

AMENDMENT TO H.R. 5170
(SLW_111.XML)

OFFERED BY MS. SPEIER OF CALIFORNIA

At the end of the bill, add the following new section
(and amend the table of contents accordingly):

1 **SEC. 6. RETENTION OF ELECTRONIC CORRESPONDENCE.**

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

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

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

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

10 “(4) the identification of electronic mail ac-
11 counts that should be preserved because such ac-
12 counts are most likely to contain records that should
13 be preserved as permanent Federal records and the
14 automatic retention of those records, including the
15 accounts of each head of a Federal agency, the dep-
16 uties and assistants of such head, the head of each
17 program office and staff office, each assistant sec-
18 retary, each administrator, each commissioner, each

1 director of an office, bureau, or the equivalent, each
2 principal regional official, each staff assistant to
3 such official (such as a special assistant, confidential
4 assistant, and administrative assistant), each career
5 Federal employee, each political appointee, and each
6 member of the Armed Forces serving in equivalent
7 or comparable positions; and

8 “(5) electronic capture, management, and pres-
9 ervation of the electronic mail accounts described in
10 paragraph (4), in accordance with the records dis-
11 posal requirements of chapter 33 of this title such
12 that—

13 “(A) electronic records are readily acces-
14 sible for retrieval through electronic searches;
15 and

16 “(B) there are mandatory minimum func-
17 tional requirements for electronic records man-
18 agement systems to ensure compliance with this
19 section.”.

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

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

24 “(A) IN GENERAL. Chapters 21”; and

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

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

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

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

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

12 (3) by adding at the end the following new
13 paragraph:

14 “(6) to review existing and proposed legislation
15 and regulations relating to records retention require-
16 ments under the chapters 21, 29, 31 and 33 of title
17 44, United States Code (commonly referred to as
18 the Federal Records Act) for programs and oper-
19 ations of such establishment and to make rec-
20 ommendations in the semiannual reports required by
21 section 5(a) concerning compliance with records re-
22 tention requirements.”.