

HR 5170

Federal Records Accountability Act of 2014

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Jul 23, 2014

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governm

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Sep 17, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/5170>

Sponsor

Name: Rep. Meadows, Mark [R-NC-11]

Party: Republican • **State:** NC • **Chamber:** House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jul 23, 2014
Rep. Carter, John R. [R-TX-31]	R · TX		Sep 15, 2014

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Sep 17, 2014
Oversight and Government Reform Committee	House	Markup By	Jul 24, 2014

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Federal Records Accountability Act of 2014 - (Sec. 2) Creates a process for the suspension and removal (subject to specified due process requirements) of an employee whom the Inspector General of a federal agency determines has: (1) willfully and unlawfully concealed, removed, mutilated, obliterated, falsified, or destroyed any record, book, or other thing in the custody of such employee; or (2) violated the following disclosure prohibitions.

(Sec. 3) Prohibits the President, Vice President, or specified staff members or advisers from creating or sending a presidential or vice presidential record using a non-official electronic messaging account unless such individual: (1) includes an official electronic messaging account of the President, Vice President, staff member, or adviser as a recipient in the original creation or transmission of the electronic message and identifies all recipients in such message; and (2) submits the message for appropriate archival storage by the Executive Office of the President.

Prohibits a federal agency official or employee from creating or sending a record using a non-official electronic messaging account unless such officer or employee: (1) includes an official electronic messaging account of the officer or employee as a recipient in the original creation or transmission of the electronic message and identifies all recipients in such message; and (2) submits the message for appropriate archival storage by the agency.

(Sec. 4) Requires a federal agency head: (1) whenever the unlawful concealment, removal, mutilation, obliteration, falsification, or destruction of any record, book, or other thing in the agency's custody comes to his or her attention, to notify the Archivist and publish a general description of the records on the agency's website; and (2) to initiate action through the Attorney General for the recovery of records that have been unlawfully removed from the agency. Requires the Archivist to initiate action to recover such records if the agency head fails to do so within a reasonable period.

(Sec. 5) Requires each agency head to designate a Senior Agency Official for Records Management by November 15, 2014 (and to reaffirm or designate a new such Official by November 15 of each year thereafter), who shall ensure compliance with all applicable records management statutes, regulations, and any guidance issued by the Archivist. Authorizes an agency head to designate additional Senior Agency Officials for Records Management as determined necessary.

(Sec. 6) Directs the Archivist to promulgate regulations governing federal agency preservation of electronic messages that are determined to be records, which shall:

- require the electronic capture, management, and preservation of such electronic records in accordance with records disposition requirements;
- require that such electronic records are readily accessible for retrieval through electronic searches;
- establish mandatory minimum functional requirements for electronic records management systems and a process to certify that systems meet such requirements; and
- include time lines that ensure federal agency compliance with such regulations by not later than two years after enactment of this section.

Requires: (1) such regulations to include requirements for the capture, management, and preservation of other electronic records; (2) the Archivist to periodically review, and amend as necessary, such regulations; and (3) each federal agency head to report on agency compliance with such regulations to the Archivist, who shall report to specified congressional committees.

(Sec. 7) Directs the Archivist: (1) to promulgate regulations that provide for the establishment of standards for the

economical and efficient management of electronic presidential records during the President's term of office, (2) annually, to certify whether the electronic records management controls established by the President meet requirements under this Act and to report to specified congressional committees on the status of such certification, and (3) one year after the conclusion of a President's last term of office, to report on the volume and format of electronic presidential records deposited into that President's archival depository and on whether the electronic records management controls of that President met the requirements of this Act.

(Sec. 8) Requires each agency's records management program to provide for: (1) the identification and automatic retention of electronic messaging accounts that should be preserved as permanent federal records; and (2) the electronic capture, management, and preservation of electronic messaging accounts such that electronic records are readily accessible for retrieval through electronic searches and there are mandatory minimum functional requirements for electronic records management systems to ensure compliance with program requirements. Directs the Comptroller General to report to Congress not less than every two years on agency management of electronic mail records.

Amends the Inspector General Act to include among the duties and responsibilities of each agency's Inspector General to review legislation and regulations relating to records retention requirements for programs and operations of such agency and to make recommendations in required semiannual reports concerning compliance with such requirements.

Makes this section effective on December 31, 2016.

Actions Timeline

- **Sep 17, 2014:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Sep 16, 2014:** Mr. Meadows moved to suspend the rules and pass the bill, as amended.
- **Sep 16, 2014:** Considered under suspension of the rules. (consideration: CR H7594-7598)
- **Sep 16, 2014:** DEBATE - The House proceeded with forty minutes of debate on H.R. 5170.
- **Sep 16, 2014:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H7594-7596)
- **Sep 16, 2014:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H7594-7596)
- **Sep 16, 2014:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 24, 2014:** Committee Consideration and Mark-up Session Held.
- **Jul 24, 2014:** Ordered to be Reported (Amended) by Voice Vote.
- **Jul 23, 2014:** Introduced in House
- **Jul 23, 2014:** Referred to the House Committee on Oversight and Government Reform.