

HR 5709

Federal Records Modernization Act of 2016

Congress: 114 (2015–2017, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Jul 11, 2016

Current Status: Placed on the Union Calendar, Calendar No. 591.

Latest Action: Placed on the Union Calendar, Calendar No. 591. (Sep 19, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/house-bill/5709>

Sponsor

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

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

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Reported By	Sep 19, 2016

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Federal Records Modernization Act of 2016

(Sec. 2) This bill creates a process for the suspension and removal of federal employees if an agency inspector general determines that they have: (1) willfully and unlawfully concealed, removed, mutilated, obliterated, falsified, or destroyed any record, proceeding, or other thing in their custody; or (2) violated prohibitions against creating or sending records using nonofficial electronic messaging accounts.

(Sec. 3) The President, Vice President, or their staff or advisers may not create or send a presidential or vice presidential record using nonofficial electronic messaging accounts unless they: (1) include their official electronic messaging account as a recipient in the original creation or transmission of the electronic message (currently, the official account must only be copied on the message); (2) identify all recipients in such message; and (3) print a copy of the message, including a complete list of recipients, to submit for archival storage by the Executive Office of the President (currently, the message must only be forwarded electronically to their official electronic messaging account). Other executive agency officials or employees may not create or send records using nonofficial electronic messaging accounts unless they follow similar requirements to include their official account as a recipient, identify all recipients, and print a copy to submit for their agencies' archival storage.

(Sec. 4) The bill modifies the categories of record removal or destruction that obligate federal agency heads to notify the National Archives and Records Administration (NARA) and initiate actions to recover removed records through the Department of Justice. Agencies must also: (1) notify NARA of concealments or falsifications of agency items, and (2) publish a general description of records at risk or that have been lost.

(Sec. 5) Agencies must designate at least one senior records management official (and then reaffirm or designate new officials each year) to: (1) ensure compliance with records management requirements; and (2) immediately notify the agency whenever an actual or threatened destruction, removal, concealment, or falsification of records comes to their attention.

(Sec. 6) Each agency's records management program must provide for the electronic capture and automatic retention of messaging accounts containing electronic records that should be: (1) preserved as permanent federal records, and (2) accessible for retrieval through electronic searches.

The Government Accountability Office must report every two years on agency management of electronic mail records.

The Inspector General Act is amended to require inspectors general to make semiannual recommendations for compliance with records retention requirements.

(Sec. 7) The bill requires the Federal Register to be: (1) published (e.g., by electronic means), rather than printed; and (2) available for sale or distribution to the public in published form. It revises requirements for the filing of documents with the Office of the Federal Register and the publication of the Code of Federal Regulations.

(Sec. 8) Volunteers serving at NARA may be considered employees for purposes of injury compensation, tort claims, and personal property damages.

Actions Timeline

- **Sep 19, 2016:** Reported by the Committee on Oversight and Government Reform. H. Rept. 114-759.
- **Sep 19, 2016:** Placed on the Union Calendar, Calendar No. 591.
- **Jul 12, 2016:** Committee Consideration and Mark-up Session Held.
- **Jul 12, 2016:** Ordered to be Reported by Voice Vote.
- **Jul 11, 2016:** Introduced in House
- **Jul 11, 2016:** Referred to the House Committee on Oversight and Government Reform.