

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.

Proposed Changes to Rescheduling Requirements

In the second quarter of FY 2024, NARA will issue a draft rule with changes to 36 CFR 1225.22 regarding requirements for agencies to reschedule their records. All rescheduling requirements will be in section 1225.22. NARA will remove and reserve sections 1225.24 and 1225.26 to eliminate the media neutral notification requirement, which is no longer relevant.

Enhancing Oversight Requirements for Records Management

We also propose to amend 36 CFR part 1239. We are removing subpart B—Program Assistance, as it is out-of-date and informational, and provides no agency requirements. We are proposing to update the remaining subparts to provide clarity and specificity to our agency oversight requirements. We propose to move unauthorized disposition requirements from 36 CFR part 1230 to 36 CFR part 1239 and

strengthen them.

Streamlining Requirements for Agencies Dealing with General Records Schedules and GAO

We propose updating 36 CFR 1225.20 and removing 1225.12(h) to make it easier for agencies applying the General Records Schedules (GRS) by minimizing the instances where the General Accounting Office (GAO) must be consulted. Now, agencies will only need GAO approval for deviations from GRS 1.1, item 010, which relates to accountable officer records. They won't need GAO approval for deviations from other parts of the GRS. Also, they won't need GAO approval for program records schedules that are less than three years old.

New Digitization Standards for Permanent Still Image Film Records

The next step for digitization standards in NARA's Regulations will include technical standards for digitizing various permanent still image film records, such as transparencies, negatives, radiographic, microfiche, and microfilm. These standards will be added to subpart E of 36 CFR part 1236.

Revising Provisions for Digital Photographs

We propose revising the provisions stated in 36 CFR 1237.28(d), which addresses special concerns for digital photographs. This revision is essential because the recent publication of subpart E of 36 CFR part 1236 introduces new and more detailed requirements for digitizing photographic prints.

Authorization for Disposing of Digitized Temporary Records

In June 2023, NARA released GRS Transmittal 34, introducing GRS 4.5 Digitizing Records. As a result, we propose updating the regulations in 36 CFR 1236.36 to ensure appropriate authorization for disposing of temporary records after they have been digitized. Furthermore, we propose aligning the language used throughout 36 CFR subpart D with the newly published subpart E of 36 CFR part 1236.

Improving Regulations for Electronic Message Preservation

On January 1, 2021, the Federal Records Act was amended. The updated law now requires the Archivist of the United States to create regulations for federal agencies on preserving electronic messages that are considered records. In response to this, we are proposing changes to our regulations by revising section 1236.22, which covers the additional requirements for managing electronic mail

records. The aim is to clearly outline the records management requirements for electronic messages and systems.

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