

**Suspend the Rules and Pass the Bill, H.R. 5170, With an Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5170

To improve Federal employee compliance with the Federal and Presidential recordkeeping requirements, and for other purposes.

---

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2014

Mr. MEADOWS (for himself and Mr. ISSA) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

---

## A BILL

To improve Federal employee compliance with the Federal and Presidential recordkeeping requirements, 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; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the  
5 “Federal Records Accountability Act of 2014”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Removal for deliberate destruction of Federal records.
- Sec. 3. Use of non-official electronic messaging accounts.
- Sec. 4. Reporting of the loss or potential loss of records.
- Sec. 5. Senior Agency Official for Records Compliance.
- Sec. 6. Preservation of electronic messages and other records.
- Sec. 7. Presidential records.
- Sec. 8. Retention of electronic correspondence.

1 **SEC. 2. REMOVAL FOR DELIBERATE DESTRUCTION OF FED-**  
2 **ERAL RECORDS.**

3 (a) IN GENERAL.—Chapter 75 of title 5, United  
4 States Code, is amended by adding after subchapter V the  
5 following:

6 “SUBCHAPTER VI—FEDERAL RECORDS

7 “§ 7551. Definitions

8 “In this subchapter the following definitions apply:

9 “(1) EMPLOYEE.—The term ‘employee’  
10 means—

11 “(A) an individual in the competitive serv-  
12 ice who is not serving a probationary or trial  
13 period under an initial appointment or who has  
14 completed 1 year of current continuous employ-  
15 ment in the same or similar positions under  
16 other than a temporary appointment limited to  
17 1 year or less; or

18 “(B) a career appointee in the Senior Ex-  
19 ecutive Service who—

1                   “(i) has completed the probationary  
2                   period prescribed under section 3393(d) of  
3                   this title; or

4                   “(ii) was covered by the provisions of  
5                   subchapter II of this chapter immediately  
6                   before appointment to the Senior Executive  
7                   Service.

8                   “(2) SUSPENSION.—The term ‘suspension’ has  
9                   the meaning given that term in section 7501 of this  
10                  title.

11                  **“§ 7552. Suspension and removal**

12                  “(a) INSPECTOR GENERAL FINDING.—If the Inspec-  
13                  tor General of an agency determines an employee of the  
14                  agency has willfully and unlawfully concealed, removed,  
15                  mutilated, obliterated, falsified, or destroyed any record,  
16                  proceeding, map, book, document, paper, or other thing  
17                  in the custody of such employee, or verifies a violation  
18                  under section 2208 or 2911 of title 44, the Inspector Gen-  
19                  eral shall promptly inform the head of the agency of that  
20                  determination in writing.

21                  “(b) SUSPENSION.—Notwithstanding any other pro-  
22                  vision of law, the head of an agency shall suspend an em-  
23                  ployee of that agency who has been determined by the In-  
24                  specter General under subsection (a) to have willfully and  
25                  unlawfully concealed, removed, mutilated, obliterated, fal-

1 sified, or destroyed any record, proceeding, map, book,  
2 document, paper, or other thing in the custody of such  
3 employee, or who has been verified by the Inspector Gen-  
4 eral to be in violation of section 2208 or 2911 of title 44.

5 “(c) REQUIREMENTS AFTER SUSPENSION.—An em-  
6 ployee suspended under subsection (b) is entitled, after  
7 suspension and before removal, to—

8 “(1) be represented by an attorney or other  
9 representative;

10 “(2) a written statement of the charges against  
11 the employee within 15 days after suspension, which  
12 may be amended within 30 days thereafter;

13 “(3) an opportunity within 15 days after the re-  
14 ceipt of the written statement under paragraph (2),  
15 plus an additional 15 days if the charges are amend-  
16 ed, to answer the charges and submit affidavits;

17 “(4) a hearing, at the request of the employee,  
18 by an agency authority duly constituted for this pur-  
19 pose;

20 “(5) a review of the employee’s case by the  
21 head of the agency or a designee, before a decision  
22 adverse to the employee is made final; and

23 “(6) a written statement of the decision of the  
24 head of the agency.

1           “(d) REMOVAL.—Subject to subsection (c) of this  
2 section and after any investigation and review the head  
3 of the agency considers necessary, the head of an agency  
4 shall remove an employee suspended under subsection (b)  
5 if such head determines that the employee willfully and  
6 unlawfully concealed, removed, mutilated, obliterated, fal-  
7 sified, or destroyed any record, proceeding, map, book,  
8 document, paper, or other thing in the custody of such  
9 employee.

10           “(e) APPEAL.—An employee who is removed under  
11 subsection (d) is entitled to appeal to the Merit Systems  
12 Protection Board under section 7701 of this title.”.

13           (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14           (1) TABLE OF SECTIONS.—The table of sections  
15 for chapter 75 of title 5, United States Code, is  
16 amended by adding at the end the following new  
17 items:

“SUBCHAPTER VI—FEDERAL RECORDS

“7551. Definitions.

“7552. Suspension and removal.”.

18           (2) SUBCHAPTER II APPLICABILITY.—Section  
19 7512 of such title is amended—

20           (A) in subparagraph (D), by striking “or”  
21 at the end;

22           (B) in subparagraph (E), by striking the  
23 period at the end and inserting “, or”; and

1 (C) by adding at the end the following:

2 “(F) a suspension or removal under section  
3 7552 of this title.”.

4 **SEC. 3. USE OF NON-OFFICIAL ELECTRONIC MESSAGING**  
5 **ACCOUNTS.**

6 (a) PRESIDENTIAL RECORDS ACT.—Chapter 22 of  
7 title 44, United States Code is amended by adding at the  
8 end the following new section:

9 **“§ 2208. Disclosure requirement for official business**  
10 **conducted using non-official electronic**  
11 **messaging accounts**

12 “(a) IN GENERAL.—The President, Vice President,  
13 or covered employee may not create or send a Presidential  
14 or Vice Presidential record using a non-official electronic  
15 messaging account (in this section, referred to as ‘applica-  
16 ble electronic message’) unless the President, Vice Presi-  
17 dent, or covered employee—

18 “(1) includes an official electronic messaging  
19 account of the President, Vice President, or covered  
20 employee, as applicable, as a recipient in the original  
21 creation or transmission of the applicable electronic  
22 message and identifies all recipients of the applicable  
23 electronic message in such message;

24 “(2) forwards a complete copy of the applicable  
25 electronic message, including a complete list of the

1 recipients of such message, to an official electronic  
2 messaging account of the President, Vice President,  
3 or covered employee, as applicable, within fifteen  
4 days after the original creation or transmission of  
5 the message; or

6 “(3) prints a complete copy of the applicable  
7 electronic message, including a complete list of the  
8 recipients of such message, and submits the message  
9 to the appropriate location or individual for appro-  
10 priate archival storage by the Executive Office of the  
11 President within fifteen days after the original cre-  
12 ation or transmission of the message.

13 “(b) ADVERSE ACTIONS.—An intentional violation of  
14 subsection (a) (including any rules, regulations, or other  
15 implementing guidelines) by a covered employee, as deter-  
16 mined by the appropriate supervisor, shall be forwarded  
17 to the Inspector General of the agency for a verification  
18 of the violation, and upon verification, shall be subject to  
19 the suspension and removal provisions under section 7552  
20 of title 5.

21 “(c) DEFINITIONS.—In this section:

22 “(1) COVERED EMPLOYEE.—The term ‘covered  
23 employee’ means—

24 “(A) the immediate staff of the President;

1           “(B) the immediate staff of the Vice Presi-  
2           dent;

3           “(C) an individual of the Executive Office  
4           of the President whose function is to advise and  
5           assist the President; or

6           “(D) an individual of the Office of the Vice  
7           President whose function is to advise and assist  
8           the Vice President.

9           “(2) ELECTRONIC MESSAGE.—The term ‘elec-  
10          tronic message’ means electronic mail and all other  
11          means by which individuals and groups may commu-  
12          nicate with each other electronically.

13          “(3) ELECTRONIC MESSAGING ACCOUNT.—The  
14          term ‘electronic messaging account’ means any ac-  
15          count that sends an electronic message.”.

16          (b) FEDERAL RECORDS.—Chapter 29 of title 44,  
17          United States Code is amended by adding at the end the  
18          following new section:

19          “**§ 2911. Disclosure requirement for official business**  
20                           **conducted using non-official electronic**  
21                           **messaging accounts**

22          “(a) IN GENERAL.—An officer or employee of a Fed-  
23          eral agency may not create or send a record using a non-  
24          official electronic messaging account (in this section, re-

1 ferred to as ‘applicable electronic message’) unless such  
2 officer or employee—

3 “(1) includes an official electronic messaging  
4 account of the officer or employee as a recipient in  
5 the original creation or transmission of the applica-  
6 ble electronic message and identifies all recipients of  
7 the applicable electronic message in such message;

8 “(2) forwards a complete copy of the applicable  
9 electronic message, including a complete list of the  
10 recipients of such message, to an official electronic  
11 messaging account of the officer or employee within  
12 fifteen days after the original creation or trans-  
13 mission of the record; or

14 “(3) prints a complete copy of the applicable  
15 electronic message, including a complete list of the  
16 recipients of such message, and submits it to the ap-  
17 propriate location or individual for appropriate ar-  
18 chival storage by the Federal agency within fifteen  
19 days after the original creation or transmission of  
20 the message.

21 “(b) ADVERSE ACTIONS.—An intentional violation of  
22 subsection (a) (including any rules, regulations, or other  
23 implementing guidelines) by an officer or employee of a  
24 Federal agency, as determined by the appropriate super-  
25 visor, shall be forwarded to the Inspector General of the

1 agency for a verification of the violation, and upon  
2 verification, shall be subject to the suspension and removal  
3 provisions under section 7552 of title 5.

4 “(c) DEFINITIONS.—In this section:

5 “(1) ELECTRONIC MESSAGE.—The term ‘elec-  
6 tronic message’ means electronic mail and all other  
7 means by which individuals and groups may commu-  
8 nicate with each other electronically.

9 “(2) ELECTRONIC MESSAGING ACCOUNT.—The  
10 term ‘electronic messaging account’ means any ac-  
11 count that sends an electronic message.”.

12 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) CHAPTER 22.—The table of sections at the  
14 beginning of chapter 22 of title 44, United States  
15 Code, is amended by adding at the end the following  
16 new item:

“2208. Disclosure requirement for official business conducted using non-official  
electronic messaging accounts.”.

17 (2) CHAPTER 29.—The table of sections at the  
18 beginning of chapter 29 of title 44, United States  
19 Code, is amended by adding at the end the following  
20 new item:

“2911. Disclosure requirement for official business conducted using non-official  
electronic messaging accounts.”.

1 **SEC. 4. REPORTING OF THE LOSS OR POTENTIAL LOSS OF**  
2 **RECORDS.**

3 Section 3106 of title 44, United States Code, is  
4 amended to read as follows:

5 **“§ 3106. Unlawful removal, destruction of records**

6 “(a) NOTIFICATION.—

7 “(1) ARCHIVIST AND PUBLIC NOTIFICATION.—

8 Whenever the actual, impending, or threatened un-  
9 lawful concealment, removal, mutilation, obliteration,  
10 falsification, or destruction of any record, pro-  
11 ceeding, map, book, document, paper, or other thing  
12 in the custody of an agency comes to the attention  
13 of the head of the Federal agency, the head of the  
14 agency shall—

15 “(A) notify the Archivist; and

16 “(B) publish a general description of the  
17 records at risk or that have been lost on the  
18 website of the agency.

19 “(2) AGENCY NOTIFICATION.—Whenever the  
20 actual, impending, or threatened unlawful conceal-  
21 ment, removal, mutilation, obliteration, falsification,  
22 or destruction of any record, proceeding, map, book,  
23 document, paper, or other thing in the custody of an  
24 agency comes to the attention of a Senior Agency  
25 Official for Records Management, such official shall  
26 immediately notify the head of the agency.

1           “(b) RECLAMATION OF RECORDS.—With the assist-  
2     ance of the Archivist, the head of a Federal agency shall  
3     initiate action through the Attorney General for the recov-  
4     ery of records the head knows or has reason to believe  
5     have been unlawfully removed from the agency, or from  
6     another Federal agency whose records have been trans-  
7     ferred to the legal custody of such head.

8           “(c) ACTION BY THE ARCHIVIST.—In any case in  
9     which the head of the agency does not initiate an action  
10    for the recovery of records described in subsection (b) or  
11    other redress within a reasonable period of time after  
12    being notified of any such unlawful removal, the Archivist  
13    shall request the Attorney General to initiate an action  
14    described in subsection (b), and shall notify the Congress  
15    not later than 5 days after the date on which such a re-  
16    quest has been submitted to the Attorney General.”.

17    **SEC. 5. SENIOR AGENCY OFFICIAL FOR RECORDS COMPLI-**  
18                                   **ANCE.**

19           (a) SENIOR AGENCY OFFICIAL.—Chapter 31 of title  
20    44, United States Code, is amended by adding at the end  
21    the following new section:

22    **“§ 3108. Senior Agency Official for Records Compli-**  
23                                   **ance**

24           “(a) DESIGNATION.—Not later than November 15,  
25    2014, the head of each Federal agency shall designate a

1 Senior Agency Official for Records Management, and not  
2 later than November 15 of each year thereafter the head  
3 of each Federal agency shall reaffirm or designate a new  
4 Senior Agency Official for Records Management.

5 “(b) **AUTHORITIES AND RESPONSIBILITIES.**—The  
6 Senior Agency Official for Records Management shall—

7 “(1) be at least at the level of an Assistant Sec-  
8 retary or the equivalent; and

9 “(2) be responsible for the coordinating with  
10 the appropriate Agency Records Officer and appro-  
11 priate agency officials to ensure compliance with all  
12 applicable records management statutes, regulations,  
13 and any guidance issued by the Archivist.

14 “(c) **FEDERAL AGENCY COORDINATION.**—In addition  
15 to the designation made pursuant to subsection (a), the  
16 head of a Federal agency may designate additional Senior  
17 Agency Officials for Records Management as the head of  
18 the agency determines to be necessary.”.

19 (b) **TECHNICAL AND CONFORMING AMENDMENT.**—  
20 The table of sections at the beginning of chapter 31 of  
21 title 44, United States Code, is amended by adding at the  
22 end the following new item:

“3108. Senior Agency Official for Records Compliance.”.

1 **SEC. 6. PRESERVATION OF ELECTRONIC MESSAGES AND**  
2 **OTHER RECORDS.**

3 (a) REQUIREMENT FOR PRESERVATION OF ELEC-  
4 TRONIC MESSAGES.—Chapter 29 of title 44, United  
5 States Code, as amended by section 3(b), is further  
6 amended by adding at the end the following new section:

7 **“§ 2912. Preservation of electronic messages and**  
8 **other records**

9 “(a) REGULATIONS REQUIRED.—Not later than 18  
10 months after the date of the enactment of this section,  
11 the Archivist shall promulgate regulations governing Fed-  
12 eral agency preservation of electronic messages that are  
13 determined to be records (as such term is defined under  
14 section 3301 of this title). Such regulations shall, at a  
15 minimum—

16 “(1) require the electronic capture, manage-  
17 ment, and preservation of such electronic records in  
18 accordance with the records disposition requirements  
19 of chapter 33 of this title;

20 “(2) require that such electronic records are  
21 readily accessible for retrieval through electronic  
22 searches;

23 “(3) establish mandatory minimum functional  
24 requirements for electronic records management sys-  
25 tems to ensure compliance with the requirements in  
26 paragraphs (1) and (2);

1           “(4) establish a process to certify that Federal  
2 agencies’ electronic records management systems  
3 meet the functional requirements established under  
4 paragraph (3); and

5           “(5) include timelines for Federal agency com-  
6 pliance with the regulations that ensure compliance  
7 as expeditiously as practicable but not later than 2  
8 years after the date of the enactment of this section.

9           “(b) COVERAGE OF OTHER ELECTRONIC  
10 RECORDS.—To the extent practicable, the regulations pro-  
11 mulgated under subsection (a) shall also include require-  
12 ments for the capture, management, and preservation of  
13 other electronic records.

14           “(c) COMPLIANCE BY FEDERAL AGENCIES.—Each  
15 Federal agency shall comply with the regulations promul-  
16 gated under subsection (a).

17           “(d) REVIEW OF REGULATIONS REQUIRED.—The  
18 Archivist shall periodically review and, as necessary,  
19 amend the regulations promulgated under subsection (a).

20           “(e) REPORTS ON IMPLEMENTATION OF REGULA-  
21 TIONS.—

22           “(1) AGENCY REPORT TO ARCHIVIST.—Not  
23 later than 3 years after the date of the enactment  
24 of this section, the head of each Federal agency shall  
25 submit to the Archivist a report on the agency’s

1 compliance with the regulations promulgated under  
2 this section.

3 “(2) ARCHIVIST REPORT TO CONGRESS.—Not  
4 later than 90 days after receipt of all reports re-  
5 quired by paragraph (1), the Archivist shall submit  
6 to the Committee on Homeland Security and Gov-  
7 ernmental Affairs of the Senate and the Committee  
8 on Oversight and Government Reform of the House  
9 of Representatives a report on Federal agency com-  
10 pliance with the regulations promulgated under sub-  
11 section (a).”.

12 (b) CLERICAL AMENDMENT.—The table of sections  
13 at the beginning of chapter 29 of title 44, United States  
14 Code, as amended by section 3(c)(2), is further amended  
15 by adding after the item relating to section 2911 the fol-  
16 lowing new item:

“2912. Preservation of electronic messages and other records.”.

17 (c) DEFINITIONS.—Section 2901 of title 44, United  
18 States Code, is amended—

19 (1) by striking “and” at the end of paragraph  
20 (14); and

21 (2) by striking paragraph (15) and inserting  
22 the following new paragraphs:

23 “(15) the term ‘electronic messages’ means  
24 electronic mail and other electronic messaging sys-

1       tems that are used for purposes of communicating  
2       between individuals; and

3               “(16) the term ‘electronic records management  
4       system’ means software designed to manage elec-  
5       tronic records, including by—

6                       “(A) categorizing and locating records;

7                       “(B) ensuring that records are retained as  
8       long as necessary;

9                       “(C) identifying records that are due for  
10      disposition; and

11                      “(D) ensuring the storage, retrieval, and  
12      disposition of records.”.

13   **SEC. 7. PRESIDENTIAL RECORDS.**

14       (a) **ADDITIONAL REGULATIONS RELATING TO PRESI-**  
15   **DENTIAL RECORDS.—**

16               (1) **IN GENERAL.—**Section 2206 of title 44,  
17   United States Code, is amended—

18                       (A) by striking “and” at the end of para-  
19      graph (3);

20                       (B) by striking the period at the end of  
21      paragraph (4) and inserting “; and”; and

22                       (C) by adding at the end the following:

23                       “(5) provisions for establishing standards nec-  
24      essary for the economical and efficient management

1 of electronic Presidential records during the Presi-  
2 dent's term of office, including—

3 “(A) records management controls nec-  
4 essary for the capture, management, and pres-  
5 ervation of electronic messages;

6 “(B) records management controls nec-  
7 essary to ensure that electronic messages are  
8 readily accessible for retrieval through elec-  
9 tronic searches; and

10 “(C) a process to certify the electronic  
11 records management system to be used by the  
12 President for the purposes of complying with  
13 the requirements in subparagraphs (A) and  
14 (B).”.

15 (2) DEFINITIONS.—Section 2201 of title 44,  
16 United States Code, is amended by adding at the  
17 end the following new paragraphs:

18 “(6) The term ‘electronic messages’ has the  
19 meaning given that term under section 2901(15) of  
20 this title.

21 “(7) The term ‘electronic records management  
22 system’ has the meaning given that term under sec-  
23 tion 2901(16) of this title.”.

24 (b) CERTIFICATION OF PRESIDENT'S MANAGEMENT  
25 OF PRESIDENTIAL RECORDS.—

1           (1) CERTIFICATION REQUIRED.—Chapter 22 of  
2           title 44, United States Code, as amended by section  
3           3(a), is further amended by adding at the end the  
4           following new section:

5   **“§ 2209. Certification of the President’s management**  
6                           **of Presidential records**

7           “(a) ANNUAL CERTIFICATION.—The Archivist shall  
8           annually certify whether the electronic records manage-  
9           ment controls established by the President meet require-  
10          ments under sections 2203(a) and 2206(5) of this title.

11          “(b) REPORT TO CONGRESS.—The Archivist shall re-  
12          port annually to the Committee on Homeland Security and  
13          Governmental Affairs of the Senate and the Committee  
14          on Oversight and Government Reform of the House of  
15          Representatives on the status of the certification.”.

16          (2) CLERICAL AMENDMENT.—The table of sec-  
17          tions at the beginning of chapter 22 of title 44,  
18          United States Code, as amended by section 3(c)(1),  
19          is further amended by adding at the end the fol-  
20          lowing new item:

“2209. Certification of the President’s management of Presidential records.”.

21          (c) REPORT TO CONGRESS.—Section 2203(f) of title  
22          44, United States Code, is amended by adding at the end  
23          the following:

24          “(4) One year following the conclusion of a Presi-  
25          dent’s term of office, or if a President serves consecutive

1 terms one year following the conclusion of the last term,  
2 the Archivist shall submit to the Committee on Homeland  
3 Security and Governmental Affairs of the Senate and the  
4 Committee on Oversight and Government Reform of the  
5 House of Representatives a report on—

6           “(A) the volume and format of electronic Presi-  
7           dential records deposited into that President’s Presi-  
8           dential archival depository; and

9           “(B) whether the electronic records manage-  
10          ment controls of that President met the require-  
11          ments under subsection (a) and section 2206(5) of  
12          this title.”.

13          (d) EFFECTIVE DATE.—The amendments made by  
14 this section shall take effect one year after the date of  
15 the enactment of this Act.

16 **SEC. 8. RETENTION OF ELECTRONIC CORRESPONDENCE.**

17          (a) RETENTION OF RECORDS OF HIGH LEVEL OFFI-  
18          CIALS.—Section 3102 of title 44, United States Code, is  
19          amended—

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

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

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

1           “(4) the identification of electronic messaging  
2           accounts (as defined in section 2911) that should be  
3           preserved because such accounts are most likely to  
4           contain records that should be preserved as perma-  
5           nent Federal records and the automatic retention of  
6           those records, including the accounts of each head of  
7           a Federal agency, the deputies and assistants of  
8           such head, the head of each program office and staff  
9           office, each assistant secretary, each administrator,  
10          each commissioner, each director of an office, bu-  
11          reau, or the equivalent, each principal regional offi-  
12          cial, each staff assistant to such official (such as a  
13          special assistant, confidential assistant, and adminis-  
14          trative assistant), each career Federal employee,  
15          each political appointee, and each member of the  
16          Armed Forces serving in equivalent or comparable  
17          positions; and

18           “(5) electronic capture, management, and pres-  
19          ervation of the electronic messaging accounts (as de-  
20          fined in section 2911) described in paragraph (4), in  
21          accordance with the records disposal requirements of  
22          chapter 33 of this title such that—

23           “(A) electronic records are readily acces-  
24          sible for retrieval through electronic searches;  
25          and

1           “(B) there are mandatory minimum func-  
2           tional requirements for electronic records man-  
3           agement systems to ensure compliance with this  
4           section.”.

5           (b) REVIEW BY THE COMPTROLLER GENERAL OF  
6 THE UNITED STATES.—Section 3107 of title 44, United  
7 States Code, is amended—

8           (1) by striking “Chapters 21” and inserting  
9           “(a) IN GENERAL.—Chapters 21”; and

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

11          “(b) COMPTROLLER GENERAL EVALUATION.—The  
12 Comptroller General shall evaluate and report to Congress  
13 not less than every two years on agency management of  
14 electronic mail records required under paragraphs (4) and  
15 (5) of section 3102.”.

16          (c) REVIEW BY INSPECTOR GENERAL.—Section 4(a)  
17 of the Inspector General Act (5 U.S.C. App) is amended—

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

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

22          (3) by adding at the end the following new  
23          paragraph:

24          “(6) to review existing and proposed legislation  
25          and regulations relating to records retention require-

1       ments under the chapters 21, 29, 31 and 33 of title  
2       44, United States Code (commonly referred to as  
3       the Federal Records Act) for programs and oper-  
4       ations of such establishment and to make rec-  
5       ommendations in the semiannual reports required by  
6       section 5(a) concerning compliance with records re-  
7       tention requirements.”.

8       (d) EFFECTIVE DATE.—This section and the amend-  
9       ments made by this section shall take effect on December  
10      31, 2016.