

**U.S. Senate Committee on Governmental Affairs  
Pre-hearing Questionnaire for the  
Nomination of David Ferriero to be  
Archivist of the United States**

**I. Nomination Process and Conflicts of Interest**

1. Why do you believe the President nominated you to serve as Archivist of the United States?

*I believe the President nominated me to serve as Archivist of the United States because of my experience and expertise in the following areas:*

- a. Archives and Records Administration. *At MIT, both the Institute Archives and the Records Management Program reported to me. At Duke, the President moved the University Archives from her administration to mine. In addition, I created Duke's first Records Management Program. At the NYPL, the Archives function reports to me and we are in the process of recreating the records management program.*
- b. Leadership and Management of large, complex information organizations. *Progressive moves in both positions and institutions have given me a wide range of experience in leading (planning, motivating, rewarding and recognizing staff, recruiting talent, and creating healthy work environments) and managing (implementing strategic initiatives, budgeting savvy, getting the best out of my staff, etc.) In all cases, the organizations were focused on collecting, protecting, and encouraging access to information in all of its various formats.*
- c. Experience in the application of technology for innovative and creative solutions to managing and accessing information. *Libraries and archives have, for decades, been leaders in the application of technologies to their work—from creating online catalogue to creating digital surrogates to expand the borders of our institutions. In all three of my "careers" technology has been an exciting opportunity to revolutionize the user's experience and the institution's ability to maximize resources. At MIT it was the first online catalogue, mediated database searching, CD ROM end user searching, and the introduction of email and the beginning of Internet access. At Duke it was the exploitation of the Internet and Web technology, experimentation with digitization to expand access to collections and cut down on the handling of fragile materials. At the NYPL it has been the shift to digital at the core of how we do business rather than a sidebar experiment. More importantly, it is been a shift in attitude toward how collections are "exposed." Rather than building a digital collection and expecting the world to find the way to our door, we have been ensuring that our digital collections are where are users are; i.e., findable in a Google search, our photographs on Flickr, our public programs on iTunes, etc.*
- d. Fundraising and Donor Stewardship Experience. *At both Duke and the NYPL a*

*large part of my job has been raising funds and ensuring that donors develop and sustain an effective relationship with the institution. Often these are multi-generational relationships where family gifts are sustained through the years. At Duke, a campus-wide Campaign for Duke raised \$2.5b with the library raising \$50m. The NYPL is an interesting public-private partnership heavily dependent upon private support. More than \$50m a year is raised from individuals, foundations, and corporations.*

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

*None.*

3. What specific background and experience affirmatively qualify you to be Archivist of the United States?

*My professional experiences at MIT, Duke, and the New York Public Library all included management of, and in some cases creation of, institutional archives and records management programs. Each assignment gave me experience with records retention scheduling, working across institutional departments and "fiefdoms" to ensure buy-in and compliance, understanding creator needs, and providing appropriate access to those records. In addition, in each of these work settings, I had administrative responsibility for preservation and conservation functions. My MIT experience introduced me to the art and science entailed in this work; at Duke I created the preservation program that now flourishes there; and at the New York Public Library I have worked for five years to restore the luster to one of the nation's premiere programs. The creation of a state-of-the-art preservation facility opening in December of this year is one of the legacies I leave there. Finally, my experience in applications of technology to the work of information management and retrieval in each of my jobs has given me a solid basis of understanding of the technology's potential, expense, and associated issues.*

4. What skills do you bring to the job of Archivist – both to the traditional role as the nation's archivist and to the need to address the National Archives and Records Administration's (NARA) information technology challenges?

*Please see my response to Question 1.*

5. What skills do you bring to the Archivist's role as the manager of a large organization?

*Having managed three large and complex organizations, I have developed a sense of my competencies in both leadership and management. As a leader, I can articulate an organizational vision and set of organizational values. More importantly, I have the ability to motivate and engage staff in the development and fulfillment of that vision and the realization of those values. As a leader I have been able to establish effective working relationships across organizational and "agency" lines, to represent my views and those of my management, and to contribute my organization's intellectual capital to*

*the solving of problems. As a manager, I have developed a good eye for talent, both internal and external. In all three institutions I have been able to develop effective management teams that have been composed of existing staff and new hires. I am willing to delegate authority and responsibility and demand a high degree of accountability in that delegation. In all three institutions, I have worked effectively to create, defend, and manage large budgets. Finally, the hallmark of a good administration is effective communication, and I have always placed a high premium on internal and external communication.*

6. Please describe your previous experience with the National Archives and Records Administration. How would you characterize this experience?

*While I have had no direct experience with NARA, MIT, Duke, and the New York Public Library have all benefitted from the services, products, and support of NARA. All three institutions have received NHRPC funding for preservation activities. In addition, all three records management programs have benefitted from NARA's records management training and training products, as well as the standards set by the agency.*

7. Have you made any commitments with respect to the policies and principles you will attempt to implement as Archivist? If so, what are they and to whom have the commitments been made?

*None.*

8. If confirmed, are there any issues from which you have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures you will use to carry out such a recusal or disqualification.

*I am not aware of any such issues except as described in my Ethics Agreement. Should a potential conflict arise, I would consult with NARA's designated agency ethics official to determine how to proceed.*

## **II. Role and Responsibilities of Archivist of the United States**

9. What do you believe to be the roles, responsibilities, and most important functions of the Archivist of the United States?

*The Archivist leads a complex organization in the fulfillment of a mission to collect, protect, and encourage the use of the country's records. In addition, the Archivist advises the Administration on matters of transparency and sets the standard for records management activities in all government agencies.*

10. If confirmed as Archivist, what will be your top priorities for NARA?

*If confirmed, my top priorities would include the following:*

*Electronic Records Archives—ensuring that this important project meets*

*deadlines, is resource efficient, and delivers the desired product;*

*Collections Security—ensuring that a sense of urgency surrounds NARA's policies and procedures dealing with how materials are handled by staff and users and how those materials are protected from theft and other sources of potential harm;*

*Processing of Backlogs—investigating options and alternatives for expedited "cataloging" of materials to improve access;*

*Preservation Needs—a collection of more than 9 billion items brings with it enormous preservation and conservation challenges;*

*Storage—adequate and appropriate space must be planned with a view to the future;*

*Presidential Libraries—analysis of the long-term future of more physically separate facilities, the associated costs, and the risks and rewards of such a system;*

*IT Security—ensuring that NARA content is accessible to appropriate stakeholders at the appropriate time, that the content is protected from external attack, and that the veracity of the content is ensured;*

*Records Management Compliance—working with the agencies to ensure that protocols are being followed, that agency staff is well trained and has the support they need, and that agencies get feedback from NARA on how they are doing;*

*Job Satisfaction of NARA Staff—understanding the results of recent job satisfaction surveys and how management can make a difference in staff's NARA work experience; and*

*Relationship with Stakeholders—ensuring that there is an ongoing dialog with NARA's many stakeholders, that feedback is welcomed and solicited, and that a collegial relationship is fostered.*

11. Please explain how you would build stronger relationships between NARA and key stakeholders, such as the appropriate state and federal agencies, as well as historians, records managers, and other users of NARA holdings.
  - a. How do you intend to work with Federal agencies, Congress, the courts, state and local governments, and the White House to advance issues of importance to NARA's mission? Please be specific.

*As a rule, I am comfortable one-on-one and in groups delivering the message and working with stakeholder groups. Before determining the specific approach I would*

*take, I plan to study how NARA currently performs this work and evaluate the effectiveness of existing structures. I would expect that the nature of the issue under scrutiny would drive the appropriate NARA action and approach.*

- b. Please explain any experience you may have in working with major archival collections donors, including federal agencies, states and private collectors. What skills do you have that would ensure successful partnerships with such organizations?

*I have extensive experience with private collectors and some experience both in New York and North Carolina with state archives. In all cases the key is relationship development and stewardship. With private collectors, a successful partnership often requires a multigenerational relationship and commitment. Individual and institutional credibility, built on trust, is the basis for those successful relationships.*

- c. What role should NARA play in the national and international archival and records management communities, including professional associations?

*NARA should play a leadership role in the national and international archival and records management communities, especially now around the issue of electronic records management. NARA's great contribution to the national and international communities, over time, has been sharing the agency's expertise in best practice methodology and guidance and training. In addition, helping to set the standards by which this work is done has been a major contribution of NARA. These communities now look to NARA to play the same roles in the electronic records environment.*

- d. What role should NARA play in the international community of national archives, including the International Congress of Archives?

*The international community of national archives is especially reliant upon the work being done by NARA and has been throughout its history. It is clear that NARA's current thinking and work in the electronic records environment is of great interest and need for this group. Most importantly, the United States must lead an international effort around electronic records management standards.*

- e. How should NARA be involved in the national and international archival and records management standards-setting communities?

*NARA can and should play a key role in both national and international archival and records management standards-setting. Just as NARA has played a lead role over time in the establishment of standards for records processing, preservation, and retention, the agency has an opportunity to play the same role in the electronic records arena. It is important that we have internationally consistent standards, especially in an electronic environment, which allow for the sharing of information and content across agency, institutional, and national boundaries.*

12. The National Archives and Records Administration Act of 1984 (P.L. 98-497) requires

that the Archivist be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties of the position. In the Conference Report accompanying the legislation, the Congress noted that the "insulation from political pressure is necessary to ensure confidence and cooperation from all agencies. Public confidence in the Archivist's role will also be enhanced if the office is permitted to pursue, objectively and independently, the archival responsibilities necessary to ensure preservation of the Nation's historically valuable records."

- a. As Archivist, how would you protect NARA from political or partisan interference?

*Please see below.*

- b. What measures would you take to ensure the political and ideological independence of NARA when confronted by political demands or pressures?

*Please see below.*

- c. What steps would you take to assure that the decision-making process of the Archivist, with respect to screening and appraisal of records, is free of external influence by the creating agency, other executive branch agencies, Congress, or any other person?

*NARA's neutrality is key to the successful fulfillment of its mission. If confirmed as Archivist, I would be committed to maintaining NARA's neutrality. The records schedules are created by NARA and the agency and those schedules set the standard by which the agency behaves regarding those records. It is the responsibility of NARA to ensure that the standards are being upheld. The self-assessment process, as well as an audit process, will help reinforce this. I have significant experience in this area, as managing large libraries—building collections and servicing diverse communities—requires a similarly neutral, independent approach.*

13. The Paperwork Reduction Act (44 U.S.C 3501) requires the Director of the Office of Management and Budget (OMB) to "provide advice and assistance to the Archivist of the United States" with "the information resources management policies, principles, standards, and guidelines" established under the Act. It also requires the OMB Director to review agency compliance with the requirements of the Act, as well as regulations promulgated by the Archivist.

- a. To what extent do you believe the federal government has met the requirements and intent of information resource management provisions of the Paperwork Reduction Act?

*The Paperwork Reduction Act establishes a broad mandate for agencies to perform their information resources management activities in an efficient, effective, and economical manner. The federal government has worked to implement the mandates of the Paperwork Reduction Act through the creation of the Office of Information and*

*Regulatory Affairs (OIRA); the development of OMB Circular A-130, "Management of Federal Information Resources," which provides the information management policy framework for the executive branch agencies of the Federal Government; and the E-Government Act of 2002.*

*NARA and OMB both have responsibilities to set policies to ensure that federal records are managed in the best interests of the federal government and the American people. Agencies, for the most part, have put forth a good faith effort to establish records and information management programs in accordance with the guidance and regulations promulgated by OMB and NARA, but there is always an issue of the agency resources available to implement strong agency records management programs in light of competing priorities.*

*The responsibilities of the Archivist, as detailed in 44 U.S.C. Chapters 29, 31, and 33 provide the authority for promulgation of regulations for federal records management. NARA issues records management regulations in 36 CFR chapter XII, subchapter B; and guidance in NARA bulletins to heads of Federal agencies and a wide variety of other guidance products. In fiscal year 2009, NARA identified "gaps" related to its re-write of the subchapter B records management regulations and solicited Federal agency feedback to determine relative priorities in filling those gaps. NARA has worked proactively with OMB and the agencies to emphasize the integration of records management with other information resources management activities. For example, NARA led an effort, with assistance from OMB, and the Architecture and Infrastructure Committee of the Chief Information Officers Council, to develop and issue the Federal Enterprise Architecture Records Management Profile. The FEA RM Profile provides a framework for agencies to provide for the management of records in the development and implementation of information systems.*

- b. If confirmed, how will you work with OMB to implement the requirements of the Paperwork Reduction Act?

*It is my understanding that the current NARA position is that NARA and OMB will continue to work as partners to ensure that agencies meet the requirements of the Paperwork Reduction Act. OMB directed that NARA play a prominent role in the Interagency Committee on Government Information created by the E-Government Act of 2002. I am told that OMB has consulted NARA on proposed OMB information management reporting requirements, proposed legislation, and other issues that have records management implications. NARA, of course, will continue to consult OMB through the Executive Order 12866 (as amended by Eos 13258 and 13422) clearance policy when applicable.*

*Additionally, as indicated in OMB Circular A-130, OMB requires that agencies provide "Systematic attention to the management of government records" in order to maintain government accountability and, along with records preservation, to "protect[] the government's historical records and guard[] the legal and financial*

rights of the government and the public." NARA supports this function and OMB responsibilities by carrying out the following measures identified in this circular:

(a) Requiring that agency records management programs provide adequate and proper documentation of agency activities. Records management is the application of systematic and scientific control to all of the information that an organization requires to perform its functions. The explosion of records created electronically has burdened agencies, and their retention and access has created problems across the government. NARA's goal, which I intend to work towards if confirmed, is for records management to be so seamlessly integrated into agencies' business practices that it becomes second nature; and for information to be easy to find in a usable form. It is my understanding that, to achieve this goal, NARA has undertaken a multi-faceted approach to improving federal records management through a suite of strategies, policies, standards, and tools that facilitate the effective and efficient management of Federal records. NARA is working with agencies to schedule their electronic records (e.g., NARA Bulletins 2006-02 and 2008-03 and various, format specific scheduling tips sheets); NARA is also working to provide new solutions to the preservation and access to long term-temporary and permanent records.

(b) Ensuring the ability to access records regardless of format or medium. NARA is committed to the preservation and access of permanent or long-term temporary records, either in paper format or electronic. Paper records, although not routinely created, are still maintained for those of long-term retention. The Archivist, through regulations and guidance, has instructed agencies on methods of storage and, by the implementation of facility storage standards, has ensured that those records will be maintained as necessary. NARA's mission, to preserve the records created by our nation's government over more than 200 years, must change to address the electronic records being created in e-government, as well as the paper records of the past. NARA first received electronic records in the 1960s and has provided for their preservation and access, such as the Archival Access Database (AAD). The Electronic Records Archives (ERA) is NARA's tool for the permanent retention of electronic records. ERA is a comprehensive, systematic, and dynamic information system that preserve and provides continuing access to authentic electronic records over time. With its implementation, ERA enables NARA to process and make available permanently valuable Federal and Presidential electronic records. If confirmed, I will ensure that NARA will continue to work with agencies to address the problems associated with the retention of long-term temporary electronic records.

(c) Establishing retention schedules for Federal records. 44 U.S.C. Chapter 21, 29, 31, and 33 provide the authority of the Archivist of the United States to ensure for the efficient and effective records management of federal records. The definition of records in 44 U.S.C. 3301 includes references to the information value found within records. 36 CFR Subchapter B provides for: the establishment of a records management program in federal agencies; guidance for scheduling



*records to ensure the adequacy of documentation and accountability of federal agencies; and standards for the creation, use, preservation, and disposition of electronic federal records.*

*(d) Providing training and guidance to agencies regarding their federal records management responsibilities. It is my understanding that NARA has developed and provided training and education opportunities for all individuals involved in the management of federal records. The development of a NARA records management certificate program enables federal records managers to become certified in federal records management from basic principles to management of electronic records. If I am confirmed, NARA will continue to work with federal agencies in the management of the agencies' records, including electronic records.*

*In addition, NARA has revised the regulations concerning federal records management; the new rules define electronic records management in broader terms, clarifying that electronic records are subject to the same requirements as paper records. The rules also lay out guidance for NARA inspections of agency records management practices, making the inspection process more focused. In addition, the updated regulations clarify how records should be managed by contractors working for an agency; require agencies to get permission from NARA before loaning original records to other agencies; require agencies to notify NARA when records that could threaten health, life, or property are discovered; and, address how allegations of the removal, alteration, or destruction of records should be handled.*

- c. How do you see the differing responsibilities of NARA and OMB in terms of setting and implementing records management policy for the Federal government?

*The authority of the Archivist as detailed in 44 U.S.C. Chapters 29, 31, and 33 includes the promulgation of regulations and guidance for Federal records as well as oversight of Federal agency records management programs. NARA has primary responsibility for developing and issuing records management policy and for the oversight of its implementation by federal agencies. Additionally, as outlined in A-130, the OMB circular that addresses the OMB's responsibilities under the Presidential records Act (PRA), the Archivist of the United States will "assist the Director of OMB in developing standards and guidelines relating to the records management program." When required, NARA submits its proposed and final regulations and significant guidance products to OMB for executive branch clearance.*

- d. While the Paperwork Reduction Act established the Administrator of the Office of Information and Regulatory Affairs (OIRA) as the principal advisor to the Director of OMB on Federal information resources management policy, The E-Government Act of 2002 (P.L. 107-347) later established an Office of Electronic Government, whose Administrator would "work with the Administrator of Information and Regulatory

Affairs in setting strategic direction for implementing electronic government,” including the provisions of the Paperwork Reduction Act. Is the division of responsibilities between the Electronic Government and OIRA offices in OMB clear to you, and how would you work with each office to fulfill NARA’s mission, if confirmed?

*In the development and completion of initiatives and guidance products, it is my understanding that NARA has not found any conflicts in working with the Office of Electronic Government or OIRA. As noted previously, NARA continues to submit to OIRA those products requiring executive clearance. Where NARA has worked with the Office of Electronic Government on E-Government initiatives, including the Electronic Records Management Initiative and the FEA Records Management Profile, both NARA and the Office of Electronic Government kept the OIRA desk officer for NARA informed. As NARA has demonstrated in its management of the Electronic Records Management Initiative of the E-Government Act, and in its ongoing interactions with OIRA, NARA has not found its interaction with both offices to be mutually exclusive. If confirmed, I will continue to support the mandate of the PRA in effectively and efficiently managing information resources. As demonstrated by the electronic records management guidance products developed by NARA under the direction of the Archivist, NARA has worked to fulfill its responsibilities both under the Federal Records Act and the E-Government Act.*

14. Information security continues to be a serious and growing problem throughout government. If confirmed as head of NARA you will have numerous responsibilities under the Federal Information Security Management Act of 2002 (P.L. 107-347) (FISMA) relating to information security, including “ensuring that information security management processes are integrated with agency strategic and operational planning processes.”

- a. Have you reviewed the responsibilities for agency heads that were established under FISMA?

*Yes.*

- b. Please describe your experience with developing information security procedures for large organizations.

*At MIT, Duke, and the NYPL, I have participated in the development of security procedures designed to protect user identity, protect the confidentiality of circulation transactions while providing for last use information for rare and special materials, protect from external attack, lock down desktops to reduce the risk of viruses and other unpredictable network complications, and implement restricted systems with controlled access levels.*

- c. What will you do, if confirmed, to ensure that NARA is meeting its responsibilities under FISMA and protecting its information and information systems overall?

*I plan to work closely with appropriate NARA staff and OIG to ensure that FISMA is followed.*

- d. When contracting with outside entities, do you believe that NARA properly considers information security issues?

*Based on my current understanding, I believe that NARA appropriately considers information security issues. However, if confirmed, I plan to review this area further.*

- e. Do you believe that NARA has enough personnel and resources to protect its systems?

*Based upon my understanding of the 2007 Material Weakness in IT Security report and resolution, I believe that NARA has adequate personnel and resources to protect its systems. However, if confirmed, I plan to further evaluate the personnel and resources allocated to this task.*

15. You were associated with the New York Public Library when it agreed to participate in the Google Books Library Project, under which a collection of its public domain books is being scanned and made available online. Aspects of the Google Books Library Project were controversial, raising questions about intellectual property rights and control.

- a. Based on your experience with the project, can you describe possible implications for the National Archives?

*It is my understanding that several years ago, NARA worked with Google on a pilot project to digitize 100 films. Google doesn't ordinarily work in "pilot project" modes and the project did not result in a significant sustained relationship. To date, Google has been focused on book materials. It is possible that Google will eventually move on to "manuscript" materials and images and may look for partners with large collections. Google may well approach NARA again.*

*Since the beginning of the Google Book Project, Google's interpretation of copyright law has raised concerns among publishers, authors, libraries, and most of the European Community. The proposed Google Books Settlement, crafted by the Association of American Publishers, the Authors Guild, and Google, may resolve these concerns but is also likely to face legal challenges. Since the NARA "collection" is largely materials in the public domain, the intellectual property issue may be of less concern than the issue of control of digital content. The standard Google library partner contract provides the partner with a digital copy of every book scanned. What the library can do with that copy is restricted by contract language which limits most reuses of the digital content. Any future conversations by NARA with Google should ensure that both intellectual property and content control are high on the agenda.*

- b. How do you think your experience with this project, or other experiences involving electronic documents, would help you to effectively lead the government's ongoing transition to electronic records?

*For five years I managed the NYPL relationship with Google. It gave me experience in contract negotiation, working with a large commercial vendor, public/private collaborative relationships, intellectual property management, and invaluable experience in helping create an imaginative digital product. At the same time, I inherited a robust digital library program that had been active since the mid 1990s at the NYPL, created as a separate entity. I worked hard to transform the digital program into the core business of the library, established a digital strategy unit, and recruited a director of digital strategy and scholarship. All of these experiences have given me a digital view of the world and an appreciation for new ways of engaging creators and users with content which is applicable to the NARA role.*

### **III. Policy Questions**

#### *NARA Management*

16. NARA's workforce is a large, diverse and widely dispersed one that has experienced several reorganizations.

- a. What managerial experience can you draw on to help you lead NARA and its large, diverse workforce?

*I have grown up in large, diverse, widely dispersed organizations. Each brings the challenges of consistency of message and quality of service. The last three years, for instance, has involved the reorganization of two very distinct New York Public Libraries (branch and research) into OneNYPL which addressed each of the challenges mentioned above.*

- b. Do you intend to reform the current management structure at NARA?

*I have no reformation planned at this time. If confirmed, I plan to assess the current structure before determining whether any changes are necessary.*

17. If confirmed, how would you maintain an appropriate balance among the functions of records management, storage, accessioning, preservation, and online access at NARA?

*My approach has always been to learn the organization, understand the history, listen to the staff and the stakeholders, analyze the data, identify the obstacles and enablers, and test some assumptions. If confirmed, I plan to evaluate the current allocation of effort and resources as well as unmet needs.*

18. In your opinion, what are NARA's greatest challenges over the next five years?

- a. Do you believe that these challenges are sufficiently reflected in NARA's strategic plan?

*Please see below.*

- b. What changes would you make in the strategic direction of the agency, if confirmed?

*Please see below.*

- c. How would you hold NARA's senior executives accountable for implementing the goals and objectives set forth in the strategic plan?

*I have reviewed reports, papers and analyses from NARA and other sources, and I have conducted independent research on the challenges facing NARA. One of the best summaries of my own sense of these challenges is contained in the most recent report of the Inspector General, in which he spells out NARA's top 10 management challenges, ranging from ERA to job satisfaction. Comparing the list to the latest DRAFT Strategic Plan was an opportunity to test the IG's view of need against NARA's and I was pleased to see convergence on the issues in that document. In addition, I have looked at the first stakeholder reactions to the DRAFT Strategic Plan, that of The National Security Archive and CREW. Both contain thoughtful analyses and recommendations for improving the Plan and will hopefully be reflected in the final plan. It is important that the new Archivist set the strategic direction and "own" that plan. As for delivering on the plan, it is part of a larger issue of performance management. Being unfamiliar with current evaluation practices, I need more information to respond but I would use appropriate accountability measures.*

19. NARA is facing the loss of experienced personnel who will soon be eligible for retirement. If confirmed, how will you attract new employees with the appropriate training to offset that loss?

*This is a problem being faced by all like institutions. Some of the strategies being used to address the problem include establishing better career paths within the organization to encourage junior staff to think of careers in the organization, providing student internships, and recruiting from other professions.*

20. At a hearing before the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security on May 14, 2008, then Archivist Allen Weinstein testified that he believed NARA could use more resources to fulfill its mission.

- a. Based on your review of NARA's mission and resources, do you agree with Mr. Weinstein's assessment?

*Having managed three large, physically decentralized, aging "systems" with ever expanding responsibilities, I can attest to resources always being a problem. I would*

*expect that I would support Mr. Weinstein's assessment, but if confirmed, I plan to evaluate the current resource needs myself before providing a more detailed assessment.*

- b. Given the lack of resources, if confirmed, how would you address some of the agency's existing problems such as space limitations, aging facilities, deteriorating records that need assessment and stabilization, substantial descriptive backlogs, and the need for better assessment and cooperative transfer of agency holdings?

*One of my first tasks is to work with NARA staff to better understand the issues, priorities, current practices, and resource needs.*

- 21. The E-Government Act requires that the Chief Information Officer Council "[w]ork with the Archivist of the United States to assess how the Federal Records Act can be addressed effectively by Federal information resources management activities."

- a. If confirmed, how will you work with the Chief Information Officer Council to implement Federal information resources policy?

*The Archivist of the United States must ensure that federal information resources policy decisions made by the CIOC fit into a broader framework that supports the Federal Records Act; that the Archives is consulted as a regular part of the review and clearance of draft CIOC policies; that the CIOC continues to serve as a supplemental, external review body for drafts of major electronic records management guidance; and that NARA continues to work with the Chief Architect and the Federal Enterprise Architecture (FEA) PMO to ensure records management is a primary consideration as agencies implement the FEA. That said, not all "information resources" are records; hence only a subset of CIOC policies will overlap with Federal Records Act requirements and issues.*

- b. How do you see the relationship between the Archivist and the Chief Information Officer Council, and Federal Chief Information Officers generally?

*In many federal agencies the Records Officers are based in the agencies' CIO organization. Those Records Officers who are not in CIO organizations should be. NARA should interact with agencies' senior management to raise awareness for this realignment. The Archivist must work with CIOs to ensure that records (particularly electronic records) are managed as information resources but also as federal records. The Archivist must encourage federal CIOs to deploy automated solutions to ensure appropriate management of electronic federal agency documentation.*

- 22. What is your view of the role of the National Archives and Records Administration Inspector General (IG)? Please describe what you think the relationship between the Archivist and the Department's IG should be. If confirmed, what steps would you take to establish a working relationship with the IG?

*The Inspector General is an internal independent auditor charged with keeping the agency honest and accountable. The relationship should be collegial and not adversarial. There should be no surprises on either side. My entire career has involved close working relationships with IG-like entities and I would expect to have the same experience at NARA.*

23. On January 21, 2009, President Obama signed a memorandum directing the Chief Technology Officer to develop an Open Government Directive that would instruct departments and agencies to take specific actions to implement the principles that government should be transparent, participatory, and collaborative.

- a. What do you see as NARA's role in helping the government become more transparent, participatory, and collaborative?

*Please see below.*

- b. If confirmed, what specific actions would you take to help President Obama reach the goals of this memorandum?

*Please see below.*

- c. How do you reconcile the need to provide transparency in recordkeeping with national security concerns?

*While NARA is most commonly identified with providing access to the historical records of the United States Government, the agency plays a less well-known, but equally critical role in providing access to current legal documents of the Executive Branch through its Office of the Federal Register. Transparency, participation, and collaboration were the motivation 75 years ago for creating the Federal Register system, and they remain the heart of the process. The foundations of the Federal Register system have proven to be surprisingly adaptable and the Office of the Federal Register has moved from a paradigm of print publishing to one of information delivery, without losing what is at the heart of the process: a central location to find regulatory material, a codification of that material, a means of communicating changes to Federal rules, a democratic means of enacting rules with citizen participation, and a method to meet the Constitutional enforcement demands of due process and prior notice.*

*The Office of the Federal Register responded to President Obama's Open Government Directive by working with the White House Office of Science and Technology Policy and the Government Printing Office to make bulk downloads of the daily Federal Register available for re-use and reformatting by the public. With this structured data, NARA is making possible: new paradigms for publishing, including customer-created publications, on-demand printing, and subscriptions to "pushed" data; new means for participating in the Federal rulemaking process, including the application of social networking tools; and broadening participation in the development of regulations. In these ways, through its Office of the Federal Register, NARA is uniquely positioned to*

*participate actively in President Obama's efforts to promote transparency, participation, and collaboration in government operations.*

*There is no classified data in the Federal Register system. Regarding NARA's historical records, the National Archives has always seen the public as partners in the fulfillment of this mission. In recent years, volunteers have given thousands of hours of their time and expertise to help better serve researchers and visitors. With the advent of Web 2.0, the potential of tapping into talents of people who care about records is almost limitless. There are pilot projects in several departments of NARA to let online customers create finding aids by tagging records or to build communities around records or even to have the public transcribe records. One example: for years, NARA has taken a leadership role in encouraging the effective use of primary sources in the classroom. This effort has taken the forms of articles and workshops and videoconferences. This has been very successful, but rather small scale. I have learned that, inspired by the new administration, NARA recently launched a new approach. In a project called DocsTeach, teachers will not just receive materials from NARA, they will use new online tools to create their own projects, share them, and evaluate them. The site works from the premise that while NARA has a few experienced classroom teachers, the real depth of resources resides in actively engaging a much larger group of educators. Even the design of the new site has benefited from teacher input through a blog/forum entitled "Collaborate." Teachers are empowered to tell NARA how to build tools that will serve them. The Education team is very proud that Collaborate was among the first sites to be featured in the White House's Innovations Gallery through the auspices of the Office of Science and Technology Policy.*

#### *Electronic Records*

24. What unique challenges do you believe are presented by the need to manage electronic records?

*The challenges are many: the stability of the media; the variety of formats and platforms and devices; the volume and scale of the information and data; decision making about what to keep; the ability to ensure the security and veracity of the content; and dealing with "versions" of content.*

25. How would you address the government-wide problem of unscheduled (records not covered by a disposal schedule) electronic records?

*NARA has issued guidelines for scheduling existing electronic records and guidance on flexible scheduling. An assessment of the effectiveness (and/or awareness) of the guidelines may be in order.*

26. How should NARA build on the requirements of the E-Government Act of 2002 (P.L. 107-347), in particular with respect to public access to electronic information?

*Section 207(e) of the E-Government Act, entitled "Public Access to Electronic*



*Information” spells out NARA responsibilities in this area. This section states that the Interagency Committee on Government Information shall submit recommendations to the OMB Director and the Archivist on “(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and (B) the imposition of timetables for the implementation of the policies and procedures by agencies.” Section 207(e)(2) directs the Archivist is then directed to issue policies addressing both issues, and (e)(3) directs the Archivist to modify these policies as needed in consultation with interested parties. Federal agencies must report their compliance to OMB.*

*NARA’s current view is that Section 207(e)(2) speaks to the Archivist’s responsibilities to ensure agency adoption of policies and procedures ensuring FRA-compliant management of “government information on the Internet and (GII) other electronic records,” and that Section 207(e)(3) calls on the Archivist to modify these policies in consultation with interested parties. Agencies, not NARA, declare records under 44 U.S.C. 3301 (the Federal Records Act). NARA’s current view is that it has no authority over “government information on the Internet” that agencies do not declare as a record. NARA has issued Bulletin 2006-02, which established a timetable and reaffirmed policies (scheduling e-systems) applicable to Section 207(e)(2) and reminded agencies in of the December 2009 deadline for implementing policies and deadlines in Bulletin 2006-02 via Bulletin 2008-03. In September 2009, NARA launched agencies self-assessment of records management practices.*

*To build on the requirements in Section 207(e)(2), NARA can ensure agencies schedule their records, particularly their websites, and ensure that agencies are aware of RM implications/problems with Web 2.0 technologies (e.g., Government relinquishing ownership of YouTube or Facebook content). To build on requirements in Section 207(e)(3), NARA should evaluate policies in light of agencies’ records management self assessments and act on finding when warranted, including developing a policy for a changing information and records management environment.*

27. Have you guided or advised transitions from paper to electronic records before? What experiences could you bring to this position that would enable you to effectively lead the government’s transition to electronic records?

*Every institution in the country is grappling with the transition from paper to electronic information and the impact on long term access. At MIT we were grappling with email scheduling and retention as part of our records management program. At Duke we dealt with the same issues in addition to archiving enterprise system data. At the NYPL a process has just launched to revisit existing records policies and practices to better manage electronic files. All three experiences required working across organizational lines to get customer buy-in and compliance; stakeholder participation in the development of policies, procedures, and systems; training, guidance, and support by the library; and security systems that protect the content from unauthorized use, protect the veracity of the information, and could be depended upon “in perpetuity.”*

28. How do you see NARA's role evolving in an age in which the federal government is increasingly dependent on electronic communications?

*This is an opportunity for NARA to assume a leadership role in the capture, preservation, and management of electronic information. NARA is in an ideal position to facilitate the shift from paper to born digital records and provide the leadership that such a shift entails.*

29. What would be your electronic records management strategy for NARA? What is your vision for records management that can meet the reality of electronic records and the information age?

*Promoting and ensuring effective records and information management across the federal government is the foundation on which the long-term success of NARA's mission depends. This foundational work is carried out by ensuring that federal agencies can economically and effectively create and manage records necessary to meet business needs, ensuring that records are kept long enough to protect rights and assure accountability, and ensuring that records of archival value are preserved and made available for future generations. Fundamental changes in the federal government's business processes, and in the wide information management environment, have critical implications for the records lifecycle. Today, the federal government creates the bulk of its records and information in electronic form. To deal with these challenges and carry out its mission, NARA must provide leadership and be more agile in adapting to changes in information technology and in the federal recordkeeping environment.*

*It is my understanding that NARA currently has a Task Force for Development of an Integrated Electronic Records Program charged with identifying the key elements required in a multi-pronged program designed to serve NARA's customers in the ongoing digital revolution which is profoundly affecting the Agency. Specifically, the Task Force will draft a revision to Goal 3 of NARA's Strategic Plan reflective of current and future operating environments; identify the goals, strategies, and policies appropriated for a full electronic records management program that encompasses the records lifecycles for Federal and Presidential records; recommend specific actions NARA should take in the near and long term to accomplish the identified goals and implement the strategies and policies; identify the resources (people, staff competencies, funding) and infrastructure (equipment, organizational structure) required to successfully take the action recommended in step 3; and propose the change management plan needed to successfully implement the recommended electronic records program. To date, the Task Force has taken the agency lead on revising Strategic Goals One and Three, related to electronic records management and the Electronic Records Archives project, respectively in the DRAFT Strategic Plan Update, 2006-2016. It has also done some preliminary work on defining goals, strategies, and policy directions to address the electronic records management challenges.*

*NARA's mandate for collecting, protecting, and encouraging the use of records is format*

*neutral and the management of electronic records is just the latest format shift with which the agency has dealt over time—the most challenging and, at the same time, most exciting shift. I look forward to inserting myself into this process.*

30. NARA's current guidance on e-mail, which permits agencies to manage e-mail records by printing and filing them in paper files, has been criticized. If confirmed as Archivist, would you review this guidance?

*Yes, I would review this guidance. Printing to paper is not a long term solution.*

31. Government business is increasingly being done with electronic records, including, but not limited to, e-mail. However, NARA cannot preserve electronic records if they are not adequately saved and identified by the originating agencies. Last year, the Government Accountability Office (GAO) reported on weaknesses in the preservation of electronic records, including e-mail, at several agencies. What do you plan to do as Archivist to ensure that agencies adequately preserve electronic records?

*An agency self-assessment is currently underway. This will identify weaknesses in current practice, opportunities for training and guidance, and set the stage for annual audits by NARA. It will also create a sense of urgency around local management of these records.*

32. NARA's recent records management framework states that agencies are responsible for determining how to manage a program's Web records, how to implement electronic records management software, and how to manage records created by collaborative technologies such as wikis and blogs.

- a. Can you share your thoughts on how the Archives could provide leadership on these issues?

*NARA can provide leadership by identifying and evaluating best practices, both from within and outside of Government, that agencies can scale to meet their own needs; by articulating clear and achievable standards for records management in federal agencies; by providing information about emerging technologies when appropriate; by demonstrating a willingness to change when necessary; by continuing to provide guidance products that delineate what agencies must do to comply with records management laws and regulations; by continuing to develop and maintain a robust Records Management Training curriculum; by regularly conducting conferences, forums, seminars, and briefings for agencies; by participating in international standards committees and contribute to standards that impact records management; and by providing records management expertise through reimbursable training and consulting services to solve particularly difficult issues an agency may face.*

- b. Do you have ideas on practical approaches to appraising and preserving government web sites, implementing records management software, or capturing electronic records in social collaboration digital media?

*I believe agency websites and social media content constitute "records" and need to be managed just as other agency content is managed. Implementing such management is likely to be a significant challenge. I am particularly interested in the White House's recently released RFI for capturing social media content as well as NARA's role as a potential model for other agencies in the future.*

33. One of NARA's most critical projects is the development of the Electronic Records Archive, which is to preserve and provide access to federal and presidential records. Have you led the development and implementation of large systems before? What, in your view, are the critical factors for successfully managing such an effort?

*In the course of my three library careers I have implemented and migrated integrated library systems twice at MIT, I have merged two separate systems at Duke, and, most recently, I oversaw the merger of two separate (and enormous) systems at the NYPL to create the first integrated NYPL system in history. Success factors learned throughout these endeavors have hinged on having the right vendor, clear objectives, stakeholder involvement, oversight, and testing, testing, testing.*

34. NARA's largest technology investment is the Electronic Records Archive (ERA) project, which is being built to preserve federal and presidential electronic records. NARA has spent more than \$250 million on this project to date. However, the project has previously experienced schedule delays and GAO recently reported that ERA was not fully capable of answering requests for electronic records from the Bush administration as intended. Instead NARA used other, less expensive solutions to answer these requests. What do you plan to do as Archivist to ensure that this major acquisition meets future time and capability milestones?

- a. GAO also reported that NARA's expenditure plans for ERA lacked adequate detail on the capabilities to be delivered in future increments. How will you ensure that the Congress has adequate information to hold NARA accountable for ERA's progress?

*Please see below.*

- b. One of the stated goals of the ERA project is public access. Even though NARA has spent more than half of the projected project budget, ERA does not yet have any public access capabilities. If confirmed, what is your vision for public access to electronic records? When can the public expect to have access to NARA's vast electronic holdings? To what extent is ERA necessary to achieve this vision?

*ERA is clearly the most visible of all of the areas of responsibility the new Archivist will inherit. It is an initiative that is being closely watched around the world because every organization has similar needs to manage electronic records and is seeking the "silver bullet" solution. If confirmed, I plan to fully evaluate NARA's progress to date, and to work with NARA's staff to ensure the project meets future milestones.*

*The vendor, Lockheed Martin, has a history of innovation in this area, and based on my understanding so far, appears to have the capability to deliver on this project. Lockheed Martin pioneered information retrieval systems during the 1970s to transform the way scholars and researchers did their work.*

*According to NARA's ERA Update of September 2, 2009, public access to records is scheduled for Increment 3 of the project that is currently under development.*

35. One of NARA's responsibilities is to house the official records of the U.S. House of Representatives and Senate from the First Congress to modern congresses as well as the records of legislative branch agencies and commissions. The Center for Legislative Archives is funded by NARA at approximately \$2 million a year and contains a collection of records totaling over 500 million pages that grows every year. In addition, the Center continues to receive massive amounts of electronic records that are currently not stored in the Electronic Records Archives but are instead captured by another duplicative system. Currently the Center is at approximately 80% physical storage capacity and expects to be overwhelmed in another three years. Further, there are no detailed plans for how and when NARA will handle electronic Congressional records through the Electronic Records Archives system. What do you believe are the top 3 management issues at the Center for Legislative Archives and how do you plan to address them?

*I believe the top three management issues at the Center for Legislative Archives are:*

- (1) Managing electronic formats. This is planned as part of ERA in 2010;*
- (2) Space in Archive I. This archive is quickly running out of space;*
- (3) Resources required to get the job done.*

*If confirmed, I plan to study each of these issues in depth and consult with career staff at NARA before determining the best way to address these challenges. I look forward to discussing this issue further with the Committee.*

#### *Records Management*

36. If records are not well managed while they are being created and used, agencies may not be able to find valuable information when they need it, and records of permanent historical value may be lost before they can be archived. Yet records management has historically been given low priority. GAO has reported that NARA's oversight of federal records management has been limited.
- a. How do you view the current practices of federal agencies in relation to records management?

*If confirmed, I plan to review records management practices at federal agencies. I look forward to discussing this issue with the Committee after completing that review.*

- b. If confirmed, what could you and NARA do to raise the priority and profile of records management across the federal government?

*Options include creating a sense of urgency about the importance of the records, offering onsite training and guidance, using the new self-assessment tool to measure effectiveness, and instituting an annual records audit for each agency.*

- c. In your view, do NARA's responsibilities include providing leadership, guidance, or oversight to help agencies manage their records efficiently and effectively?

*Yes.*

- d. If confirmed, how would you raise awareness of and commitment to records management among senior government managers?

*One way to accomplish this is to institute an audit process and share the "scorecard" with each agency's senior managers.*

- e. Do you believe there is sufficient training across the agencies for Federal employees in records management?

*I do not currently have data on resources devoted to this aspect of NARA's responsibilities. If confirmed, I plan to review and evaluate agency records management training. I look forward to communicating with the Committee further on the issue of records management training after conducting this review.*

37. Agencies are tasked to produce information in response to both legal discovery and FOIA requests, neither of which is confined to official federal records. This has led some to suggest that the greatest need in federal agencies is for guidance on information management, not just records management. Please discuss your views on managing records versus managing information.

*The two competencies are closely linked. Effective information management relies on effective records management. The shift to electronic records, I believe, actually supports the information management competency. The ability, with continuously improving harvesting tools, to search across records, years, agencies, etc. provides a very powerful information future for the Archives.*

38. In your opinion, do federal recordkeeping laws need to be updated in light of new information and communication technologies?

*As a general matter, federal recordkeeping laws should be kept relevant and up-to-date with respect to new information and communication technologies. If confirmed, I plan to study this issue further before suggesting potential changes related to new technologies. I would be happy to communicate further with the Committee on this subject upon completing this review.*

39. Given that not all government records, whether paper or electronic, can or should be preserved, do you think the current approach to appraising records and determining retention schedules is adequate? What are your views on records and record-keeping systems as a means of both documenting and keeping government accountable to its citizens and protecting citizens' rights?

*The current appraisal and retention systems are agency specific and should be reviewed by NARA and the agency on a regular basis to ensure that the right records are being captured and retained for the appropriate "life" of the records. The successful fulfillment of the Archives' mission hinges on effective appraisal and retention decisions. One of the great contributions that NARA makes to democracy is the free and open access to the records of the country, a policy that fosters accountability to its citizens and, at the same time, protects their rights.*

40. What steps do you think NARA should take to ensure that federal agencies retain, preserve, and manage electronic records, pursuant to statutory mandates?

*The NARA DRAFT Strategic Plan Update, 2006-2016, Strategic Goal Three states that NARA will address the challenges of electronic records in Government to ensure success in fulfilling NARA's mission in the digital era. The five specific strategies for this goal include identifying permanently valuable electronic records wherever they are, capturing them, and making them available in usable form as quickly as the law allows; developing implementing, integrating, and managing an electronic records program which is responsive to the needs of Federal Government and customers who expect continuing access to the Government's electronic records; deploying further increments of the Electronic Records Archives to capture, describe, preserve, and provide continuing access to Government electronic records; partnering with agencies, research institutions, and private industry to develop, implement, manage, and promote the electronic records program both within NARA and for the Government at large; and providing leadership to the Federal Government by testing and implementing within NARA itself the effective lifecycle approaches that emerge from the work of an electronic records program.*

*NARA's current view is that NARA needs to do more to support agencies in transferring to the National Archives their permanent electronic records sooner than the more traditional 30 years after active use found often with textual records. NARA's current Task Force for Development of an Integrated Electronic Records Program is exploring recommendations on how "early capture" of electronic records could work. While early capture of electronic records begins to solve some of the records identification and technological issues, there is a potential for increased costs to NARA, balanced with the business needs of the creating agencies, and the potential access burdens (i.e., FOIA, special access review, etc.) that could accrue to NARA by legally owning the records. These are significant details to be worked out, but on the whole, NARA needs to take in electronic records earlier than it has traditionally, or otherwise make provision for their continued access and preservation outside of the National Archives proper.*

*NARA has issued an internal directive concerning affiliated archives and relationships entitled NARA 1501, Custody of Federal Records of Archival Value (31 August 2007) as well as a public version. The directive addresses the authority and responsibility of the Archivist of the United States regarding the physical and legal custody of Federal records "determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government" (44U.S.C.2107(1)). The directive includes provisions for deposit of records of archival value (designated as "permanent" on records disposition schedules) outside the physical custody of NARA. In addition, NARA recently updated its Bulletin regarding pre-accessioning permanent electronic records (NARA 2009-03). This bulletin defines what NARA means when discussing pre-accessioning of electronic records with archival value and describes the criteria for determining when pre-accessioning is appropriate. Pre-accessioning is a form of what is described above as "early capture" of electronic records, with the creating agencies maintaining legal custody (and responsibility for FOIA and access) for the records. Finally, a large body of electronic records management guidance, much of it focused around the issues explicit or implied in this question can be found on the NARA Website: <http://www.archives.gov/records-mgmt/initiatives/erm-guidance.html>.*

41. How would you ensure that NARA establishes an effective and active oversight program of inspections of agency records management programs?

*If confirmed, I would begin with a review of the existing program with an eye towards identifying weaknesses and areas for improvement. At the same time, I would strive to work collaboratively with agencies to create a sense of urgency about records management.*

42. What is your view on the authority held by NARA to oversee recordkeeping procedures at presidential record agencies and to ensure that the White House follows NARA's guidelines for maintaining, preserving, and accessioning presidential records?

*NARA is legislatively obligated to set standards, inspect and certify systems, and provide support and guidance to agencies.*

43. What strategies, other than initiating action through the Attorney General under the circumstances provided for under 44 U.S.C. § 3106, can NARA adopt in order to remedy agency noncompliance with federal records laws?

*Based on my current understanding, I would support the current self-assessment process coupled with annual audits.*

44. If confirmed, would you resume systematic inspections of agencies in order to ensure compliance with NARA recordkeeping guidance and the applicable records statutes?

*Yes.*



*Records Preservation and Access*

45. What is your position on a “retain everything” approach to electronic documents, as opposed to the present system, wherein agency personnel are left to determine what individual items are and are not records as defined under 44 U.S.C. § 3301?

*The combination of cheap storage and improving search/harvest algorithms balanced against the vagaries of decision making locally make the “retain everything” approach very attractive.*

46. The OPEN Government Act of 2007 (P.L. 110-175) established an Office of Government Information Services (OGIS) within NARA to resolve interagency Freedom of Information Act (FOIA) disputes.

- a. If confirmed, what will you do as Archivist to ensure that OGIS effectively fulfills its mandate to mediate disputes between agencies and FOIA requesters?

*The new OGIS director started work on September 8, 2009, and is now bringing on staff. The office will in the first instance draw upon existing Federal mediation resources and experience, but additionally the director is working to create an online dispute resolution (ODR) system. It is essential to use technology to make FOIA work more effectively for both requesters and government agencies. Congress intended the OGIS to be an innovative and timely way to resolve FOIA disputes. If confirmed, I am committed to making that happen.*

- b. How do you believe the OGIS should prioritize cases that it accepts for mediation?

*The office is developing the criteria for prioritizing cases, but my understanding is that the top priorities will be those requests that are aimed at wide dissemination of information serving the public interest and requests that are likely to be repeated, particularly across agencies. At the same time, the office will be working with selected government agencies, including the Department of Justice, to improve the overall process of handling FOIA requests so that problems can be solved at an earlier stage. Heading off the need for mediation, not to mention litigation, is good policy.*

- c. If confirmed, what will you do to ensure it has proper resources to fulfill its mission?

*If confirmed, I will be watching carefully to see if the resources currently allocated to the office—approximately \$1 million for the fiscal year—are adequate to ensure that the office is operating as Congress intended. In addition to FOIA mediation for the entire government, the office is charged with reviewing policies and procedures of agencies under the FOIA; reviewing compliance with FOIA by agencies; and recommending policy changes to Congress and the President to improve the administration of FOIA. Moreover, Congress and the public have made clear that they are looking to this office to serve, for the first time under FOIA, as an*

ombudsman. Together, that makes for a large workload for an office of six people.

#### *Declassification Issues*

47. NARA is presently sitting on a backlog of hundreds of millions of pages of records that have been declassified by other agencies. What institutional and/or legislative changes do you believe to be necessary to expedite the release of these valuable records to the public?

*NARA requires increased capability to implement agency declassification decisions and to perform archival processing. The National Declassification Center is a critical element in reforming the Executive Branch's declassification program. NDC will require full support from the Administration, Congress, and federal agencies and will require substantial additional budgetary resources. It is my understanding that a decision was recently made to pursue a Request for Information and then a Request for Proposal for a business process reengineering project to develop new, more efficient work processes, IT systems, and to evaluate the feasibility of a separate NDC facility. The RFI and RFP processes will likely require all of FY2010 to accomplish. It is my understanding, however, that all agencies believe it is critical to develop good requirements before proceeding.*

48. In a May 27, 2009 Memorandum, President Obama directed the Assistant to the President for National Security Affairs to submit recommendations and proposed revisions to Executive Order 12958 that would, among other things, address the establishment of a National Declassification Center (NDC), which would "bring appropriate agency officials together to perform collaborative declassification review under the administration of the Archivist of the United States."

- a. Do you believe that establishing a National Declassification Center would be beneficial in carrying out NARA's declassification mission?

*Yes.*

- b. What do you believe the role should be of the NDC in the declassification process, in particular to improve the review process for multiple equity documents?

*NDC should work to expedite decision making and streamline processes to ensure access to information.*

- c. If confirmed, how will you support the development of the NDC?

*The success of NDC depends upon true collaboration. The Archivist needs to foster the environment in which that work is done. In addition, the Archivist needs to ensure that NDC has the resources needed to do its work.*

49. At present, The National Archives and Records Administration has a lead role in

implementing the Controlled Unclassified Information (CUI) framework, which is intended to harmonize the procedures for marking, safeguarding and disseminating sensitive but unclassified information, with the objectives of improving information sharing and reducing the amount of information designated as sensitive.

- a. What do you believe are the challenges associated with NARA's role in establishing the CUI framework? What steps would you take as Archivist to overcome them?

*Please see below.*

- b. How will you ensure that agencies are appropriately adopting the CUI framework consistent with guidance issued by NARA?

*I am told that the CUI Task Force report and recommendations are not yet public. I will review the report upon confirmation.*

#### *Missing Clinton Hard Drive*

50. On April 2, 2009, the Acting Archivist of NARA was notified that an external computer hard-drive containing copies of Clinton Administration Executive Office of the President (EOP) Presidential and Federal records was missing from a NARA electronic records processing room. In his investigation of this incident, the IG for NARA, Paul Brachfeld, testified before the House Subcommittee on Information Policy, Census, and National Archives that the security in place at NARA at the time the hard-drive went missing was highly inadequate. Brachfeld noted that the rudimentary controls in place, such as badge access cards, locked doors, and sign-in logs were easily and often circumvented.

- a. If confirmed, what steps will you take to improve security at NARA?

*A thorough review of existing procedures is soon to be launched that will result in a new set of policies and procedures. Collection security is a serious matter and needs to be constantly monitored. The tensions between protecting collections and providing access are tensions that anyone with stewardship responsibility faces on a daily basis.*

- b. Based on your review, do you believe that NARA has taken the proper steps to ensure that similar data breaches do not occur in the future?

*I have had firsthand experience in addressing data security in my previous positions. However, I am not sufficiently familiar with the actions taken by NARA to express an opinion at this time. If confirmed, I plan to thoroughly review this issue.*

- c. What do you believe the process should be for informing stakeholders about data breaches?

*I would expect early disclosure to the community at large and to individual*

*stakeholders where warranted. NARA, like many large research collections, has been good about "advertising" what they know is missing from the collection. This provides an early warning to dealers and would-be customers of stolen material.*

51. The Office of Inspector General raised concerns about the manner in which NARA handles presidential data such as that which was on "Backup #2." When this type of data was copied from the original EOP computer tapes to the modern hard-drives stored at NARA, the work was contracted off-site to private companies. The IG has stated that NARA did not institute any security requirements or standards for the tapes or the information that they held.

- a. If confirmed, how would you approach the issue of contracting-out sensitive information?

*I would ensure that, to the extent it is determined that this work is appropriately handled by contractors, the contractors selected have experience in dealing with sensitive information and have successfully worked with other agencies, and that the language of their contracts contains "security of data" language.*

- b. How would you ensure the safety of all data materials during the copying process?

*I understand that a collection security task force has been established at NARA as a result of this incident. I would expect to have a thorough review of existing procedures and recommendations for improved security.*

- c. Do you believe that NARA may need to institute new regulations to prevent these types of incidents from occurring?

*Collection security is an ongoing challenge and I would expect to have a standing staff group constantly assessing procedures and policies to ensure protection of collections. In addition, I would expect to work closely with the Inspector General on these issues.*

#### *Presidential Records and Libraries*

52. What are your views on the issue of public access to presidential records?

- a. What interests do you believe may be served by keeping presidential records secret to maintain confidentiality of communications? What interests may be served by public disclosure, and how would you balance those interests?

*The Presidential Records Act (PRA), 44 U.S.C. 2002-2207, governs the official records of Presidents and Vice Presidents created or received after January 20, 1981. The PRA allows the President to invoke specific restrictions to public access for up to twelve years. The PRA also establishes procedures for Congress, courts, and subsequent administrations to obtain special access to records that remain closed to*

*the public. Traditionally, "national security" has been the primary interest used to restrict access to presidential records. The spirit of transparency would be served by a careful review of the restrictions on access to closed Presidential Records.*

- b. How would those views shape your approach, as Archivist, to address issues of public access to presidential records?

*In my view, an administration should think carefully about use of these exemptions throughout the term in order to promote transparency. I would encourage that kind of regular review.*

53. Individual libraries now exist for each former President, dating back to President Hoover. These libraries are maintained at public expense and overseen by the National Archives even though private organizations and foundations are responsible for establishing and building these museums. Additionally, many libraries have severe backlogs, with the Reagan Library staff estimating that it will take 100 years before all of the Reagan White House records are reviewed for release. Last year, this Committee passed the Presidential Historical Records Preservation Act of 2008 (P.L. 110-404), which requires NARA to report 270 days after the enactment of the bill on new methods to preserve presidential materials that could reduce the financial burden of the federal government, improve preservation of records, and reduce the delay in public access to the records held by the libraries. This report has not yet been completed.

- a. If confirmed, will you make the completion of this report a priority?

*I am told that the report has been completed and will likely be made public before confirmation of the Archivist.*

- b. What plans or ideas do you have concerning the future of the Presidential Libraries program?

*Having grown up in three large decentralized collection environments, my experience shapes my concerns about the physical and environmental security of primary materials in facilities constructed over 75 years. In addition, the projections for facilities for future presidents raise sustainability issues.*

- c. What changes, if any, do you believe are necessary to the Presidential Library system to lower costs, improve preservation, and help reduce delays in access?

*I look forward to working with the NARA staff in assessing the recommendations of the forthcoming report and developing a plan of action for review.*

#### *National Historical Publications and Records Commission*

54. If confirmed as Archivist, you will also serve as chair of the National Historical Publications and Records Commission (NHPRC), which makes grants for the collecting,

describing, preserving, compiling and publishing of documentary sources significant to the history of the United States.

- a. What do you see as the role of the NHPRC?

*NHPRC plays a leadership in role in developing a community of best practice, encouraging careers in archival work, and shaping the national and international landscape of practice.*

- b. If confirmed, how will you see your role as chair?

*If confirmed, I will use the work currently underway on electronic records to strengthen the leadership role of NHPRC.*

- c. Do you believe that the NHPRC has received proper resources to fulfill its mission in recent years?

*My understanding is that there are many unmet needs that NHPRC could be supporting and that the budget has remained the same since 1991.*

55. Many foundations that hold the papers of our nation's founding fathers have received taxpayer money to transcribe and publish the documents. Unfortunately, the process is slow, expensive, and inefficient. The Presidential Historical Records Preservation Act of 2008 (P.L. 110-404) directed NARA to work with the stakeholders to speed up the completion of the founding fathers' papers, digitize the documents, and make them freely accessible to anyone, anywhere via the Internet. Furthermore, an outside advisory group was to be created to oversee the progress and recommend improvements. However, to date, the advisory group has not been created and NARA has not developed a plan to digitize and publish the documents online.

- a. If confirmed, would you make this a priority?

*Yes. It is my understanding that names of potential nominees to the Advisory Committee are awaiting upon confirmation of the Archivist.*

- b. How would you accomplish the goals of the legislation in a cost-effective manner?

*According to the charge of the Advisory Committee, the group is to review the progress of the project and develop appropriate completion goals. The process will also serve to bring the Archivist up to speed on the project in order to make intelligent decisions about goals.*

#### **IV. Relations with Congress**

56. Do you agree without reservation to respond to any reasonable summons to appear and

testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

57. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

Yes.

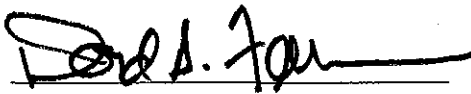
**V. Assistance**

58. Are these answers your own? Have you consulted with NARA or any interested parties? If so, please indicate which entities?

*The answers are my own. I have been briefed by senior NARA staff on most of the areas covered in the questions.*

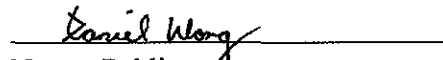
**AFFIDAVIT**

I, David Sean Ferriero, being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



Subscribed and sworn before me this 16<sup>th</sup> day of September, 2009.

County of New York  
State of New York

  
Notary Public

**DANIEL WONG**  
**NOTARY PUBLIC, STATE OF NEW YORK**  
**Registration No. 01W06152700**  
**Qualified in Kings County**  
**Commission Expires September 18, 2010**