

Oral Statement of

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Information Security

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Mr. Chairman and Members of the Subcommittee, I thank you for offering me the opportunity to testify today.

NARA represents America's past like no other agency. We hold the treasure troves of our nation's history. However, as an organization, we must live in the present while preparing for the future that focuses upon electronic records. Today I will be quite candid in discussing what I and my staff have observed during my tenure as the National Archives Inspector General.

Archivist Allen Weinstein has in tangible ways supported my office, as well as me personally. However, our work comes at a price. In the wake of certain investigations and significant audits conducted by my office; my staff and I have been met with significant resistance and unfounded challenges.

Our audits and investigations have consistently identified challenges in core elements of NARA's operations that we believe, by definition, constitute material weaknesses.

While preservation workstations sit empty in our world-renowned laboratories due to funding and staffing constraints, contractors siphon funds for projects that are ill defined, poorly managed and fail to meet user needs. While millions of dollars flow to the Electronic Records Archive program – which to date is well over budget and has failed to meet deliverable dates – and other IT related contracts, Archivists struggle under resource

constraints to process and preserve the ever-expanding quantities of records arriving at NARA everyday. While NARA is exposed to significant frauds and the loss or theft of millions of dollars worth of accountable property such as laptops, desktops, and servers, Presidential artifacts sit unprocessed and vulnerable due to limited resources. Finally the importance of these issues is magnified by the fact the Archivist and I share the belief that NARA is by definition a national security agency as we hold the vital records of virtually every Federal agency, as well as those of such other entities as the Warren and 911 Commissions.

I will dedicate the balance of my testimony to the Electronic Records Archive program and related electronic White House Presidential Records. I am also available to discuss other audit and investigative work products produced by my office touching upon areas ranging from preservation of holdings, processing and accessing federal records or the recovery of hundreds of stolen Federal records via our highly successful and unique Archival Recovery Team (ART) concept recently featured in the April edition of Smithsonian Magazine.

#### Electronic Records Archive

With regard to the Electronic Records Archive Program, in December of 2001, nearly 7 years ago, I first approached the former Archivist about the need for audit coverage of the ERA Program by stating:

“Resources have not been assigned to the OIG to facilitate our independent analysis of the program and to serve as a basis to report to the Archivist, Congress, and the American people on the status of the ERA program. Stakeholders actively involved in designing, building and coordinating the deployment of ERA may be blinded from identifying issues that exist and call out for identification.”

In a subsequent meeting in April, 2002, I requested two audit positions to support the fledgling ERA program. The former Archivist told me he could give me 50 people and I still couldn't cover it, so he asked me how I thought I could do it with two. I responded that I would take the two – but received none.

Dedicated ERA audit resources sought by the OIG in budget submission after budget submission were not forthcoming even as I defined that the value of independent, dedicated and skilled oversight over this critical program could not be overstated and the risks of not performing this function unacceptable. GAO report 03-880 issued in August of 2003 defined NARA's need to staff key unfilled ERA positions to mitigate the long-term risk to the acquisition. In meetings with the GAO I urged them to define that one of the key unfilled ERA staff positions be dedicated to the NARA OIG to support independent and expert oversight of the program and related contractors. Regrettably, the GAO did not act upon this request.

Unfortunately, it came as no surprise to my office when on July 27, 2007; NARA issued a Cure Notice to the ERA prime contractor for “failure to make progress in the work so

as to endanger performance under the subject contract.” Indeed, the impact of delays and cost overruns is significant and profound. While I do not know if or when ERA will be fully operational, any additional delay will adversely impact other NARA operations, require NARA to consume additional scarce dollars to sustain the Archives Research Catalog or develop some other vehicle to bridge the gap until ERA meets baseline functionality requirements.

Finally in the fall of 2007, with the support of Archivist Weinstein, this office was able to staff a dedicated ERA audit position. One need not have been a visionary or a soothsayer to anticipate the problems that have encumbered the ERA program. We hope that at this late date that OIG audit support will prove to be of value.

#### White House E-Mail Records

In April 2007, an article raised my concern as to the condition of the White House records, as under the Presidential Records Act, Bush 43 Presidential Records will accrue to NARA. The ingestion of these records is to be a key and early benchmark in the successful deployment of ERA. Following the April 2007 article, I requested briefings and was informed by key NARA staff members that the Bush 43 development and transition to a new and effective record keeping system had not been accomplished and records were being stored in a vulnerable production server environment. After looking into this I found an internal NARA report for the fourth quarter of FY 2006 where a

NARA official reported that they “continued” to work on matters relating to management of electronic records by the Executive Office of the President, Office of Administration.

The problem for my office is that concerns as to access issues or functionality of White House record keeping systems were never directed to my attention by knowledgeable NARA officials prior to press accounts reaching my desk. Thus I was not afforded the opportunity to address a significant condition which will potentially impact a major NARA program that falls under my statutory jurisdiction.

I am aware of momentum to provide NARA additional authority to ensure Federal agency compliance with records standards most notably with regard to their internal preservation of electronic records. I believe that such legislation and related funding is required. If NARA does not assume this role, then I ask who will. NARA traditionally has not viewed itself as an enforcement entity but rather one that focuses upon collegiality and relationships. I believe that given limited cognizance into agency record keeping processes, a void exists in which inappropriate treatment or loss of Federal records may well be occurring. This position may be alien to my peers at NARA but I come from dual law enforcement and audit backgrounds and believe that additional powers, authority and resources are needed in this area. The consequences of failed record keeping in Federal agencies today will adversely impact our nation tomorrow.

In terms of personnel and budget, NARA is not large, but its mission surely is. I am an Inspector General. My statement today will most certainly have repercussions, but my candor reflects my statutory duty to this subcommittee and the American taxpayer.

I thank you for the opportunity to testify and am available to take your questions.