



# National Archives and Records Administration

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Date : January 16, 2009

Reply to

Attn of : Office of Inspector General (OIG)

Subject : Advisory Report No. 09-07, Omission of Classified Electronic Records From the Executive Office of the President System

To : Adrienne Thomas, Acting Archivist of the United States (N)

The purpose of this report is to advise you of the current status of the handling of classified electronic records from the George W. Bush administration by the Executive Office of the President (EOP) System of the Electronic Records Archive (ERA)<sup>1</sup>. We continue in our ongoing effort to review the National Archives and Records Administration's (NARA) development and implementation of the ERA system. This initiative focuses on assessing the current status of the ERA program and determining whether the program (1) is meeting cost and schedule requirements, and (2) will be able to cost effectively meet future target implementation dates.

During the course of our review, NARA removed classified records from the scope of the requirements for the EOP System. Therefore, classified records from the George W. Bush administration are not going to be included in the EOP System. In our opinion, this will negatively affect the cost and implementation schedule of the ERA project. ERA was to enhance NARA's ability to comply with the requirements of the Presidential Records Act<sup>2</sup> by providing rapid ingestion of data in a permanent, secure environment and eliminating the need to migrate the data to new or updated systems in the future. Excluding classified records from the EOP System raises the following concerns:

- What are the associated costs to maintain classified electronic records in a non-ERA system?
- What are the additional costs needed to develop and implement an EOP National Security System (NSS)<sup>3</sup> in the future to handle classified records?
- How will the cost and schedule of the overall ERA development effort be impacted?

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<sup>1</sup> The portion of ERA that will handle electronic records from the Executive Office of the President.

<sup>2</sup> The Presidential Records Act of 1978, 44 U.S.C. 2201-2207 governs the official records of Presidents and Vice Presidents created or received after January 20, 1981.

<sup>3</sup> National Security Systems (NSS)—intelligence systems, cryptologic activities related to national security, military command and control systems, and equipment that is an integral part of a weapon or weapons system, or is critical to the direct fulfillment of military or intelligence mission.

NARA officials stated the reasons for not including classified records in the EOP System was the lack of funding and the additional level of effort needed to certify and accredit<sup>4</sup> a system with classified records.

NARA's July 2008 ERA Program Monthly Report to Congress noted that work was being deferred on the NSS portion of the ERA EOP and the NSS portion will be developed as part of a future increment. The report also stated NSS functionality will be provided by replicating or migrating the existing White House classified systems to NARA, as was done with the Clinton records. However, the report fails to note the reasons for deferring the NSS; the costs for replicating or migrating, and maintaining the White House classified systems; and the costs and timeframe for developing and implementing the NSS in ERA.

Our review effort consisted primarily of reviewing applicable ERA/EOP documentation such as: the ERA contract and modifications; contractor status reports; Congressional status reports; EOP test plans and implementation schedules; ERA's Exhibit 300<sup>5</sup>; Congressional Budget Justifications; and interviews with responsible ERA Program Office and Presidential library officials. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The Presidential Records Act gives the Archivist of the United States responsibility for the custody, control, and preservation of presidential records upon the conclusion of a President's term of office. The act states that the Archivist has an affirmative duty to make such records available to the public as rapidly and completely as possible consistent with the provisions of the act. At the time of the last presidential transition, NARA met these requirements by recreating the Clinton administration's computer systems (software and hardware) that originally held the records and developing simple search interfaces so that NARA personnel could search for requested information. It took about 400 days to process the 2 terabytes<sup>6</sup> of data from the Clinton Administration. The current estimate of classified electronic records from the Bush administration is between 2 and 2.5 terabytes which is equal to or greater than the total of all electronic records received from the Clinton administration. Any records that cannot get ingested in a way that supports search and retrieval immediately after the change in administration could substantially effect the time and cost for NARA to comply with the Presidential Records Act.

The Exhibit 300: Capital Asset Plan and Business Case Summary for ERA states that NARA must have the capability to deal with the increasing volume and complexity of the Bush administration's electronic records. NARA will immediately need the ability to respond to

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<sup>4</sup> Security certification is an assessment of the management, operational, and technical security controls in an information system to determine the extent to which the controls are implemented correctly, operating as intended, and producing the desired outcome. Security accreditation is the official management decision given by a senior agency official to authorize operation of an information system and to explicitly accept the risk to agency operations, agency assets, or individuals based on the implementation of an agreed-upon set of security controls.

<sup>5</sup> Agencies develop an Exhibit 300 to justify each request for a major information technology investment.

<sup>6</sup> A terabyte is about 1 trillion bytes or about 1,000 gigabytes.

time sensitive and often high visibility special access requests for these records. Such special access requests come from former and incumbent Presidents, the Courts, and Congress. NARA must ensure the right technologies and procedures are in place to accept, appropriately process and preserve some of America's most historically significant, and often highly classified electronic records from the Bush Presidency.

At the end of previous administrations, NARA acquired electronic records on an ad hoc basis, essentially migrating systems as is to NARA using the same technology used in the White House whenever possible. This methodology has several disadvantages:

- Each system is a unique development project with special hardware, software, project management, and documentation requirements. This can be costly and cumbersome, especially when White House systems are not well documented.
- Each system then follows the standard development lifecycle, including technology refreshment to prevent obsolescence. NARA had to migrate existing systems of data from the Reagan, Bush (former), and Clinton administrations to more modern hardware and software platforms in order to extend the useful life of those systems.
- NARA must either accept the functionality of the systems as they exist at the White House, or add functionality to retrieve, compile, and distribute information from the systems to meet the statutory requirements of the Presidential Records Act. Adding functionality at best results in a piecemeal solution.

The Exhibit 300 also described the benefits of using ERA to ingest the electronic records of the current Bush administration including:

- The data will not need to be migrated to new or updated systems in the future, but will remain in ERA permanently, and the data will be preserved as ERA is refreshed or enhanced.
- ERA will be designed to meet the requirements of NARA users. Capabilities to ensure the continuing preservation, search, retrieval, and distribution of data will be built into the system and no special modifications will be required to meet the statutory requirements of the Presidential Records Act.
- Ingesting and securely storing the Bush electronic records immediately upon the end of the Administration rather than warehousing the records on fragile media that is subject to deterioration.

NARA's 2008 and 2009 Congressional Budget Justifications request funding to ensure ERA has the capability to ingest, store, preserve, and manage classified and unclassified electronic records from the current Bush administration in an appropriate and secure environment. However, a modification was issued to the ERA contract that estimated the total cost of the EOP System at \$38.9 million and states the EOP System acquired under this modification does not include scope for an EOP NSS. The NSS would handle classified electronic records from the Bush administration. The modification further states that if an EOP NSS is required by the Government in the future, additional cost will be required to complete the procurement, installation, configuration, testing, and deployment. NARA officials stated the reasons for not including classified records in the EOP System were lack of funding and the

additional level of effort needed to certify and accredit a system with classified records. The ERA Program Office has not responded to inquiries related to the funding issue. When asked how the classified electronic records, that will inevitably come to NARA from the White House, would be handled a NARA official told us the majority of these records would be transferred to NARA on USB drives and a standalone server. It is intended that the data will be in a neutral format and will be searchable using included software, which NARA will have to license. She added the certification of a stand alone system, such as the one created for Clinton's records, was deemed to be a more straightforward and timely process than the certification of a classified EOP System.

By excluding classified records from the scope of the EOP System, we are concerned with the associated costs to maintain classified electronic records in a non-ERA system, the additional costs needed to develop and implement an EOP NSS, and the impact to the cost and schedule of the overall ERA development effort.

If you have any questions concerning the information presented in this status report, please e-mail Mr. James Springs or me, or call us at extension 73000.



Paul Brachfeld  
Inspector General

cc: NH (M. Morphy)