



September 4, 2026

Farm Credit Administration (FCA) Controlled Unclassified Information (CUI) Limited Legacy Material Marking Waiver within the Agency

Executive Order (EO) 13556, Controlled Unclassified Information (CUI), 75 FR 68675 (November 9, 2010), establishes a program for managing CUI across the executive branch. The National Archives and Records Administration (NARA) is responsible for implementing the Executive Order. In response, the Farm Credit Administration (FCA) has established a CUI Program. The Agency's Director of the Office of Information Technology and Chief Information Officer (CIO) serves as its CUI Senior Agency Official (SAO). Daily operations of the CUI program are designated to the CUI Program Manager as outlined in the Agency's CUI policy and procedures manual.

CUI generally is information which requires safeguarding, or dissemination controls pursuant to and consistent with applicable law, regulations, and government-wide policies but is not classified.¹ As part of its CUI program operations, FCA has identified the types of information it creates, collects, and maintains in support of its mission which constitute CUI.

The NARA regulation provides that if an agency has a substantial amount of stored information with legacy markings, and removing such markings and designating or re-marking it as CUI would be excessively burdensome, an agency's CUI SAO may approve waivers of all or some of these requirements while that material remains within agency control.² The NARA regulation also states that if an authorized holder reuses legacy information or information is derived from legacy documents that qualify as CUI, any legacy markings must be removed or redacted, and the CUI must be designated or re-marked as such, even if the information is under a legacy material marking waiver prior to reuse.³ The NARA regulation further requires that agencies notify authorized recipients and the public of such waivers.⁴

¹ See Executive Order 13526 – Classified National Security Information.

² See 32 CFR 2002.38(b)(1).

³ See 32 CFR 2002.38(b)(2).

⁴ See 32 CFR 2002.38(e).

Pursuant to the NARA regulation and in consultation with FCA's Office of General Counsel, the FCA CUI SAO has determined that removing legacy markings from stored information and designating or re-marking it as CUI while it remains under agency control would be excessively burdensome given the Agency's small size and highly limited technical and administrative resources. Therefore, the FCA hereby issues this limited legacy material marking waiver, pursuant to 32 CFR 2002.38(b), waiving the requirement to remove legacy markings and designate or re-mark legacy materials as CUI while within the Agency. Materials which are reused or derived from legacy materials and contain CUI will be subject to applicable limited CUI marking waivers while they remain under agency control. When disseminated outside the Agency, and as required, legacy materials that qualify as CUI will be appropriately designated and re-marked.

Furthermore, legacy materials under agency control that qualify as CUI are safeguarded via alternative protection methods, with access limited to those with a need-to-know in support of their official duties. Paper copies are physically safeguarded in a secured environment using locked file cabinets, locked offices, or other physical safeguards, and electronic information is safeguarded via user roles, passwords, firewalls, encryption and other information technology security measures. Lastly, pursuant to 32 CFR 2002.38(e), the Agency hereby notifies authorized recipients and the public of this waiver.

Approved:	GERALD	2026.09.11	Date: 9/11/26
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