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AMERICAN BATTLE MONUMENTS COMMISSION
Records Management Program

Records Management Inspection Report

National Archives and Records Administration
October 2021

**AMERICAN BATTLE MONUMENTS COMMISSION
RECORDS MANAGEMENT PROGRAM
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 the rights of citizens, assure government accountability, and preserve and make available records of enduring value. In this capacity, and based on authority granted by 44 United States Code (USC) 2904(c)(7) and 2906, NARA conducted an inspection of the American Battle Monuments Commission (ABMC) records management (RM) program in January 2021.

The purpose of this inspection was to examine ABMC's compliance with RM laws, regulations, and policies, with particular attention to email and electronic records, records scheduling and implementation, and RM training.

This inspection focused on ABMC's RM standards, policies, procedures, and practices at its headquarters in Washington DC, foreign field office in Paris, France, and cemeteries and monuments worldwide. It also examined the controls ABMC's headquarters has implemented to mitigate risks associated with non-compliant handling of records and information and to ensure that all RM policies and procedures are effectively implemented and followed throughout all ABMC locations.

In several key areas described below, NARA found that ABMC is non-compliant with various elements of 36 Code of Federal Regulations (CFR) Chapter XII, Subchapter B and Federal Records Act (44 USC Chapter 21-35).

Failure to manage agency records in a compliant manner increases the risk of records not being readily accessible for normal business operations, program development, and accountability to Congress and the public. It also increases the risk of loss of Federal information and records, which raises the possibility that permanent records may not be retained for eventual transfer to the National Archives, as required by 44 U.S.C. 3101. To help mitigate the risks associated with non-compliance, this report makes 5 findings and 11 recommendations. Follow-up actions required of ABMC and NARA are included in Appendix C.

OVERVIEW OF ABMC RECORDS MANAGEMENT PROGRAM

The ABMC was established by Congress in 1923 and is an agency of the executive branch of the

federal government. ABMC is charged with being the guardian of America's overseas commemorative cemeteries and memorials that honor the service of the U.S. Armed Forces by creating and maintaining memorial sites, offering commemorative services, and facilitating the education of their legacy to future generations. ABMC is responsible for managing over 31 sites, in 11 countries, and four continents.

Within the past year, ABMC has adopted a rapid deployment of new information technology (IT) tools as part of its defined Information Technology Modernization initiative. Over the course of just nine months, ABMC deployed new hardware and applications in a FedRAMP cloud, and migrated its entire library of agency data to Software-as-a-Service (SaaS) and Platform-as-a-Service (PaaS) clouds. The successful milestones allowed ABMC to meet a myriad of agency objectives consistent with their 2016-2021 Strategic Plan and Annual Operating Plan.

FINDINGS AND RECOMMENDATIONS

PROGRAM MANAGEMENT

Finding 1: The ABMC RM Program has not implemented critical RM requirements to be fully compliant with federal RM statutes and regulations.

Regardless of the size of an agency, there are RM fundamentals that must be in place to ensure records are created and maintained appropriately and according to records schedules, so that records are accessible for business purposes throughout the records lifecycle, as well as to provide government accountability for decision-making. Among these fundamentals are RM policies and procedures, RM training, records inventories, up-to-date records schedules, oversight of implementation of records management, and internal controls for the transfer of permanent records to the National Archives. Federal agencies are required by 44 USC, Chapter 31, to establish a records management program and oversee its implementation.

Throughout ABMC's history there was no consistent oversight of RM across the agency. The agency's Chief of Staff and Director of Human Resources were often designated as the RM point of contacts to work with NARA, despite their lack of specific RM training and substantial RM duties. It was not until 2017 that ABMC designated an Agency Records Officer (ARO) who was certified and trained in RM and whose primary responsibility was to oversee the RM program. The lack of consistent, long-term RM leadership has caused ABMC to not have a fully developed RM program as required by 36 CFR 1220 subpart B.

Recommendation 1: ABMC must develop and implement a comprehensive plan, with milestones, that fully establishes a RM Program in accordance with 44 USC Chapter 31 and 36 CFR 1220

subpart B and other federal RM statutes and regulations.

ROLES AND RESPONSIBILITIES

Finding 2: ABMC RM Program is not adequately supported by ABMC staff throughout the agency in accordance with 36 CFR 1220.34(d)

36 CFR 1220.34 (d) requires agencies to assign records management responsibilities in each program (mission) and administrative area to ensure the proper implementation of recordkeeping requirements, disposition practices, and agency RM policies. Although ABMC has several cemeteries and monuments, and in multiple foreign countries, only one individual, in its Paris field office, was identified as an informal RM point-of-contact (POC).

Recommendation 2: ABMC must develop policy, procedures and training that establishes and assigns RM responsibilities to a network of staff throughout all program offices, monuments and cemeteries to satisfy 36 CFR 1220.34 (d).

POLICY

Finding 3: ABMC's current draft RM Policy does not sufficiently cover federal recordkeeping requirements.

To effectively and efficiently manage records within an agency it is important that agencies establish an agency-wide and enforced policy. An RM Policy includes specific rules and guidance to staff on how to create, maintain and handle records when no longer needed for business that reflect the mission of the agency and the information required.

This policy also gives the ARO the authority necessary within the agency to institute internal controls to protect the records. It also provides authority to conduct program evaluations to ensure compliance with agency procedures, as well as Federal statutes and regulations codified in 36 CFR 1220.34(j). It is particularly important for an agency like ABMC that is geographically dispersed world-wide to have policies and recordkeeping requirements for all records, but particularly for electronic recordkeeping requirements as indicated by 36 CFR 1236. An RM Policy establishes procedures for creating and implementing a records scheduling and disposition program as required by 36 CFR 1226.

ABMC's draft RM policy has insufficient guidance regarding several key areas of federal RM statutes and regulations. A review of the current draft RM policy revealed gaps especially pertaining to electronic RM. The draft policy did not include information that requires electronic records be properly classified, indexed, filed, and made retrievable throughout its lifecycle,

permanent electronic records be managed electronically and segregable from temporary electronic records, or provide NARA guidelines for the transfer of permanent electronic records. Additionally, the draft RM policy does not cover periodic evaluation of the RM program, or specifics pertaining to records scheduling and essential records management.

Recommendation 3: ABMC must revise its current draft RM Policy to cover the federal recordkeeping requirements pertaining to electronic RM (36 CFR 1236), RM program evaluation (36 CFR 1220.34(j)), records scheduling (36 CFR 1226) and essential RM (36 CFR 1223).

PERFORMANCE MEASURES, RISKS AND CONTROLS

Finding 4: ABMC does not have effective control of its federal records.

ABMC has not instituted controls to ensure that all records, regardless of format, are properly organized, indexed, described, and made available for use by agency staff, including records created and maintained by ABMC contractors.

ABMC is also at risk of destroying records prematurely, and maintaining records longer than necessary, because they have not established a process or system that comprehensively identifies record types, location of records, and associated disposition instructions.

Additionally, some ABMC records are covered by disposition authorities that are not media neutral. As a result, current schedules cannot be applied to records that are created and maintained in electronic format, putting ABMC at risk of not being able to meet the OMB/NARA Memorandum M-19-21 (M-19-21), Goal 1.1.

During the inspection, the ABMC ARO could not confirm that permanent and temporary records, in all formats, are segregated. All agency records must be identified, preserved, readily found when needed, and permanent and temporary records must be physically segregated from each other or for electronic records segregable, to ensure proper management of agency records.

Finally, federal regulations require agencies to conduct formal evaluations to measure the effectiveness of their RM program and practices, and to ensure all records are managed in accordance with 36 CFR Chapter XII, Subchapter B (36 CFR 1220.34(j)). Regularly conducted comprehensive RM evaluations help AROs identify areas of non-compliance or weakness and enable them to take necessary corrective actions and make improvements. Apart from meeting NARA's annual reporting requirements, ABMC does not have a mechanism in place to annually evaluate its RM program.

Recommendation 4.1: ABMC must develop a comprehensive plan to identify and schedule all records, in all record formats, throughout the agency (36 CFR 1225.12)

Recommendation 4.2: ABMC must develop a plan to conduct a complete inventory of all agency records, in all formats (i.e. hardcopy, electronic, audio visual and cartographic records), including any records maintained by contractors and develop a process or system that comprehensively identifies record types, locations and disposition instructions for all records in accordance with 36 CFR 1220.34 (i).

Recommendation 4.3: ABMC must create a plan to meet the requirements of 36 CFR 1222.32, and should include the contract language as stated in the NARA RM Handbook, RM Language for Contracts section, to ensure proper disposition of records that are created and managed by contractors.

Recommendation 4.4: ABMC must develop a plan to institute controls that ensure all records, scheduled and unscheduled, regardless of format, are properly organized, classified or indexed, accurately described and made available for easy retrieval and use (36 CFR 1220.34 (i) & 36 CFR 1224.3).

Recommendation 4.5: ABMC must develop a plan to establish a process that will ensure the timely transfer of permanent records in its custody to NARA and initiate the immediate transfer of any overdue records in ABMC custody to NARA.

Recommendation 4.6: ABMC must establish annual RM evaluations/audits/inspections with plans of corrective action in accordance with 36 CFR 1220.34(j).

RECORDS MANAGEMENT TRAINING

As part of the onboarding process, ABMC staff complete RM onboarding training. In addition, the agency's RM annual training is mandatory for all employees. The agency also provides topic-specific RM training relating to electronic records, email management, and controlled unclassified information. RM offboarding training for senior officials is the agency's only formal role-based training. While the agency has not developed formal role-based RM training for other groups, NARA acknowledges the micro agency's sufficient use and application of one-on-one training and consultations; and ad-hoc webinars to provide guidance to ABMC offices and personnel on specific RM issues.

Finding 5: ABMC basic RM training is not fully compliant with 36 CFR 1220.34 and NARA Bulletin 2017-01.

It is not enough to have policies and procedures for any program, and particularly a records management program, if staff are not made aware of them, why they are in place and how to use them. This can only be accomplished through effective training. RM training requirements for agencies' training programs are outlined in 36 CFR 1220.34 and NARA Bulletin 2017-01. Upon a review of ABMC's RM 101 Annual Training, NARA determined that the training does not describe and/or provide for the following:

- Practices and procedures to maintain and file records at the agency
- Practices and procedures for the implementing and updating records schedules and files plans
- Practices and procedures to retire records to storage and to transfer permanent records
- Practices and procedures to ensure for or the appropriate destruction of records
- Implementation of job relevant scenarios that requires trainees to practice what they are learning.

Additionally, although all ABMC staff are required to complete the agency's RM 101 Annual Training, and IT contractors receive training on IT roles and responsibilities as it relates to RM during the onboarding process, the agency cannot verify whether contractors take any further training or actually complete the agency's mandatory training annually.

Recommendation 5.1: ABMC must revise its annual RM training to ensure that it meets all requirements outlined in 36 CFR 1220.34 and NARA Bulletin 2017-01.

Recommendation 5.2: ABMC must develop and implement processes and procedures to ensure that all contractors receive ABMC RM training annually and that the completion of training is tracked as prescribed by 36 CFR 1220.34(f), OMB A-130 section 5.h.8, and NARA Bulletin 2017-01.

CONCLUSION

NARA understands that ABMC is in the early stages of structuring a more formal and comprehensive RM program, and it is clear that ABMC's senior leadership is aware that adherence to RM laws, regulations, and recordkeeping requirements is essential to its success. However, ABMC's lack of fundamental elements of a compliant RM program, as mandated by 36 CFR Chapter XII, Subchapter B, will require broader strategic planning that addresses not just IT, but also RM program management, policies, procedures, training, performance measures, risks and controls.

The recent rapid deployment of new IT infrastructure throughout ABMC is evidence that the agency is highly committed to not only successfully achieving the goals set forth in the

OMB/NARA Directive M-19-21, but also making RM a priority. Furthermore, the *American Battle Monuments Commission Information Resource Management (IRM) Strategic Plan 2021-2023* identifies a comprehensive set of strategic goals that should ensure a modern and cost-effective approach to managing agency data and information. If the findings and recommendations in this report are fully addressed, ABMC will be better positioned to build a robust RM program.

APPENDIX A INSPECTION PROCESS

OBJECTIVE AND SCOPE

The objective of this inspection was to examine how well ABMC's RM program complies with statutory mandates and other RM requirements. The inspection focused on the development of RM policies and procedures and its implementation throughout the agency. There was particular emphasis on electronic records management and the implementation of OMB/NARA Managing Government Records Directive (M-12-18) and OMB/NARA Guidance on Managing Email (M-14-16) goals.

METHODOLOGY

NARA carried out this inspection by conducting two interviews via video conferencing; one interview with ABMC's RM program which resides at its headquarters in the Washington metro area and the other interview with ABMC's international field office in Paris, France. The inspection team also reviewed ABMC's responses to a pre-inspection questionnaire and the RM program documents that were submitted prior to the interview.

APPENDIX B
RELEVANT INSPECTION DOCUMENTATION

- ABMC CUI Categories
- ABMC Disposition Authorities (4)
- ABMC Draft Controlled Unclassified Information (CUI) Policy
- ABMC Draft RM Policy
- ABMC Exit Checklists
- ABMC Organizational Chart
- ARO Position Description
- CUI and RM Onboarding and Offboarding Trainings
- IRM Strategic Plan
- NARA Pre-inspection Questionnaire

APPENDIX C AUTHORITIES AND FOLLOW-UP

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)
- 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 ACTIVITIES

ABMC will submit to NARA a Plan of Corrective Action (PoCA) that specifies how the agency will address each 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 ABMC's action plan, provide comments to ABMC on the

plan within 60 calendar days of receipt, and assist ABMC in implementing recommendations. ABMC will submit to NARA progress reports on the implementation of the action plan until all actions are completed. The frequency of progress reports will be determined during the development of the PoCA. NARA will inform ABMC when progress reports are no longer needed.

APPENDIX D
ABMC Response to NARA RM Inspection Report Draft



**AMERICAN BATTLE
MONUMENTS COMMISSION**

August 26, 2021

TO:

Mr. Laurence Brewer
Chief Records Officer for the U.S. Government
National Archives and Records Administration
8601 Adelphi Road, Room 2100
College Park, MD 20740

FROM:

Jennifer Li 
Chief Information Officer

RE: ABMC Responses to NARA Inspection Report Findings & Recommendations

Below, please find the American Battle Monuments Commission's (ABMC) formal response to the National Archives and Records Administration's (NARA) final Records Management Inspection Report on ABMC's Records Management Program. We appreciate the opportunity to respond to this report. What follows are responses to each of the report's findings and a brief narrative that explains progress made by ABMC in implementing a modern and effective records management program that is compliant with Federal records management statutes and regulations.

FINDING 1: The ABMC RM Program has not implemented critical RM requirements to be fully compliant with federal RM statutes and regulations.

The ABMC Office of the Chief Information Officer (OCIO) agrees that the ABMC Records Management Program (RMP) has not implemented all critical records management requirements to be fully compliant with federal RM statutes and regulations. However, the ABMC RMP has made additional strides since the January 2021 NARA inspection, and we would like to request more consideration regarding this significant progress in meeting many of the recommendations proposed by NARA.

After decades of inactivity, the head of the agency and the current leadership team in the OCIO have been very assertive in establishing a records management program that brings ABMC into compliance with 44 USC Chapter 31, 36 CFR 1220 subpart B, and other federal RM statutes and regulations.

Over the past three months we have initiated or completed the following milestones:

- Created disposition tags for most ABMC electronic record holdings;
- Continued to revise and update our draft RM policy;

- Developed training and policy for Controlled Unclassified Information (CUI);
- Drafted policy and a plan for ABMC's essential records;
- Created records management training modules for all staff, CUI, and employee on/off-boarding;
- Drafted an additional training module for records liaisons;
- Coordinated and participated in NARA's inspection of ABMC's records management program;
- Presented guidance to staff on managing email records;
- Submitted a Capstone proposal to NARA and received approval to implement Capstone as our email management strategy;
- Completed the past two annual RM surveys as part of our annual reporting requirements, which resulted in significant increases in our scores.

Although we still have much work to do to establish a robust records management program, as outlined above, over the past year and a half, ABMC leadership and OCIO staff have laid the foundation for greatly improving records management at ABMC.

FINDING 2: ABMC RM Program is not adequately supported by ABMC staff throughout the agency in accordance with 36 CFR 1220.34d.

As noted in Finding 2, prior to the January 2021 NARA inspection, ABMC had not consistently assigned records management responsibilities to select staff in each program area and/or site across the agency. However, following the NARA inspection, the ABMC CIO sent an email to office directors and cemetery operations to request that records management liaisons be designated for each directorate and each cemetery. Those designees have been selected, and, over the next year, the CIO and the Records Officer (RO) will work to build a team of knowledgeable and qualified liaisons who will use best practices, policy, and tools to bring ABMC into compliance with 36 CFR 1220.34 (d).

To satisfy 36 CFR 1220.34 (d), ABMC will continue to develop policy, procedures, and training to establish and educate a network of records management staff throughout all program offices, monuments, and cemeteries.

FINDING 3: ABMC's current draft RM Policy does not sufficiently cover federal recordkeeping requirements.

ABMC concurs with NARA's findings and recommendations.

FINDING 4: ABMC does not have effective control of its federal records.

In Findings 4.1 through 4.6, NARA reported that ABMC does not have effective control of its

federal records. OCIO staff members recognize that we cannot manage ABMC records and information without knowing what we have. Thus, it is imperative that we conduct an agency-wide inventory of our records holdings and implement policies and procedures to ensure that ABMC records are identified, properly organized, classified, indexed, and made easily retrievable.

As a small agency with limited resources and a large, dispersed global footprint (30 sites in 11 countries, spread across four continents), ABMC faces many obstacles in implementing enterprise-wide changes over a short time frame. For instance, ABMC has experienced great logistical and local field site challenges in physically managing legacy paper records, including the inability to hire and train additional FTE to perform Records Management functions. Also, this agency-wide effort has been even more challenging during the on-going COVID pandemic, with mandatory telework and closure of our HQ office in Arlington, VA and cemetery and monument sites around the globe.

RO and OCIO staff members recognize the importance and value of evaluating records management programs and concur with NARA's recommendation that this process be conducted on a regular basis at the departmental and office levels. As social distancing restrictions are relaxed, RO will work with other ABMC sites to conduct evaluations/inspections on their record-keeping practices and implement solutions. ABMC records management staff members also recognize the importance of updating records disposition schedules and concur with NARA's recommendation that ABMC's schedules need to be revised to include media neutrality, etc. In the coming months, as pandemic restrictions are lifted and people return to offices, ABMC will begin to address this issue and other records management control issues listed under Finding 4.

We also strongly agree with NARA's recommendation that records management obligations language be inserted into each agency contract to ensure that records management policies and procedures are followed by any contract employees. Since the NARA inspection in January, the ABMC CIO provided guidance and draft contract language to ABMC's procurement staff in order to ensure proper disposition of records that are created and managed by contractors.

FINDING 5: ABMC basic RM training is not fully compliant with 36 CFR 1220.34 and NARA Bulletin 2017-01.

ABMC's Records Management Program concurs with Finding 5 and its two recommendations, with a few notable exceptions. Recommendation 5.1 states that "ABMC must revise its annual RM training to ensure that it meets all requirements outlined in 36 CFR 1220.34 and NARA Bulletin 2017-01."

As a small agency, and based on our organizational structure, it is not necessary to provide extensive instruction to all staff on such items as:

- Practices and procedures for implementing and updating records schedules
- Practices and procedures to retire records to storage and to transfer permanent records to NARA
- Practices and procedures to ensure the appropriate destruction of records

At this time, any of these work processes would be performed by the agency records officer, almost

exclusively. We will gladly insert information on these topics into the training module (including practices and procedures for implementing and updating file plans) to ensure all employees understand key points; however, the bulleted items above are not subjects we need to spend a great deal of time on since only select employees perform such tasks.



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