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Scheduling Legislative and Congressional Affairs Records

Records Scheduling Guide 4

National Archives and Records Administration
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About This Guide

This guide is for agency records managers and NARA appraisal archivists. Use it when scheduling and appraising legislative and congressional affairs records. Use of this guide is not required. Always consult [NARA's appraisal criteria](#) when proposing the disposition of records.

What are Legislative and Congressional Affairs Records?

This scheduling guide covers program records created or managed by agency legislative and congressional affairs offices and their equivalents. Some agencies may refer to these offices as *Judicial Affairs* or *Intergovernmental Affairs*. The legislative and congressional affairs function manages the agency's legislative interests by:

- Coordinating input into legislation that will impact the agency
- Coordinating responses to Congress and participation in Congressional hearings
- Preparing reports required or requested by Congress
- Interpreting existing legislation
- Informing the agency about Congressional actions, and
- Informing Congress about agency activities and achievements

This guide does not cover:

- **Judicial records**, or records managed by the court system.
- **Legal records**. There may be overlap between an agency's legal and legislative affairs offices. Legal records are not covered here. Please see the *Scheduling Legal Records Guide* for suggestions related to those records.
- **Rulemaking records**. This function generally does not occur in legislative and congressional affairs offices.

Considerations When Scheduling Legislative and Congressional Affairs Records

Be mindful of the following issues when scheduling Legislative and Congressional Affairs records:

- **Organizational structure**. Most departments have a centralized office that oversees legislative and congressional affairs. Some component-level agencies may also have their own legislative and congressional affairs offices. Records may exist both within the component agency and at the departmental level.

Records officers at different levels should coordinate scheduling of legislative and congressional affairs records.

- **Selection criteria.** Agencies often use criteria to separate permanent records out of a series that is otherwise temporary. See the discussion below for series that tend to use selection criteria. Common selection criteria include:
 - Mission-related records versus records related to administrative matters.
 - Precedent or policy setting records as significant.
 - Identifying records that relate to matters that were of interest to the media, Congress, or the public as significant. All other records are non-significant.
 - Identifying the records of specific offices of officials as significant. All other records are non-significant.

Avoid selection criteria where someone needs to make a decision when records are prepared for transfer to NARA. Making selections years after active use of the records by staff unfamiliar with them can be difficult. Instead, selection criteria should reflect how the records are created or maintained. For example:

- **Role-based implementation.** Records in the same series may be handled by different individuals. Examples:
 - One person responds to administrative matters while another responds to mission-related matters. The agency could schedule administrative and mission-related matters as two separate items. Implementation would be based on who created or maintained the records.
 - The head of the office must approve all mission-related legislative packages. Therefore, the copy approved by that individual is the permanent record. All other legislative packages are temporary.
- **Process-based implementation:** A workflow helps to implement selection criteria. Example:
 - The office uses a closeout review process or form that identifies precedent setting legislative files. The office keeps these legislative files separate from non-precedent setting files. This allows the staff that know the records best to make decisions about their value. It also allows for proper records management. Permanent records must be maintained apart from temporary records.

Agencies that propose selection criteria on a schedule should be prepared to discuss with their appraiser how implementation will be successful. At the time of transfer, NARA archivists may want to know how you decided a record was permanent. If your schedule is already based on how records are created and maintained, that is easier to answer.

- **Coordination with OMB.** Processes may include that records are sent to the Office of Management and Budget (OMB) for delivery to Congress. Copies may also be managed within OMB. Your agency's records still need a disposition authority.
- **Record format.** Legislative and congressional input and correspondence may only exist in email. These records are often scheduled as permanent, at least in part. Make sure that your agency is capturing them in some manner. This might include capturing the office head's email as a permanent record. Agencies using the Capstone approach for email records management (GRS 6.1) may already be capturing the office head's email as a permanent record.

Legislative and Congressional Affairs Records Covered by the GRS

The General Records Schedules (GRS) provide disposition for records created by most federal agencies. Records covered by the GRS should not be included on agency-specific records schedules submitted to NARA. The only exception is when requesting to deviate from the GRS. See the [GRS website](#) for more information about the GRS and deviation requests.

GRS items for activities that may occur in a legislative and congressional affairs office:

- **GRS 1.3, item 010 - Budget formulation, estimates, justification, and submission records, fiscal year 2017 and forward**
- **GRS 5.7, item 050 - Mandatory reports to external federal entities regarding administrative activities.** This item includes reports sent to Congress regarding *administrative* activities (reports related to functions and activities that are covered by the GRS, such as FOIA). Those related to agency missions require a records schedule. See the final reports section below for additional information.
- **GRS 5.1, item 010 - Administrative records maintained in any agency office.** This item includes many administrative records likely found in a legislative and congressional affairs office, including calendars of non-senior staff.

Agencies must schedule legislative and congressional affairs records that are not covered by the GRS.

Scheduling Common Legislative and Congressional Affairs Records

The following types of legislative and congressional affairs records are not included in the GRS. Although common, the value or retention needs vary depending on the significance of the records. Some records are almost always of permanent value.

Administrative records. These are records related to the day-to-day management and operation of the office. Examples include status and activity reports, work assignments, and project tracking documentation. If these records are not covered by GRS 5.1, item 010, then these records need to be scheduled. These records are usually scheduled as temporary with short retention periods.

Bulletins and Summaries. Agencies often create bulletins to summarize legislative activities. They tend to fall into two categories:

- **Internal.** These bulletins and summaries are a method of disseminating information to agency staff. For example, a bulletin on the status of a specific piece of legislation.
- **External.** These bulletins and summaries are a method of disseminating information to Congress. For example, notifying Congress that the agency has awarded a grant to a specific district, or highlighting administrative achievements.

These records are typically scheduled as temporary, with a retention between 1 and 5 years.

Committee Files. Some offices may manage records documenting their interaction with Congress by the name of the Congressional Committee. In these instances, agencies should schedule the records according to their content, as outlined in other records listed in this guide. For example, legislative packages that an agency manages as committee files should be scheduled following the advice under the legislative packages section of this guide.

Correspondence Files. The value of correspondence will vary depending on the subject or purpose of the correspondence, or the author or recipient of the correspondence. Selection criteria may be appropriate for these records. Generally, the following types of correspondence need to be scheduled:

- **Senior Official correspondence.** This correspondence is usually permanent. It

documents formal communication between the office and members of Congress. It very often relates to other permanent records managed by the office. Transfer periods between 15 and 30 years are typical.

- **Lower-level staff correspondence.** This type of correspondence is usually less formal than that of senior officials. It may include conversations between lower-level office staff and their equivalents within Congress. These records are typically scheduled as temporary, with a retention of between 7 and 20 years.
- **Requests for information / Routine correspondence.** This includes administrative type correspondence. These records are temporary and are typically scheduled with a retention between 1 to 3 years. NOTE: certain requests for information are covered by GRS 6.4, item 020. This includes requests for information that do not require formal action.

Note that correspondence files may have been replaced by email. If your agency uses the Capstone approach to manage email, only the email of designated Capstone officials is permanent. All other email in the office of Legislative and Congressional Affairs would be a 7 year temporary record.

Final Reports. Congress mandates the filing of certain reports by federal agencies. This may be either on a routine basis or ad hoc. Other offices within the agency may develop these reports, while the office of Legislative and Congressional Affairs coordinates their delivery to Congress.

Some reports related to administrative matters are covered by the GRS (reports related to functions and activities that are covered by the GRS, such as FOIA). Those related to agency missions require a records schedule. If the office of Legislative and Congressional Affairs manages the recordkeeping copy, then these records are typically permanent. Transfer periods between 15 and 30 years are typical.

If the recordkeeping copy of the reports remains within the office of creation, and they are scheduled as permanent within those offices, then the copies of the office of Legislative and Congressional Affairs are typically scheduled as temporary. Agencies may find implementation easier to schedule these records as one series within the office of Legislative and Congressional Affairs.

Hearing and Testimony records. Senior agency staff are often called to provide testimony to, or attend hearings of, Congress. These records are typically permanent. They document the formal interactions between the agency and Congress. Transfer periods between 15 and 30 years are typical. The types of records created in each agency may vary, but often include:

- **Hearing and Testimony Files.** Files that provide background information on

each hearing, transcripts of the actual hearings, copies of testimony, and the like.

- **Briefing Material.** Briefing material may be provided to Congress regardless of whether or not there is a formal hearing.
- **Questions for the Record.** Questions for the Record is a formal term used for when Congress requests specific answers from the agency to be entered into the record. These are usually related to hearing and testimony files. They are typically scheduled as permanent.
- **Presentations.** Presentations may include special media, such as films or photographs presented at hearings or provided to Congress. They may be managed separately or managed as part of hearing and testimony files.

Internal Coordination Files. These are files that document information collection processes and activities for responding to Congress. Information may be collected from internal or external sources. For example, the records document the creation of a legislative package or the records document development of a response to Congressional questions. As these records generally document the administrative process of creating other permanent records they are typically scheduled as temporary with a short retention period of between 3 and 8 years.

Legislative Histories. The creation and use of legislative history files varies greatly from agency to agency. In some instances, they are identical to legislative packages, in which case a permanent retention is typical. In other instances, they are reference files, consisting of copies of legislation. When they are only for reference, they are likely non-record and do not require a NARA approved disposition authority.

Legislative Matters Tracking and Management Systems. These systems contain information used to track and manage legislative matters, including the status of legislation. These systems may also contain the legislative packages (or other records) themselves. Any legislative packages (or equivalents) in these systems need to be scheduled as legislative packages (or equivalent), as their value may vary. Retention of tracking or management data should reflect the retention of the related records.

Legislative Packages. These are the most common type of records created by this function. They document formal input to Congress about new or pending legislation affecting the agency. The term used for these records varies from agency to agency. Agencies may manage these as subject files, program files, liaison files, legislative case files, committee files, or legislative proposal files. Regardless of what the files are called, the records of formal input provided to Congress are usually scheduled as permanent. Transfer periods between 15 and 30 years are typical.

Legislative Referral Memorandum (LRMs). These memoranda transmit information to Congress via OMB. These records may also document coordination between federal

agencies. They usually overlap with the legislative packages. LRMs that are managed separately (and duplicated within the legislative packages) are typically scheduled as temporary with a retention of between 6 and 20 years.

Members / Sessions Profiles. These files contain biographical information on members of Congress. Agencies primarily use them as reference material and to inform agency actions. They could be filed by member name or by Congressional Committee name. These records are typically scheduled as temporary with a retention of between 2 and 20 years. Retention may also be based on when an individual member leaves Congress.

Nomination and Appointment Files. These files relate to the nomination and appointment of agency senior leadership. Agencies typically schedule these records as temporary. The nomination and appointment process is usually well documented in permanent hearing files managed by the office of congressional and legislative affairs. A temporary disposition of between 3 to 10 years is typical.

Office Head Records. Most Legislative and Congressional Affairs office heads are Capstone officials. As such, their records are more likely permanent. Their records may include correspondence, program and policy files, and subject files. Transfer periods between 15 and 30 years are common.

Subject Files. Some agencies manage their interactions with Congress by subject. In these instances, the records should be scheduled according to their relationship with other records listed in the guide. For example, legislative packages that are managed as subject files should be scheduled following the advice under the legislative packages section of this guide.

Subject files of senior officials are also typically scheduled as permanent, regardless of topic. Transfer periods between 15 and 30 years are typical. General subject files of lower-level staff are typically scheduled as temporary, with a disposition of between 3 and 10 years.

Working Files. Working files may include notes, reference documents, and drafts. Working files may also contain non-record reference material. In some instances, these are called “liaison files,” as they are created by staff that have general interaction with Congress. These are typically scheduled as temporary, with a disposition of between 3 and 15 years. Retention may also be based on the level of the staff member. Higher level staff members may require a longer retention to meet agency business needs.

Retention Guidelines

Transfer of permanent records

NARA typically approves records for transfer to NARA between 15 and 30 years. For longer or shorter transfer periods, see [NARA Bulletin 2020-02: Guidance on Scheduling the Early and Late Transfer of Permanent Records](#).

Retention of temporary records

Agencies should base the retention of temporary records on the agency's administrative, fiscal and legal needs for the records.

Related NARA Resources

Code of Federal Regulations: [36 CFR Chapter XII, Part 1235](#) (Transfer of Records to the National Archives of the United States)

[Strategic Directions: Appraisal Policy](#) (excerpted from NARA Directive 1441)

[NARA Bulletin 2018-01](#): Updating [NARA Bulletin 2014-04](#), Format Guidance for the Transfer of Permanent Electronic Records

[NARA Bulletin 2023-02](#): Expanding the Use of a Role-Based Approach (Capstone) for Electronic Messages