

113TH CONGRESS  
2D SESSION

# H. R. 5181

To amend title 44, United States Code, to require the retention of records of high level officials, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2014

Ms. SPEIER (for herself and Mr. CHAFFETZ) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend title 44, United States Code, to require the retention of records of high level officials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Retention of Electronic  
5 Correspondence Of Regulatory Decisions Act of 2014” or  
6 as the “RECORD Act of 2014”.

7 **SEC. 2. RETENTION OF RECORDS OF HIGH LEVEL OFFI-**  
8 **CIALS.**

9 Section 3102 of title 44, United States Code, is  
10 amended—

1           (1) in paragraph (2), by striking “; and” and  
2 inserting a semicolon;

3           (2) in paragraph (3), by striking the period at  
4 the end and inserting “; and”; and

5           (3) by adding at the end the following:

6           “(4) the identification of electronic mail ac-  
7 counts that should be preserved because such ac-  
8 counts are most likely to contain records that should  
9 be preserved as permanent Federal records and the  
10 automatic retention of those records, including the  
11 accounts of each head of a Federal agency, the dep-  
12 uties and assistants of such head, the head of each  
13 program office and staff office, each assistant sec-  
14 retary, each administrator, each commissioner, each  
15 director of an office, bureau, or the equivalent, each  
16 principal regional official, each staff assistant to  
17 such official (such as a special assistant, confidential  
18 assistant, and administrative assistant), each career  
19 Federal employee, each political appointee, and each  
20 member of the Armed Forces serving in equivalent  
21 or comparable positions; and

22           “(5) electronic capture, management, and pres-  
23 ervation of the electronic mail accounts described in  
24 paragraph (4) in accordance with the records dis-

1 posal requirements of chapter 33 of this title such  
2 that—

3 “(A) electronic records are readily acces-  
4 sible for retrieval through electronic searches;  
5 and

6 “(B) there are mandatory minimum func-  
7 tional requirements for electronic records man-  
8 agement systems to ensure compliance with this  
9 section.”.

10 **SEC. 3. REVIEW BY THE COMPTROLLER GENERAL OF THE**  
11 **UNITED STATES.**

12 Section 3107 of title 44, United States Code, is  
13 amended—

14 (1) by striking “Chapters 21” and inserting

15 “(a) IN GENERAL.—Chapters 21”; and

16 (2) by adding at the end the following:

17 “(b) COMPTROLLER GENERAL EVALUATION.—The  
18 Comptroller General shall evaluate and report to Congress  
19 not less than every two years on agency management of  
20 electronic mail records required under paragraphs (4) and  
21 (5) of section 3102.”.

22 **SEC. 4. REVIEW BY INSPECTOR GENERAL.**

23 Section 4(a) of the Inspector General Act (5 U.S.C.  
24 App.) is amended—

1           (1) in paragraph (4), by striking “; and” and  
2 inserting a semicolon;

3           (2) in paragraph (5), by striking the period at  
4 the end and inserting “; and”; and

5           (3) by adding at the end the following new  
6 paragraph:

7           “(6) to review existing and proposed legislation  
8 and regulations relating to records retention require-  
9 ments under the chapters 21, 29, 31 and 33 of title  
10 44, United States Code (commonly referred to as  
11 the Federal Records Act) for programs and oper-  
12 ations of such establishment and to make rec-  
13 ommendations in the semiannual reports required by  
14 section 5(a) concerning compliance with records re-  
15 tention requirements.”.

16 **SEC. 5. EFFECTIVE DATE.**

17           This Act and the amendments made by this Act shall  
18 take effect on December 31, 2014.

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