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Management of Permanent Records of Selected
Agencies and Offices of the Department of Agriculture

Multiple-Agency Records Management Inspection Report

National Archives and Records Administration
November, 2022

**MANAGEMENT OF PERMANENT RECORDS OF
SELECTED AGENCIES AND OFFICES OF THE DEPARTMENT OF AGRICULTURE
MULTIPLE-AGENCY RECORDS MANAGEMENT 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 citizens' rights and interests, 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.

For this inspection, NARA examined the Department of Agriculture's (USDA) compliance with federal RM statutes and regulations with regard to permanent records and assessed the effectiveness of agency RM policies and procedures. In particular, it focused on the creation, management and transfer of permanent records, with an emphasis on electronic records; policies; strategic planning; training; records schedule implementation; and oversight.

The scope of the inspection was limited to permanent records, in all formats. It was not the intention of NARA to conduct a comprehensive review of the RM programs of the agencies and offices involved in the inspection. Due to COVID-19 travel restrictions, this inspection was conducted virtually through video conferences and a detailed review of supporting documentation.

NARA inspected the management of permanent records by the following selected agencies and offices of the USDA:

- U.S. Department of Agriculture (USDA)
 - Office of the Secretary (OSEC)
 - Departmental Staff Offices
- Agricultural Research Service (ARS)
- Animal and Plant Health Inspection Service (APHIS)
- Economic Research Service (ERS)
- Foreign Agricultural Service (FAS)
- National Institute of Food and Agriculture (NIFA)
- Rural Development (RD)

¹ 44 U.S.C. Chapter 29, <https://www.archives.gov/about/laws/records-management.html>.

NARA selected these agencies and offices as a representative group of USDA agencies with significant permanent records. Selection was also made based on annual Records Management Self-Assessment (RMSA) responses² and data from related background research on USDA agencies. As evidenced in the chart below, the scores of the agencies inspected dropped significantly from 2019 to 2021, moving the agencies from the low- or moderate-risk categories to the high-risk category.³

| USDA RMSA Scores for 2019-2021 | | | | | | | | |
|--|-------------------------|----------------------------|-----|-------|-----|-----|----------------|----|
| RMSA Scores | Departmental RM Program | Departmental Staff Offices | ARS | APHIS | ERS | FAS | NIFA | RD |
| 2019 | 82 | 85 | 78 | 88 | 78 | 88 | Did Not Report | 45 |
| 2020 | 37 | 67 | 35 | 67 | 35 | 35 | 64 | 52 |
| 2021 | 53 | 33 | 48 | 52 | 48 | 33 | 54 | 56 |
| <p><i>*The maximum score on the RMSA is 100, and a score below 60 is considered high risk.</i></p> <p><i>**The Office of the Secretary of Agriculture does not respond to the RMSA; information is covered by the Department Records Officer</i></p> | | | | | | | | |

Figure 1: RMSA Scores for Participating Agencies 2019-2021

The RMSA covers all aspects of a compliant RM program as codified in 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B. High risk scores on the RMSA indicate possible significant risk to all records, including permanent records. The above changes in RMSA scores indicated that there are issues that must be addressed within the USDA RM Program.

This report makes four (4) findings and 24 recommendations that reflect major systemic records management challenges. While there are other issues impacting the records management program, addressing the general program concerns outlined in this report is the most immediate need. The recommendations in this report apply to the Department and all of the participating agencies.

² See NARA's [annual reporting web page](#) for more information and to read previous Federal Agency Records Management Annual Reports.

³ An agency's overall score determines its risk category. The risk categories are: Low Risk = scores 90 - 100; Moderate Risk = scores 60 - 89; and High Risk = scores 0 - 59.

The findings of this report are as follows:

- **A lack of fundamental records management program requirements puts all records, including permanent records, at risk;**
- **A lack of internal controls, policy, guidance and procedures for the maintenance of permanent electronic records puts these records at risk;**
- **A lack of senior leadership advocacy and support for RM within the agencies inhibits implementation of policies, guidance and permanent records handling procedures, as well as compliance with regulations; and**
- **A lack of and/or inadequate resources to effectively manage and oversee the RM program impacts the ability to manage permanent records.**

Increased senior leadership support and resources are needed to prevent further decline in these RM programs, protect permanent records, and improve compliance with all federal statutes and regulations. As it stands, the agencies interviewed failed to meet much of 36 CFR Chapter XII, Subchapter B Records Management and have permanent records at risk.

| RM Program Inspection Risks | Departmental RM Program | OSEC | Departmental Staff Offices | ARS | APHIS | ERS | FAS | NIFA | RD |
|--|-------------------------|------|--|-----|-------|-----|-----|------|----|
| RM Fundamentals and Risk to Permanent Records (Finding 1) | ● | ● | ● | ● | ● | ● | ● | ● | ● |
| Management of Permanent Electronic Records (Finding 2) | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| Senior Leadership advocacy and support (Finding 3) | ● | ● | ● | ○ | ● | ○ | ○ | ○ | ● |
| Resources for effective management and oversight (Finding 4) | ● | ○ | ● | ● | ● | ● | ● | ● | ● |
| KEY: (See Appendix B: Criteria Used for Report Figures) | | | On average meets all the criteria related to the finding | | | | | | ● |
| | | | On average meets most of the criteria related to the finding | | | | | | ● |
| | | | On average meets some of the criteria related to the finding | | | | | | ● |
| | | | On average meets little of the criteria related to the finding | | | | | | ● |
| | | | On average does not meet the criteria related to the finding | | | | | | ○ |

Figure 2: RM Program Inspection Risks Scorecard

OVERVIEW OF THE USDA RECORDS MANAGEMENT PROGRAM

The Department Records Management Office, as of August 16, 2020, is organizationally aligned under the Office of General Counsel (OGC) in the Office of Information Affairs (OIA). The General Counsel serves as the Senior Agency Official for Records Management (SAORM). The General Counsel's OIA Records Management Division provides day-to-day coordination with the Agency Records Officers (AROs) through its Departmental Records Officer (DRO). Between December 2018 and March 2021, the position of the DRO was vacant or filled as a temporary assignment until the current DRO was hired. AROs are assigned the responsibility of implementing their RM programs while following Departmental policy and training requirements. AROs are responsible for staffing their own RM programs and ensuring that Records Management Liaisons (RML) are assigned by Program Managers to oversee the day-to-day administration of records. Since being hired, the current DRO has been working closely with the OGC and SAORM on a variety of initiatives that are described later in this report (see page 22)

FINDINGS AND RECOMMENDATIONS

Documentation analysis and inspection interviews confirmed that the Department and the agencies have serious records management challenges that impact the management of permanent records. These challenges, described below, reflect the need for a more direct and coordinated approach to records management. If these challenges go unaddressed, the Department and agencies risk potential loss of permanent records; unauthorized dispositions of temporary and permanent records; and failures to efficiently respond to Freedom of Information Act (FOIA), Congressional, legal and other requests, all of which can damage reputation and public trust.

While this inspection did not involve all the agencies within USDA, the risks demonstrated by the participating agencies were pervasive enough to conclude they could extend throughout the Department. In addition, while the scope of this inspection concerned the management of permanent records, it is clear that issues and non-compliance with federal statutes and regulations extends to all records regardless of whether they have permanent or temporary retention.

Finding 1: The lack of fundamental records management program requirements puts permanent records at risk.

Under 44 U.S.C. Chapter 31, the head of each federal agency is charged with making and preserving records containing adequate and proper documentation of the organization, functions, policies, procedures, and essential transactions of the agency. More specifically, 44 U.S.C. 3102 requires agency heads to establish and maintain an active, continuing program for the economical and efficient management of records. Regulations under 36 CFR Chapter XII, Subchapter B, expand on the statutes to provide the basic instructions and requirements for establishing such a program.

RM fundamentals must be in place in each agency to ensure permanent 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 accountability for decision-making. Among these fundamentals are administration of the program by those charged to do so; strategic planning; RM policies, procedures, and guidance; intellectual control through records inventories and file plans; up-to-date records schedules; internal controls for the transfer of permanent records to the National Archives; RM evaluations; and training. In addition, strong leadership support at all levels is required for a fully compliant and functioning RM program. (See Findings 3 and 4)

| FINDING 1: RM Fundamentals | Departmental RM Program | OSEC | Departmental Staff Offices | ARS | APHIS | ERS | FAS | NIFA | RD |
|---|-------------------------|------|----------------------------|-----|-------|------------------------------|-----|------|----|
| DRO/ARO appointed | ● | N/A | ● | ● | ● | ● | ● | ● | ● |
| RM Strategic Planning | ◐ | ○ | ○ | ○ | ◐ | ○ | ○ | ○ | ○ |
| RM Policies, Procedures, and Guidance | ◐ | ○ | ○ | ○ | ◐ | ○ | ◐ | ○ | ◐ |
| Intellectual Control | ○ | ○ | ○ | ○ | ○ | ○ | ◐ | ○ | ○ |
| Records schedules up to date | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ |
| Transferring Permanent Records | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ |
| Conducting RM Evaluations | ◐ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ◐ |
| RM Training for Everyone | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ |
| AROC and Training for DRO/AROs | ● | N/A | ● | ● | ● | ● | ● | ● | ○ |
| Training for Liasons and others with RM Responsibility | ◐ | N/A | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ |
| KEY: (See Appendix B: Criteria Used for Report Figures) | | | | | | Meets all criteria | | | ● |
| | | | | | | Meets most of the criteria | | | ◐ |
| | | | | | | Meets some of the criteria | | | ◑ |
| | | | | | | Meets little of the criteria | | | ◒ |
| | | | | | | Does not meet the criteria | | | ○ |

Figure 3: Degree that Records Management Fundamentals are in place

The following illustrate how USDA does not meet fundamental RM program requirements:

- Department Records Officer Position and Coordination with the Agency Records Officers*
 36 CFR 1220.34 requires agencies to assign records management responsibility to a person and office with appropriate authority within the agency to implement program principles, issue directives, and ensure incorporation of recordkeeping requirements and records maintenance, storage, and disposition practices.

Records management statutes and regulations require that a person designated by the Department under 44 U.S.C. 3101 and 3102 and 36 CFR 1220.34 with the responsibility to attest to the authenticity and integrity of the records management program and is responsible for implementing and managing a comprehensive records management program. This authority within USDA is assigned to the Chief Information Officer by Departmental Regulation (DR) 3080-001: *Records Management*, which is currently under revision. This DR also assigns the DRO operational responsibility to develop policy, standards and procedures, and provide oversight of implementation. In order to carry out

this responsibility, the DRO needs to be given the authority to establish methods to communicate Departmental and NARA policy and guidance, as well as coordinate records management implementation across USDA offices and agencies.

The complexity of the DRO position is increased by the fact that USDA is composed of separate agencies with designated AROs who have the responsibility for overseeing records management within their agencies. Designating AROs is appropriate and necessary due to the structure and size of USDA. Coordination between the DRO and AROs is essential for both to be effective. The DRO and AROs need the support of Department and agencies' senior leadership to coordinate, support and oversee records management throughout all of USDA. Without this support, the DRO cannot establish fundamental Department-wide RM program requirements. This is a key weakness in the current state of records management across the USDA.

This weakness was evident during the course of the inspection when the AROs had difficulty responding to interview questions and providing program or mission staff who understood their records management responsibilities. Inter-departmental coordination could give the AROs opportunities to discuss challenges and assist each other. (See Finding 4 for more information on USDA RM roles and the resources needed to strengthen them.)

- *Records Management Strategic Plan*

36 CFR 1222.26(e) requires policies, procedures, and strategies for ensuring that records are retained long enough to meet programmatic, administrative, fiscal, legal, and historical needs as authorized in a NARA-approved disposition schedule. Office of Management and Budget (OMB) Circular A-130 requires information to be managed as a strategic resource and includes specific requirements for records management policies in section 5(h). Program goals and objectives, supported by senior leaders, are essential to the success of the RM program.

NARA identified the lack of a documented, comprehensive RM strategic plan that explains what the USDA RM Program wants to accomplish enterprise-wide, its goals and objectives for managing records (including permanent records), and a path forward for meeting those goals. While there was some limited evidence of strategic planning at the Department, it was narrowly focused on particular initiatives, such as moving physical locations. APHIS has a strategic RM plan for the period 2018-2023, but there was little evidence that the plan was being actively pursued by the agency. For the other agencies, there was little documentation in the form of goals, objectives, achievements or impacts on the agencies' missions for the records management programs. Without such planning, especially in terms of permanent records, there is wasted or duplication of effort among the agencies and offices, and/or no support from senior leadership for RM initiatives.

- *Policies, Procedures and Guidance*

36 CFR Chapter XII, Subchapter B has several provisions that specifically require agencies to issue RM directives and policies. Policies and guidance provide the foundation for any RM program and determine how records, including permanent records, are to be handled. They should also provide guidance on what, where, and how those records should be created and maintained. They also outline responsibilities for staff, including senior leadership, the SAORM, ARO, and anyone creating and/or maintaining records for the agency.

The Department and agencies lack RM policies and procedures, or when they exist, they are out of date. For example, the Department has several outdated DRs dating from 2008 to 2016 that do not reflect current practices and did not include additional guidance concerning the implementation of these regulations. While DR 3080-001 gives AROs the responsibility of preserving and transferring permanent records to the National Archives, no additional procedures or guidance describe this process. The ARS, ERS, and NIFA do not have agency-specific RM policies and guidance that would educate staff about their recordkeeping responsibilities or describe policies on the management of permanent records. This is necessary in order for agency records to be aligned with each agency's mission and business needs. APHIS, FAS and RD have outdated policies that need to be updated, finalized and approved.

At the very least, the Department should be providing the guidance and updates that NARA provides. For instance, the Department and agencies are initiating digitization efforts; however, it was noted during the inspection that RM staff were not given Departmental guidance and were unaware of NARA guidance regarding the digitization of records. Some were planning or implementing plans to digitize permanent analog records in ways that do not meet NARA Bulletin 2014-04, *Format Guidance for the Transfer of Permanent Electronic Records, Appendix A*,⁴ (revised 2018).⁵ The Department should review all current digitization projects or plans to ensure they are being carried out in accordance with NARA Bulletin 2014-04 and include digitization standards and guidance in RM policies and procedures. NARA is creating additional digitization standards specifically for permanent electronic records that will also need to be disseminated when released.

⁴ NARA Bulletin 2014-04 provides direction to agencies for the transfer of analog records to digital formats and the subsequent requirements for the transfer of these records to the custody of the National Archives. For more information, see <https://www.archives.gov/records-mgmt/bulletins/2014/2014-04.html>.

⁵ <https://www.archives.gov/records-mgmt/bulletins/2018/2018-01>.

- *Intellectual Control*

There are several regulations that cover records management controls.

- 36 CFR 1220.30(c)(1) requires agencies to have effective controls over the creation, maintenance, and use of records.
- 36 CFR 1220.34(i) requires a variety of controls ensuring that all records, regardless of format or medium, are properly organized, classified or indexed, and described, and made available for use by all appropriate agency staff.
- 36 CFR 1236.10 adds requirements for records in electronic information systems.

An important aspect of effective control is intellectual control. Having intellectual control (i.e., knowing the types of records created, the content of the records, how and why they are created, where they are located, and ownership) is essential for putting records management into practice. It provides efficiency in process and accountability to stakeholders. It is extremely difficult to ensure an agency's records are in compliance with RM statutes and regulations without knowing how an agency is creating and maintaining records. This also places an agency at risk of being unable to respond to FOIA requests and litigation holds

Conducting a records inventory is a critical first step for gaining intellectual control of agency records as well as physical control (i.e., safeguarding access and preservation). None of the agencies interviewed have comprehensive records inventories and only the FAS could produce a file plan for analog and electronic records. The AROs and program staff were often unsure whether the records in their control were permanent, temporary, or unscheduled. In addition, staff were frequently unaware of the physical location of program records.

Inventories also aid in creating office file plans. Using this information, AROs could begin implementing cutoffs and disposition instructions as approved in agency records schedules, or to update current schedules. File plans can also be used to implement electronic document or records management systems. Departmental Staff Offices, APHIS, and the ERS mentioned conducting very limited inventories to gain some control or prepare records for office moves. The Department and RD have plans to conduct inventories that were put on hold during the COVID-19 pandemic, which complicated the situation, but should not have halted efforts to inventory electronic records and systems.

- *Records Schedules*

36 CFR 1224.10 requires federal agencies to ensure that all federal records are covered by a NARA-approved disposition authority and to periodically review and update existing disposition authorities. In September 2020, NARA issued a memorandum to all federal agencies (AC 27.2020) instructing agencies to review all agency-specific records schedules approved prior to January 1, 1990, to determine if any items need to be rescheduled per the criteria outlined in 36 CFR 1225.22. Over 50% of USDA's active permanent records schedules are over 30 years old, with many dating back to the 1970s and 1980s.

A general review of all approved records schedules is necessary. Once a review of schedules is complete, record items are updated (if necessary), and any unscheduled records are scheduled, the USDA and its agencies will be in a better position concerning compliance with 36 CFR 1224.10. It will also enhance meeting the requirements of the OMB/NARA 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*
36 CFR 1234.12 states that all permanent records must be transferred to the National Archives of the United States when: (a) The records are eligible for transfer based on the transfer date specified in a NARA-approved records schedule, or (b) The records have been in existence for more than 30 years.

All agencies interviewed have both analog and electronic permanent records overdue for transfer. Based on internal NARA resources, only one agency interviewed (NIFA) has ever transferred permanent electronic records. The USDA has 6,861 cubic feet of analog records currently maintained in the National Archives' Federal Records Centers that are overdue for transfer. Of this volume 6,837 cubic feet are from agencies interviewed during this inspection. The USDA was uncertain of the volume of analog records still in agency storage but indicated that the volume could be substantial. The volume and status of electronic records was unknown as well.

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, and prolonged liability in the case of legal discovery and FOIA requests.

- *Records Management Evaluations*
36 CFR 1220.34(j) requires agencies to conduct formal evaluations to measure the effectiveness of records management programs and practices, and to ensure that they comply with NARA regulations.

The Department and agencies are not conducting RM evaluations to determine if policies and procedures are in place and being followed. The DRO noted that an ad hoc assessment and study were conducted in the past, and RD also mentioned conducting an evaluation previously. However, there is no formal program to routinely conduct evaluations in the Department or in the agencies. Routine RM evaluations allow records officers to identify areas of non-compliance or risk in the management of permanent records. Evaluations also provide an added opportunity for training to ensure that these historically significant records are preserved until eligible for transfer to the National Archives. Additionally, documenting evaluations in the form of a report with corrective actions for follow-up and review is important to ensuring that risks found to permanent records have been minimized.

- *RM Training*

There are different requirements for RM training. First, 36 CFR 1220.34(f) requires agencies to provide guidance and training to all agency personnel on their records management responsibilities. Second, NARA Bulletin 2019-02⁶ and OMB/NARA M-19-21 include requirements for agencies to designate an Agency Records Officer who holds the Agency Records Officer Credential (AROC)⁷. 36 CFR 1220.34(f) also requires records liaisons and others with specific records management duties receive related training and instructions. Lastly, there are others who could benefit from more targeted role-based training. NARA Bulletin 2017-01⁸ provides guidance for RM training including a recommendation to establish training based on specific needs or roles (i.e., role-based training), including staff with RM responsibilities.

RM Training for Everyone. To address general RM training for program and mission staff, USDA did take advantage of NARA's Records Management Instruction Support (ReMIS) service in the creation of their RM Fundamentals course that is required annually for all staff. While over 100,000 employees have taken the training, there is no measurable way to demonstrate its impact.

AROC and Training for the DRO and AROs. The DRO and the AROs for ARS, Departmental Staff Offices, ERS, FAS, and NIFA have completed the AROC. (The ARS and ERS have a single individual covering both agencies. This is also true for NIFA whose ARO also covers the National Agricultural Statistics Service.) The APHIS ARO obtained NARA's Certificate of Federal Records Management Training and is currently working through the AROC course. Other USDA agencies also have AROs with the AROC (Forest Service, the Natural Resources Conservation Service, and the Risk Management Agency). While this is an achievement, the interviews conducted for this inspection indicated that a full understanding of how to implement what they learned is still needed. AROs interviewed did not demonstrate complete understanding of the responsibilities specific to their role, including knowing how to accurately apply NARA-

⁶ <https://www.archives.gov/records-mgmt/bulletins/2019/2019-02>.

⁷ <https://www.archives.gov/records-mgmt/training/aroc>.

⁸ <https://www.archives.gov/records-mgmt/bulletins/2017/2017-01-html>.

approved records schedules, training others on RM requirements, and other essentials that ensure permanent records are managed effectively.

Records Management Liaisons and others with specific records management duties.

There was no indication that RMLs or others with specific RM responsibilities receive any additional training or instructions. Staff assigned RM responsibilities lack the additional training that would provide detailed role-specific knowledge and skills necessary to complete their assigned duties. Agencies' RM staff, records management liaisons and program staff interviewed, similar to the AROs, did not demonstrate full understanding of the records management responsibilities specific to their role.

Other role-based training. In addition to those with RM responsibilities, the agencies should offer records management training specific to the needs of the following groups:

- Senior-level agency officials and political appointees;
- Program managers;
- Acquisition, contracting, and procurement personnel;
- Attorneys engaged in litigation or advising on records or access to information issues;
- Personnel developing and managing Information Technology (IT) systems and applications; and
- Continuity of Operations and Disaster Preparedness personnel that manage mission essential records.

There are many other RM statutes and regulations defined in 36 CFR Chapter XII, Subchapter B; however, the ones described in this finding provide the basic framework. NARA recognizes that the DRO has been working on various initiatives towards improving the program. These are addressed in the 'Departmental Initiatives for Improvements' section of this report on page 22. It will take strategic planning and efforts to establish the fundamentals that USDA records management programs need to be effective. Therefore, related to Finding 1, NARA makes the following recommendations as a guide for USDA to establish the fundamentals required.

Recommendation 1.1: The Department must create and implement a strategic plan for revitalizing, implementing and maintaining compliant RM programs of the USDA that include the proper management of permanent records. (36 CFR 1222.26(e), OMB Circular A-130, and NARA Bulletin 2017-02)

Recommendation 1.2: The Department must, through a Records Management Directive (or equivalent), empower the DRO with the appropriate authority to coordinate the records management program of the Department and agencies. (36 CFR 1220.34)

Recommendation 1.3: The Department and agencies must create and/or update records management directives, policies, handbooks and procedures that establish and support the RM Program and include the management of permanent records. (36 CFR 1220.34(c), 36 CFR 1222.26(e), and DR 3080-001(5)(e)(1))

Recommendation 1.4: The Department and agencies must develop standardized internal controls for the digitization and transfer of permanent records with appropriate metadata. (NARA Bulletin 2018-01: Revised Format Guidance for the Transfer of Permanent Electronic Records)

Recommendation 1.5: The Department should review all current digitization projects or plans to ensure they are being carried out in accordance with NARA Bulletin 2014-04, and include digitization standards and guidance in RM policies and procedures

Recommendation 1.6: The Department and agencies must conduct records inventories of all records in all formats and create office file plans that identify permanent records. (36 CFR 1222.26 and 36 CFR 1225.12(b))

Recommendation 1.7: The Department and agencies must develop procedures to review and update existing records schedules to ensure they are current and still meet USDA business needs. (36 CFR 1220.34(g), 36 CFR 1225.22, and DR 3080-001(5)(f)(4))

Recommendation 1.8: The Department and agencies must establish policies and procedures to routinely identify and schedule unscheduled records. (36 CFR 1220.34(g), 36 CFR 1225.22, and DR 3080-001(5)(f)(4))

Recommendation 1.9: The Department must identify overdue permanent records and create a plan to transfer these records to the National Archives or submit a request to retain the records. (36 CFR 1235)

Recommendation 1.10: The Department must create a repeatable process to identify and transfer permanent records as they become eligible. (36 CFR 1235)

Recommendation 1.11: The Department and agencies must create and institute a routine RM evaluation and mitigation program that includes the management of permanent records. (36 CFR 1220.34(j), DR 3080-001(5)(e)(6)&(7) and (5)(f)(2))

Recommendation 1.12: The Department should develop role-based training for RM staff. (NARA Bulletin 2017-01)

Finding 2: The management of permanent electronic records across the Department does not include internal controls and adequate policy, guidance and procedures.

36 CFR 1236 provides the foundation for managing electronic records. In addition, OMB/NARA M-19-21 requires that all permanent electronic records are managed electronically with appropriate metadata. During data analysis and inspection interviews with agencies, it was apparent that the USDA was not managing electronic records in accordance with 36 CFR 1236 or was not in a position to ensure permanent records and metadata are being identified and preserved.

| | Departmental RM Program | OSEC | Departmental Staff Offices | ARS | APHIS | ERS | FAS | NIFA | RD |
|---|-------------------------|------|----------------------------|-----|-------|------------------------------|-----|------|----|
| FINDING 2: Permanent Electronic Records | | | | | | | | | |
| RM integration with IT | ○ | ○ | ○ | ○ | ◐ | ○ | ○ | ○ | ○ |
| RM Requirements in Systems | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| Electronic Information Systems Inventory | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| Controls for Shared Network Drives and SharePoint | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| KEY: (See Appendix B: Criteria Used for Report Figures) | | | | | | Meets all criteria | ● | | |
| | | | | | | Meets most of the criteria | ◐ | | |
| | | | | | | Meets some of the criteria | ◑ | | |
| | | | | | | Meets little of the criteria | ◒ | | |
| | | | | | | Does not meet the criteria | ○ | | |

Figure 4: Improvement in ERM for Permanent Records is needed

Agencies reported on the RMSA 2021 that their agencies did not incorporate and/or integrate internal controls to ensure the reliability, authenticity, integrity, and usability of agency electronic records maintained in electronic information systems as required by 36 CFR 1236.10. In addition, they reported that their agencies’ records management programs do not have documented and approved policies and procedures that instruct staff on how permanent records in all formats must be managed and stored (36 CFR 1222.34(e)).

Agencies are also required to submit to NARA the annual Federal Electronic Records and Email Management Report (FEREM)⁹. The FEREM measures the success of federal agencies’ electronic records and email management. Similar to the RMSA responses, the agencies scored themselves in the high-risk category for Part I: Electronic Records Management. Email Management (Part II) fares better with agencies scoring in the low-risk category.

⁹ See NARA’s [FEREM web page](#) for responses and additional information.

| USDA FEREM Scores for 2019-2021 | | | | | | | | |
|--|-------------------------|----------------------------|------|-------|------|------|----------------|------|
| FEREM Scores | Departmental RM Program | Departmental Staff Offices | ARS | APHIS | ERS | FAS | NIFA | RD |
| Part I: Electronic Records Management | | | | | | | | |
| 2019 | 1.53 | 1.58 | 1.53 | 2.84 | 1.53 | 2.84 | Did Not Report | 1.42 |
| 2020 | 1.21 | 1.21 | 1.11 | 1.26 | 1.26 | 1.27 | 1.21 | 1.26 |
| 2021 | 1.26 | 1.26 | 1.21 | 1.42 | 1.21 | 1.26 | 1.21 | 1.26 |
| Part II: Email Management | | | | | | | | |
| 2019 | 3.6 | 3.6 | 3.6 | 2.8 | 3.6 | 3.6 | Did Not Report | 1.2 |
| 2020 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.4 | 3.6 | 3.4 |
| 2021 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 3.2 | 2.8 | 3.2 |
| *FEREM Parts are scored separately. The maximum score for each is 4, with scores below 2.0 indicating high-risk. | | | | | | | | |
| **The Office of the Secretary of Agriculture does not respond to the FEREM, information is covered by the Department Records Officer | | | | | | | | |

Figure 5: FEREM Scores for Participating Agencies 2019-2021

Under the Policy Section of the 2021 FEREM Part I, agencies reported that:

- Policies that oversee management of electronic records, particularly permanent electronic records, may exist for electronic records but do not include permanent electronic records.
- Those that create or have an interest in and should be involved in related policies for permanent electronic records (i.e., relevant stakeholders) have been identified but are not actively engaged.
- Procedures and training exist but do not fully address permanent electronic records or the prevention of records loss.

The Systems Section of the FEREM Part I captures how well agencies have implemented systems that meet federal recordkeeping requirements. For this section, the agencies reported that:

- Electronic information systems may create and capture records, but there is no management or determination about temporary or permanent electronic records status in accordance with approved records schedules.
- Either there was no inventory of electronic information systems in some agencies, or in others there is an inventory of electronic information systems but no identification of which contain records.
- Systems owners are not aware of their responsibilities for managing permanent electronic records.

The USDA's DR 3080-001 states that under-secretaries, agency, and staff office heads, as well as the Chief Information Officers (CIOs), should coordinate with the DRO and AROs to address RM requirements in systems. The superseded Office of the Chief Information Officer (OCIO) IT Strategic Plan for FY 2019-2022 also specifically mentioned including RM engagement and functionality in information systems. Unfortunately, this goal of establishing a robust information governance framework within the Department was never implemented, and the current IT Strategic Plan, while making some inferences to records, lacks any mention of RM and does not recognize records as part of information management or as a strategic asset to carry out missions and programs effectively (36 CFR 1236 and OMB Circular A130). There are conceptual activities for the collaboration between IT and RM noted in the 'Departmental Initiatives for Improvement' section of this report that, if fully realized, will be beneficial.

The following additional concerns were noted:

- *Records Management Requirements in Systems*
 - The USDA has not integrated records management and recordkeeping requirements into the design, development, and implementation of electronic systems, cloud-based applications (e.g., SharePoint), and permanent electronic records storage.
 - Permanent records have not been identified within systems and/or shared drives and lack the controls necessary for consistent management.
 - The DRO and AROs are only included on a limited ad hoc basis in electronic systems design, development, and implementation, as well as the migration and decommissioning of systems.
 - The current IT Strategic Plan does not include the RM Program.
- *Electronic Information Systems (EIS) Inventory*

36 CFR 1236.26(a) requires agencies to maintain EIS inventories and review the systems periodically to determine if records have been properly identified and described, and if the schedule descriptions and retention periods reflect current informational content and use. OMB Circular A-130 and USDA DR 3080-001 also have requirements for EIS inventories.

Record schedule descriptions and retention information for each system are not captured in the Cyber Security Assessment and Management (CSAM) system, which also serves as USDA's EIS inventory. EIS inventories are essential as they assist the DRO and AROs, who play critical roles in scheduling electronic records in EIS. This is especially important when the systems contain permanent records that have added value to the Nation.

- *Controls for Shared Network Drives and SharePoint*
36 CFR 1235.24 provides additional requirements for managing unstructured electronic records. In general, these records tend to reside on shared drives and other collaboration platforms. Coordination between IT staff and RM is essential for managing these types of electronic records. USDA has a large number of shared drives and over a dozen SharePoint sites that lack controls for the management of permanent records. It was stated during interviews that:
 - There is little coordination between RM and IT staff in the setting up and management of these drives.
 - There are few policies, procedures or guidance documenting where or how staff should store and manage records.
 - There is no inventory of records stored in these locations, and often no consistency in how records are saved, including the use of file naming conventions.
 - The records do not contain schedule identifiers, and are not labeled as permanent or temporary.
 - Many of the electronic records are unscheduled, largely due to obsolete schedules that cover only analog records. As unscheduled records, these must be maintained as permanent in accordance with 36 CFR 1220.18.

While USDA IT recently put a hold on any records disposition within the shared drives until they have updated and approved records schedules, this action has not completely addressed significant risks associated with the lack of records management within these drives. Without knowing what and where information is stored, USDA may have unknowingly had cases of unauthorized dispositions of permanent records prior to the moratorium. This lack of governance can impact government accountability and lead to inefficiencies resulting from the inability to locate and access timely information when needed for mission needs or other reasons.

Information governance is a framework that includes RM relationships with staff within the offices of Chief Information Officer, Chief Data Officer, Chief Privacy Officer, and the Chief FOIA Officer. This framework is essential to ensuring that the design, maintenance, use, and disposition of electronic systems and permanent electronic records are in keeping with all federal statutes and guidance related to these systems from accountability to security, fiscal responsibilities, and records management.

Recommendation 2.1: The Department and agencies' CIOs must involve the USDA DRO, AROs, and RM staff in the information lifecycle processes including the design, development, enhancement, and implementation of EIS. (OMB Circular A-130 and 36 CFR 1236.6(b))

Recommendation 2.2: The Department and agencies must create and maintain an up-to-date electronic information system inventory that includes approved disposition authorities and other documentation. (36 CFR 1236.26)

Recommendation 2.3: The Department and agencies must create policies and/or procedures for maintaining permanent records on shared drives and in SharePoint. (36 CFR 1220.30(c)(1), 36 CFR 1220.32, and 36 CFR 1220.34(i))

Finding 3: There is a lack of senior leadership advocacy and support for RM within the agencies.

Program support is critical to the success of any RM program and directly impacts the effectiveness of the program and the organization's compliance with federal mandates under 44 U.S.C. 3102, Chapter 31- Records Management by Federal Agencies. To re-establish a program that has been allowed to lapse and to effectively manage permanent records, leadership at all levels is essential.

| | Departmental RM Program | OSEC | Departmental Staff Offices | ARS | APHIS | ERS | FAS | NIFA | RD |
|---|-------------------------|------|----------------------------|-----|-------|--------------------------------|-----|------|----|
| FINDING 3: Senior Support and Advocacy | | | | | | | | | |
| Senior Agency Support for the Management of Permanent Records | ● | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ |
| RM Directives from Senior Leadership | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ | ◐ |
| Program Goals approved by Senior Leadership | ◐ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| RM Duties Supported by Senior Leadership | ◐ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ◐ |
| Empowerment of staff with RM responsibilities | ◐ | ○ | ◐ | ○ | ◐ | ○ | ○ | ○ | ◐ |
| KEY: (See Appendix B: Criteria Used for Report Figures) | | | | | | Meets all criteria ● | | | |
| | | | | | | Meets most of the criteria ◐ | | | |
| | | | | | | Meets some of the criteria ◐ | | | |
| | | | | | | Meets little of the criteria ◐ | | | |
| | | | | | | Does not meet the criteria ○ | | | |

Figure 6: Degree of Senior Leadership Support and Advocacy

Senior Agency Support for the Management of Permanent Records

NARA recognizes the firm support for the revitalization of the RM program by the USDA SAORM and the DRO but noted a lack of support for records management at the agency and office levels. This was evidenced by the absence of strategic planning and direction for basic records management functions at the Departmental, agency or office level.

Of immediate concern is the fact that DR 3080-001 does not reflect the reorganization of the RM program at USDA. When DR 3080-001 was approved in 2016, the USDA RM program was led by the OCIO and, while OGC has taken over day-to-day operations of the RM program, the regulation is technically still in force. Under DR 3080-001, the responsibilities of the SAORM and the DRO are not clearly defined and need to be updated, particularly in the case of the

SAORM where the oversight responsibilities of the position have been clarified by NARA Bulletin 2017-02 to include strategic direction and planning to bridge the gap between agency heads and AROs.

DR 3080-001 currently requires that under-secretaries, agency and staff office heads participate in records management activities to ensure that adequate record keeping processes are implemented and maintained in their organizations. As part of these activities, these senior leaders are charged with conducting reviews, holding briefings, and ensuring coordination between RM and other agency information stakeholders such as IT. In addition, 36 CFR 1220.34(c) directs that agency heads must issue directives establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of agency records.

There was very limited evidence that the requirements of either DR 3080-001 or 36 CFR 1220.34 were being implemented or overseen at senior levels among the agencies and offices. None of the agencies produced recent plans, policies, or procedures to manage permanent records that are approved by either an agency head or other members of senior leadership. Among the agencies interviewed, only APHIS is drafting new Standard Operating Procedures (SOP) and has an appointed “champion” at the executive level to oversee program operations in one unit. FAS is also creating new SOPs, all of which are in draft status, and has an updated file plan that must be reviewed in conjunction with new scheduling initiatives. At RD, the RM program was placed in the high-risk category by the agency Risk Office, which forced management to focus attention on records management problems that have existed for decades. All agencies and offices reviewed continued to report very limited program oversight by leadership in NARA’s RMSA surveys for 2021. RMSA surveys going back to 2019 indicate that senior management reviews responses, but little action has been taken to address urgent issues with the management of permanent records by RM programs.

NARA found the lack of leadership involvement and coordination among RM programs in the USDA to be a serious risk. The lack of even basic programmatic elements among the programs under review can lead to potential mismanagement of permanent records. Leveraging SAORM and DRO support would greatly enhance efforts to get disparate RM programs across the USDA to assist each other and aid the DRO in improving the recordkeeping culture throughout USDA. Executive-level support in the form of strategic direction and advocacy is of vital importance, particularly for the successful management of permanent records on a routine basis.

Recommendation 3.1: The Department must update and communicate to all USDA offices the current role and responsibilities of the SAORM. (DR 3080-01, NARA Bulletin 2017-02, section 2 and OMB Circular A-130, Section 5(h)).

Recommendation 3.2. The SAORM should develop formal and informal mechanisms for continuous cooperation and coordination among RM programs and other related disciplines such as information security, risk management, data management, and knowledge management. (NARA Bulletin 2017-02)

Recommendation 3.3: The Department and agencies' office heads must issue directives establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of records in their respective organizations. (36 CFR 1220.34(c) and DR 3080-001)

Recommendation 3.4: The Department should determine the viability of appointing SAORMs at the agency level who would work with the Department SAORM to implement the recommendations within this report.

Finding 4: The RM program at the Department and agencies do not have adequate resources to effectively manage and oversee the RM program including permanent records.

There are several regulations that cover assigning staff and resources to manage records.

- 36 CFR 1220.34(a) requires agency heads to assign records management responsibility to a person or office with appropriate authority to coordinate and oversee implementation of a comprehensive RM program.
- 36 CFR 1220.34(d) requires agencies to assign staff to oversee records management in each program and administrative area to ensure recordkeeping requirements including records maintenance, storage, and disposition practices are implemented across agencies.
- 36 CFR 1222.34(c) requires agencies to assign responsibilities to maintain records in all formats within each agency including designation of the officials who are responsible for maintenance and disposition of electronic records and management of automated systems used for recordkeeping.

The roles of the DRO and AROs are an integral part of the fundamentals of a records management program as discussed in Finding 1. There is a need to look at these roles in the perspective of resources and the ability to create and disseminate guidance and other material aids needed to implement the program and ensure permanent records are not at risk. While not explicit in the regulations, for a large department with a complex structure of agencies, like the USDA, this should be interpreted to mean that one single person or a even a small group of people are not adequate to oversee the day-to-day operations of the RM program,

| FINDING 4: Resources (Staff, Time, Communication methods, Coordination) | Departmental RM Program | OSEC | Departmental Staff Offices | ARS | APHIS | ERS | FAS | NIFA | RD |
|--|--------------------------------|-------------|-----------------------------------|------------|--------------|------------------------------|------------|-------------|-----------|
| Person assigned RM oversight (DRO/ARO) | ◐ | ◑ | ◐ | ◐ | ● | ◐ | ● | ◐ | ● |
| RM Support Staff who support the DRO/ARO | ◑ | ○ | ○ | ○ | ○ | ○ | ○ | ○ | ○ |
| Records Liaison Networks (time in position and trained RM role) | N/A | ○ | ◐ | ○ | ◐ | ○ | ◐ | ◐ | ◐ |
| ARO communication methods to RLs and other agency staff | ◐ | ○ | ○ | ○ | ◑ | ○ | ○ | ○ | ○ |
| KEY: (See Appendix B: Criteria Used for Report Figures) | | | | | | Meets all criteria | | | ● |
| | | | | | | Meets most of the criteria | | | ◐ |
| | | | | | | Meets some of the criteria | | | ◑ |
| | | | | | | Meets little of the criteria | | | ◒ |
| | | | | | | Does not meet the criteria | | | ○ |

Figure 7: Degree that Resources Supporting the DRO and AROs are in place

Records Management Program Staffing

For many years, the USDA has assigned one person as a DRO to provide oversight for all aspects of the Departmental RM program with occasional periods of a second full-time equivalent (FTE) assigned to support the program. Traditionally, the duties of the DRO are to provide policy guidance for the whole Department, but in an organization of the size and complexity of the USDA, it is difficult for one or two staff members to develop comprehensive policies for all agencies and offices without assistance.

To keep the operational activities of the RM program functioning, the DRO relies heavily on the support of the AROs to oversee RM responsibilities. In recent years, however, RM programs have experienced attrition among the AROs that has resulted in the long-term assignment of acting AROs in some instances or even the assignment of a single ARO to manage programs for two or more agencies. Only two agencies interviewed, APHIS and RD, had staff assigned to assist the ARO. The USDA Secretary has been briefed on the situation by the SAORM and has received commitments to backfill vacant ARO positions; however, numerous vacancies still exist.

AROs are key to implementing agency RM programs that are compliant with federal RM statutes and regulations and USDA RM policies and procedures. Like the DRO, they should be assigned staff to assist them with the critical work of program implementation. AROs should also coordinate RM activities with the DRO to ensure that the Department addresses pressing RM issues. As currently staffed, it is difficult for the DRO and AROs to monitor, oversee, and evaluate the work of the RM networks within their agencies, much less develop plans and guidance for the creation of an effective RM program as outlined in Finding 1.

Records Management Liaison (RML) Networks

While AROs are vital to the success of agency RM programs, the need for a strong network of RMLs is of paramount importance particularly to a Department as large and geographically dispersed as USDA. DR 3080-001 directs program managers to appoint RMLs to ensure compliance with RM policies and guidance by agencies and offices. Each program or office is required to have at least one RML to oversee day-to-day RM activities such as training, inventories, scheduling, and records dispositions. While all of the RM programs interviewed were working to establish or reestablish a network of RMLs, in practically all cases, the appointment of these individuals was a recent occurrence. RM training among these groups was at a minimal level and did not take into account suggestions in NARA Bulletin 2017-01 for role-based training for RMLs. In several agencies, there was a distinct reliance on the records experience of individuals who had served as RMLs in the past and moved on to other positions, or of managers who had long-term knowledge of their program records.

Communication and Coordination Resources

36 CFR 1226.12(a) requires agencies to disseminate changes to existing and newly approved records retention schedules (also known as disposition authorities) within six months of approval. NARA frequently provides policies, guidance, and other information that address issues that need immediate attention from DROs and AROs who can update appropriate Department and agency personnel. There are records management challenges that are recognized by the Department that need to be shared with agency staff in a timely manner. AROs may also need to notify the Department and/or NARA of events including but not limited to unauthorized disposition of records, loss of records due to electronic information systems interruptions, natural or man-made disasters, and human error.

From interviews and information received from the SAORM, it was evident that the communication and dissemination of USDA records management policies and other information, plus updates from NARA on policies, guidance, regulation updates, retention schedules, including General Records Schedules, is very slow. There are multiple layers of approvals that vary from agency to agency before staff are notified. The ability to create and maintain methods for the AROs to provide access to basic information on records management, job aids, or other materials is not readily available or not seen as needed at all in some instances.

Recommendation 4.1: The SAORM should, through policy or instruction, empower the DRO to ensure Department-wide compliance with 36 CFR Chapter XII, Subchapter B. (DR 3080-001 and NARA Bulletin 2017-02)

Recommendation 4.2: All agency heads must assign records management responsibility to a person and office with appropriate authority to coordinate and oversee implementation of a comprehensive records management program. (36 CFR 1220.34(a) and DR 3080-001)

Recommendation 4.3: The Department and agencies must assign records management responsibilities in each program (mission) and administrative area to ensure incorporation of recordkeeping requirements into agency programs, processes, systems, and procedures. (36 CR 1220.34(d) and DR 3080-001)

Recommendation 4.4: All agencies must develop methods to disseminate every approved disposition authority (including newly approved records and General Records Schedule items) to agency staff within six months of approval. (36 CFR 1226.12(a))

Recommendation 4.5: All agencies should create a communication plan that establishes methods to provide routine records management information, training, updates to agency, departmental, and NARA policies, guidance, and regulations as efficiently and timely as possible.

DEPARTMENTAL INITIATIVES FOR IMPROVEMENT

Under the direction of the USDA General Counsel, the OIA conducted a review of RM operations throughout the Department. Similar to NARA's inspection, this review determined that the Department and agencies' RM programs are missing fundamental elements needed to maintain the RM program. Based on their review, they recognized the need to rebuild the RM program throughout the Department to effectively manage all records and to protect permanent ones.

It is important to note that the current SAORM, General Counsel, and the DRO have begun a variety of initiatives to make improvements and are planning others. NARA supports and encourages these efforts. However, many of these initiatives are in the concept stages and while discussed in theory with the inspection team are not at a point where they can be documented. But they are important to include in this report to demonstrate that efforts are being discussed as goals for making improvements.

Executive and Senior Official Support

- The Secretary of Agriculture designated Agency Administrators as Agency Records Management Champions (ARMC) charged with elevating RM programs, creating partnerships and infrastructure, providing resources, and ensuring effective records management operations. This has not been fully integrated at the time of the inspection.
- The SAORM is committed to stressing the importance of records management through:
 - Consistent and direct messages regarding the importance of records management to USDA's mission and establishing ARMC roles for partnerships and accountability between the Department RM program, agency RM programs, and program offices.
 - Working to incorporate records management into strategic planning.
 - Facilitating and supporting ARO obtainment of the Agency Records Officer Credential (AROC).
 - Requiring leadership to disseminate an annual letter reminding USDA staff of records management responsibilities.
 - Providing recurring records management training at sub-cabinet and other meetings heavily attended by appointees and senior level officials.

General Records Management Program Improvements Completed and in Progress

- RM studies, assessments, and recommendations regarding the state of the USDA RM Program have been conducted. A process for evaluations per the regulations has not yet been established.
- Updating and redesigning the public Departmental Records Management web page to reflect current guidance is in progress.
- DRO oversight and review of the annual Federal Agency Records Management reporting including the RMSA/FEREM to provide evidence-based reporting was incorporated into the annual reporting process in 2020 and continued in 2021. (2022 annual reporting will be conducted in January 2023.)
- Updating four USDA records management Departmental regulations is in progress:
 - DR 3080-001 Records Management;
 - DR 3085-001 Vital Records Management Program;
 - DR 3090-001 Litigation Retention Policy for Documentary Materials including Electronically Stored Information; and
 - DR 3099-001 Records Management Policy for Departing Employees, Contractors, Volunteers and Political Appointees.

Records Management Training Improvements Completed and in Progress

- Initiated records management training during onboarding and offboarding of Political Appointees in coordination with the White House Liaison. A recurring process has not yet been established.
- Updated new hire training for Senior Officials and Political Appointees.
- Revising the annual mandatory USDA Records Management training to incorporate Department-specific guidance while Departmental Regulations are updated.
- Partnering with stakeholders to contribute to the 2022 annual mandatory training, launched on April 25, 2022.
- Early planning for the revitalization of their RML network and training throughout Departmental offices and agencies.
- In 2020 a line item for records management was added to a Blanket Purchase Agreement that was originally created for FOIA Officers so that AROs can quickly acquire RM contract support if funding becomes available.

Electronic Records Management Proposed or in Progress

The following represent activities that were described during the inspection but not documented.

- Collaborating with the Technical Capture and Retention Team to review retention policies for email and data retention in the current solution.
- Exploring vendor options to assist with scanning and digitization needs across the USDA to comply with OMB/NARA M-19-21.
- Conducting market research and planning for the acquisition of a USDA Electronic Records Management System (ERMS).

CONCLUSION

The 24 recommendations in this report highlight key strategies for the Departmental and agencies' RM programs to address the basic fundamental elements of a compliant records management program as prescribed in 36 CFR Chapter XII, Subchapter B.

The records created and maintained by the Department and the participating agencies are integral to USDA's mission to provide essential services through its leadership on food, agriculture, natural resources, rural development, nutrition, and related issues based on public policy, the best available science, and effective management.

Without a robust, fully functioning records management program that is integrated across the Departmental offices and agencies, the ability to document achievements and historical significance by managing and transferring permanent records to the National Archives is at risk. Without embedding records management into the overall data and information governance structure within USDA, decision-making and accountability are harder, less efficient, and costly. Implementation of the recommendations from this report, along with strong leadership actions will assist the USDA in their mission to ensure their records are created, maintained, protected and accessible to executives, senior agency officials, agency personnel and the public.

APPENDIX A INSPECTION PROCESS

OBJECTIVE AND SCOPE

The objective of this inspection was to determine how well the Department, agencies and offices that were included in this multiple-agency inspection comply with federal RM statutes and regulations relating to permanent records and to assess the effectiveness of their RM policies and procedures.

METHODOLOGY

Due to the COVID-19 pandemic, NARA carried out this inspection by conducting video and teleconferences with RM and program staff on the management of permanent records. In addition, the inspection team:

- Reviewed RM policies, directives, and other documentation provided by the agencies;
- Used a detailed checklist of questions based on federal statutes and regulations, and NARA guidance; and
- Reviewed responses to current and past annual Records Management Self-Assessments (RMSA), electronic records and email management reports, and Senior Agency Official for Records Management (SAORM) reports.
- Reviewed internal NARA data regarding agency records schedules and records transfers and accessions.

AGENCIES INTERVIEWED

- U.S. Department of Agriculture (USDA)
 - Office of the Secretary (OSEC)
 - Departmental Staff Offices
- Agricultural Research Service (ARS)
- Animal and Plant Health Inspection Service (APHIS)
- Economic Research Service (ERS)
- Foreign Agricultural Service (FAS)
- National Institute of Food and Agriculture (NIFA)
- Rural Development (RD)

APPENDIX B

CRITERIA USED FOR REPORT FIGURES

Figure 1: RMSA Data

- RMSA covers previous years activities (i.e., 2021 RMSA data was gathered in January-March 2022)
- Using the past three years of data for comparison

Figure 2: RM Program Inspection Risks

This figure is a summary of the overall risks identified in Findings 1 through 4

- Summary based on the average of the data in Figures 1, and 3 through 7
- 2021 RMSA and 2021 FEREM Data, supporting documentation and interview responses

Figure 3: RM Fundamentals

This figure is based on Finding 1 with the following criteria:

- RM Fundamentals
 - Records Officer Position well established
 - RM Program has strategic plans, performance goals, initiatives are established and monitored
 - RM Policies, Procedures, and Guidance are up to date and cover relevant business practices
 - Internal Controls are used and measure effectiveness of RM implementation
 - Records Scheduling is up to date and meets current business practices
 - Permanent records are identified, preserved while in agency space and routinely transferred to the National Archives when eligible
 - Records evaluations are routinely conducted, and follow-up measures are monitored
 - RM training program covers agency records, policies, and practices
- Demonstrated by:
 - Review of responses to 2021 RMSA Questions 1, 9, 11, 12, 13, 14, 26, 27, 28, 30, 31, 56, 47, 59, 60, 67, and 68
 - Ability represented by documentation and interviews
 - AROC training completed or in progress (verified by NARA's training coordination team)

Figure 4: Management of Electronic Permanent Records

This figure is based on Finding 2 with the following criteria:

- Additions to the RM Fundamentals, Management of Electronic Permanent Records including:
 - Information Technology RM involvement in Systems Development Life Cycle demonstrated
 - Records Management Requirements in Systems is apparent
 - Documentation including inventories of electronic information systems exist
 - Controls for Shared Network Drives and SharePoint are in place
- Demonstrated by:
 - Review of responses to 2021 RMSA Questions 36, 37 and 50
 - Review of responses to 2021 FEREM Part I: Sections 2 and 3
 - Ability represented by documentation and interviews
 - Evidence of working with IT on a consistent basis (ad hoc coordination is insufficient)

Figure 5: FEREM Data

This figure is a representation of scores from annual FEREM responses 2019-2021

- 2021 FEREM covers previous years activities (i.e., 2021 FEREM data was gathered in January-March 2022)
- Using the past three years of data for comparison

Figure 6: Senior Leadership Support and Advocacy

This figure is based on Finding 3 with the following criteria:

- Support and Advocacy criteria include:
 - providing through direction, actions, and attention the authority, methods, staffing, resources
 - recognition of the need to follow records management statutes, regulations and guidance
 - articulating the benefits of implementing the records management program
- Demonstrated Senior Leadership Support and Advocacy through:
 - 2021 SAORM report (i.e., 2021 SAORM data was gathered in January-March 2022)
 - Interviews with:
 - SAORM
 - OIA Director
 - DRO and AROs
 - 2021 RMSA Questions 3, 4, 9, 10, 25 and 26
 - 2021 FEREM Part I: Section I: Management Support and Resourcing

-
- Review of documentation such as if RM directives are out of date, in draft, approved by senior leadership.

Figure 7: Supporting Resources (Staff, Time, Communication methods, and Coordination)

This figure is based on Finding 4 with the following criteria:

- There is a person assigned to RM oversight full or part time, or temporary assignment who is well trained and understands responsibilities
- There is RM support staff (i.e., people with RM responsibilities to assist the DRO/ARO) who are also well trained and understand responsibilities
- There is a person assigned to each program area to support records management (this is also known as a Records Management Liaison Network or similar terminology), how long they have been assigned the additional duties, are trained and understand the responsibilities, and are able to carry them out
- There are methods to efficiently and in a timely manner communicate RM policies, records schedule information, and other guidance from the Department and/or NARA that are in place or underdevelopment
- Demonstrated by:
 - Organizational Charts
 - 2021 RMSA Questions 1 and 5
 - Lack of documentation or if what was received was out of date, in draft, supported by senior leadership
 - Interview responses

APPENDIX C

RELEVANT INSPECTION DOCUMENTATION

A selected list of documents submitted by the Department include:

- Departmental Regulations (DR)
 - DR 3080-001: Records Management, August 16, 2016
 - DR 3085-001: Vital Records Management Program, August 19, 2011
 - DR 3090-001: Litigation Retention Policy for Documentary Materials including Electronically Stored Information, May 28, 2008
 - DR 2099-001: Records Management Policy for Departing Employees, Contractors, Volunteers and Political Appointees, July 2, 2012

- Draft Policies and Procedures
 - DR 3080-001: Records Management, September 27, 2021
 - DR 3085-001: Essential Records Management Program, September 27, 2021
 - DR 3090-001: Litigation Hold Policy, September 27, 2021
 - DR 2099-001: Records Management Policy for Departing Employees, Contractors, Volunteers and Political Appointees, September 27, 2021
 - AD 3001
 - Exit Checklist Revised Draft
 - Planned Updates to Regulation

- Departmental Guidance
 - Departmental Records Management Entrance Guide, May 26, 2021
 - Departmental Records Management Exit Procedures Quick Guide, May 26, 2021
 - Records Management Champions – Path Forward, undated

- Electronic Records Management
 - Capstone Lists
 - Organization Chart for NA-1005 (National Archives Capstone Form)
 - USDA Email Retention Governance, March 9, 2021

- Office of Human Resources Management Employee Exit Checklist, 2021
- Archives and Records Center Information System (ARCIS) Information
- Records Inventory and Clean-up Project documentation
- 2021 Department Annual Move documentation
- Documentation of Records Managers meetings
- Office of the CIO IT Strategic Plan FY 2019-2022, October 2019
- USDA Information Technology Strategic Plan, FY 2022-2026, June 2022

Documentation submitted by the Participating Agencies include:

- Policies and guidance received duplicated the Department documentation without any additional materials unique to the agencies
- Rural Development Instruction 2033a: Management of Rural Development Records, July 2018
- Foreign Agricultural Service File Maintenance and Disposition Manual, 2017
- A few promotional materials and samples of communications

APPENDIX D

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 *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

The Department and each agency inspected will submit to NARA a Plan of Corrective Action (PoCA) that specifies how they will address each applicable inspection report recommendation, including a timeline for completion and proposed progress reporting dates. The plans must be submitted within 60 days after the date of transmittal of the final report. Coordination between the DRO and ARO on the creation and future monitoring of these PoCAs is recommended and to be decided by the Department SAORM.

NARA will analyze the adequacy of each PoCA, provide comments on each within 60 calendar days of receipt, and assist in implementing recommendations.

The Department and each agency will submit to NARA progress reports every six months on the implementation of their PoCAs until all actions are completed. NARA will inform each when progress reports are no longer needed.

APPENDIX E
ACRONYMS AND ABBREVIATIONS

| | |
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| APHIS | Animal and Plant Health Inspection Service |
| ARMC | Agency Records Management Champion |
| ARO | Agency Records Officer |
| AROC | Agency Records Officer Credential |
| ARS | Agricultural Research Service |
| CFR | Code of Federal Regulations |
| CIO | Chief Information Officer |
| CSAM | Cyber Security Assessment and Management |
| DR | Departmental Regulation |
| DRO | Departmental Records Officer |
| EIS | Electronic Information System |
| ERMS | Electronic Records Management System |
| ERS | Economic Research Service |
| FAS | Foreign Agricultural Service |
| FEREM | Federal Electronic Records and Email Management Report |
| FOIA | Freedom of Information Act |
| FTE | Full-time Equivalent |
| IT | Information Technology |
| NARA | National Archives and Records Administration |
| NIFA | National Institute of Food and Agriculture |
| OCIO | Office of the Chief Information Officer |
| OGC | Office of General Counsel |
| OIA | Office of Information Affairs |
| OMB | Office of Management and Budget |
| OSEC | Office of the Secretary |
| PoCA | Plan of Corrective Action |
| RD | Rural Development |
| ReMIS | Records Management Instruction Report |
| RM | Records Management |
| RML | Records Management Liaison |
| RMSA | Records Management Self-Assessment |
| SAORM | Senior Agency Official for Records Management |
| SOP | Standard Operating Procedure |
| U.S.C. | United States Code |
| USDA | U.S. Department of Agriculture |



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