

# NOMINATION OF DAVID S. FERRIERO

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## HEARING

BEFORE THE

### COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

OF THE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

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NOMINATION OF DAVID S. FERRIERO TO BE ARCHIVIST OF THE  
UNITED STATES, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OCTOBER 1, 2009

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## NOMINATION OF DAVID S. FERRIERO

THURSDAY, OCTOBER 1, 2009

U.S. SENATE,  
COMMITTEE ON HOMELAND SECURITY  
AND GOVERNMENTAL AFFAIRS,  
*Washington, DC.*

The Committee met, pursuant to notice, at 3:05 p.m., in room SD-342, Dirksen Senate Office Building, Hon. Thomas R. Carper, presiding.

Present: Senator Carper.

### OPENING STATEMENT OF SENATOR CARPER

Senator CARPER. Senator Hagan, are you from North Carolina? Is that true?

Senator HAGAN. You had better believe it.

Senator CARPER. Do you know this fellow sitting to your left?

Senator HAGAN. We are so honored that he is here.

Senator CARPER. Well, we are honored that you are here. I know you have a lot on your plate today, but we are honored that you would be willing to come by and say a word or two on his behalf.

We are delighted you could come and make some remarks to introduce him. Speak for as long as you wish.

### TESTIMONY OF HON. KAY R. HAGAN, A U.S. SENATOR FROM THE STATE OF NORTH CAROLINA

Senator HAGAN. Mr. Chairman, I am really delighted to be here. Thanks for the opportunity to speak today.

Seventy-five years ago, President Franklin Roosevelt appointed R.D.W. Connor as our first Archivist of the United States, and I mention this because Archivist Connor was born in Wilson, North Carolina, and prior to becoming the Archivist, he was a distinguished member of the faculty at the University of North Carolina (UNC).

Senator CARPER. I have heard of that school.

Senator HAGAN. It is a good one. [Laughter.]

Today, I am honored to see this Committee hold a confirmation hearing for President Obama's nominee to be the tenth Archivist of the United States because, like Mr. Connor, David Ferriero also has ties to our great State and one of our fine universities, Duke University. And it just so happens my son graduated from Duke several years ago.

Like the first Archivist, Mr. Ferriero is arriving at a time of uncharted challenges for the National Archives. The first Archivist was confronted with the enormous task of building the Archives

and figuring out how to process and care for 150 years' worth of Federal records scattered across the government. Today, Mr. Ferriero is coming to the position when the challenges of preserving and providing access to government records are about bits and bytes rather than paper and parchment.

One of my goals, as a Senator, is for government to be open and accessible to the constituents of my State and the Nation. The National Archives strives to increase the accessibility of government, incorporating technology into its mission in order to benefit our democracy and into the future.

As a result of his time as the University Librarian at Duke, we in North Carolina know that he embraces technology and he sees the potential it has to provide affordable and broad access to history, science, and culture. Among other things, we saw his leadership lead to the North Carolina Exploring Cultural Heritage Online, a statewide initiative to establish one doorway to all the libraries, museums, archives, and historical collections in the State, almost 1,000 sites in an online environment.

Duke University was grateful for the leadership shown by Mr. Ferriero. Then-University President Nan Keohane, a good friend of mine, said he was "a renaissance man who combines a commitment to the life of the mind with a practical and collaborative approach." Duke noted his ability to accomplish great things with "charm, wit, and great sensitivity to the multicultural nature of university." And when Mr. Ferriero took the position at the New York Public Library, Duke University said he would be remembered at Duke as a visionary and an effective leader, a man passionate both about books and—guess what—basketball. [Laughter.]

I am thrilled that President Obama nominated someone who was passionate about basketball— [Laughter.]

Even though it was one of our other great teams in North Carolina, from UNC-Chapel Hill, that won the NCAA Championship this past year.

But more importantly, I am confident that Mr. Ferriero's experience at Duke and the rest of his distinguished career will serve the National Archives and our Nation very well.

I would like to take a moment of congratulations, and I am thrilled with this nomination, and I am thrilled that you have accepted this great challenge.

Thank you, Mr. Chairman.

Senator CARPER. Senator Hagan, thank you very much. I know you are one busy Senator. You are involved in all kinds of things, and we are delighted that you could take the time to come by and speak on his behalf. Thank you so much.

Senator HAGAN. Thank you.

Senator CARPER. Good to see you. See you later today.

As Senator Hagan leaves, I might mention, we have just come from votes on the Senate floor on the defense appropriations bill, which is a big deal. We had two votes, one offered by the Chairman of our Permanent Subcommittee on Investigations, Senator Levin, which was to be followed in sequence by another vote offered by the Ranking Republican on our Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, Senator McCain. As it turned out, the first

vote was the 12,000th vote in the Senate career of Senator Orrin Hatch from Utah.

On an occasion like that, it is not uncommon for a Democratic leader and a Republican leader to stand up and speak about the colleague who reached the milestone. That is a big milestone around here. And as he spoke, right across the aisle from him, about five or six feet away was Robert Byrd, who has been hospitalized and is now back at work, and it is very nice to have him back.

But the bad thing about the tribute to Senator Hatch was that it did delay the beginning of this hearing, so we apologize for that, but we are glad you all stuck around, especially our nominee and his family and his extended family.

I just want to add to what Senator Hagan said. She was quick for some reason to talk about your North Carolina affiliations, but she maybe did not talk quite as much about the time you spent up in Cambridge, Massachusetts. Our oldest son is a fourth-year mechanical engineering student at MIT, where I know our nominee spent 31 years of his life and worked his way up, becoming Acting Co-Director of the MIT Libraries.

Before that, an even more important contribution and role that he played was in the U.S. Navy, a branch of service where I spent some 23 years, plus another 4 more years as a Navy ROTC Midshipman. So I felt a kinship almost right away when I met our nominee.

After adding that to the list of accomplishments, we are delighted that you have been nominated and delighted that you are here with your family and friends.

Now, when I look at your name—I always talk to my staff about this—I say, are you sure he pronounces his name “fare-e-oh,” because when I look at it, it should be “fare-e-er-oh.” That is the way I would pronounce it. Why is it pronounced “fare-e-oh”?

Mr. FERRIERO. I am sure that it is the result of a mispronunciation many years ago. Two brothers came to the States. One went to Medford, Massachusetts, where Mike Bloomberg’s family went, and the other went to Beverly, Massachusetts. The people in Medford are “fare-e-er-oh.” The people in Beverly are “fare-e-oh.” [Laughter.]

And that is how we tell each other apart. [Laughter.]

Senator CARPER. You mentioned Mike Bloomberg, the Mayor of New York City?

Mr. FERRIERO. From Medford, Massachusetts.

Senator CARPER. Oh, really? How about that. I was with him a couple of years ago, and he was here receiving an award on behalf of the schools in New York City. They were being recognized as the best urban school district in the country, among four or five others. When he received the award, he was talking about the young people in the schools and how bright they are, how much they have learned, and how fast they are coming along. He was sort of inferring that they were much smarter than his generation. And he talked about his own achievements in college, and he said, “My role in college was to make it possible for others to be in the top half of the class.” [Laughter.]

I mentioned that to Senator McCain just before he voted on his amendment. Senator McCain said, "I am going to steal that line." And I said, why shouldn't you? I already have. [Laughter.]

Well, today, we are going to be considering the nomination of David Ferriero to be the Archivist of the United States, the National Archives and Records Administration.

I am not going to repeat the things that Senator Hagan has said, in the interest of time. As we meet here, there is also a markup going on at the Finance Committee. Let me say for our young people who are sitting out there and may not realize that Senators used to use quill pens, and whenever we were voting on legislation, a piece of legislation that might be introduced, these old fellows would sit around with their quill pens and they would mark up the legislation. We now have computers to help us with these things. But the term "markup" is still used to describe what happens in the Committee before a bill comes to the Floor of the House or Senate.

But there is a markup going on just down the hall at the Finance Committee, on which I serve, and we are marking up health care reform, and as soon as we finish here, I am going to slip back down there and get to work with my other compadres.

When you look at the seats up here, we probably have 17 people who serve on this Committee and the seats are empty. And you might say, well, why is that? If your nomination was in trouble, they would be full. [Laughter.]

This is not bad news. This is actually positive. You should welcome this, I think.

Let me just say, I am pleased that the President has sent us such a qualified candidate for this position. As I am sure Mr. Ferriero will point out in his opening statement, he has experience working with the National Archives in his previous positions and will hopefully bring in some fresh new ideas, if confirmed as its leader.

In his previous role as head of the New York Public Library, Mr. Ferriero worked to increase efficiency and to streamline its operations. Mr. Ferriero has also harnessed the power of the Internet to make it easier for citizens to access the holdings of the New York Public Library from the comfort of their homes. He understands very well the tough work that lies ahead, should he be confirmed.

When Mr. Ferriero and I sat down together recently, he made clear that there are issues that the world is looking to the National Archives to help solve and that he would like to take a leadership role in solving them. Good for you.

First, there is the issue of electronic records management. Every year, more and more records are being produced entirely in electronic form. For example, I am sure a good number of people in this room sent an e-mail today—I know I have—that contained an attachment with a document, photo, or a video. Now, not all those records will be important for our Nation's history, but some may be. In the past few decades, important electronic records, such as e-mail, have been printed on paper and placed in a filing cabinet, but we cannot go on doing that forever.



To address this challenge, the National Archives is developing an information technology (IT) system that can store the government's electronic records forever, and that is a long time. While this technology sounds promising, there are many experts who question whether or not it will be effective. For example, will we know in the year 2109 that an electronic record created in 1999 is the original? I do not have an answer to that question, and I doubt that many people here do, but it is one that Mr. Ferriero will be responsible for finding out if he is entrusted with this position for which he has been nominated.

The second area I want to touch on is the cost of running the Presidential Libraries.

The Presidential Libraries Act of 1955 requires the National Archives to maintain libraries from President Hoover onward. Pretty soon, we will see President George W. Bush's library added to that list. These libraries are typically privately constructed and then deeded and maintained by our Federal Government, as we know.

However, some library facilities have unexpectedly required millions of dollars in additional funding from Congress in order to prevent the destruction of priceless artifacts from leaking roofs, poor infrastructure, and improper temperature controls. Further, I learned last year at a hearing that some records in Presidential Libraries are often unavailable to the public for extended periods of time.

That is why I asked my colleagues on this Committee to join me in passing a bill during the last Congress that asked the National Archives to take a hard look at the Presidential Library system. The bill asked the Archives to report back to Congress on ways to better preserve presidential materials, to reduce the financial burden on the Federal Government, and to reduce the delay in public access to the records that are held by those libraries. In fact, we recently received that report, and I look forward to partnering with Mr. Ferriero to take steps to save costs and better protect these precious national treasures.

And finally, I would like to touch on the leadership role of the National Archives. Every year, millions of paper-based and electronic records are created by our government. Some of these records are at risk of being lost forever because the recordkeeping systems used by our agencies are flawed. We saw this unfortunate situation unfold when 3 months' worth of Bush White House e-mails leading up to the start of the Iraq War went AWOL. I am not sure if all those e-mails were recovered, but that is a situation that simply never should have occurred in the first place.

In addition, we have needlessly spent millions of taxpayer dollars declassifying records that never should have been classified in the beginning. And when records are labeled "classified," it takes decades longer than it should to finally declassify them. For example, my staff tells me that the National Archives has records that are unavailable to the public that date back to the Spanish-American War due to their classified status. That is unacceptable.

One major challenge for Mr. Ferriero, if he is confirmed, will be to make sure that the National Archives assumes the leadership role Congress intended back in 1934 and more aggressively works with agencies to appropriately manage their records.

My thanks to you, Mr. Ferriero, for your willingness to tackle this difficult, challenging role. And I want to say to your wife, who is sitting there behind you, over your right shoulder, and to others in the audience who like you, who care for you, but especially to your wife and family, a real special thanks to you for sharing with our Nation a very good human being.

Others may join us during the course of this hearing, and if they do, I will be pleased to recognize them to ask questions or, probably in more cases, to submit questions for the record.

I understand that you have filed responses to a biographical and financial questionnaire. You have also answered prehearing questions submitted by the Committee. In addition, the financial statements have been reviewed by the Office of Government Ethics. Without objection, that information will be made part of this hearing record. Financial data, however, will be published on the front page of the *Washington Post* for all to see. [Laughter.]

No, I am kidding. Financial data will remain on file and available for public inspection in the Committee offices.

Committee rules require that all witnesses at nomination hearings give their testimony under oath, and I am going to ask, Mr. Ferriero, would you please stand and raise your right hand at this time, and I will do the same.

Mr. Ferriero, do you swear that the testimony you will give before this Committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. FERRIERO. I do.

Senator CARPER. Very well. Thank you.

As you begin your testimony today, feel free to introduce anyone in the audience that you would like to introduce, and then proceed with your opening statement.

Try to stay close to 10 minutes, and then I will ask three standard questions once you finish and then we will get into the real questions.

Mr. Ferriero, you are recognized. Please proceed. And again, your entire statement will be made part of the record. Welcome.

**TESTIMONY OF DAVID S. FERRIERO,<sup>1</sup> TO BE ARCHIVIST OF THE UNITED STATES, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**

Mr. FERRIERO. Chairman Carper, Committee staff, family, friends, and members of the gallery, I am triply blessed to be claimed by three home States, Massachusetts, North Carolina, and New York, and I am especially proud to have Senator Hagan say those kind words in my name.

At my current institution, the New York Public Library, Senator Schumer from New York has been incredibly helpful in helping us prepare for our 100th anniversary of the opening of the flagship library on Fifth Avenue, and I want to acknowledge his support of the New York Public Library.

I appear before you today, the proud grandson of Italian immigrants and the great-grandson of Irish immigrants. It is a humbling experience to be called to service by the President of the

<sup>1</sup>The prepared statement of Mr. Ferriero appears in the Appendix on page 17.

United States, an experience which allows, indeed, forces one to reflect upon all the individuals and opportunities which have gotten me to this moment.

The product of an outstanding public education system in Beverly, Massachusetts, I attended Northeastern University, the Nation's leading cooperative education program. My father worked at least two jobs, often three, throughout my childhood. My mother took a job cleaning floors at Beverly Hospital to ensure that I could go to college. The cooperative education program gave me an education and my first experience with research libraries, which set the stage for a career spanning more than 40 years.

A 4-year enlistment in the U.S. Navy, including a year in Vietnam, afforded me the opportunity to be trained as a hospital corpsman with a specialty in neuropsychiatry. The Navy provided me with a set of people skills that I use every day of my life.

My work experience in three of the Nation's leading institutions has provided me with a set of professional credentials of particular value to the National Archives and Records Administration. At MIT, where I started shelving books in 1965 and left having served as Acting Co-Director of Libraries; at Duke, where I was University Librarian; and at the New York Public Library, where I serve as the Andrew W. Mellon Director of Libraries, I have had administrative responsibilities for institutional archives and records management programs. In all three settings, I have had preservation and conservation experience, including creating the preservation program at Duke. Most importantly, I have experienced and managed aspects of technological transformation over the years in all three environments.

The mission of the Archives is to safeguard and preserve the records of our government, ensuring that people can discover, use, and learn from this documentary heritage. Carved into the north facade of the Archives building a few blocks from us, the mission is expressed more simply: "This building holds in trust the records of our national life and symbolizes our faith in the permanency of our national institutions." This is an awesome responsibility and, at the same time, given the impact of technology on these records, an exciting challenge for one who spent his career managing change.

Robert Digges Wimberly Connor, as Senator Hagan mentioned, our Nation's first Archivist, in 1934 surveyed 225 buildings whose records would be housed in the new Archives building, some 1.4 million cubic feet of records. To quote Mr. Connor, "45 percent of the total are infested with silverfish, cockroaches, and other insects, rats, mice, and other vermin, and exposed to such hazards as dirt, rain, sunlight, theft, and fire. More than 46 percent of the total were in depositories that were dark, dirty, badly ventilated, crowded, and without facilities for work."

"Typical was the case of valuable records relating to Indian affairs, which were found on dust-covered shelves mingled higgledy-piggledy with empty whiskey bottles, pieces of soap, rags, and other trash. In another depository crowded with archives of the government, the most prominent object to one entering the room was the skull of a dead cat protruding from under a pile of valuable records."

Senator CARPER. You are not making this stuff up, are you?  
[Laughter.]

Mr. FERRIERO. It is from the UNC archives.

Senator CARPER. It must be true. [Laughter.]

Mr. FERRIERO. "If a cat with nine lives to risk in the cause of history could not survive the conditions of research in the depositories of our National Archives, surely the poor historian with only one life to give to his country may be excused if he declines to take the risk."

We have come a long way since 1934, when Mr. Connor's survey was completed, but I would suggest that we are at a similar defining moment with regard to our existing electronic records, social media communications, and emerging technologies being used throughout government offices.

The vermin and insects have been replaced by a variety of software packages, platforms, and old technologies. The lack of standards even in the same agencies add to the complexity of the problem.

The ability of the Archives to fulfill its mission in the electronic environment is just one of the many challenges on the agenda for the new Archivist. Of equal concern are issues of collection security, the future of the Presidential Library system, backlogs in processing, staff job satisfaction, stakeholder relationships, preservation and storage needs, to name but a few.

I promise you all that, if confirmed, I will work hard to ensure that I carry out my responsibilities in a professional, nonpartisan, and collegial manner. I would ask at the same time for your support as I work through this ambitious agenda.

It has been 40 years since my last commitment to serve my country. A more mature and seasoned servant asks for your confirmation.

Senator CARPER. That is a great statement.

As I said earlier, Committee rules require me to ask the first three questions in this order, and then the remaining questions will follow.

Let me start by asking those standard questions, and the first of those, is there anything that you are aware of in your background that might present a conflict of interest with the duties of the office to which you have been nominated?

Mr. FERRIERO. No.

Senator CARPER. Second question, do you know of anything, personal or otherwise, that would in any way prevent you from fully and honorably discharging the responsibilities of the office to which you have been nominated?

Mr. FERRIERO. No.

Senator CARPER. Do you agree without reservation to respond to any reasonable summons to appear and testify before any duly constituted committee of Congress if you are confirmed?

Mr. FERRIERO. Yes.

Senator CARPER. I recall an earlier confirmation hearing when I came in as I did here and said hello to the nominee, met the nominee's family, and one of his lifelong friends, I think a roommate in college, was sitting right behind him. And I was kidding him about knowing some stories about the nominee that he might want to

share as a character witness, and when I got to the second question, I said, do you know of anything personal or otherwise that would in any way prevent you from fully and honorably discharging the responsibility of the office to which you have been nominated; I looked at the nominee, and right behind him was his old college roommate, and I was sure that the old college roommate was rolling his eyes. [Laughter.]

Let me start off with this question, if I can. Some of our questions are somewhat esoteric and not especially timely. This one, I think, is a bit more timely, and it was reported as recently as this morning in the news. *Wired* Magazine is reporting that the Archives Inspector General is looking into whether the Archives potentially lost a massive amount of personally identifiable information when a defective hard drive was returned to the vendor. I am told that health information for up to 70 million veterans—that could include us—may have been compromised.

I do not expect you to know the specific facts of the case, but this incident disturbs me, and I am sure it disturbs a lot of us. It seems like this is just really one incident in a series of mishaps at the Archives in recent years. For example, it was only a couple of months ago when we learned that the hard drive containing information, I think, on Secret Service activities of the White House was stolen from a secure Archives facility.

With that as background, let me just ask, if confirmed, what will be your response to incidents of this nature and others like it? What will you do to prevent situations like this from happening again?

Mr. FERRIERO. Let me start with the *Wired* report, since I did read it and have some background information on it. The hard drive crashed in November 2008 and was sent out for repair using a GSA-approved vendor and following standard procedures, which did not at that point, in November 2008, require scrubbing the data before the hard drive went out. Since then, the Archives has changed their practice—

Senator CARPER. Do you know when?

Mr. FERRIERO. I do not know. I think it was as soon as this incident was reported.

Senator CARPER. OK.

Mr. FERRIERO. So that is what I know about that particular incident.

The other incident, with the Clinton hard drive, is more complicated in that it was taken from an internal processing office where no outside person, no user would have access. So this is one of the problems that all of us in research libraries deal with every day, this tension balance between providing access and protecting the collections, and it is particularly a problem—the FBI reports in a recent study that 75 percent of these problems are internal. It is staff, it is not outside users. So those are even more disturbing and more difficult to deal with. And it is clear, based on the briefings that I have had about the Clinton hard drive issue, that looks like it was a staff position was involved in this.

I would guess, just based on what I know about the situation, that the individual who took it was not looking for the content, but it was the device. It was on a MyBook device. And I would guess,

having worked with a lot of students in my 40 years, that once he discovered what it was, he was petrified and didn't know what to do. That is not an excuse for it, but that is what I would suspect happened.

This has resulted in the creation of a task force within the Archives to reassess the security procedures. I would expect that to be an ongoing process, that security procedures need to be reviewed constantly. And it is also an opportunity for the Archives to work closely with the Inspector General around issues like that.

Senator CARPER. All right. Well, I expect if you are confirmed, we will want to follow up on this, and somewhere down the road, maybe the first part of next year, to revisit this issue with you, not in a hearing, but more informally, and find out what is going on and what has happened under your watch to prevent situations like this from happening again.

The next issue I want to raise, I actually think I mentioned this in my statement, revolves, again, around electronic records. I think you and I discussed this briefly a couple of weeks ago when you were good enough to spend some time with my staff and with me, but this is an issue that I think is going to continue to perplex us for some time to come.

For example, I have heard that there is more electronic information created in a year on the Internet than all the written information created in human history. That is a lot. And the Federal Government is using the Internet more and more, as you know, every year to interact with citizens—I do that as a Senator—whether it is with the upcoming census, tax filings, or even discussions on health care.

Can you just take a few minutes with us this afternoon and lay out what you believe are maybe the top two or three challenges facing the National Archives with respect to electronic records and what you suspect needs to get done, starting on day one when you are confirmed?

Mr. FERRIERO. Well, as I said in my comparison to what Mr. Connor discovered and where we are now, one of the real issues that the Archives is facing in this Electronic Records Archives Project is the lack of standards across government agencies, and that makes ingestion of electronic records incredibly difficult. So we have multiple different kinds of homegrown packages, software that has been developed, off-the-shelf packages, varying platforms that are being used, and it just complicates the ease with which that information is captured.

I have been thinking a lot about this, and I think there are a couple of sitting groups who need to be more involved in this process. The Chief Information Officer (CIO) group across the agencies, I think, has a role to play since they support the technology in the agencies, and I think thinking about a standardization process that makes it easier for the agencies to comply as well as easier for the Archives to capture this information is one way of doing that.

Another part of the issue, I think, is the training and education and compliance across the agencies, and this is a role that the Archives has a responsibility to be assertive and aggressive in. My experience in my previous lives around records management is that the assignment is usually given to the most junior person in the

department, and it is usually a high-turnover position, so you are constantly in the situation of retraining and reeducating the most junior member of an organization. I am not sure that is true in the agencies, but I would guess that there is a fairly high turnover in the person responsible for managing the records, so that is another thing that I would be paying attention to.

Senator CARPER. Good. I know you spent a fair amount of time in the last couple of decades managing libraries. As I mentioned in my opening statement, the National Archives manages not one, but 12 presidential libraries and will soon be adding another one. However, the previous Archivist, Dr. Weinstein—do you know him?

Mr. FERRIERO. I have met him. I don't know him.

Senator CARPER. He said in a hearing last year that the presidential libraries are consuming ever more of the time and resources of the National Archives and he was not sure if it was fiscally possible for the Archives to continue this trend. What do you see as some of the challenges in managing the Presidential Libraries and what might be some of your approaches to solving them?

Mr. FERRIERO. I have been bringing myself up to speed on the Presidential Library system. It is a wonderful example of private-public support of an institution, very similar to the New York Public Library in terms of the public philanthropy that goes into it as well as government funding.

My concerns have to do with concerns that anyone managing a decentralized library system feels, and that is the more facilities you have, the more problems you have around security of collections and the facilities themselves. So we have in this situation a series of buildings that have been built over time, since the 1930s, which are in varying states of need, and I think the capital issues around them continue to grow, and I have read the report that was submitted on Monday outlining five different scenarios for the future, ranging from status quo with some minor adjustments all the way to some kind of centralization of the collections. This is something that we need to have more discussion about. But I am concerned about security of collections, and sustainability of the model, I think, is my biggest problem.

Senator CARPER. One way to save a lot of time and money, as we all know, is to catch problems before they spiral out of control, and that is true in a lot of ways. I also believe it is true with respect to records management. For example, our government does not let companies get away with losing company records, but it seems that a lot of agencies consider records management almost an afterthought. Instead of thinking of ways to prevent over-classification, agencies seem to classify first and ask questions later. It was that way when I was in the Navy, and I am sure it was for you, too. But that kind of thinking costs the taxpayers ultimately a lot of money. It does not allow citizens to hold our government as accountable as they otherwise might be able to.

What do you believe is the role of the Archives and how the Archives might be helping to prevent problems like over-classification? What do you believe should be done to reduce the immense backlog of information that is decades old and yet still classified, even as far back, as I said earlier, to the Spanish-American War?

Mr. FERRIERO. We are about to create the Declassification Center in the Archives. That has been approved, and I think we are waiting for an Executive Order to actually create the Declassification Center. So there is a plan to begin that process. That will take care of where we are now in terms of the mountain of material, but it seems to me that we need to address the problem from the start, at the point that records are created, and that the decision needs to be made to err on the side of openness as opposed to classification, and that is what I would be looking at.

Senator CARPER. As you know, the National Archives was established as an independent agency to manage the records of both the Executive and Legislative Branches. However, there have been a few instances over the past decade or so when the independence of the Archives has been questioned by outside groups. For example, in my opening statement, I mentioned an instance when the White House Office for Administration disabled a working records management system for several months without installing a new one. In this situation and others like it, the National Archives may have to take a leadership role and hold another agency or branch of the Federal Government accountable. What are your thoughts with respect to the independence of the Archives, and second, what would you do if you feel political pressure from one agency or even one branch or another?

Mr. FERRIERO. I think that the success of the Archives depends on that independence and that neutrality, and I am pleased that Congress also sees that in the establishment of recent offices, the Office of Government Information Services and the National Declassification Center that I mentioned earlier. Siting them in the Archives is a message relating to the perceived independence of those organizations, and I would fight very hard to make sure that their independence is carried out.

It is not unsimilar to—certainly not on the same scale, but it reminds me very much of a university setting where you have competing departments and the library remaining as the neutral, independent body. So I do have some limited experience in that area.

In terms of what I would do if I were faced with it, I would exercise my authority as the Archivist of the United States, and I would seek the support of your Committee and other committees that would help me exercise that authority.

Senator CARPER. We could be your back-up.

Maybe two more questions and then we will have the audience vote as to whether or not we should go forward. [Laughter.]

Mr. FERRIERO. Is that the way it works?

Senator CARPER. In football, they do audibles with the quarterback at the line of scrimmage, so maybe we will do one of those.

I am not sure how many people in the room know this, but this year marks the 75th anniversary of the National Archives, which some of the folks in the audience, I think, may actually serve in the National Archives today. If you do, would you raise your hand?

[Show of hands.]

Thank you for your service. It is great that you are here today. One or two, I think I have met before, so it is good to see you again. Whenever we have newly elected senators, elected in November of every even-numbered year, a couple of weeks after they



are elected, we have something that Senators Alexander, Voinovich, and Pryor of Arkansas introduced about 5 years ago, and that is orientation for new Senators and their spouses. One of the special things that we do during that 3-day period, which is a fairly intensive period of training and orientation, is on one of those nights the Archives is good enough to host a reception at the Archives and give a chance for our new Senators and spouses to actually visit the Archives and to not only better understand our history and the treasures you hold there, but also to develop a better sense of what the Archives does. Years later, Senators, as they become grizzled veterans, are fond of recalling that evening. So my hope is that we will be able to do that in the future.

A few months ago, I spoke on the Senate floor to commemorate the anniversary and to thank all the hard-working men and women at the Archives. I am told that over 1 million people a year visit the main facility to take a glimpse at the Declaration of Independence, our Nation's Constitution, and other exhibits.

Mr. Ferriero, if confirmed, one of your many responsibilities will be to reach out and to educate the citizenry on the history of our country and to attempt to ensure that information that they need is available to them. What opportunities are there that you might be exploiting to expand the National Archives outreach, and second, are there ways that you will leverage the Internet to make the Archive holdings more accessible to citizens here and around the world?

Mr. FERRIERO. One of the goals of the whole Electronic Records Archives Project is public access, and at the end of this project—actually, much sooner than that, next year—you will actually be able to, from wherever you are, access the records of the United States, 7 days a week, 24 hours a day.

I think, in answer to your question about educational outreach, the Archives has a very good track record working with schools and working with teachers physically and getting those materials available to teachers on the Archives website. There is a lot of material there. But I think that is the future of the outreach to the K through 12 community, engaging the teachers to use Archives materials in the preparation of lesson plans, to share those lesson plans electronically so that people can use one another's lesson plans. We will always be in the business of welcoming the public and schoolchildren to the physical facility itself. Nothing takes the place of that.

Senator CARPER. I have about 300 more questions here. I am not going to read them all, but I am going to submit maybe a couple more questions for the record. My colleagues may have questions that they want to submit. We are going to leave the hearing record open until close of business tomorrow so that they might do that. When you receive those questions from me or from our colleagues, I would just ask you to respond to them promptly so we can move this nomination along.

Is there anything else that you would like to say before we wrap it up?

Mr. FERRIERO. I would just like to compliment the staff of the Committee. I had an extraordinary meeting with them, and it reminded me of my interview at Duke University.

They were bright, articulate, asked good questions, they are engaged, they knew a whole lot. I was very impressed.

Senator CARPER. Well, that is nice to hear. I feel very fortunate to have the folks around me, and I know I speak for my colleagues on the Subcommittee. We are very fortunate with the folks who help us and help us serve the country. And you are going to be fortunate, too, if confirmed, with the people that you will have around you. So we want to wish you well.

Every now and then, I notice in the audience we have young people—and this young man and woman who are sitting here in the front row over your left shoulder, are they from Switzerland?

Mr. FERRIERO. They are from Switzerland.

Senator CARPER. You get a prize for coming the furthest to today's hearing. Sometimes we have children, usually younger than this young man and woman, who are here to support their mom or their dad, or their aunt or their uncle, and they are all over the place. You can tell, they want to be anywhere in the world but right here in this room. I just want to say that this young man and woman were models of decorum. If they were feigning interest, they did a good job. [Laughter.]

But we are glad that the two of you are here. We are glad that you brought your parents all the way from Switzerland.

And again to your wife, we welcome you and thank you for your willingness to share with us a good man.

For all others who have joined us, thank you, and I wish you a good day.

With that, this hearing is adjourned.

[Whereupon, at 3:53 p.m., the Committee was adjourned.]

# A P P E N D I X

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**Statement of Senator Thomas R. Carper, Chairman**

**Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security**

**Committee on Homeland Security and Governmental Affairs**

**“Hearing to Consider the Nomination of Mr. David Ferriero to be the Archivist of the United States of America”**

**October 1, 2009**

The Committee will come to order.

Today, we'll be considering the nomination of David Ferriero (*note: pronounced FAIR-ee-o*) to be the Archivist of the United States at the National Archives and Records Administration. Mr. Ferriero is no stranger to the records management and archives world. He comes to us after serving 44 years in various record management roles. Most recently he served as the Director of the New York Public Libraries and before that as Vice Provost for Library Affairs and University Librarian at Duke University.

I'm pleased that the President has sent us such a qualified candidate for this position. As I'm sure Mr. Ferriero will point out in his opening statement, he has experience working with the National Archives in his previous positions and will hopefully bring in some fresh new ideas if he is confirmed as its new leader.

In his previous role as head of the New York Public Library, Mr. Ferriero worked to increase efficiency and streamline operations. Mr. Ferriero has also harnessed the power of the Internet to make it easier for citizens to access the holdings of the New York Public Library from the comfort of their homes. He knows very well the tough work that lies ahead should he be confirmed. When Mr. Ferriero and I sat down together recently, he made clear that there are issues that the world is looking to the National Archives to solve and that he'd like to take a leadership role in solving them.

First, there is the issue of electronic records management. Every year, more and more records are being produced entirely in electronic form. For example, I am sure a good number of people in this room sent an E-Mail today that contained an attachment with a document, photo, or a video. Now, not all of those records will be important for our nation's history, but some may be. In the past few decades, important electronic records -- such as E-Mail -- have been printed on paper and placed in a filing cabinet, but we can't do that forever. To address this challenge, the National Archives is developing an IT system that can store the government's electronic records forever. While this technology sounds promising, there are many experts who question whether or not it will be effective. For example, will we know in the year 2109 that an electronic record created in 1999 is the original? I don't have an answer to that question and I doubt many people here do, but it's one that Mr. Ferriero will be responsible for finding out if he is entrusted with this position for which he has been nominated.

The second area I want to touch on is the cost of running the presidential libraries. The Presidential Libraries Act of 1955 requires the National Archives to maintain libraries from President Hoover onward. Pretty soon we will see President Bush's library added to this list. These libraries are typically privately constructed and then deeded and maintained by the federal government. However, some library facilities have unexpectedly required millions of dollars in additional funding from Congress in order to prevent the destruction of priceless artifacts from weakened and leaking roofs, poor infrastructure, and improper temperature controls. Further, I learned last year at a hearing that some records in presidential libraries are often unavailable to the public for extended period of times. That's why I asked my colleagues on this committee to join me in passing a bill during the last Congress that asked the National Archives to take a hard look at the presidential library system. The bill asked the Archives to report back to Congress on ways to better preserve presidential materials, reduce the financial burden on the federal government, and reduce the delay in public access to the records held by the library. In fact, we recently received that report and I look forward to partnering with Mr. Ferriero to take steps to save costs and better protect these precious historical treasures.

Finally, I'd like to touch on the leadership role of the National Archives. Every year, millions of paper-based and electronic records are created by the government. Some of these records are at risk of being lost forever because the records-keeping systems used by agencies are flawed. We saw this unfortunate situation unfold when 3 months worth of Bush White House E-Mails leading up to the start of the Iraq war went missing. I am not sure if all of those emails were recovered, but that's a situation that simply should have never occurred in the first place.

In addition, we needlessly spend millions of taxpayer dollars declassifying records that never should have been classified in the beginning. And when records are labeled classified, it takes decades longer than it should to finally declassify them. For example, my staff tells me that the National Archives has records that are unavailable to the public that date back to the Spanish-American war due to their classified status. That is simply unacceptable. One major challenge for Mr. Ferriero will be to make sure the National Archives assumes the leadership role Congress intended back in 1934 and more aggressively works with agencies to appropriately manage their records.

My thanks to you, Mr. Ferriero, for your willingness to tackle this difficult job.

Opening Statement

David Sean Ferriero

Hearing on Nomination to be Archivist of the United States

U.S. Senate Committee on Homeland Security and Governmental Affairs

Thursday, October 1, 2009, 2:30 p.m.

Room 342 Dirksen Senate Office Building

Chairman Carper,

Senators on the Committee on Homeland Security and Governmental Affairs,  
Committee Staff, Family and Friends, and Members of the Gallery

I am triply blessed to be claimed by three home states – Massachusetts, North Carolina, and New York – and I thank especially Senator Hagan of North Carolina and Senator Schumer of New York for their kind words. In all three states my institutions have benefitted from the hard work of their Congressional delegations. As my current institution, The New York Public Library, prepares to celebrate the 100<sup>th</sup> anniversary of the opening of the flagship building on Fifth Avenue in 2011, I am especially grateful to Senator Schumer for his support of an important façade restoration project which is returning that beautiful building to its original glory.

I appear before you today, the proud grandson of Italian immigrants and great grandson of Irish immigrants. It is a humbling experience to be called to service by the President of the United States—an experience which allows, indeed, forces one to reflect upon all the individuals and opportunities which have gotten me to this moment.

The product of the outstanding public education system of Beverly, Massachusetts, I attended Northeastern University, the nation's leading cooperative education program. My father worked at least two jobs, sometimes three throughout my childhood. My mother took a job cleaning floors at Beverly Hospital to ensure that I could go to college. The cooperative education program gave me an education and my first experience with research libraries which set the stage for a career spanning more than forty years.

A four year enlistment in the United States Navy, including a year in Viet Nam, afforded me the opportunity to be trained as a hospital corpsman with a specialty in neuron-psychiatry. The Navy provided me with a set of people skills that I use every day of my life.

My work experience in three of the nation's leading institutions has provided me with a set of professional credentials of particular value to the National Archives and Records Administration. At MIT, where I started shelving books in 1965 and left having served as Acting Co-Director of Libraries; at Duke, where I was the

University Librarian; and at The New York Public Library, where I serve as the Andrew W. Mellon Director of Libraries, I have had administrative responsibilities for institutional archives and records management programs. In all three settings I have had preservation and conservation experience, including creating the preservation program at Duke. Most importantly, I have experienced and managed aspects of technological transformation over the years in all three environments.

The mission of the Archives is to safeguard and preserve the records of our government, ensuring that people can discover, use, and learn from this documentary heritage. Carved into the north façade of the Archives building a few blocks from us the mission is expressed more simply—"This building holds in trust the records of our national life and symbolizes our faith in the permanency of our national institutions."

This is an awesome responsibility and, at the same time, given the impact of technology on those records, an exciting challenge for one who has spent his career managing change.

Robert Digges Wimberly Connor, our nation's first Archivist, in 1934 surveyed 225 buildings whose records would be housed in the new Archives building, some 1.4m cubic feet of records. To quote Connor:

...45.0 per cent of the total are infested with silverfish, cockroaches, and other insects, rats, mice, and other vermin, and exposed to such hazards as dirt, rain, sunlight, theft, and fire. More than...46.0 per cent of the total were in depositories that were dark, dirty, badly ventilated, crowded, and without facilities for work. Typical was the case of valuable records relating to Indian affairs which were found on dust-covered shelves mingled higgledy-piggledy with empty whiskey bottles, pieces of soap, rags, and other trash. In another depository crowded with archives of the Government the most prominent object to one entering the room was the skull of a dead cat protruding from under a pile of valuable records. If a cat with nine lives to risk in the cause of history could not survive the conditions of research in the depositories of our national archives, surely the poor historian with only one life to give to his country may be excused if he declines to take the risk.

We have come a long way since 1934 when Connor's survey was completed but I would suggest that we are at a similar defining moment with regard to our existing electronic records, social media communications, and emerging technologies being used throughout government offices. The vermin and insects have been replaced by a variety of software packages, platforms, and old technologies. The lack of standards, even with the same agency, adds to the complexity of the problem.

The ability of the Archives to fulfill its mission in the electronic environment is just one of the many challenges on the agenda for the new Archivist. Of equal concern are issues of collection security, the future of the Presidential Library system, backlogs in processing, staff job satisfaction, stakeholder relationships, preservation and storage needs, to name but a few.

I promise to you all, that if confirmed, I will work hard to ensure that I carry out my responsibilities in a professional, non-partisan, and collegial manner. I would ask, at the same time, for your support as I work through this ambitious agenda.

It has been forty years since my last commitment to serve my country. A more mature and seasoned servant asks for your confirmation.

**BIOGRAPHICAL AND FINANCIAL INFORMATION REQUESTED OF NOMINEES**

**A. BIOGRAPHICAL INFORMATION**

1. **Name:**  
David Sean Ferriero
2. **Position to which nominated:**  
Archivist of the United States
3. **Date of nomination:**  
July 28, 2009
4. **Address:**  
Home: REDACTED  
  
Work: New York Public Library, Room 213  
Fifth Avenue and 42<sup>nd</sup> Street  
New York, NY 10018
5. **Date and place of birth:**  
December 31, 1945  
Danvers, MA
6. **Marital status:**  
Married to Priscilla Gail Zimmermann
7. **Names and ages of children:**  
None.
8. **Education:**  
Beverly High School, Beverly, MA, High School Diploma 1963 (1960-1963)  
Northeastern University, B.A., 1972 (1963 to 1967; 1971 to 1972)  
Simmons Graduate School of Library and Information Science, M.S., 1974 (1972 to 1974)  
Northeastern University, M.A., 1976. (1974 to 1976)



9. **Employment record:**

Junior Library Assistant, MIT Libraries, Cambridge, MA, June 1965 to April 1967, shelver and general gopher;

Reserve Book Room Assistant, MIT Libraries, Cambridge, MA, May 1972 to August 1972, course readings collection maintenance;

Interlibrary Loan Assistant, MIT Libraries, Cambridge, MA, September 1972 to September 1973, lending MIT materials to other libraries;

Interlibrary Borrowing Assistant, MIT Libraries, Cambridge, MA, October 1973 to December 1973, borrowing materials for MIT users from other libraries;

Assistant Humanities Librarian for Interlibrary Borrowing, MIT Libraries, December 1973 to November 1975, borrowing materials for MIT users from other libraries;

Acting Humanities Librarian for Public Services, MIT Libraries, Cambridge, MA, December 1975 to June 1977, in charge of all services to end users;

Acting Head, Sciences Libraries, MIT Libraries, Cambridge, MA, August 1986 to August 1987, administration of science library and its three branches;

Humanities Librarian, MIT Libraries, Cambridge, MA, June 1977 to March 1989, administrative responsibility for one of the main libraries;

Public Service Projects Coordinator, MIT Libraries, Cambridge, MA, August 1987 to March 1990, special initiative planning and implementation;

Acting Co-Director, MIT Libraries, Cambridge, MA, September 1995 to January 1996, overall co-administration for MIT Library System;

Associate Director for Public Services, MIT Libraries, Cambridge, MA, April 1990 to August 1996, responsible for systemwide services;

Rita DiGiallonardo Holloway Librarian and Vice Provost for Library Affairs and University Librarian, Duke University, Durham, NC, October 1996 through August 2004, administrative responsibility for the seven Duke libraries;

Andrew W. Mellon Director of the Research Libraries, New York Public Libraries, September 2004 through June 2007, administrative responsibility for the four research libraries of the NYPL;

Andrew W. Mellon Director of the New York Public Libraries, July 2007 to date, administrative responsibility for collection development, preservation, conservation.

reference and research services, digital experience, educational programming and exhibitions for the four research libraries and 87 branches.

**10. Government experience:**

Military Experience—Hospital Corpsman, U.S. Navy, April 1967 to February 1971 with service at U.S. Naval Hospitals Bethesda and Chelsea and aboard U.S.S. Sanctuary, AH-17. In addition, assignment to First Medical Battalion, First Marine Division, Danang, RVN.

**11. Business relationships:**

Member, the Frick Art Reference Library Visiting Committee, The Frick Collection; 2006 to Present  
 Partner Representative for NYPL to the Research Library Group Programs activity of the Online Computer Library Center, Inc.; 2006 to Present  
 Director, Research Collections and Preservation Consortium (ReCAP); 2004 to Present  
 Member, New York State Regents Advisory Council on Libraries; 2006 to Present  
 Member, Washington University Libraries' National Council; 2002 to Present  
 Director, The PLUS Coalition, Inc.; 2007 to Present  
 Councilor for NYPL to the Center for Research Libraries; 2004 to Present

**12. Memberships:**

American Library Association; 1974 to Present  
 Special Libraries Association; 1990 to 1996

**13. Political affiliations and activities:**

(a) List all offices with a political party which you have held or any public office for which you have been a candidate.

None.

(b) List all memberships and offices held in and services rendered to any political party or election committee during the last 10 years.

None.

(c) Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$50 or more during the past 5 years.

None.

**14. Honors and awards:**

None.

15. **Published writings:**

None.

16. **Speeches:**

None.

- (a) Provide the Committee with two copies of any formal speeches you have delivered during the last 5 years which you have copies of and are on topics relevant to the position for which you have been nominated. Provide copies of any testimony to Congress, or to any other legislative or administrative body.
- (b) Provide a list of all speeches and testimony you have delivered in the past 10 years, except for those the text of which you are providing to the Committee. Please provide a short description of the speech or testimony, its date of delivery, and the audience to whom you delivered it.

17. **Selection:**

- (a) Do you know why you were chosen for this nomination by the President?

I believe I was chosen for this nomination because I possess a broad range of knowledge and experience in information-based organizations, administration, technology and digital activities, work with the K-12 community, and conservation and preservation activities.

- (b) What do you believe in your background or employment experience affirmatively qualifies you for this particular appointment?

I have four broad areas of experience:

1. *Archives and Records Administration.* At MIT both the Institute Archives and the Records Management Program reported to me. At Duke, the President moved the University Archives from her administration to mine. In addition, I created Duke's Records Management Program. At NYPL the Archives function reports to me, and we are in the process of recreating the records management program.
2. *Leadership and management of large, complex information organizations.* Progressive moves in both positions and institutions have given me a wide range of experience in leading (including planning, motivating, rewarding and recognizing staff; recruiting talents; and creating healthy work environments) and managing (including implementing strategic initiatives, conducting savvy

budgeting, and getting the best out of my staff). In all cases, the organizations were focused on collecting, protecting, and encouraging access to information in all its various formats.

3. *Experience in the application of technology to innovative and creative solutions to managing and accessing information.* Libraries and archives have for decades been leaders in the application of technologies to their work—from creating online catalogues to creating digital surrogates to expand the borders of our institutions. In all three of my “careers,” technology has provided an exciting opportunity to revolutionize the user’s experience and the institution’s ability to maximize resources. At MIT, the cutting edge technology included the first online catalogue, mediated database searching, CD ROM end user searching, and the introduction of email. At Duke it was the exploitation of the Internet and Web technology, and experimentation with digitization to expand access to collections and cut down on the handling of fragile materials. At the NYPL it has been the shift to digital at the core of how we do business rather than as a sidebar experiment. More importantly, we have strived for a shift in attitude toward how collections are “exposed.” Rather than building a digital collection and expecting the world to find the way to our door, we have been ensuring that our digital collections are where our users are; i.e., making collections findable in a Google search, putting our photographs on Flickr, and making our public programs downloadable on iTunes.
4. *Fundraising and donor stewardship experience.* At both Duke and the NYPL, part of my job has been raising funds and ensuring that donors develop and sustain a relationship with the institution. Often these are multi-generational relationships in which family gifts are sustained through the years. At Duke, a campus-wide Campaign for Duke raised \$2.5 billion, with the library raising \$50 million towards that goal. The NYPL is a public-private partnership heavily dependent upon private support. More than \$50 million a year is raised from individuals, foundations, and corporations.

## B. EMPLOYMENT RELATIONSHIPS

1. Will you sever all connections with your present employers, business firms, business associations or business organizations if you are confirmed by the Senate?  
  
Yes. I will retain my New York State and Local Retirement System pension, but neither I nor New York State will make any further contributions.
2. Do you have any plans, commitments or agreements to pursue outside employment, with or without compensation, during your service with the government? If so, explain.  
  
No.

3. Do you have any plans, commitments or agreements after completing government service to resume employment, affiliation or practice with your previous employer, business firm, association or organization, or to start employment with any other entity?  
  
No.
4. Has anybody made a commitment to employ your services in any capacity after you leave government service?  
  
No.
5. If confirmed, do you expect to serve out your full term or until the next Presidential election, whichever is applicable?  
  
Yes.
6. Have you ever been asked by an employer to leave a job or otherwise left a job on a non-voluntary basis? If so, please explain.  
  
No.

#### C. POTENTIAL CONFLICTS OF INTEREST

1. Describe any business relationship, dealing or financial transaction which you have had during the last 10 years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.  
  
In connection with the nomination process, I have consulted with the Office of Government Ethics and the National Archives and Records Administration's designated agency ethics official to identify potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with NARA's designated agency ethics official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.
2. Describe any activity during the past 10 years in which you have engaged for the purpose of directly or indirectly influencing the passage, defeat or modification of any legislation or affecting the administration or execution of law or public policy, other than while in a federal government capacity.  
  
None.

3. Do you agree to have written opinions provided to the Committee by the designated agency ethics officer of the agency to which you are nominated and by the Office of Government Ethics concerning potential conflicts of interest or any legal impediments to your serving in this position?

Yes.

#### D. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics for unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other professional group? If so, provide details.

No.

2. Have you ever been investigated, arrested, charged or convicted (including pleas of guilty or nolo contendere) by any federal, State, or other law enforcement authority for violation of any federal, State, county or municipal law, other than a minor traffic offense? If so, provide details.

I had a DUI in Lynnfield, MA in December 1985. I attended an alcohol education class.

3. Have you or any business of which you are or were an officer, director or owner ever been involved as a party in interest in any administrative agency proceeding or civil litigation? If so, provide details.

No.

4. For responses to question 3, please identify and provide details for any proceedings or civil litigation that involve actions taken or omitted by you, or alleged to have been taken or omitted by you, while serving in your official capacity.

N.A.

5. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be considered in connection with your nomination.

None.

#### E. FINANCIAL DATA

All information requested under this heading must be provided for yourself, your spouse, and your dependents. (This information will not be published in the record of the hearing on your nomination, but it will be retained in the Committee's files and will be available for public inspection.)

REDACTED

AFFIDAVIT

DAVID SEAN FERRERO being duly sworn, hereby states that he/she has read and signed the foregoing Statement on Biographical and Financial Information and that the information provided therein is, to the best of his/her knowledge, current, accurate, and complete.

David Sean Ferrero

Subscribed and sworn before me this 28<sup>th</sup> day of August, 2009  
State of New York )  
County of New York )

Daniel Wong  
Notary Public

**DANIEL WONG**  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01W06152700  
Qualified in Kings County  
Commission Expires September 18, 2010



United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

August 3, 2009

The Honorable Joseph I. Lieberman  
Chairman  
Committee on Homeland Security  
and Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by David S. Ferriero, who has been nominated by President Obama for the position of Archivist, National Archives and Records Administration.

We have reviewed the report and have also obtained advice from the agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement outlining the actions that the nominee will undertake to avoid conflicts of interest. Unless a date for compliance is indicated in the ethics agreement, the nominee must fully comply within three months of confirmation with any action specified in the ethics agreement.

Based thereon, we believe that this nominee is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert I. Cusick".

Robert I. Cusick  
Director

Enclosures - REDACTED





United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

August 27, 2009

The Honorable Joseph I. Lieberman  
Chairman  
Committee on Homeland Security  
And Governmental Affairs  
United States Senate  
Washington, DC 20510

Dear Mr. Chairman:

On August 3, 2009, the Office of Government Ethics (OGE) transmitted to the Committee the financial disclosure report of David S. Ferriero in connection with his nomination for the position of Archivist, National Archives and Records Administration. Enclosed are a letter from the National Archives and Records Administration and a letter from Mr. Ferriero forwarding amendments to his financial disclosure report and ethics agreement.

We have reviewed this additional submission and have also obtained advice from the National Archives and Records Administration concerning any possible conflict in light of its functions and the nominee's proposed duties. Based on the information provided, OGE continues to believe that Mr. Ferriero is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

A handwritten signature in black ink, appearing to read "Don W. Fox".

Don W. Fox  
General Counsel

Enclosures - REDACTED

**U.S. Senate Committee on Governmental Affairs  
Pre-hearing Questionnaire for the  
Nomination of David Ferriero to be  
Archivist of the United States**

**I. Nomination Process and Conflicts of Interest**

1. Why do you believe the President nominated you to serve as Archivist of the United States?

*I believe the President nominated me to serve as Archivist of the United States because of my experience and expertise in the following areas:*

- a. Archives and Records Administration. *At MIT, both the Institute Archives and the Records Management Program reported to me. At Duke, the President moved the University Archives from her administration to mine. In addition, I created Duke's first Records Management Program. At the NYPL, the Archives function reports to me and we are in the process of recreating the records management program.*
- b. Leadership and Management of large, complex information organizations. *Progressive moves in both positions and institutions have given me a wide range of experience in leading (planning, motivating, rewarding and recognizing staff, recruiting talent, and creating healthy work environments) and managing (implementing strategic initiatives, budgeting savvy, getting the best out of my staff, etc.) In all cases, the organizations were focused on collecting, protecting, and encouraging access to information in all of its various formats.*
- c. Experience in the application of technology for innovative and creative solutions to managing and accessing information. *Libraries and archives have, for decades, been leaders in the application of technologies to their work—from creating online catalogue to creating digital surrogates to expand the borders of our institutions. In all three of my "careers" technology has been an exciting opportunity to revolutionize the user's experience and the institution's ability to maximize resources. At MIT it was the first online catalogue, mediated database searching, CD ROM end user searching, and the introduction of email and the beginning of Internet access. At Duke it was the exploitation of the Internet and Web technology, experimentation with digitization to expand access to collections and cut down on the handling of fragile materials. At the NYPL it has been the shift to digital at the core of how we do business rather than a sidebar experiment. More importantly, it is been a shift in attitude toward how collections are "exposed." Rather than building a digital collection and expecting the world to find the way to our door, we have been ensuring that our digital collections are where are users are; i.e., findable in a Google search, our photographs on Flickr, our public programs on iTunes, etc.*
- d. Fundraising and Donor Stewardship Experience. *At both Duke and the NYPL a*

*large part of my job has been raising funds and ensuring that donors develop and sustain an effective relationship with the institution. Often these are multi-generational relationships where family gifts are sustained through the years. At Duke, a campus-wide Campaign for Duke raised \$2.5b with the library raising \$50m. The NYPL is an interesting public-private partnership heavily dependent upon private support. More than \$50m a year is raised from individuals, foundations, and corporations.*

2. Were any conditions, expressed or implied, attached to your nomination? If so, please explain.

*None.*

3. What specific background and experience affirmatively qualify you to be Archivist of the United States?

*My professional experiences at MIT, Duke, and the New York Public Library all included management of, and in some cases creation of, institutional archives and records management programs. Each assignment gave me experience with records retention scheduling, working across institutional departments and "fiefdoms" to ensure buy-in and compliance, understanding creator needs, and providing appropriate access to those records. In addition, in each of these work settings, I had administrative responsibility for preservation and conservation functions. My MIT experience introduced me to the art and science entailed in this work; at Duke I created the preservation program that now flourishes there; and at the New York Public Library I have worked for five years to restore the luster to one of the nation's premiere programs. The creation of a state-of-the-art preservation facility opening in December of this year is one of the legacies I leave there. Finally, my experience in applications of technology to the work of information management and retrieval in each of my jobs has given me a solid basis of understanding of the technology's potential, expense, and associated issues.*

4. What skills do you bring to the job of Archivist – both to the traditional role as the nation's archivist and to the need to address the National Archives and Records Administration's (NARA) information technology challenges?

*Please see my response to Question 1.*

5. What skills do you bring to the Archivist's role as the manager of a large organization?

*Having managed three large and complex organizations, I have developed a sense of my competencies in both leadership and management. As a leader, I can articulate an organizational vision and set of organizational values. More importantly, I have the ability to motivate and engage staff in the development and fulfillment of that vision and the realization of those values. As a leader I have been able to establish effective working relationships across organizational and "agency" lines, to represent my views and those of my management, and to contribute my organization's intellectual capital to*

*the solving of problems. As a manager, I have developed a good eye for talent, both internal and external. In all three institutions I have been able to develop effective management teams that have been composed of existing staff and new hires. I am willing to delegate authority and responsibility and demand a high degree of accountability in that delegation. In all three institutions, I have worked effectively to create, defend, and manage large budgets. Finally, the hallmark of a good administration is effective communication, and I have always placed a high premium on internal and external communication.*

6. Please describe your previous experience with the National Archives and Records Administration. How would you characterize this experience?

*While I have had no direct experience with NARA, MIT, Duke, and the New York Public Library have all benefitted from the services, products, and support of NARA. All three institutions have received NHRPC funding for preservation activities. In addition, all three records management programs have benefitted from NARA's records management training and training products, as well as the standards set by the agency.*

7. Have you made any commitments with respect to the policies and principles you will attempt to implement as Archivist? If so, what are they and to whom have the commitments been made?

*None.*

8. If confirmed, are there any issues from which you have to recuse or disqualify yourself because of a conflict of interest or the appearance of a conflict of interest? If so, please explain what procedures you will use to carry out such a recusal or disqualification.

*I am not aware of any such issues except as described in my Ethics Agreement. Should a potential conflict arise, I would consult with NARA's designated agency ethics official to determine how to proceed.*

## **II. Role and Responsibilities of Archivist of the United States**

9. What do you believe to be the roles, responsibilities, and most important functions of the Archivist of the United States?

*The Archivist leads a complex organization in the fulfillment of a mission to collect, protect, and encourage the use of the country's records. In addition, the Archivist advises the Administration on matters of transparency and sets the standard for records management activities in all government agencies.*

10. If confirmed as Archivist, what will be your top priorities for NARA?

*If confirmed, my top priorities would include the following:*

*Electronic Records Archives—ensuring that this important project meets*

*deadlines, is resource efficient, and delivers the desired product;*

*Collections Security—ensuring that a sense of urgency surrounds NARA’s policies and procedures dealing with how materials are handled by staff and users and how those materials are protected from theft and other sources of potential harm;*

*Processing of Backlogs—investigating options and alternatives for expedited “cataloging” of materials to improve access;*

*Preservation Needs—a collection of more than 9 billion items brings with it enormous preservation and conservation challenges;*

*Storage—adequate and appropriate space must be planned with a view to the future;*

*Presidential Libraries—analysis of the long-term future of more physically separate facilities, the associated costs, and the risks and rewards of such a system;*

*IT Security—ensuring that NARA content is accessible to appropriate stakeholders at the appropriate time, that the content is protected from external attack, and that the veracity of the content is ensured;*

*Records Management Compliance—working with the agencies to ensure that protocols are being followed, that agency staff is well trained and has the support they need, and that agencies get feedback from NARA on how they are doing;*

*Job Satisfaction of NARA Staff—understanding the results of recent job satisfaction surveys and how management can make a difference in staff’s NARA work experience; and*

*Relationship with Stakeholders—ensuring that there is an ongoing dialog with NARA’s many stakeholders, that feedback is welcomed and solicited, and that a collegial relationship is fostered.*

11. Please explain how you would build stronger relationships between NARA and key stakeholders, such as the appropriate state and federal agencies, as well as historians, records managers, and other users of NARA holdings.
  - a. How do you intend to work with Federal agencies, Congress, the courts, state and local governments, and the White House to advance issues of importance to NARA’s mission? Please be specific.

*As a rule, I am comfortable one-on-one and in groups delivering the message and working with stakeholder groups. Before determining the specific approach I would*

*take, I plan to study how NARA currently performs this work and evaluate the effectiveness of existing structures. I would expect that the nature of the issue under scrutiny would drive the appropriate NARA action and approach.*

- b. Please explain any experience you may have in working with major archival collections donors, including federal agencies, states and private collectors. What skills do you have that would ensure successful partnerships with such organizations?

*I have extensive experience with private collectors and some experience both in New York and North Carolina with state archives. In all cases the key is relationship development and stewardship. With private collectors, a successful partnership often requires a multigenerational relationship and commitment. Individual and institutional credibility, built on trust, is the basis for those successful relationships.*

- c. What role should NARA play in the national and international archival and records management communities, including professional associations?

*NARA should play a leadership role in the national and international archival and records management communities, especially now around the issue of electronic records management. NARA's great contribution to the national and international communities, over time, has been sharing the agency's expertise in best practice methodology and guidance and training. In addition, helping to set the standards by which this work is done has been a major contribution of NARA. These communities now look to NARA to play the same roles in the electronic records environment.*

- d. What role should NARA play in the international community of national archives, including the International Congress of Archives?

*The international community of national archives is especially reliant upon the work being done by NARA and has been throughout its history. It is clear that NARA's current thinking and work in the electronic records environment is of great interest and need for this group. Most importantly, the United States must lead an international effort around electronic records management standards.*

- e. How should NARA be involved in the national and international archival and records management standards-setting communities?

*NARA can and should play a key role in both national and international archival and records management standards-setting. Just as NARA has played a lead role over time in the establishment of standards for records processing, preservation, and retention, the agency has an opportunity to play the same role in the electronic records arena. It is important that we have internationally consistent standards, especially in an electronic environment, which allow for the sharing of information and content across agency, institutional, and national boundaries.*

12. The National Archives and Records Administration Act of 1984 (P.L. 98-497) requires

that the Archivist be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties of the position. In the Conference Report accompanying the legislation, the Congress noted that the “insulation from political pressure is necessary to ensure confidence and cooperation from all agencies. Public confidence in the Archivist’s role will also be enhanced if the office is permitted to pursue, objectively and independently, the archival responsibilities necessary to ensure preservation of the Nation’s historically valuable records.”

- a. As Archivist, how would you protect NARA from political or partisan interference?

*Please see below.*

- b. What measures would you take to ensure the political and ideological independence of NARA when confronted by political demands or pressures?

*Please see below.*

- c. What steps would you take to assure that the decision-making process of the Archivist, with respect to screening and appraisal of records, is free of external influence by the creating agency, other executive branch agencies, Congress, or any other person?

*NARA’s neutrality is key to the successful fulfillment of its mission. If confirmed as Archivist, I would be committed to maintaining NARA’s neutrality. The records schedules are created by NARA and the agency and those schedules set the standard by which the agency behaves regarding those records. It is the responsibility of NARA to ensure that the standards are being upheld. The self-assessment process, as well as an audit process, will help reinforce this. I have significant experience in this area, as managing large libraries—building collections and servicing diverse communities—requires a similarly neutral, independent approach.*

13. The Paperwork Reduction Act (44 U.S.C 3501) requires the Director of the Office of Management and Budget (OMB) to “provide advice and assistance to the Archivist of the United States” with “the information resources management policies, principles, standards, and guidelines” established under the Act. It also requires the OMB Director to review agency compliance with the requirements of the Act, as well as regulations promulgated by the Archivist.
- a. To what extent do you believe the federal government has met the requirements and intent of information resource management provisions of the Paperwork Reduction Act?

*The Paperwork Reduction Act establishes a broad mandate for agencies to perform their information resources management activities in an efficient, effective, and economical manner. The federal government has worked to implement the mandates of the Paperwork Reduction Act through the creation of the Office of Information and*

*Regulatory Affairs (OIRA); the development of OMB Circular A-130, "Management of Federal Information Resources," which provides the information management policy framework for the executive branch agencies of the Federal Government; and the E-Government Act of 2002.*

*NARA and OMB both have responsibilities to set policies to ensure that federal records are managed in the best interests of the federal government and the American people. Agencies, for the most part, have put forth a good faith effort to establish records and information management programs in accordance with the guidance and regulations promulgated by OMB and NARA, but there is always an issue of the agency resources available to implement strong agency records management programs in light of competing priorities.*

*The responsibilities of the Archivist, as detailed in 44 U.S.C. Chapters 29, 31, and 33 provide the authority for promulgation of regulations for federal records management. NARA issues records management regulations in 36 CFR chapter XII, subchapter B; and guidance in NARA bulletins to heads of Federal agencies and a wide variety of other guidance products. In fiscal year 2009, NARA identified "gaps" related to its re-write of the subchapter B records management regulations and solicited Federal agency feedback to determine relative priorities in filling those gaps. NARA has worked proactively with OMB and the agencies to emphasize the integration of records management with other information resources management activities. For example, NARA led an effort, with assistance from OMB, and the Architecture and Infrastructure Committee of the Chief Information Officers Council, to develop and issue the Federal Enterprise Architecture Records Management Profile. The FEA RM Profile provides a framework for agencies to provide for the management of records in the development and implementation of information systems.*

- b. If confirmed, how will you work with OMB to implement the requirements of the Paperwork Reduction Act?

*It is my understanding that the current NARA position is that NARA and OMB will continue to work as partners to ensure that agencies meet the requirements of the Paperwork Reduction Act. OMB directed that NARA play a prominent role in the Interagency Committee on Government Information created by the E-Government Act of 2002. I am told that OMB has consulted NARA on proposed OMB information management reporting requirements, proposed legislation, and other issues that have records management implications. NARA, of course, will continue to consult OMB through the Executive Order 12866 (as amended by Eos 13258 and 13422) clearance policy when applicable.*

*Additionally, as indicated in OMB Circular A-130, OMB requires that agencies provide "Systematic attention to the management of government records" in order to maintain government accountability and, along with records preservation, to "protect[] the government's historical records and guard[] the legal and financial*



rights of the government and the public." NARA supports this function and OMB responsibilities by carrying out the following measures identified in this circular:

(a) Requiring that agency records management programs provide adequate and proper documentation of agency activities. Records management is the application of systematic and scientific control to all of the information that an organization requires to perform its functions. The explosion of records created electronically has burdened agencies, and their retention and access has created problems across the government. NARA's goal, which I intend to work towards if confirmed, is for records management to be so seamlessly integrated into agencies' business practices that it becomes second nature; and for information to be easy to find in a usable form. It is my understanding that, to achieve this goal, NARA has undertaken a multi-faceted approach to improving federal records management through a suite of strategies, policies, standards, and tools that facilitate the effective and efficient management of Federal records. NARA is working with agencies to schedule their electronic records (e.g., NARA Bulletins 2006-02 and 2008-03 and various, format specific scheduling tips sheets); NARA is also working to provide new solutions to the preservation and access to long term-temporary and permanent records.

(b) Ensuring the ability to access records regardless of format or medium. NARA is committed to the preservation and access of permanent or long-term temporary records, either in paper format or electronic. Paper records, although not routinely created, are still maintained for those of long-term retention. The Archivist, through regulations and guidance, has instructed agencies on methods of storage and, by the implementation of facility storage standards, has ensured that those records will be maintained as necessary. NARA's mission, to preserve the records created by our nation's government over more than 200 years, must change to address the electronic records being created in e-government, as well as the paper records of the past. NARA first received electronic records in the 1960s and has provided for their preservation and access, such as the Archival Access Database (AAD). The Electronic Records Archives (ERA) is NARA's tool for the permanent retention of electronic records. ERA is a comprehensive, systematic, and dynamic information system that preserve and provides continuing access to authentic electronic records over time. With its implementation, ERA enables NARA to process and make available permanently valuable Federal and Presidential electronic records. If confirmed, I will ensure that NARA will continue to work with agencies to address the problems associated with the retention of long-term temporary electronic records.

(c) Establishing retention schedules for Federal records. 44 U.S.C. Chapter 21, 29, 31, and 33 provide the authority of the Archivist of the United States to ensure for the efficient and effective records management of federal records. The definition of records in 44 U.S.C. 3301 includes references to the information value found within records. 36 CFR Subchapter B provides for: the establishment of a records management program in federal agencies; guidance for scheduling

records to ensure the adequacy of documentation and accountability of federal agencies; and standards for the creation, use, preservation, and disposition of electronic federal records.

*(d) Providing training and guidance to agencies regarding their federal records management responsibilities. It is my understanding that NARA has developed and provided training and education opportunities for all individuals involved in the management of federal records. The development of a NARA records management certificate program enables federal records managers to become certified in federal records management from basic principles to management of electronic records. If I am confirmed, NARA will continue to work with federal agencies in the management of the agencies' records, including electronic records.*

*In addition, NARA has revised the regulations concerning federal records management; the new rules define electronic records management in broader terms, clarifying that electronic records are subject to the same requirements as paper records. The rules also lay out guidance for NARA inspections of agency records management practices, making the inspection process more focused. In addition, the updated regulations clarify how records should be managed by contractors working for an agency; require agencies to get permission from NARA before loaning original records to other agencies; require agencies to notify NARA when records that could threaten health, life, or property are discovered; and, address how allegations of the removal, alteration, or destruction of records should be handled.*

- c. How do you see the differing responsibilities of NARA and OMB in terms of setting and implementing records management policy for the Federal government?

*The authority of the Archivist as detailed in 44 U.S.C. Chapters 29, 31, and 33 includes the promulgation of regulations and guidance for Federal records as well as oversight of Federal agency records management programs. NARA has primary responsibility for developing and issuing records management policy and for the oversight of its implementation by federal agencies. Additionally, as outlined in A-130, the OMB circular that addresses the OMB's responsibilities under the Presidential records Act (PRA), the Archivist of the United States will "assist the Director of OMB in developing standards and guidelines relating to the records management program." When required, NARA submits its proposed and final regulations and significant guidance products to OMB for executive branch clearance.*

- d. While the Paperwork Reduction Act established the Administrator of the Office of Information and Regulatory Affairs (OIRA) as the principal advisor to the Director of OMB on Federal information resources management policy, The E-Government Act of 2002 (P.L. 107-347) later established an Office of Electronic Government, whose Administrator would "work with the Administrator of Information and Regulatory

Affairs in setting strategic direction for implementing electronic government,” including the provisions of the Paperwork Reduction Act. Is the division of responsibilities between the Electronic Government and OIRA offices in OMB clear to you, and how would you work with each office to fulfill NARA’s mission, if confirmed?

*In the development and completion of initiatives and guidance products, it is my understanding that NARA has not found any conflicts in working with the Office of Electronic Government or OIRA. As noted previously, NARA continues to submit to OIRA those products requiring executive clearance. Where NARA has worked with the Office of Electronic Government on E-Government initiatives, including the Electronic Records Management Initiative and the FEA Records Management Profile, both NARA and the Office of Electronic Government kept the OIRA desk officer for NARA informed. As NARA has demonstrated in its management of the Electronic Records Management Initiative of the E-Government Act, and in its ongoing interactions with OIRA, NARA has not found its interaction with both offices to be mutually exclusive. If confirmed, I will continue to support the mandate of the PRA in effectively and efficiently managing information resources. As demonstrated by the electronic records management guidance products developed by NARA under the direction of the Archivist, NARA has worked to fulfill its responsibilities both under the Federal Records Act and the E-Government Act.*

14. Information security continues to be a serious and growing problem throughout government. If confirmed as head of NARA you will have numerous responsibilities under the Federal Information Security Management Act of 2002 (P.L. 107-347) (FISMA) relating to information security, including “ensuring that information security management processes are integrated with agency strategic and operational planning processes.”
- a. Have you reviewed the responsibilities for agency heads that were established under FISMA?
 

Yes.
  - b. Please describe your experience with developing information security procedures for large organizations.
 

*At MIT, Duke, and the NYPL, I have participated in the development of security procedures designed to protect user identity, protect the confidentiality of circulation transactions while providing for last use information for rare and special materials, protect from external attack, lock down desktops to reduce the risk of viruses and other unpredictable network complications, and implement restricted systems with controlled access levels.*
  - c. What will you do, if confirmed, to ensure that NARA is meeting its responsibilities under FISMA and protecting its information and information systems overall?

*I plan to work closely with appropriate NARA staff and OIG to ensure that FISMA is followed.*

- d. When contracting with outside entities, do you believe that NARA properly considers information security issues?

*Based on my current understanding, I believe that NARA appropriately considers information security issues. However, if confirmed, I plan to review this area further.*

- e. Do you believe that NARA has enough personnel and resources to protect its systems?

*Based upon my understanding of the 2007 Material Weakness in IT Security report and resolution, I believe that NARA has adequate personnel and resources to protect its systems. However, if confirmed, I plan to further evaluate the personnel and resources allocated to this task.*

15. You were associated with the New York Public Library when it agreed to participate in the Google Books Library Project, under which a collection of its public domain books is being scanned and made available online. Aspects of the Google Books Library Project were controversial, raising questions about intellectual property rights and control.

- a. Based on your experience with the project, can you describe possible implications for the National Archives?

*It is my understanding that several years ago, NARA worked with Google on a pilot project to digitize 100 films. Google doesn't ordinarily work in "pilot project" modes and the project did not result in a significant sustained relationship. To date, Google has been focused on book materials. It is possible that Google will eventually move on to "manuscript" materials and images and may look for partners with large collections. Google may well approach NARA again.*

*Since the beginning of the Google Book Project, Google's interpretation of copyright law has raised concerns among publishers, authors, libraries, and most of the European Community. The proposed Google Books Settlement, crafted by the Association of American Publishers, the Authors Guild, and Google, may resolve these concerns but is also likely to face legal challenges. Since the NARA "collection" is largely materials in the public domain, the intellectual property issue may be of less concern than the issue of control of digital content. The standard Google library partner contract provides the partner with a digital copy of every book scanned. What the library can do with that copy is restricted by contract language which limits most reuses of the digital content. Any future conversations by NARA with Google should ensure that both intellectual property and content control are high on the agenda.*

- b. How do you think your experience with this project, or other experiences involving electronic documents, would help you to effectively lead the government's ongoing transition to electronic records?

*For five years I managed the NYPL relationship with Google. It gave me experience in contract negotiation, working with a large commercial vendor, public/private collaborative relationships, intellectual property management, and invaluable experience in helping create an imaginative digital product. At the same time, I inherited a robust digital library program that had been active since the mid 1990s at the NYPL, created as a separate entity. I worked hard to transform the digital program into the core business of the library, established a digital strategy unit, and recruited a director of digital strategy and scholarship. All of these experiences have given me a digital view of the world and an appreciation for new ways of engaging creators and users with content which is applicable to the NARA role.*

### **III. Policy Questions**

#### *NARA Management*

16. NARA's workforce is a large, diverse and widely dispersed one that has experienced several reorganizations.
- a. What managerial experience can you draw on to help you lead NARA and its large, diverse workforce?

*I have grown up in large, diverse, widely dispersed organizations. Each brings the challenges of consistency of message and quality of service. The last three years, for instance, has involved the reorganization of two very distinct New York Public Libraries (branch and research) into OneNYPL which addressed each of the challenges mentioned above.*

- b. Do you intend to reform the current management structure at NARA?

*I have no reformation planned at this time. If confirmed, I plan to assess the current structure before determining whether any changes are necessary.*

17. If confirmed, how would you maintain an appropriate balance among the functions of records management, storage, accessioning, preservation, and online access at NARA?

*My approach has always been to learn the organization, understand the history, listen to the staff and the stakeholders, analyze the data, identify the obstacles and enablers, and test some assumptions. If confirmed, I plan to evaluate the current allocation of effort and resources as well as unmet needs.*

18. In your opinion, what are NARA's greatest challenges over the next five years?

- a. Do you believe that these challenges are sufficiently reflected in NARA's strategic plan?

*Please see below.*

- b. What changes would you make in the strategic direction of the agency, if confirmed?

*Please see below.*

- c. How would you hold NARA's senior executives accountable for implementing the goals and objectives set forth in the strategic plan?

*I have reviewed reports, papers and analyses from NARA and other sources, and I have conducted independent research on the challenges facing NARA. One of the best summaries of my own sense of these challenges is contained in the most recent report of the Inspector General, in which he spells out NARA's top 10 management challenges, ranging from ERA to job satisfaction. Comparing the list to the latest DRAFT Strategic Plan was an opportunity to test the IG's view of need against NARA's and I was pleased to see convergence on the issues in that document. In addition, I have looked at the first stakeholder reactions to the DRAFT Strategic Plan, that of The National Security Archive and CREW. Both contain thoughtful analyses and recommendations for improving the Plan and will hopefully be reflected in the final plan. It is important that the new Archivist set the strategic direction and "own" that plan. As for delivering on the plan, it is part of a larger issue of performance management. Being unfamiliar with current evaluation practices, I need more information to respond but I would use appropriate accountability measures.*

19. NARA is facing the loss of experienced personnel who will soon be eligible for retirement. If confirmed, how will you attract new employees with the appropriate training to offset that loss?

*This is a problem being faced by all like institutions. Some of the strategies being used to address the problem include establishing better career paths within the organization to encourage junior staff to think of careers in the organization, providing student internships, and recruiting from other professions.*

20. At a hearing before the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security on May 14, 2008, then Archivist Allen Weinstein testified that he believed NARA could use more resources to fulfill its mission.

- a. Based on your review of NARA's mission and resources, do you agree with Mr. Weinstein's assessment?

*Having managed three large, physically decentralized, aging "systems" with ever expanding responsibilities, I can attest to resources always being a problem. I would*

*expect that I would support Mr. Weinstein's assessment, but if confirmed, I plan to evaluate the current resource needs myself before providing a more detailed assessment.*

- b. Given the lack of resources, if confirmed, how would you address some of the agency's existing problems such as space limitations, aging facilities, deteriorating records that need assessment and stabilization, substantial descriptive backlogs, and the need for better assessment and cooperative transfer of agency holdings?

*One of my first tasks is to work with NARA staff to better understand the issues, priorities, current practices, and resource needs.*

21. The E-Government Act requires that the Chief Information Officer Council "[w]ork with the Archivist of the United States to assess how the Federal Records Act can be addressed effectively by Federal information resources management activities."

- a. If confirmed, how will you work with the Chief Information Officer Council to implement Federal information resources policy?

*The Archivist of the United States must ensure that federal information resources policy decisions made by the CIOC fit into a broader framework that supports the Federal Records Act; that the Archives is consulted as a regular part of the review and clearance of draft CIOC policies; that the CIOC continues to serve as a supplemental, external review body for drafts of major electronic records management guidance; and that NARA continues to work with the Chief Architect and the Federal Enterprise Architecture (FEA) PMO to ensure records management is a primary consideration as agencies implement the FEA. That said, not all "information resources" are records; hence only a subset of CIOC policies will overlap with Federal Records Act requirements and issues.*

- b. How do you see the relationship between the Archivist and the Chief Information Officer Council, and Federal Chief Information Officers generally?

*In many federal agencies the Records Officers are based in the agencies' CIO organization. Those Records Officers who are not in CIO organizations should be. NARA should interact with agencies' senior management to raise awareness for this realignment. The Archivist must work with CIOs to ensure that records (particularly electronic records) are managed as information resources but also as federal records. The Archivist must encourage federal CIOs to deploy automated solutions to ensure appropriate management of electronic federal agency documentation.*

22. What is your view of the role of the National Archives and Records Administration Inspector General (IG)? Please describe what you think the relationship between the Archivist and the Department's IG should be. If confirmed, what steps would you take to establish a working relationship with the IG?

*The Inspector General is an internal independent auditor charged with keeping the agency honest and accountable. The relationship should be collegial and not adversarial. There should be no surprises on either side. My entire career has involved close working relationships with IG-like entities and I would expect to have the same experience at NARA.*

23. On January 21, 2009, President Obama signed a memorandum directing the Chief Technology Officer to develop an Open Government Directive that would instruct departments and agencies to take specific actions to implement the principles that government should be transparent, participatory, and collaborative.

- a. What do you see as NARA's role in helping the government become more transparent, participatory, and collaborative?

*Please see below.*

- b. If confirmed, what specific actions would you take to help President Obama reach the goals of this memorandum?

*Please see below.*

- c. How do you reconcile the need to provide transparency in recordkeeping with national security concerns?

*While NARA is most commonly identified with providing access to the historical records of the United States Government, the agency plays a less well-known, but equally critical role in providing access to current legal documents of the Executive Branch through its Office of the Federal Register. Transparency, participation, and collaboration were the motivation 75 years ago for creating the Federal Register system, and they remain the heart of the process. The foundations of the Federal Register system have proven to be surprisingly adaptable and the Office of the Federal Register has moved from a paradigm of print publishing to one of information delivery, without losing what is at the heart of the process: a central location to find regulatory material, a codification of that material, a means of communicating changes to Federal rules, a democratic means of enacting rules with citizen participation, and a method to meet the Constitutional enforcement demands of due process and prior notice.*

*The Office of the Federal Register responded to President Obama's Open Government Directive by working with the White House Office of Science and Technology Policy and the Government Printing Office to make bulk downloads of the daily Federal Register available for re-use and reformatting by the public. With this structured data, NARA is making possible: new paradigms for publishing, including customer-created publications, on-demand printing, and subscriptions to "pushed" data; new means for participating in the Federal rulemaking process, including the application of social networking tools; and broadening participation in the development of regulations. In these ways, through its Office of the Federal Register, NARA is uniquely positioned to*



*participate actively in President Obama's efforts to promote transparency, participation, and collaboration in government operations.*

*There is no classified data in the Federal Register system. Regarding NARA's historical records, the National Archives has always seen the public as partners in the fulfillment of this mission. In recent years, volunteers have given thousands of hours of their time and expertise to help better serve researchers and visitors. With the advent of Web 2.0, the potential of tapping into talents of people who care about records is almost limitless. There are pilot projects in several departments of NARA to let online customers create finding aids by tagging records or to build communities around records or even to have the public transcribe records. One example: for years, NARA has taken a leadership role in encouraging the effective use of primary sources in the classroom. This effort has taken the forms of articles and workshops and videoconferences. This has been very successful, but rather small scale. I have learned that, inspired by the new administration, NARA recently launched a new approach. In a project called DocsTeach, teachers will not just receive materials from NARA, they will use new online tools to create their own projects, share them, and evaluate them. The site works from the premise that while NARA has a few experienced classroom teachers, the real depth of resources resides in actively engaging a much larger group of educators. Even the design of the new site has benefited from teacher input through a blog/forum entitled "Collaborate." Teachers are empowered to tell NARA how to build tools that will serve them. The Education team is very proud that Collaborate was among the first sites to be featured in the White House's Innovations Gallery through the auspices of the Office of Science and Technology Policy.*

*Electronic Records*

24. What unique challenges do you believe are presented by the need to manage electronic records?

*The challenges are many: the stability of the media; the variety of formats and platforms and devices; the volume and scale of the information and data; decision making about what to keep; the ability to ensure the security and veracity of the content; and dealing with "versions" of content.*

25. How would you address the government-wide problem of unscheduled (records not covered by a disposal schedule) electronic records?

*NARA has issued guidelines for scheduling existing electronic records and guidance on flexible scheduling. An assessment of the effectiveness (and/or awareness) of the guidelines may be in order.*

26. How should NARA build on the requirements of the E-Government Act of 2002 (P.L. 107-347), in particular with respect to public access to electronic information?

*Section 207(e) of the E-Government Act, entitled "Public Access to Electronic*

*Information” spells out NARA responsibilities in this area. This section states that the Interagency Committee on Government Information shall submit recommendations to the OMB Director and the Archivist on “(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and (B) the imposition of timetables for the implementation of the policies and procedures by agencies.” Section 207(e)(2) directs the Archivist is then directed to issue policies addressing both issues, and (e)(3) directs the Archivist to modify these policies as needed in consultation with interested parties. Federal agencies must report their compliance to OMB.*

*NARA’s current view is that Section 207(e)(2) speaks to the Archivist’s responsibilities to ensure agency adoption of policies and procedures ensuring FRA-compliant management of “government information on the Internet and (GII) other electronic records,” and that Section 207(e)(3) calls on the Archivist to modify these policies in consultation with interested parties. Agencies, not NARA, declare records under 44 U.S.C. 3301 (the Federal Records Act). NARA’s current view is that it has no authority over “government information on the Internet” that agencies do not declare as a record. NARA has issued Bulletin 2006-02, which established a timetable and reaffirmed policies (scheduling e-systems) applicable to Section 207(e)(2) and reminded agencies in of the December 2009 deadline for implementing policies and deadlines in Bulletin 2006-02 via Bulletin 2008-03. In September 2009, NARA launched agencies self-assessment of records management practices.*

*To build on the requirements in Section 207(e)(2), NARA can ensure agencies schedule their records, particularly their websites, and ensure that agencies are aware of RM implications/problems with Web 2.0 technologies (e.g., Government relinquishing ownership of YouTube or Facebook content). To build on requirements in Section 207(e)(3), NARA should evaluate policies in light of agencies’ records management self assessments and act on finding when warranted, including developing a policy for a changing information and records management environment.*

27. Have you guided or advised transitions from paper to electronic records before? What experiences could you bring to this position that would enable you to effectively lead the government’s transition to electronic records?

*Every institution in the country is grappling with the transition from paper to electronic information and the impact on long term access. At MIT we were grappling with email scheduling and retention as part of our records management program. At Duke we dealt with the same issues in addition to archiving enterprise system data. At the NYPL a process has just launched to revisit existing records policies and practices to better manage electronic files. All three experiences required working across organizational lines to get customer buy-in and compliance; stakeholder participation in the development of policies, procedures, and systems; training, guidance, and support by the library; and security systems that protect the content from unauthorized use, protect the veracity of the information, and could be depended upon “in perpetuity.”*

28. How do you see NARA's role evolving in an age in which the federal government is increasingly dependent on electronic communications?

*This is an opportunity for NARA to assume a leadership role in the capture, preservation, and management of electronic information. NARA is in an ideal position to facilitate the shift from paper to born digital records and provide the leadership that such a shift entails.*

29. What would be your electronic records management strategy for NARA? What is your vision for records management that can meet the reality of electronic records and the information age?

*Promoting and ensuring effective records and information management across the federal government is the foundation on which the long-term success of NARA's mission depends. This foundational work is carried out by ensuring that federal agencies can economically and effectively create and manage records necessary to meet business needs, ensuring that records are kept long enough to protect rights and assure accountability, and ensuring that records of archival value are preserved and made available for future generations. Fundamental changes in the federal government's business processes, and in the wide information management environment, have critical implications for the records lifecycle. Today, the federal government creates the bulk of its records and information in electronic form. To deal with these challenges and carry out its mission, NARA must provide leadership and be more agile in adapting to changes in information technology and in the federal recordkeeping environment.*

*It is my understanding that NARA currently has a Task Force for Development of an Integrated Electronic Records Program charged with identifying the key elements required in a multi-pronged program designed to serve NARA's customers in the on-going digital revolution which is profoundly affecting the Agency. Specifically, the Task Force will draft a revision to Goal 3 of NARA's Strategic Plan reflective of current and future operating environments; identify the goals, strategies, and policies appropriated for a full electronic records management program that encompasses the records lifecycles for Federal and Presidential records; recommend specific actions NARA should take in the near and long term to accomplish the identified goals and implement the strategies and policies; identify the resources (people, staff competencies, funding) and infrastructure (equipment, organizational structure) required to successfully take the action recommended in step 3; and propose the change management plan needed to successfully implement the recommended electronic records program. To date, the Task Force has taken the agency lead on revising Strategic Goals One and Three, related to electronic records management and the Electronic Records Archives project, respectively in the DRAFT Strategic Plan Update, 2006-2016. It has also done some preliminary work on defining goals, strategies, and policy directions to address the electronic records management challenges.*

*NARA's mandate for collecting, protecting, and encouraging the use of records is format*

*neutral and the management of electronic records is just the latest format shift with which the agency has dealt over time—the most challenging and, at the same time, most exciting shift. I look forward to inserting myself into this process.*

30. NARA's current guidance on e-mail, which permits agencies to manage e-mail records by printing and filing them in paper files, has been criticized. If confirmed as Archivist, would you review this guidance?

*Yes, I would review this guidance. Printing to paper is not a long term solution.*

31. Government business is increasingly being done with electronic records, including, but not limited to, e-mail. However, NARA cannot preserve electronic records if they are not adequately saved and identified by the originating agencies. Last year, the Government Accountability Office (GAO) reported on weaknesses in the preservation of electronic records, including e-mail, at several agencies. What do you plan to do as Archivist to ensure that agencies adequately preserve electronic records?

*An agency self-assessment is currently underway. This will identify weaknesses in current practice, opportunities for training and guidance, and set the stage for annual audits by NARA. It will also create a sense of urgency around local management of these records.*

32. NARA's recent records management framework states that agencies are responsible for determining how to manage a program's Web records, how to implement electronic records management software, and how to manage records created by collaborative technologies such as wikis and blogs.

- a. Can you share your thoughts on how the Archives could provide leadership on these issues?

*NARA can provide leadership by identifying and evaluating best practices, both from within and outside of Government, that agencies can scale to meet their own needs; by articulating clear and achievable standards for records management in federal agencies; by providing information about emerging technologies when appropriate; by demonstrating a willingness to change when necessary; by continuing to provide guidance products that delineate what agencies must do to comply with records management laws and regulations; by continuing to develop and maintain a robust Records Management Training curriculum; by regularly conducting conferences, forums, seminars, and briefings for agencies; by participating in international standards committees and contribute to standards that impact records management; and by providing records management expertise through reimbursable training and consulting services to solve particularly difficult issues an agency may face.*

- b. Do you have ideas on practical approaches to appraising and preserving government web sites, implementing records management software, or capturing electronic records in social collaboration digital media?

*I believe agency websites and social media content constitute "records" and need to be managed just as other agency content is managed. Implementing such management is likely to be a significant challenge. I am particularly interested in the White House's recently released RFI for capturing social media content as well as NARA's role as a potential model for other agencies in the future.*

33. One of NARA's most critical projects is the development of the Electronic Records Archive, which is to preserve and provide access to federal and presidential records. Have you led the development and implementation of large systems before? What, in your view, are the critical factors for successfully managing such an effort?

*In the course of my three library careers I have implemented and migrated integrated library systems twice at MIT, I have merged two separate systems at Duke, and, most recently, I oversaw the merger of two separate (and enormous) systems at the NYPL to create the first integrated NYPL system in history. Success factors learned throughout these endeavors have hinged on having the right vendor, clear objectives, stakeholder involvement, oversight, and testing, testing, testing.*

34. NARA's largest technology investment is the Electronic Records Archive (ERA) project, which is being built to preserve federal and presidential electronic records. NARA has spent more than \$250 million on this project to date. However, the project has previously experienced schedule delays and GAO recently reported that ERA was not fully capable of answering requests for electronic records from the Bush administration as intended. Instead NARA used other, less expensive solutions to answer these requests. What do you plan to do as Archivist to ensure that this major acquisition meets future time and capability milestones?
- a. GAO also reported that NARA's expenditure plans for ERA lacked adequate detail on the capabilities to be delivered in future increments. How will you ensure that the Congress has adequate information to hold NARA accountable for ERA's progress?

*Please see below.*

- b. One of the stated goals of the ERA project is public access. Even though NARA has spent more than half of the projected project budget, ERA does not yet have any public access capabilities. If confirmed, what is your vision for public access to electronic records? When can the public expect to have access to NARA's vast electronic holdings? To what extent is ERA necessary to achieve this vision?

*ERA is clearly the most visible of all of the areas of responsibility the new Archivist will inherit. It is an initiative that is being closely watched around the world because every organization has similar needs to manage electronic records and is seeking the "silver bullet" solution. If confirmed, I plan to fully evaluate NARA's progress to date, and to work with NARA's staff to ensure the project meets future milestones.*

*The vendor, Lockheed Martin, has a history of innovation in this area, and based on my understanding so far, appears to have the capability to deliver on this project. Lockheed Martin pioneered information retrieval systems during the 1970s to transform the way scholars and researchers did their work.*

*According to NARA's ERA Update of September 2, 2009, public access to records is scheduled for Increment 3 of the project that is currently under development.*

35. One of NARA's responsibilities is to house the official records of the U.S. House of Representatives and Senate from the First Congress to modern congresses as well as the records of legislative branch agencies and commissions. The Center for Legislative Archives is funded by NARA at approximately \$2 million a year and contains a collection of records totaling over 500 million pages that grows every year. In addition, the Center continues to receive massive amounts of electronic records that are currently not stored in the Electronic Records Archives but are instead captured by another duplicative system. Currently the Center is at approximately 80% physical storage capacity and expects to be overwhelmed in another three years. Further, there are no detailed plans for how and when NARA will handle electronic Congressional records through the Electronic Records Archives system. What do you believe are the top 3 management issues at the Center for Legislative Archives and how do you plan to address them?

*I believe the top three management issues at the Center for Legislative Archives are:*

- (1) Managing electronic formats. This is planned as part of ERA in 2010;*
- (2) Space in Archive 1. This archive is quickly running out of space;*
- (3) Resources required to get the job done.*

*If confirmed, I plan to study each of these issues in depth and consult with career staff at NARA before determining the best way to address these challenges. I look forward to discussing this issue further with the Committee.*

#### *Records Management*

36. If records are not well managed while they are being created and used, agencies may not be able to find valuable information when they need it, and records of permanent historical value may be lost before they can be archived. Yet records management has historically been given low priority. GAO has reported that NARA's oversight of federal records management has been limited.
- a. How do you view the current practices of federal agencies in relation to records management?

*If confirmed, I plan to review records management practices at federal agencies. I look forward to discussing this issue with the Committee after completing that review.*

- b. If confirmed, what could you and NARA do to raise the priority and profile of records management across the federal government?

*Options include creating a sense of urgency about the importance of the records, offering onsite training and guidance, using the new self-assessment tool to measure effectiveness, and instituting an annual records audit for each agency.*

- c. In your view, do NARA's responsibilities include providing leadership, guidance, or oversight to help agencies manage their records efficiently and effectively?

*Yes.*

- d. If confirmed, how would you raise awareness of and commitment to records management among senior government managers?

*One way to accomplish this is to institute an audit process and share the "scorecard" with each agency's senior managers.*

- e. Do you believe there is sufficient training across the agencies for Federal employees in records management?

*I do not currently have data on resources devoted to this aspect of NARA's responsibilities. If confirmed, I plan to review and evaluate agency records management training. I look forward to communicating with the Committee further on the issue of records management training after conducting this review.*

37. Agencies are tasked to produce information in response to both legal discovery and FOIA requests, neither of which is confined to official federal records. This has led some to suggest that the greatest need in federal agencies is for guidance on information management, not just records management. Please discuss your views on managing records versus managing information.

*The two competencies are closely linked. Effective information management relies on effective records management. The shift to electronic records, I believe, actually supports the information management competency. The ability, with continuously improving harvesting tools, to search across records, years, agencies, etc. provides a very powerful information future for the Archives.*

38. In your opinion, do federal recordkeeping laws need to be updated in light of new information and communication technologies?

*As a general matter, federal recordkeeping laws should be kept relevant and up-to-date with respect to new information and communication technologies. If confirmed, I plan to study this issue further before suggesting potential changes related to new technologies. I would be happy to communicate further with the Committee on this subject upon completing this review.*

39. Given that not all government records, whether paper or electronic, can or should be preserved, do you think the current approach to appraising records and determining retention schedules is adequate? What are your views on records and record-keeping systems as a means of both documenting and keeping government accountable to its citizens and protecting citizens' rights?

*The current appraisal and retention systems are agency specific and should be reviewed by NARA and the agency on a regular basis to ensure that the right records are being captured and retained for the appropriate "life" of the records. The successful fulfillment of the Archives' mission hinges on effective appraisal and retention decisions. One of the great contributions that NARA makes to democracy is the free and open access to the records of the country, a policy that fosters accountability to its citizens and, at the same time, protects their rights.*

40. What steps do you think NARA should take to ensure that federal agencies retain, preserve, and manage electronic records, pursuant to statutory mandates?

*The NARA DRAFT Strategic Plan Update, 2006-2016, Strategic Goal Three states that NARA will address the challenges of electronic records in Government to ensure success in fulfilling NARA's mission in the digital era. The five specific strategies for this goal include identifying permanently valuable electronic records wherever they are, capturing them, and making them available in usable form as quickly as the law allows; developing implementing, integrating, and managing an electronic records program which is responsive to the needs of Federal Government and customers who expect continuing access to the Government's electronic records; deploying further increments of the Electronic Records Archives to capture, describe, preserve, and provide continuing access to Government electronic records; partnering with agencies, research institutions, and private industry to develop, implement, manage, and promote the electronic records program both within NARA and for the Government at large; and providing leadership to the Federal Government by testing and implementing within NARA itself the effective lifecycle approaches that emerge from the work of an electronic records program.*

*NARA's current view is that NARA needs to do more to support agencies in transferring to the National Archives their permanent electronic records sooner than the more traditional 30 years after active use found often with textual records. NARA's current Task Force for Development of an Integrated Electronic Records Program is exploring recommendations on how "early capture" of electronic records could work. While early capture of electronic records begins to solve some of the records identification and technological issues, there is a potential for increased costs to NARA, balanced with the business needs of the creating agencies, and the potential access burdens (i.e., FOIA, special access review, etc.) that could accrue to NARA by legally owning the records. These are significant details to be worked out, but on the whole, NARA needs to take in electronic records earlier than it has traditionally, or otherwise make provision for their continued access and preservation outside of the National Archives proper.*



*NARA has issued an internal directive concerning affiliated archives and relationships entitled NARA 1501, Custody of Federal Records of Archival Value (31 August 2007) as well as a public version. The directive addresses the authority and responsibility of the Archivist of the United States regarding the physical and legal custody of Federal records "determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government" (44U.S.C. 2107(1)). The directive includes provisions for deposit of records of archival value (designated as "permanent" on records disposition schedules) outside the physical custody of NARA. In addition, NARA recently updated its Bulletin regarding pre-accessioning permanent electronic records (NARA 2009-03). This bulletin defines what NARA means when discussing pre-accessioning of electronic records with archival value and describes the criteria for determining when pre-accessioning is appropriate. Pre-accessioning is a form of what is described above as "early capture" of electronic records, with the creating agencies maintaining legal custody (and responsibility for FOIA and access) for the records. Finally, a large body of electronic records management guidance, much of it focused around the issues explicit or implied in this question can be found on the NARA Website: <http://www.archives.gov/records-mgmt/initiatives/erm-guidance.html>.*

41. How would you ensure that NARA establishes an effective and active oversight program of inspections of agency records management programs?

*If confirmed, I would begin with a review of the existing program with an eye towards identifying weaknesses and areas for improvement. At the same time, I would strive to work collaboratively with agencies to create a sense of urgency about records management.*

42. What is your view on the authority held by NARA to oversee recordkeeping procedures at presidential record agencies and to ensure that the White House follows NARA's guidelines for maintaining, preserving, and accessioning presidential records?

*NARA is legislatively obligated to set standards, inspect and certify systems, and provide support and guidance to agencies.*

43. What strategies, other than initiating action through the Attorney General under the circumstances provided for under 44 U.S.C. § 3106, can NARA adopt in order to remedy agency noncompliance with federal records laws?

*Based on my current understanding, I would support the current self-assessment process coupled with annual audits.*

44. If confirmed, would you resume systematic inspections of agencies in order to ensure compliance with NARA recordkeeping guidance and the applicable records statutes?

*Yes.*

*Records Preservation and Access*

45. What is your position on a “retain everything” approach to electronic documents, as opposed to the present system, wherein agency personnel are left to determine what individual items are and are not records as defined under 44 U.S.C. § 3301?

*The combination of cheap storage and improving search/harvest algorithms balanced against the vagaries of decision making locally make the “retain everything” approach very attractive.*

46. The OPEN Government Act of 2007 (P.L. 110-175) established an Office of Government Information Services (OGIS) within NARA to resolve interagency Freedom of Information Act (FOIA) disputes.

- a. If confirmed, what will you do as Archivist to ensure that OGIS effectively fulfills its mandate to mediate disputes between agencies and FOIA requesters?

*The new OGIS director started work on September 8, 2009, and is now bringing on staff. The office will in the first instance draw upon existing Federal mediation resources and experience, but additionally the director is working to create an online dispute resolution (ODR) system. It is essential to use technology to make FOIA work more effectively for both requesters and government agencies. Congress intended the OGIS to be an innovative and timely way to resolve FOIA disputes. If confirmed, I am committed to making that happen.*

- b. How do you believe the OGIS should prioritize cases that it accepts for mediation?

*The office is developing the criteria for prioritizing cases, but my understanding is that the top priorities will be those requests that are aimed at wide dissemination of information serving the public interest and requests that are likely to be repeated, particularly across agencies. At the same time, the office will be working with selected government agencies, including the Department of Justice, to improve the overall process of handling FOIA requests so that problems can be solved at an earlier stage. Heading off the need for mediation, not to mention litigation, is good policy.*

- c. If confirmed, what will you do to ensure it has proper resources to fulfill its mission?

*If confirmed, I will be watching carefully to see if the resources currently allocated to the office—approximately \$1 million for the fiscal year—are adequate to ensure that the office is operating as Congress intended. In addition to FOIA mediation for the entire government, the office is charged with reviewing policies and procedures of agencies under the FOIA; reviewing compliance with FOIA by agencies; and recommending policy changes to Congress and the President to improve the administration of FOIA. Moreover, Congress and the public have made clear that they are looking to this office to serve, for the first time under FOIA, as an*

*ombudsman. Together, that makes for a large workload for an office of six people.*

*Declassification Issues*

47. NARA is presently sitting on a backlog of hundreds of millions of pages of records that have been declassified by other agencies. What institutional and/or legislative changes do you believe to be necessary to expedite the release of these valuable records to the public?

*NARA requires increased capability to implement agency declassification decisions and to perform archival processing. The National Declassification Center is a critical element in reforming the Executive Branch's declassification program. NDC will require full support from the Administration, Congress, and federal agencies and will require substantial additional budgetary resources. It is my understanding that a decision was recently made to pursue a Request for Information and then a Request for Proposal for a business process reengineering project to develop new, more efficient work processes, IT systems, and to evaluate the feasibility of a separate NDC facility. The RFI and RFP processes will likely require all of FY2010 to accomplish. It is my understanding, however, that all agencies believe it is critical to develop good requirements before proceeding.*

48. In a May 27, 2009 Memorandum, President Obama directed the Assistant to the President for National Security Affairs to submit recommendations and proposed revisions to Executive Order 12958 that would, among other things, address the establishment of a National Declassification Center (NDC), which would "bring appropriate agency officials together to perform collaborative declassification review under the administration of the Archivist of the United States."

- a. Do you believe that establishing a National Declassification Center would be beneficial in carrying out NARA's declassification mission?

*Yes.*

- b. What do you believe the role should be of the NDC in the declassification process, in particular to improve the review process for multiple equity documents?

*NDC should work to expedite decision making and streamline processes to ensure access to information.*

- c. If confirmed, how will you support the development of the NDC?

*The success of NDC depends upon true collaboration. The Archivist needs to foster the environment in which that work is done. In addition, the Archivist needs to ensure that NDC has the resources needed to do its work.*

49. At present, The National Archives and Records Administration has a lead role in

implementing the Controlled Unclassified Information (CUI) framework, which is intended to harmonize the procedures for marking, safeguarding and disseminating sensitive but unclassified information, with the objectives of improving information sharing and reducing the amount of information designated as sensitive.

- a. What do you believe are the challenges associated with NARA's role in establishing the CUI framework? What steps would you take as Archivist to overcome them?

*Please see below.*

- b. How will you ensure that agencies are appropriately adopting the CUI framework consistent with guidance issued by NARA?

*I am told that the CUI Task Force report and recommendations are not yet public. I will review the report upon confirmation.*

*Missing Clinton Hard Drive*

50. On April 2, 2009, the Acting Archivist of NARA was notified that an external computer hard-drive containing copies of Clinton Administration Executive Office of the President (EOP) Presidential and Federal records was missing from a NARA electronic records processing room. In his investigation of this incident, the IG for NARA, Paul Brachfeld, testified before the House Subcommittee on Information Policy, Census, and National Archives that the security in place at NARA at the time the hard-drive went missing was highly inadequate. Brachfeld noted that the rudimentary controls in place, such as badge access cards, locked doors, and sign-in logs were easily and often circumvented.

- a. If confirmed, what steps will you take to improve security at NARA?

*A thorough review of existing procedures is soon to be launched that will result in a new set of policies and procedures. Collection security is a serious matter and needs to be constantly monitored. The tensions between protecting collections and providing access are tensions that anyone with stewardship responsibility faces on a daily basis.*

- b. Based on your review, do you believe that NARA has taken the proper steps to ensure that similar data breaches do not occur in the future?

*I have had firsthand experience in addressing data security in my previous positions. However, I am not sufficiently familiar with the actions taken by NARA to express an opinion at this time. If confirmed, I plan to thoroughly review this issue.*

- c. What do you believe the process should be for informing stakeholders about data breaches?

*I would expect early disclosure to the community at large and to individual*

*stakeholders where warranted. NARA, like many large research collections, has been good about "advertising" what they know is missing from the collection. This provides an early warning to dealers and would-be customers of stolen material.*

51. The Office of Inspector General raised concerns about the manner in which NARA handles presidential data such as that which was on "Backup #2." When this type of data was copied from the original EOP computer tapes to the modern hard-drives stored at NARA, the work was contracted off-site to private companies. The IG has stated that NARA did not institute any security requirements or standards for the tapes or the information that they held.

- a. If confirmed, how would you approach the issue of contracting-out sensitive information?

*I would ensure that, to the extent it is determined that this work is appropriately handled by contractors, the contractors selected have experience in dealing with sensitive information and have successfully worked with other agencies, and that the language of their contracts contains "security of data" language.*

- b. How would you ensure the safety of all data materials during the copying process?

*I understand that a collection security task force has been established at NARA as a result of this incident. I would expect to have a thorough review of existing procedures and recommendations for improved security.*

- c. Do you believe that NARA may need to institute new regulations to prevent these types of incidents from occurring?

*Collection security is an ongoing challenge and I would expect to have a standing staff group constantly assessing procedures and policies to ensure protection of collections. In addition, I would expect to work closely with the Inspector General on these issues.*

#### *Presidential Records and Libraries*

52. What are your views on the issue of public access to presidential records?

- a. What interests do you believe may be served by keeping presidential records secret to maintain confidentiality of communications? What interests may be served by public disclosure, and how would you balance those interests?

*The Presidential Records Act (PRA), 44 U.S.C. 2002-2207, governs the official records of Presidents and Vice Presidents created or received after January 20, 1981. The PRA allows the President to invoke specific restrictions to public access for up to twelve years. The PRA also establishes procedures for Congress, courts, and subsequent administrations to obtain special access to records that remain closed to*

*the public. Traditionally, "national security" has been the primary interest used to restrict access to presidential records. The spirit of transparency would be served by a careful review of the restrictions on access to closed Presidential Records.*

- b. How would those views shape your approach, as Archivist, to address issues of public access to presidential records?

*In my view, an administration should think carefully about use of these exemptions throughout the term in order to promote transparency. I would encourage that kind of regular review.*

53. Individual libraries now exist for each former President, dating back to President Hoover. These libraries are maintained at public expense and overseen by the National Archives even though private organizations and foundations are responsible for establishing and building these museums. Additionally, many libraries have severe backlogs, with the Reagan Library staff estimating that it will take 100 years before all of the Reagan White House records are reviewed for release. Last year, this Committee passed the Presidential Historical Records Preservation Act of 2008 (P.L. 110-404), which requires NARA to report 270 days after the enactment of the bill on new methods to preserve presidential materials that could reduce the financial burden of the federal government, improve preservation of records, and reduce the delay in public access to the records held by the libraries. This report has not yet been completed.

- a. If confirmed, will you make the completion of this report a priority?

*I am told that the report has been completed and will likely be made public before confirmation of the Archivist.*

- b. What plans or ideas do you have concerning the future of the Presidential Libraries program?

*Having grown up in three large decentralized collection environments, my experience shapes my concerns about the physical and environmental security of primary materials in facilities constructed over 75 years. In addition, the projections for facilities for future presidents raise sustainability issues.*

- c. What changes, if any, do you believe are necessary to the Presidential Library system to lower costs, improve preservation, and help reduce delays in access?

*I look forward to working with the NARA staff in assessing the recommendations of the forthcoming report and developing a plan of action for review.*

*National Historical Publications and Records Commission*

54. If confirmed as Archivist, you will also serve as chair of the National Historical Publications and Records Commission (NHPRC), which makes grants for the collecting,

describing, preserving, compiling and publishing of documentary sources significant to the history of the United States.

- a. What do you see as the role of the NHPRC?

*NHPRC plays a leadership in role in developing a community of best practice, encouraging careers in archival work, and shaping the national and international landscape of practice.*

- b. If confirmed, how will you see your role as chair?

*If confirmed, I will use the work currently underway on electronic records to strengthen the leadership role of NHPRC.*

- c. Do you believe that the NHPRC has received proper resources to fulfill its mission in recent years?

*My understanding is that there are many unmet needs that NHPRC could be supporting and that the budget has remained the same since 1991.*

55. Many foundations that hold the papers of our nation's founding fathers have received taxpayer money to transcribe and publish the documents. Unfortunately, the process is slow, expensive, and inefficient. The Presidential Historical Records Preservation Act of 2008 (P.L. 110-404) directed NARA to work with the stakeholders to speed up the completion of the founding fathers' papers, digitize the documents, and make them freely accessible to anyone, anywhere via the Internet. Furthermore, an outside advisory group was to be created to oversee the progress and recommend improvements. However, to date, the advisory group has not been created and NARA has not developed a plan to digitize and publish the documents online.

- a. If confirmed, would you make this is a priority?

*Yes. It is my understanding that names of potential nominees to the Advisory Committee are awaiting upon confirmation of the Archivist.*

- b. How would you accomplish the goals of the legislation in a cost-effective manner?

*According to the charge of the Advisory Committee, the group is to review the progress of the project and develop appropriate completion goals. The process will also serve to bring the Archivist up to speed on the project in order to make intelligent decisions about goals.*

#### **IV. Relations with Congress**

56. Do you agree without reservation to respond to any reasonable summons to appear and

testify before any duly constituted committee of the Congress if you are confirmed?

Yes.

57. Do you agree without reservation to reply to any reasonable request for information from any duly constituted committee of the Congress if you are confirmed?

Yes.

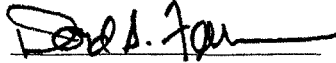
**V. Assistance**

58. Are these answers your own? Have you consulted with NARA or any interested parties? If so, please indicate which entities?

*The answers are my own. I have been briefed by senior NARA staff on most of the areas covered in the questions.*

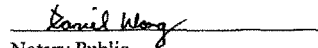
**AFFIDAVIT**

I, David Sean Ferriero, being duly sworn, hereby state that I have read and signed the foregoing Statement on Pre-hearing Questions and that the information provided therein is, to the best of my knowledge, current, accurate, and complete.



Subscribed and sworn before me this 16<sup>th</sup> day of September, 2009.

County of New York  
State of New York



Notary Public

**DANIEL WONG**  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01WO6152700  
Qualified in Kings County  
Commission Expires September 18, 2010



Senator Tom Carper  
Additional Questions for the Record  
Nomination Hearing of David S. Ferriero  
October 1, 2009

1. The National Archives oversees the National Historical Publications and Records Commission (NHPRC) which provides grants to state and local governments and universities. The NHPRC has been in existence since 1933 and is responsible for overseeing the transcription of our nation's founding fathers documents, among other priceless records. Despite the rising costs of inflation, the NHPRC has been authorized at \$10 million for over a decade. Congress will need to reauthorize the NHPRC this year in order for the grant-making body to continue. From your previous knowledge and professional experience, do you believe the NHPRC is a worthy program? If so, do you support increasing authorization for the NHPRC?

*NHPRC is a worthy program and deserving of increased support. It has been called "the little agency with the big impact." Established in 1934 along with the National Archives, the NHPRC has funded some 4,600 projects connecting Americans with the primary source materials of our history, culture, and democracy. The NHPRC was formed with a singular mission—to provide ordinary Americans with access to the nation's historical documents. That mission remains at the core of the Commission's work and serves as a guiding principle for its publishing, preservation, and access programs.*

*NHPRC grant opportunities are recognized as highly competitive, and only exceptional applications are awarded Commission funding each grant cycle. Many excellent grant requests are turned away each year due to lack of resources, typically 2 to 4 times the number of requests granted. Grant applications undergo a rigorous review process involving panels of dozens of peer reviewers, 50 state historical records advisory boards, and NHPRC staff evaluations. The Commission maximizes project impact by requiring 50% project cost sharing for almost all initiatives.*

*In New York state alone, NHPRC has funded more than \$16m for 171 projects—funds which were matched in an equal amount by state and local funds. The state's 3000 non-profit institutions have benefited from NHPRC funding for projects to identify and make available records of under-documented groups, issues, events, and activities. Records of Asian Americans in Rochester, businesses in Saratoga Springs, auto racing in the Chemung River Valley, settlement houses in Queens, migrant farmers in Western New York, ethnic resorts in the Catskills, and Korean-Americans in New York City have been identified and saved for future generations. More recently, records related to the World Trade Center attacks on September 11, 2001 were identified and saved.*

2. The Office of Government Information Services (OGIS) was established in 2007 by Congress to streamline the Freedom of Information Act (FOIA) process and reduce the burden on agencies. However the Archives only recently hired an OGIS director, and I question whether there is enough staff to fulfill the intent of Congress. If confirmed, will you fully support this office and ensure the FOIA process is improved?

*If confirmed, I am especially looking forward to supporting this new office within NARA and am pleased that the agency's demonstrated history of independence resulted in the assignment of the OGIS there. It is my understanding that Miriam Nesbit, the recently appointed OGIS director, has begun her work, is recruiting staff, has reached out to stakeholders, and is exploring technological solutions to the streamlining problem.*

3. As you know, the Archives is an independent agency that has an almost overwhelming mission of storing both the records of the executive and legislative branch of government. However, I question whether the records of Congress receive the same attention as those of the executive branch. For instance, it seems that at first glance the Center for Legislative Archives, which is the part of Archives that manages Congressional records, is buried within the Archives' organization. I am not sure if this structure makes sense, but there have been examples where Senate and House committees have not received the information they requested because there were no vehicles to deliver the material. If confirmed, will you commit to take a good hard look at the way Congressional records are managed and identify possible improvements?

*The Center for Legislative Archives is high on my list of NARA activities to explore in depth, establish relationships with stakeholders, and ensure that the agency is fulfilling its mission of collection, protecting, and providing access to the records of Congress. I am told by NARA staff that the vehicle issue has been resolved.*

4. One challenge that affects every agency, including the National Archives, is recruiting and retaining qualified people. Although this is a government-wide issue, there are some steps that you may be able to take within the Archives. For instance, I understand that the National Archives has a significant number of employees that have worked there for decades. Obviously that type of dedication is a benefit, but also can pose some risks if you lose them. What are some steps that can be taken to address this and other workforce issues facing the Archives?

*All of us in the research library and archive environment are facing this issue, known in the business as "the graying of the profession." NARA's Strategic Human Capital Plan identifies the workforce management challenges and opportunities facing the National Archives and provides direction for addressing them. Specifically, the plan identifies five goals and 25 supporting strategies that will be employed over the next five years to address the human capital challenges. Major focus areas of the plan include developing leadership capacity and creating opportunities for continuous learning, improving recruitment and retention, enhancing diversity, and ensuring accountability for human capital results.*

*As someone who has worked hard to recruit and retain talented staff as well as plan for succession, I am pleased to see many of the strategies outlined on NARA's plan. For example, NARA plans to develop an agency-wide integrated workforce analysis capability in order to analyze workforce demographics and key hiring and turnover metrics to support data-driven strategic and operational human capital management*

*decision-making. In addition, the agency plans to pilot at least one knowledge management tool to support sharing across the organization.*

*Having grown up in libraries, I have a particular passion for “growing our own” and am pleased to know that there are at least two NARA programs which fall into this category: the Archivist Development Program—a two-year development program for new NARA archivists and the Emerging Managers Program which combines formal training, mentoring, and other developmental assignments designed to build leadership and management strength.*

5. When people around the country think of the National Archives, I doubt that they think of the agency as critical to disaster recovery. However, I understand that the National Archives provided significant leadership following the damage caused by Hurricanes Katrina and Rita. For example, the Archives was instrumental in raising awareness about the importance of records management for continuity of operations in federal, state, and local governments. Under your leadership, what will the Archives’ role be in preparing for and responding to disasters?

*Advocating that Federal agencies have a program to protect vital records is a long-time NARA records management program mission. NARA has developed and annually offers two courses on this topic in each region of the country. NARA staff tell me that following the Katrina disaster they were surprised to learn that government records were not considered as Federal assets in the National Response Plan. NARA responded to this situation by tasking a senior level manager to ensure that the role of records in the continuity of government was understood within the Federal response community and that NARA had in place the essential partnerships necessary to respond to a records emergency situation. Following Katrina, NARA established a continuing partnership with FEMA’s National Continuity Directorate to focus on the central role that records plan in the continuity of government, and FEMA staff and state emergency officials throughout the Nation now recognize that “without records, there is no government continuity.”*

*NARA’s Strategic Plan states: “Recent disasters, both natural and man-made, have underscored the importance of records. Our role in these emergencies is to promote the preservation of records, first our own, then other Federal records, and then those of other levels of government. NARA will continue to be a partner in the Federal response community.” I am committed to this important role for NARA.*

6. As time has gone by, our country has increasingly become more and more diverse and this trend will likely continue. How will you work toward ensuring that the diversity of the American record held by Archives reflects the diversity of the American population? And how will the Archives seek to ensure diversity in its own staff and in the ranks of the archives profession?

*As the recipient of Duke University’s first Presidential Award for Diversity, this is a topic that has special resonance for me. It is important that the diversity in race, gender,*

*sexual orientation, age, and geography that have shaped this great Nation are reflected in the records that are collected, protected, and made available.*

*Equally as important to me is the creation of a staff which represents that same diversity and difference. I know that NARA is committed to maintaining a diverse workforce at all levels and, if confirmed, I will support this commitment. I know, for instance, that while women and African-Americans are well represented, Hispanics are significantly underrepresented at NARA. In addition, minority representation among the senior management of the agency needs attention. The creation of programs that recruit, retain, and develop a diverse workforce is a theme of the NARA Strategic Plan in which I will take an active role if confirmed.*

**Senator Paul G. Kirk**  
**Additional Questions for the Record**  
**Nomination Hearing of David S. Ferriero**  
**October 1, 2009**

1. I am interested in knowing the extent of your support for Presidential Libraries within the National Archives and Records Administration. Do you see the Libraries as an essential component of NARA's mission or do you feel that they represent too large a portion of NARA's resources?

*The Presidential Libraries are an essential component of NARA's mission representing almost a quarter of the total budget of the agency. They each play a vital role in the community in which they reside, providing educational programming about that President, about the Presidency in general, and about United States history.*

2. As head of the New York Public Libraries you have experience dealing with branch libraries in the diverse neighborhoods of New York City. In many ways the Presidential Libraries are NARA's branch libraries. The presidential libraries represent NARA throughout the country and each library takes on the character of the president whose life it chronicles and the area of the country in which he lived. Do you agree that it is beneficial to have presidential libraries spread throughout the country rather than, for example, having all presidential records housed in one central location?

*The Presidential Libraries, as you are well aware, do more than house Presidential Records. In fact, their biggest contribution to society is the programming aimed at the communities in which they sit. Current activities around digitization of Presidential Records may make the location of the original papers a less important point in the not too distant future.*

3. From what you have learned during your confirmation process, do you support the need to examine Alternate Models or do you believe the current system of Presidential Libraries with some modifications can be successful and sustainable?

*It is always a good idea to review NARA's priorities. The analysis of the Presidential Library System comes at a time of great change in the records environment and forces the agency to think about the future in the long term. I look forward to assessing each of the alternative models.*

4. Do you see the role of operating museums and education programs as an important part of NARA's mission and the mission of Presidential Libraries? Or do you feel that the Library's (and NARA's) private partners should oversee those roles? Should NARA focus exclusively on creating access to records for the scholars and not focus its efforts on the larger educational mission of educating

the general public and school children about our presidents, the presidency, and our history?

*NARA's mission does and should reflect an educational focus. I am especially excited about the agency's work with the K-12 community. This is an important way for the Archives to contribute to the American history, civics, and social history curricula of the nation's schools. This educational focus is also a way to get young people excited about work in public service. Educating and exciting the general public about democracy will always be part of NARA's mission.*

5. When I read the report of the Alternate Models, I understand that the existing Libraries would likely be grandfathered into any new system. In many of the proposed alternatives, however, the current Libraries would lose the synergy of a growing presidential library system. The country would end up with a bifurcated system, for example, with the existing libraries running government-led museums and the federal portion of any new libraries serving only as holding areas for presidential records and records management. Could you comment on whether you support that development?

*The recently submitted report needs more analysis and discussion with the preparers and with the stakeholder community. This is very high on the list of issues requiring the attention of the new Archivist. If confirmed, I look forward to discussing this issue with you further.*

6. As you know, I was associated for many years with the John F. Kennedy Library Foundation. While I know that each Library and Library Foundation has its own unique partnership, my sense is that the clear majority of these relationships are positive and offer great benefits to the general public and the wider historical community. Do you agree with that premise? How can we best build upon the existing model that is successfully operating across the country and ensure that the proposed alternatives do not weaken the strengths of the current system?

*I come from one of the nation's oldest and most successful public-private partnerships, the New York Public Library. Founded with private philanthropy and supported by city and state funding, as well as continued private funding, it has grown to be America's top public library comprising four world class research libraries and 87 neighborhood libraries. Without private philanthropy, well over \$50m each year, the New York Public Library would never have attained its current stature. I am, therefore, a big proponent of such partnerships and would look forward to strengthening and building upon the existing Foundation model supporting Presidential Libraries.*

7. Over the past few years, the Kennedy Library has undertaken a ground-breaking effort to digitize President Kennedy's Records and make them available to the public via the Library's website. This has been overseen by NARA staff but primarily funded by the Library's private partner, the Kennedy Library

Foundation, and by the donations of a number of generous corporate partners. Once created, however, it is hoped that the on-going maintenance of the digital archives would be overseen by NARA. Is that the type of initiative that you would support as Archivist – using seed money from private entities to launch certain needed initiatives that are in the public’s interest?

*The future of our public records is digital—capturing those records created in digital formats and translating those records in other formats to digital. This allows the records to be accessed anytime, anywhere, by anyone, thus expanding the reach of the Presidential Libraries. In addition, digitization cuts down on the handling of these paper records thereby increasing their life and contributing to their preservation. I do support efforts to attract funding for these activities and have spent much of my efforts at Duke and the New York Public Library in raising funds to do just that.*

8. I understand that all of NARA is under funded but I am particularly aware that Presidential Libraries often do not have enough archivists to process the Presidents papers in a timely manner. Would you be inclined to commit to providing more staff resources to the Libraries?

*The backlogs in processing that exist throughout the agency are high on the list of issues to be addressed by the new Archivist. This is an issue faced by all large research libraries—known in the trade as “hidden collections.” Strides have been made in streamlining processing routines and innovative applications of technology which might be appropriate to apply to the Presidential Papers backlogs. This problem needs to be addressed systemically—not only by hiring more staff.*

9. Clearly there is an issue in the newest Libraries being overwhelmed with FOIA requests which prevent them from systematically opening and processing collections. Do you have thoughts on how to fix this problem?

*The establishment of the Office of Government Information Services (OGIS) within NARA is a step in the direction of streamlining the processing of FOIA requests. The office has just been established, staff is being recruited, and stakeholders are being interviewed. I would expect that the work and recommendations forthcoming from OGIS will impact all FOIA requests across the agency. In addition, the soon-to-be-established National Declassification Center within NARA will address, among other issues, the problem of nearly 40 million pages of classified records in the Presidential Libraries alone.*

**Senator Tom Coburn  
Additional Questions for the Record  
Nomination Hearing of David S. Ferriero  
October 1, 2009**

1. The National Archives and Records Administration (NARA) Inspector General (IG) has expressed serious concerns about Lockheed Martin's performance as the primary contractor to NARA's Electronic Records Archive (ERA) project. NARA itself has cited the contractor for performance failure on ERA.<sup>1</sup> The project has repeatedly missed deadlines while its estimated total cost has swelled to nearly half a billion dollars<sup>2</sup>. Meanwhile, the IG has found Lockheed has taken an "inappropriate windfall" from the project in the form of award fees – bonuses for performance that, he said, it did not deserve. "[T]he impact of delays and cost overruns is significant and profound," IG Paul Brachfeld told Congress last year, adding he did not know "when or if" ERA would be fully functional.<sup>3</sup>

You have told HSGAC committee staff you are not deeply familiar with the details of the ERA project, and have not even read the contract. Yet, when asked about ERA in your pre-hearing questionnaire, you offered an endorsement of Lockheed Martin's capabilities: "The [ERA] vendor, Lockheed Martin, has a history of innovation in this area," you wrote, "and based on my understanding so far, appears to have the capability to deliver on this project." Lockheed Martin pioneered information retrieval systems during the 1970s to transform the way scholars and researchers did their work."

- a. Is it true that at the time you submitted the responses to your pre-hearing questionnaire that you had not read the ERA contract or familiarized yourself with the details of the project?

*My responses to the pre-hearing questionnaire were based upon a briefing session by the Acting Archivist, Adrienne Thomas, and my own experience as a customer of Lockheed-developed products. I was not allowed access to the ERA contract.*

- b. In light of the evidence of numerous and significant shortcomings, how do you justify your endorsement of Lockheed? Please provide a full accounting of what you meant by, "based on my understanding so far."

*My responses to the pre-hearing questionnaire do not constitute an endorsement. Rather, they reflect my understanding of the goals of the project and Lockheed's history of development in the information retrieval arena. If confirmed, I plan to carefully examine the ERA contract and Lockheed's performance to date. I also intend to provide meaningful, ongoing oversight of the ERA contract. I view the successful implementation of the Electronic Records Archive project as one of NARA's top priorities, and if confirmed, I will work hard to achieve it.*

<sup>1</sup> In July 2007, NARA issued a cure notice to Lockheed Martin regarding delivery dates and schedules, of which a failure to respond could result in the termination of the contract. Koontz, Linda, Government Accountability Office, Testimony before the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, *Information Security: Challenges in Implementing an Electronic Records Archive*, May 14, 2008, GAO-08-738T.

<sup>2</sup> Advisory Report by NARA IG to Acting Archivist Adrienne Thomas. "OIG Monitoring of the Electronic Records Archives Program Status," Jan. 6, 2009.

<sup>3</sup> Testimony of Paul Brachfeld, Inspector General for the National Archives and Records Administration, before the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, May 14, 2008.



- c. Did anyone assist you in preparing your response regarding Lockheed Martin in your pre-hearing questions? If so, please provide this person's name, title and agency.

*As noted above, I was briefed by Adrienne Thomas, Acting Archivist of the United States.*

- d. Do you believe that Lockheed Martin is the best contractor available to develop and produce the Electronic Records Archive?

*I have not yet had the opportunity to review the ERA contract or the list of respondents to the RFI, so I do not have enough information to express an opinion on this subject.*

- e. Do you think it is appropriate or customary for the incoming head of an agency to endorse a contractor before he or she has taken the opportunity to review its performance?

*My responses were not an endorsement of the contractor. If confirmed, I will evaluate Lockheed's performance based on the extent to which it meets the terms of the contract. I believe that consistent, meaningful oversight by NARA staff will be essential to this evaluation—and to the successful completion of the ERA contract.*

- f. Will you commit, if confirmed, to providing individual members of this committee timely access to all information and documents related to the Electronic Records Archive as they may request them to ensure prompt and thorough oversight of this important project?

*Yes.*



ASSOCIATION OF  
RESEARCH LIBRARIES

September 23, 2009

The Honorable Joseph I. Lieberman, Chair  
Committee on Homeland Security and Governmental Affairs  
Dirksen Senate Office Building, SD-340  
Washington, DC 20510

The Honorable Susan M. Collins, Ranking Member  
Committee on Homeland Security and Governmental Affairs  
Dirksen Senate Office Building, SD-340  
Washington, DC 20510

Dear Chairman Lieberman and Ranking Member Collins,

This letter is submitted for the hearing record on behalf of the Association of Research Libraries (ARL) in strong support of the nomination of David Ferriero as Archivist of the United States. Mr. Ferriero's extensive management experience in large, complex organizations, his familiarity with technology issues, particularly issues concerning preservation of and access to digital resources, and his deep understanding of the public policy issues that confront the National Archives and Records Administration (NARA), make him an ideal choice for Archivist of the United States.

Mr. Ferriero would bring many important areas of expertise and experience to the National Archives. Through his work at the Massachusetts Institute of Technology, Duke University and more recently, at the New York Public Library, Mr. Ferriero managed three large organizations during a time of significant transformation and technological change. Such experience will be instrumental in helping NARA manage the print and increasingly online records of federal agencies while at the same time, change its role from one that preserves the paper records of Government to one that manages, preserves, and provides access to both paper and electronic records. This is a new role for the National Archives and will entail new technological, managerial, and cultural changes for the agency.

Communications expertise is another essential component of leadership. The Archivist of the United States must work effectively with Congress, other branches of government, and members of the public and the private sectors to ensure that NARA's mission is achieved effectively. To this end, NARA leadership must engage in extensive collaboration and forge new partnerships. Mr. Ferriero is known for his engagement and outreach to the many diverse constituencies that he has served throughout his career.

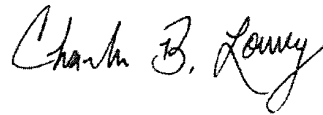
NARA, like all institutions and entities, is undergoing significant change due to the advent of the Internet and the World Wide Web. Widespread use of these digital, network-based technologies has led to massive change in organizational and agency practice, and marketplace models. Deploying and realizing the benefits of these technologies in support of effective, open, and transparent Government is a cornerstone of the Obama Administration. The National Archives should be a key agent in this transformative agenda. Mr. Ferriero brings a strong familiarity with and understanding of technology and technological trends and will provide the National Archives the leadership necessary to assume that role. Understanding the role of technology in serving the public is essential given the size and complexity of NARA and the diversity of the constituencies it serves.

Finally, there are host of information policy issues that the Archivist and NARA must address internally, in its work with and responsibilities to federal agencies, and in its work with the Administration and Congress. Key issues include privacy, security, preservation, and access concerns relating to federal records.

The research library community and NARA share a common mission – to support effective access to and preservation of information. Mr. Ferriero's long and varied career within research libraries means that he is ably suited to work with NARA staff, outside constituencies, others in the Obama Administration, and Congress in achieving NARA's mission.

Thank you for considering Mr. Ferriero's nomination. Please let me know if there is additional information that I can provide.

Sincerely,

A handwritten signature in black ink that reads "Charles B. Lowry". The signature is written in a cursive style with a large, stylized initial "C".

Charles Lowry  
Executive Director  
Association of Research Libraries