

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION (NARA)

### Statement of Regulatory Priorities

The National Archives and Records Administration (NARA) primarily issues regulations directed to other Federal agencies. These regulations include records management, information services, and information security. For example, records management regulations directed to Federal agencies concern the proper management and disposition of Federal records. Through the Information Security Oversight Office (ISOO), NARA also issues Government-wide regulations concerning information security classification, controlled unclassified information (CUI), and declassification programs; through the Office of Government Information Services, NARA issues Government-wide regulations concerning the Freedom of Information Act (FOIA) dispute resolution services and FOIA ombudsman functions; and through the Office of the Federal Register, NARA issues regulations concerning publishing Federal documents in the **Federal Register**, *Code of Federal Regulations*, and other publications.

NARA regulations directed to the public primarily address access to and use of our historically valuable holdings, including archives, donated historical materials, Nixon Presidential materials, and other Presidential records. NARA also issues regulations relating to the National Historical Publications and Records Commission (NHPRC) grant programs.

In 2014, the Federal Records Act required the Archivist of the United States to issue regulations with standards for the reproduction of records by photographic, microphotographic, or digital processes with a view to the disposal of the original records. In 2019, NARA issued 36 CFR 1236, Subchapter D, Digitizing Temporary Records. In 2020, NARA drafted a new Subchapter E, Digitizing Permanent Records. These regulations contain digitization standards for permanent paper records. In Fall 2022, these standards will be issued as a final rule. In Spring 2023, NARA will issue a draft rule with digitization standards for permanent film records. Furthermore, in Fall 2022, NARA will issue a new final rule for Subchapter F, Metadata Requirements for Permanent Records that will be required when agencies transfer permanent electronic records to NARA.

In Fall 2022, NARA will issue a draft rule with changes to 1225.22 regarding when agencies are

required to reschedule their records. When agencies have digitized records in the past that do not meet the requirements established in §1236, the rescheduling process will help NARA and the public determine if the digitized versions are acceptable as permanent records. NARA will remove 1225.24 to eliminate the media neutral notification requirement, which is no longer relevant.

In January 2021, the Federal Records Act (44 U.S.C. 3302) required the Archivist of the United States to promulgate regulations governing Federal agency preservation of electronic messages that are records. The law states that the regulations must require agencies to electronically capture, manage, and preserve electronic message records, and must require that they can readily access such records through electronic searches. Additionally, the regulations should include timelines for Federal agencies to implement the resulting regulatory requirements as expeditiously as practicable. Therefore, we are amending 36 CFR 1220, Federal Records; General, and 36 CFR 1222, Creation and Maintenance of Federal Records, to define electronic messages and to expressly clarify records management requirements for electronic records. We are adding new requirements to 36 CFR 1222, Creation and Maintenance of Federal Records because the capture, management, and preservation of electronic messages is an essential part of a federal records management program.

These records management regulatory priorities align with the goals and initiatives of our Strategic Plan 2022-2026.

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