Federal regulations require agencies to conduct formal evaluations to measure the effectiveness of their RM program's policies, procedures, and practices (36 CFR 1220.34(j)). Conducting routine RM evaluations allows the ARO to identify any instances of noncompliance with RM regulations and mitigate potential risks that jeopardize agency records.

Recommendation 9: MACPAC must conduct formal evaluations to measure the effectiveness of its RM program's policies, procedures, and practices and ensure compliance with NARA regulations. (36 CFR Part 1220.34(j))

CONCLUSION

Most of these legislative agencies have effectively incorporated elements from NARA bulletins, the NARA Essential Records Handbook, and guidance provided by OMB into their records management programs. Each agency acknowledged deficiencies in its programs and, in most cases, has initiated efforts to address these areas. Recognizing the significance of their persistence and resilience, despite encountering obstacles, several agencies demonstrated commendable efforts in their journey toward compliance. During the inspection, it became evident that some actions remained incomplete and had not reached their final state due to processes that were slower than anticipated.

Establishing a carefully structured RM program can help these agencies improve operational efficiency, reinforce security protocols for sensitive information, and maintain compliance with mandated federal RM regulations. With one exception, these agencies have an established RM program, receive senior leadership support to ensure appropriate resource allocation, and view RM as integral to their agency's mission and operations.

Appendix A

INSPECTION PROCESS

OBJECTIVE AND SCOPE

This inspection aimed to determine the compliance of legislative agencies with the Federal Records Act, 36 CFR Chapter XII, Subchapter B.

This inspection focused on the records of the legislative agencies. There was an emphasis on compliance with the Federal Records Act and the 36 CFR Chapter XII, Subchapter B if legislative agencies use OMB memorandums and NARA bulletins to manage records and electronic records management and the management of records in electronic systems.

METHODOLOGY

This inspection was conducted virtually using video conference calls with selected agencies' records managers, custodians, coordinators, and liaisons. Sometimes, meetings included the ARO, SAORM, or other management staff. Additionally, the inspection team:

- Reviewed RM policies, directives, and other relevant documentation.
- Used a detailed checklist of questions based on federal statutes, regulations, and NARA guidance.
- Reviewed responses to current and past annual Records Management Self-Assessments (RMSA), Senior Agency Official for Records Management, and Federal Email Management reports.

Appendix B

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 *Update to Transition to Electronic Records* (M-23-07)
- 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 on their records management website - <https://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 adequate 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

All inspected agencies will submit to NARA a Plan of Corrective Action (PoCA) responsive to all applicable findings and recommendations for the office or programs involved that specify how the agency will address each inspection report recommendation, including a timeline for completion and proposed progress reporting dates. The plan must be submitted to the head of the agency within 60 days after the date of transmittal of the final report.

NARA will analyze the adequacy of the action plan, provide comments to the department and agency on the plan within 60 calendar days of receipt, and assist in implementing

recommendations.

The ARO will submit progress reports on implementing the PoCA to NARA until all actions are completed to satisfy each finding and recommendation. NARA will inform each department or agency when progress reports are no longer needed.

Appendix C
ACRONYMS AND ABBREVIATIONS

ARO	Agency Records Officer
CBO	Congressional Budgeting Office
CFR	Code of Federal Regulations
CIO	Chief Information Officer
ERMS	Electronic Records Management System
GAO	Government Accountability Office
GPO	Government Publishing Office
GRS	General Records Schedule
HHS	Health and Human Services
IRM	Information Resources Management
IT	Information Technology
LOC	Library of Congress
MACPAC	Medicaid and CHIP Payment and Access Commission
NARA	National Archives and Records Administration
OMB	Office of Management and Budget
PoCA	Plan of Corrective Action
RM	Records Management
RMSA	Records Management Self-Assessments
SOP	Standard Operating Procedures
USC	United States Code