Department of Homeland Security
U.S. Customs and Border Protection
Records Management Program

Records Management Inspection Report

National Archives and Records Administration
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INSPECTION REPORT

INTRODUCTION

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

In January 2018, NARA inspected the Records Management (RM) program of the U.S. Customs and Border Protection (CBP) and its component offices. The purpose of this inspection was to examine how well CBP complies with Federal records management statutes and regulations and to assess the effectiveness of its RM policies and procedures.

In several key areas, the CBP Records Management program is not in compliance with 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B. It lacks records management fundamentals prescribed by the regulations and has other areas of weakness that need to be addressed. In addition, CBP does not follow records management policies prescribed by the Department of Homeland Security (DHS) Records Management program.

CBP is dependent on the proper management of information to document the movement of people, goods, and materials through the ports and borders of the United States. Records and information are essential for accountability relating to the seizure of illicit drugs, weapons, and other contraband that CBP is responsible for monitoring and enforcing. Failure to manage records in a compliant manner increases the risk that records will not be readily accessible to support the mission essential functions of CBP, as well as those of other Federal agencies, and for accountability to Congress and the public. It also increases the risk of loss of Federal data and records. Additionally, permanent records may not be retained for eventual transfer to the National Archives, as required by 44 U.S.C. 3101.[2]

To mitigate the risks associated with non-compliance with elements of 36 CFR Chapter XII – Subchapter B, this report makes 14 findings and 16 recommendations. Follow-up actions required for CBP are included in Appendix C.

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

[2] 44 U.S.C. Chapter 31, https://www.archives.gov/about/laws/fed-agencies.html.

OVERVIEW OF THE CBP RECORDS MANAGEMENT PROGRAM

CBP's RM program is positioned within the Transformation Support and Management Division (TSMD) located within the Office of Information and Technology (OIT) under the Executive Assistant Commissioner for Enterprise Services. The RM program falls under the oversight of the Director of the TSMD who is an acquisition professional with limited records management experience. The Director is actively engaged in standing up a new RM organization through the CBP acquisition process. Currently, CBP has not assigned a person and office with appropriate authority to coordinate and oversee implementation of the agency records management program in accordance with 36 CFR 1220.34(a). There is a designated Senior Advisor who provides support to the RM program with the assistance of one full-time management analyst and five contract support staff. The contract support staff provide operational and planning support to the activities of the RM program.

CBP also has a network of Local Records and Information Managers (LRIMs) in place for a number of components throughout the agency. These staff members are assigned RM responsibilities as a collateral duty and work with Records Custodians (RC) whose duties are also collateral in individual offices. This structure oversees the documentation of the work of 65,000 employees throughout CBP. However, this structure is not consistent throughout the agency. Some important components, such as the Office of Intelligence, have not assigned LRIMs while others lack a robust RC structure. As an exception, it is important to note that the Border Patrol continues to employ a full time Records Manager (RM) who is a RM program manager for that component and also serves as an LRIM.

CBPs RM program is being reconfigured along the lines of Records and Information Governance (RIG) model that is being designed by a records management contractor. The name of the RM program has changed to CBP RIG. This program is in the very early stages of development but seeks to utilize technology and innovative business practices to integrate information security, risk management, data management, and knowledge management. CBP RIG also desires to integrate programs relating to legal discovery, privacy, and the Freedom of Information Act (FOIA). As this transformation is just starting NARA recommends that records management statutory requirements, NARA records management policies and other recordkeeping practices be included as an essential part of this reconfiguration.

FINDINGS AND RECOMMENDATIONS

RECORDS MANAGEMENT FUNDAMENTALS, STATUTES, AND REGULATORY COMPLIANCE

In its current state, the records management program at CBP is substantially non-compliant with Federal statutes and regulations, NARA policies, Office of Management and Budget (OMB) Circular A-130, and DHS Records and Information Management policies. There are additional areas of concern and risk as reflected in CBP's annual Records Management Self-Assessment (RMSA) reports to NARA, as well as the DHS Records Management program's annual assessment of its component agencies. To bring this program into compliance and ensure efficiency in implementation, substantial support from executive leadership at CBP is required.

Finding 1: CBP has not assigned records management responsibility to a person and office with appropriate authority within the agency to coordinate and oversee the creation and implementation of a comprehensive records management program.

Currently there is a Senior Advisor in the CBP RM office, but the individual assigned to this position does not have the authority to perform the management and oversight of records operations in the agency as defined in 36 CFR 1220.34(a) or those outlined by DHS Directives 141-01 and 141-01-001. There are plans to create a Chief Records Officer (CRO) position within CBP as well as institute a RIG Board comprised of component representatives, but these plans are in draft status within the TSMD. Additionally, the CBP RIG program has been assigned to the TSMD within OIT. The authority of the TSMD to enact policies and procedures to implement the RIG program throughout CBP is not clear.

36 CFR 1220.34(a) requires agencies to assign records management responsibility to a person and office with appropriate authority within the agency to coordinate and oversee implementation of a comprehensive records management program as outlined in 36 CFR 1220.32. It is also required that agencies officially notify and provide NARA with the name and contact information of the individual.

DHS Directives 141-01 and 141-01-001 also require Departmental component heads to designate a CRO whose duties align with 36 CFR Chapter XII, Subchapter B. Compliance with DHS 141-01 and 141-01-001 would allow CBP to meet the requirements of 36 CFR 1220.34(a). It would also allow CBP to comply with 36 CFR 1220.34(b) which requires agencies to notify NARA of the names of the individuals assigned operational responsibility for the agency RM program. Typically NARA identifies these individuals as Agency Records Officers (ARO).

Recommendation 1.1: CBP through policy and directives must provide the appropriate authority to an agency official or office to establish and maintain a records management program throughout the agency in accordance with 44 U.S.C. Chapter 31, 36 CFR 1220.34(a) and OMB Circular A-130(5)(h).

Recommendation 1.2: CBP must formally assign a Chief Records Officer or Agency Records Officer with the roles and responsibilities needed to coordinate and oversee an agency-wide records management program (36 CFR 1220.34(b), DHS Directive 141-01 and DHS Directive 141-01-001)

Finding 2: The CBP RIG program RM directives establishing program objectives, responsibilities, and authorities for the creation, maintenance, and disposition of agency records are out of date or in draft form.

36 CFR 1220.34(c)(h) and 36 CFR 1222.26(e) require agencies to establish program requirements, strategies, policies, procedures and directives for the creation, maintenance, and disposition of records.

The CBP RIG program provided NARA with a copy of the U.S. Customs Service RM handbook dated 2001. This handbook was updated in 2016, but is still in draft status and appears to be little

changed from 2001 version. In addition, the Border Patrol provided NARA with a copy of a U.S. Citizenship and Immigration Service Memorandum from 2005 regarding the use of the Uniform Subject Filing System, which was said to continue to serve as its handbook. Both the CBP RIG office and the Border Patrol RM program manager reported that they have handbooks in draft status, but the inspection team did not receive copies.

NARA is aware that CBP was created in 2003 by combining the U.S. Customs Service with the U.S. Border Patrol and that both entities had their own RM policies, procedures and records retention schedules. However, whenever a new agency is created, even one that stems from existing agencies, the agency must establish new policies, procedures and records retention schedules in accordance with 44 U.S.C. 3101 and 44 U.S.C. 3102 and the regulations cited above. Both handbooks should have been superseded and new agency handbooks or manuals with updated directives, policies and procedures issued within a reasonable period of time after the creation of the CBP. Even if CBP wants to keep these individual entities separate in regards to their policies and procedures, the handbooks in use by both are outdated and do not take into consideration numerous RM memoranda, directives, and bulletins issued by NARA, OMB, Congress, DHS, and other agencies.

Recommendation 2: CBP must create, maintain, update, and disseminate RM authorities, directives, handbooks and manuals for all staff. (CFR 1220.34(c)(h) and 36 CFR 1222.26(e))

Finding 3: The CBP's current LRIM and RC structure is not adequately implemented throughout each program to ensure incorporation of recordkeeping requirements and records maintenance, storage, and disposition practices into agency programs, processes, systems, and procedures.

In most instances, those appointed to act as LRIMs in CBP offices reported less than 10% of their time devoted to RM duties. In the Office of Intelligence, which handles classified records, there was no LRIM assigned to the program and no defined RM activities were being carried out in the office. In another case, the Branch Chief served as the LRIM and could not devote sufficient time to RM duties. In the Office of Field Operations, three LRIMS and 14 RCs were assigned to handle the RM needs of 25,000 employees. At Border Patrol, the RM serves as a program manager as well as a LRIM responsive to the CBP RIG program. The Border Patrol RM also works as a single point of contact to coordinate the activities of Records Management Liaisons (RMLs) across the organization, which comprises another 21,000 employees.

The CBP RIG program has been working to improve the performance and coverage of LRIMs throughout the agency. LRIMs typically oversee the activities of RCs in their organizations. New LRIMs have been appointed, a working group established, and training updated, but there are significant organizational issues to be overcome for these positions to become effective throughout CBP.

Recommendation 3: The CBP must review and update the current structure, assignment, training and duties of program managers, LRIMs, RCs, and RMLs across the agency to ensure adequate resources are assigned to meet the requirements of 36 CFR 1220.34(d).

Finding 4: CBP does not integrate records management and recordkeeping requirements into the design, development, and implementation of its electronic systems.

The CBP RIG program has not been integrated into strategic planning for new electronic systems and has not taken part in discussions concerning the creation, implementation, and management of existing electronic systems.

36 CFR Chapter XII, Subchapter B, and OMB Circular A-130 (5)(d) require agencies to incorporate records management into the design, development, and implementation of information systems. Currently CBP is not in compliance with these regulations.

Recent system development guidelines within CBP, such as Agile Governance Framework (AGF), approved in July 2017, seek to incorporate records management requirements more fully into the developmental lifecycle of electronic information systems (EIS). An integral part of the AGF was the development of an Enterprise Constraints List that incorporated some aspects of records management into the system development process. However, higher level coordination between the RIG program office and OIT was not included in the framework, nor were clear lines of communication between the offices outlined in the AGF.

Failure to incorporate the RIG program fully into systems development puts the CBP at risk of not ensuring that records are appropriately created, captured, or maintained, which in turn increases the risk of privacy and security breaches. The CBP also risks failing to be able to provide access to records for FOIA requests, for legal discovery, and for meeting the business needs of employees, immigrants, and others. Conversely, the CBP is also at risk of maintaining and releasing too much information through its lack or misuse of disposition authorities.

Recommendation 4.1: The CBP must update and implement its policies and procedures for IT management and systems development to include records management in the design, development, and implementation of EIS. (36 CFR 1220.34(e), 36 CFR 1236.6(b), 36 CFR 1236.10 and OMB Circular A-130)

Recommendation 4.2: The CBP OIT must maintain and make available to CBP RIG staff up-to-date documentation about EIS that specifies all technical characteristics necessary for reading and processing records contained in systems, defines the contents of the files and records, indicates restrictions on access and use, describes update cycles or conditions and rules for adding, changing, or deleting information in the system, and contains authorized disposition authorities. (36 CFR 1220.34(e) and 36 CFR 1236.26(b))

Finding 5: CBP does not require records management training for all CBP staff, and the RM training it offers does not meet records management training requirements under 36 CFR 1220.34(f), OMB/NARA Managing Government Records Directive (M-12-18), and NARA Bulletin 2017-01.

Throughout CBP, basic records management training is provided to agency staff using the suite of required Departmental training, which is taken each year by all DHS employees. This training provides a general overview of RM but does not address the specific needs of CBP employees. It is also being updated to meet the new training requirements outlined in NARA Bulletin 2017-01.[3] LRIMs within CBP received more in-depth training in 2017, but there is no requirement that they attend training. LRIMs are responsible for training RCs in their areas, but most of those interviewed stated that they did not have the resources or time to train staff in either headquarters or the field. Training is not standardized throughout the agency and does not include specific content on electronic records management. In addition it does not provide targeted training for senior officials upon their arrival and departure from the agency. The Border Patrol has developed its own RM training modules for staff of that component, but cannot conduct training on a regular basis due to budget and time restrictions. These training products could serve as possible models for the CBP program as a whole, but would need refinement to meet the needs of the agency. Ultimately, the RIG program should create a suite of standardized training modules that would be mandatory throughout CBP.

Recommendation 5: CBP must develop and require agency specific records management training for all staff and contractors that meets records management training requirements as outlined in 36 CFR 1220.34(f), OMB/NARA M-12-18, and NARA Bulletin 2017-01.

Finding 6: CBP has a large volume of unscheduled records, particularly those residing in electronic information systems.

OMB/NARA *Managing Government Records Directive*, M-12-18, goal 2.5, required agencies to identify and report unscheduled records to NARA by December 31, 2016. At that time, CBP reported almost 300 individual series of textual records in unscheduled status. Work has progressed in the scheduling of these records, but there are still a significant number of electronic systems that remain unscheduled, in some cases, decades after their initial creation dates. As CBP moves towards an electronic environment to perform its mission functions, all records must be scheduled in a timely manner.

With such a large number of unscheduled records, it is difficult for CBP to meet the requirements of 36 CFR 1220.34(i), which states that all records, regardless of format, must be classified or indexed, described, and made available for use by all appropriate agency staff. Additionally, with CBP records handbooks out of date, there is no centralized location to access and update CBP records control schedules and document filing codes. A shared intranet portal is available but is currently under development.

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[3] https://www.archives.gov/records-mgmt/bulletins/2017/2017-01-html.

NARA recognizes that CBP is part of a DHS Department-wide records scheduling effort. However, some of its retention schedules are 30 to 40 years out of date. CBP continues to use legacy schedules and filing codes from the U.S. Customs Service and the U.S. Immigration and Naturalization Service. While the Border Patrol RM indicated that the agency was allowed to use legacy schedules and file codes under the authority of the Homeland Security Act Savings Clause of 2002 (Title 15, Paragraph 1512), the continued use of these schedules 15 years after the creation of the agency presents issues around access and control of those records that are not acceptable, including an increased risk of loss of records and other cost inefficiencies due to unaccounted for changes and new records for new programs created during the course of the last 15 years.

Recommendation 6: CBP must develop and implement a comprehensive plan to schedule all unscheduled textual records, electronic records and EIS in its custody. (36 CFR 1220.34(g)(i), 36 CFR 1225, 36 CFR 1236.6, and OMB/NARA M-12-18)

Finding 7: The CBP RIG program does not conduct regular records management evaluations of agency components.

The CBP RIG program has not conducted evaluations of agency components with any uniformity or regularity. At the time of the inspection, the CBP RIG program had no formal method in place to evaluate the implementation of RM policies and procedures among agency components. Ideally, results from these evaluations would be compiled by the agency RM program office and written reports provided to senior program officials to identify strengths and weaknesses in agency components. The RM program would then work with agency leadership to develop and monitor improvement plans and to use the information gathered from evaluations to make improvements on an agency-wide basis. RM oversight is also an area where the CBP could enhance coordination and cooperation between the RIG program and agency components.

Recommendation 7: The CBP RIG program must establish effective RM evaluation programs to monitor records management practices within all agency components to ensure compliance with Federal regulations. (36 CFR 1220.34j)

Finding 8: CBP does not identify or manage vital records in accordance with 36 CFR 1223.

CBP does not consistently identify or manage vital records. A vital records program provides an agency with information it needs to conduct business operations in other than normal circumstances and allows agency officials to identify and protect the most important records dealing with legal and financial rights of the agency.

While the CBP RIG program conducted an agency-wide inventory of records in 2015-2016, no concerted effort was made to identify vital records in these inventories. In addition, while the Border Patrol provided training in vital records, CBP training did not cover this area.

Recommendation 8: CBP must identify vital records throughout the agency and train staff on their roles and responsibilities in the handling of these records. (36 CFR 1223)

Finding 9: CBP offices are not routinely conducting records inventories.

CBP offices are not routinely conducting records inventories. Records inventories are the foundation of a records management program. Inventories detail what records an office creates and maintains. Accurate inventories are essential for ensuring access to records in order to meet business needs, respond to FOIA requests, respond to legal discovery, and to identify vital records. Inventories also help to identify unscheduled records. CBP conducted an agency-wide inventory in 2015-2016, but must establish this as a recurring activity by procedure or policy.

Recommendation 9: The CBP RIG program must conduct regular inventories of existing electronic and non-electronic records to identify scheduled, unscheduled, and vital records. (36 CFR 1223.14, 36 CFR 1224.10 and 36 CFR 1225.12)

Finding 10: CBP has not established policies and procedures for handling and reporting unauthorized disposals of records to NARA.

One of the consequences of an underdeveloped agency records management program is increased risk of unauthorized disposals of records. 36 CFR 1230.10 requires agencies to inform employees of the provisions of the law regarding unauthorized disposals, establish policies and procedures to insure against the unauthorized disposals of records, and notify NARA when unauthorized disposals occur. Agencies then must investigate such incidents, determine their cause, and explain how the situation will be mitigated to prevent future incidents. Currently, CBP has no established policies and procedures for preventing, investigating and reporting unauthorized disposals to NARA.

Recommendation 10: CBP must establish policies and procedures to protect from and report to NARA all unauthorized disposals of records and improve procedures for responding to NARA on open investigations in a manner consistent with regulations. (36 CFR 1230.10)

Finding 11: CBP has not developed procedures to conduct exit briefings for departing employees or senior officials.

CBP has not developed procedures to conduct exit briefings for departing employees or senior officials to ensure that Federal records are not being removed from agency custody. NARA interviews with agency LRIMS and offices revealed that exit briefings are not being conducted, particularly in the case of departing senior agency officials.

Recommendation 11: CBP RIG program must develop and implement procedures to ensure that exit briefings are conducted and documented for all senior officials and employees separating from the agency and ensure that records management is included in these briefings. (36 CFR 1222.24(a)(6))

Finding 12: The CBP RIG program has not taken advantage of additional leadership, strategic direction, and support through engagement with the DHS Senior Agency Official for Records Management (SAORM).

One of the key elements of OMB/NARA M-12-18 requires agencies to appoint a SAORM to oversee and review records management programs. In keeping with OMB/NARA M-12-18, DHS approved Directive 141-01 that requires the appointment of a SAORM to ensure that the Department and its components efficiently and appropriately comply with all applicable records management statutes, regulations, and NARA policies.

NARA Bulletin 2017-02 further outlines the responsibilities of the SAORM.[4] Departments and agencies have flexibility in the appointment of these officials as long they are placed high enough in the organization to be able to directly engage with, if not report to, the agency head and other senior staff in strategic planning for the records management program. DHS has elected not to appoint SAORMs within each component agency; therefore, CBP does not have its own SAORM. Senior and executive leadership within CBP is not currently working with the DHS SAORM on the creation of the CBP RIG program, or in any other capacity related to records management.

One of the purposes for having a SAORM is to provide executive level support, strategic direction, and advocacy, particularly where there are areas that need improvement. In addition, the SAORM is charged with making adjustments to practices, personnel, and funding as may be necessary to ensure records management compliance and support the business needs of the Department. In an agency as large and complex as DHS, the SAORM may need the component agencies to take the lead in asking for the leadership and strategic input from the SAORM.

Recommendation 12: The senior executives within CBP should establish routine engagement with the DHS SAORM to create a plan to fully establish a compliant records management program within CBP in accordance with 36 CFR Chapter XII Subchapter B, OMB Circular A-130 and NARA Bulletin 2017-02.

STRATEGIC PLANNING

Finding 13: The CBP RIG program lacks a strategic plan necessary to develop and implement an effective agency-wide records management program.

Strategic planning is necessary to systematically and effectively establish all aspects of a functioning and compliant records management program. A strategic plan provides goals and objectives, creates a clear path for implementation, streamlines the efforts that are already being made, and helps prioritize efforts to establish a fully functioning RM program.

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[4] https://www.archives.gov/records-mgmt/bulletins/2017/2017-02-html.

CBP has no strategic plan for records management. While the TSMD is developing a RIG program acquisition plan, this document only lays the groundwork for establishing a functional program that will enable the agency to meet the requirements of 36 CFR 1220 Subpart B. It does not provide CBP with a path forward to ensure that RM compliance is embedded throughout the agency in accordance with NARA regulations, OMB Circular A-123 and OMB Circular A-130. It also looks to create an electronic solution to RM problems without first ensuring the organizational structure is in place to guide the successful implementation of such a solution. Without a strategic plan, it is difficult for CBP to give clear direction or guidance about RM to agency components, and it hampers its ability to identify and prioritize goals and objectives.

Recommendation 13.1: The CBP RIG program staff and the SAORM, in coordination with CBP senior leadership, must develop and implement an RM strategic plan for the agency. (44 U.S.C. 3506 and OMB Circular A-130)

Recommendation 13.2: The SAORM and the CBP RIG program, in coordination with CBP senior leadership, must institute, by policy or procedure, a periodic review of the RM strategic plan. (44 U.S.C. 3506 and OMB Circular A-130)

ELECTRONIC RECORDS MANAGEMENT

Finding 14: Successful implementation of CBP plans for a Records Management Application and Electronic Records Management System are at risk of failure due to lack of basic records management fundamentals.

DHS handles email and other EIS at the Department level. However, CBP does maintain large EIS. Under the supervision of the TSMD Director, the RIG program has developed acquisition documents that provide a broad outline of the Division's desires to implement an RM program as well as an Electronic Records Management System (ERMS). Proper implementation of an ERMS is dependent on an agency understanding what information it creates, where it resides, what its purpose is, and how long it must be maintained for business needs. As indicated above, CBP has not identified what records it maintains, has a large number of unscheduled records, particularly those in electronic formats, and does not have the intellectual control over its records that is required for a successful implementation of either of these systems.

We are not making any formal recommendation regarding the acquisition of an ERMS at this time, because we feel successful attention to the other recommendations in this report will address this issue.

CONCLUSION

NARA understands that CBP's transformation to a RIG program is in its very early stages. Adherence to records management statutory requirements, NARA records management policies and other recordkeeping practices is essential to its success. Currently, the CBP RIG program lacks numerous basic elements of a compliant records management program as prescribed in 36 CFR Chapter XII, Subchapter B. It will require careful strategic planning for the CBP RIG program to become effective and compliant in the many areas where it is currently underdeveloped. Program plans and studies to institute RM throughout the agency have been formulated since 2015, but limited progress has been made to date. As noted in this report, CBP should begin with developing and implementing a strategic plan for the overall records management program. It is critical that CBP senior leadership, with the help of the DHS SAORM, foster a culture that includes records management in the regular and routine practices of all program functions within the CBP.

In addition, DHS has a number of records management program elements that would help CBP to re-establish its records management program. These include a Records Leadership Council, a Departmental Records Management Maturity Model, a tiered records information training program, and a SAORM. Seeking the advice and assistance of the DHS Department Records Officer and other AROs of DHS components would greatly benefit CBP and help bring it into compliance.

As a result of this inspection, CBP will be required under 36 CFR 1239 to create a plan of corrective action to address the recommendations in this report. However, given the complexity and scale of the improvements recommended, NARA intends to conduct follow-up inspections of the agency.

APPENDIX A
INSPECTION PROCESS

OBJECTIVE AND SCOPE

The objective of this inspection was to determine how well CBP complies with Federal records management statutes and regulations and to assess the effectiveness of its RM policies and procedures.

METHODOLOGY

NARA carried out this inspection by conducting interviews with CBP RIG program staff at CBP Headquarters and by reviewing CBP's program documentation. More specifically, the inspection team:

- reviewed records management policies, directives, and other documentation provided by CBP;
- interviewed RM representatives from the CBP RIG program;
- guided the course of the inspection using a detailed checklist of questions based on Federal statutes and regulations, and NARA guidance; and
- reviewed CBP responses to current and past annual Records Management Self-Assessments (RMSA).

OFFICES VISITED

CBP Headquarters, Washington, DC

- Office of the Commissioner:
    - o Office of the Executive Secretary
- Office of Field Operations
- Laboratories and Scientific Services
- United States Border Patrol
- Office of Trade
- Office of Public Affairs
- Office of Intelligence
- Office of International Affairs
- Air and Marine Operations
- Office of Information and Technology

APPENDIX B
RELEVANT INSPECTION DOCUMENTATION

DHS Directive 141-01, *Records and Information Management,* August 11, 2014.

DHS Directive 141-001, *Records and Information Management,* June 8, 2017.

DHS Directive 4500.01, *DHS E-mail Usage,* March 1, 2003.

CBP Strategic Plan, *Vision and Strategy, 2020*. No date.

CBP Handbook 1400-05D, *CBP Information Systems Security Policies and Procedures Handbook,* Version 6.01, May 17, 2016.

CBP Handbook 2100-01A, *Organization Handbook*, August 2011.

CBP, *Records Handbook,* FY 2001. Draft Revision for 2016.

CBP Systems Scheduling Database, July 28, 2016.

USCIS, Interoffice Memorandum, *Uniform Subject Filing System*, April 1, 2005.

Transformation Support and Management Division, *RIG Preliminary Needs Statement*, Draft March 31, 2017.

Office of Information and Technology, *CBP OIT Agile Governance Process*, July 20, 2017.

Office of Information and Technology, *Data Management Plan Template*, Draft, No date.

NARA, *Record Group Allocation Statement for RG 568 (Bureau of Customs and Border Protection)*, July 19, 2004.

NARA, *CBP Agency Records Holding Profile*, March 27, 2017.

APPENDIX C
AUTHORITIES AND FOLLOW-UP ACTIONS

AUTHORITIES

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

OTHER GUIDANCE

- OMB/NARA *Managing Government Records Directive* (M-12-18)
- OMB/NARA *Guidance on Managing Email* (M-14-16)
- NARA Bulletin 2017-02: Guidance on Senior Agency Officials for Records Management
- Other NARA Bulletins currently in effect

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

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

NARA will analyze the adequacy of CBP's action plan, provide comments to CBP on the plan within 60 calendar days of receipt, and assist CBP in implementing recommendations.

CBP will submit to NARA progress reports on the implementation of the action plan until all actions are completed. NARA reserves the right to conduct future on-site evaluations of progress. NARA will inform CBP when progress reports are no longer needed.

APPENDIX D
ACRONYMS AND ABBREVIATIONS

AGF Agile Governance Framework
ARO Agency Records Officer
CBP U.S. Customs and Border Protection
CFR Code of Federal Regulations
CRO Chief Records Officer
DHS Department of Homeland Security
EIS Electronic Information Systems
ERMS Electronic Records Management System
FOIA Freedom of Information Act
FY Fiscal Year
IT Information Technology
LRIM Local Records and Information Managers
NARA National Archives and Records Administration
OIT Office of Information and Technology
OMB Office of Management and Budget
PoCA Plan of Corrective Action
RC Records Custodian
RIG Records and Information Governance
RM Records Management
RML Records Management Liaison
RMSA Records Management Self-Assessment
RO Records Officer
SAORM Senior Agency Official for Records Management
TSMD Transformation Support and Management Division
U.S.C. United States Code