

Union Calendar No. 591

114TH CONGRESS
2^D SESSION

H. R. 5709

[Report No. 114–759]

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

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2016

Mr. MEADOWS introduced the following bill; which was referred to the Committee on Oversight and Government Reform

SEPTEMBER 19, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To improve Federal employee compliance with 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 Modernization Act of 2016”.

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 Management.
- Sec. 6. Retention of electronic correspondence.
- Sec. 7. Federal Register modernization.
- Sec. 8. Statutory protection for National Archives and Records Administration volunteers.

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

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

13 “SUBCHAPTER VI—FEDERAL RECORDS

14 “§ 7551. Definitions

15 “In this subchapter the following definitions apply:

16 “(1) EMPLOYEE.—The term ‘employee’
 17 means—

18 “(A) an individual in the competitive serv-
 19 ice who is not serving a probationary or trial
 20 period under an initial appointment or who has
 21 completed 1 year of current continuous employ-

1 ment in the same or similar positions under
2 other than a temporary appointment limited to
3 1 year or less; or

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

6 “(i) has completed the probationary
7 period prescribed under section 3393(d) of
8 this title; or

9 “(ii) was covered by the provisions of
10 subchapter II of this chapter immediately
11 before appointment to the Senior Executive
12 Service.

13 “(2) RECORD.—The term ‘record’ has the
14 meaning given that term in section 3301 of title 44.

15 “(3) SUSPENSION.—The term ‘suspension’ has
16 the meaning given that term in section 7501 of this
17 title.

18 **“§ 7552. Suspension and removal**

19 “(a) INSPECTOR GENERAL FINDING.—If the Inspec-
20 tor General of an agency determines an employee of the
21 agency has willfully and wrongfully concealed, removed,
22 mutilated, obliterated, falsified, or destroyed any record,
23 proceeding, map, book, document, paper, or other thing
24 in the custody of such employee, or verifies a violation
25 under section 2209 or 2911 of title 44, the Inspector Gen-

1 eral shall promptly inform the head of the agency of that
2 determination in writing.

3 “(b) SUSPENSION.—The head of an agency shall sus-
4 pend an employee of that agency who has been determined
5 by the Inspector General under subsection (a) to have will-
6 fully and unlawfully concealed, removed, mutilated, oblit-
7 erated, falsified, or destroyed any record, proceeding, map,
8 book, document, paper, or other thing in the custody of
9 such employee, or who has been verified by the Inspector
10 General to be in violation of section 2209 or 2911 of title
11 44.

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

15 “(1) be represented by an attorney or other
16 representative;

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

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

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

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

7 “(6) a written statement of the decision of the
8 head of the agency.

9 “(d) REMOVAL.—Subject to subsection (c) of this
10 section and after any investigation and review the head
11 of the agency considers necessary, the head of an agency
12 shall remove an employee suspended under subsection (b)
13 if such head determines that the employee willfully and
14 unlawfully concealed, removed, mutilated, obliterated, fal-
15 sified, or destroyed any record, proceeding, map, book,
16 document, paper, or other thing in the custody of such
17 employee.

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

21 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“7551. Definitions.

“7552. Suspension and removal.”.

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

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

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

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

8 “(F) a suspension or removal under section
9 7552 of this title.”.

10 **SEC. 3. USE OF NON-OFFICIAL ELECTRONIC MESSAGING**
11 **ACCOUNTS.**

12 (a) PRESIDENTIAL RECORDS.—Section 2209 of title
13 44, United States Code, is amended to read as follows:

14 **“§ 2209. Disclosure requirement for official business**
15 **conducted using non-official electronic**
16 **messaging accounts**

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

23 “(1) includes an official electronic messaging
24 account of the President, Vice President, or covered

1 employee, as applicable, as a recipient in the original
2 creation or transmission of the applicable electronic
3 message and identifies all recipients of the applicable
4 electronic message in such message;

5 “(2) forwards a complete copy of the applicable
6 electronic message, including a complete list of the
7 recipients of such message, to an official electronic
8 messaging account of the President, Vice President,
9 or covered employee, as applicable, within twenty
10 days after the original creation or transmission of
11 the message; or

12 “(3) prints a complete copy of the applicable
13 electronic message, including a complete list of the
14 recipients of such message, and submits the message
15 to the appropriate location or individual for appro-
16 priate archival storage by the Executive Office of the
17 President within twenty days after the original cre-
18 ation or transmission of the message.

19 “(b) ADVERSE ACTIONS.—An intentional violation of
20 subsection (a) (including any rules, regulations, or other
21 implementing guidelines) by a covered employee, as deter-
22 mined by the appropriate supervisor, shall be forwarded
23 to the Inspector General of the agency for a verification
24 of the violation, and upon verification, shall be subject to

1 the suspension and removal provisions under section 7552
2 of title 5.

3 “(c) DEFINITIONS.—In this section:

4 “(1) COVERED EMPLOYEE.—The term ‘covered
5 employee’ means—

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

7 “(B) the immediate staff of the Vice Presi-
8 dent;

9 “(C) an individual of the Executive Office
10 of the President whose function is to advise and
11 assist the President; or

12 “(D) an individual of the Office of the Vice
13 President whose function is to advise and assist
14 the Vice President.

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

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

22 (b) FEDERAL RECORDS.—Section 2911 of title 44,
23 United States Code is amended to read as follows:

1 **“§ 2911. Disclosure requirement for official business**
2 **conducted using non-official electronic**
3 **messaging accounts**

4 “(a) IN GENERAL.—An officer or employee of an ex-
5 ecutive agency may not create or send a record using a
6 non-official electronic messaging account (in this section,
7 referred to as ‘applicable electronic message’) unless such
8 officer or employee—

9 “(1) includes an official electronic messaging
10 account of the officer or employee as a recipient in
11 the original creation or transmission of the applica-
12 ble electronic message and identifies all recipients of
13 the applicable electronic message in such message;

14 “(2) forwards a complete copy of the applicable
15 electronic message, including a complete list of the
16 recipients of such message, to an official electronic
17 messaging account of the officer or employee within
18 twenty days after the original creation or trans-
19 mission of the record; or

20 “(3) prints a complete copy of the applicable
21 electronic message, including a complete list of the
22 recipients of such message, and submits it to the ap-
23 propriate location or individual for appropriate ar-
24 chival storage by the executive agency within twenty
25 days after the original creation or transmission of
26 the message.

1 “(b) ADVERSE ACTIONS.—An intentional violation of
2 subsection (a) (including any rules, regulations, or other
3 implementing guidelines) by an officer or employee of an
4 executive agency, as determined by the appropriate super-
5 visor, shall be forwarded to the Inspector General of the
6 agency for a verification of the violation, and upon
7 verification, shall be subject to the suspension and removal
8 provisions under section 7552 of title 5.

9 “(c) DEFINITIONS.—In this section:

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

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

17 (c) TECHNICAL CORRECTION.—Section
18 2204(b)(2)(A) of title 44, United States Code, is amended
19 by striking “section 2203(d)(1)” and inserting “section
20 2203(g)(1)”.

21 **SEC. 4. REPORTING OF THE LOSS OR POTENTIAL LOSS OF**
22 **RECORDS.**

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

1 **“§ 3106. Unlawful removal, destruction of records**

2 “(a) NOTIFICATION.—

3 “(1) ARCHIVIST AND PUBLIC NOTIFICATION.—

4 Whenever the actual, impending, or threatened un-
5 lawful concealment, removal, mutilation, obliteration,
6 falsification, or destruction of any record, pro-
7 ceeding, map, book, document, paper, or other thing
8 in the custody of a Federal agency comes to the at-
9 tention of the head of the Federal agency, the head
10 shall—

11 “(A) notify the Archivist; and

12 “(B) publish a general description of the
13 records at risk or that have been lost on the
14 website of the Federal agency.

15 “(2) FEDERAL AGENCY NOTIFICATION.—When-
16 ever the actual, impending, or threatened unlawful
17 concealment, removal, mutilation, obliteration, fal-
18 sification, or destruction of any record, proceeding,
19 map, book, document, paper, or other thing in the
20 custody of a Federal agency comes to the attention
21 of a Senior Agency Official for Records Manage-
22 ment, such official shall immediately notify the head
23 of the Federal agency.

24 “(b) RECLAMATION OF RECORDS.—With the assist-
25 ance of the Archivist, the head of a Federal agency shall
26 initiate action through the Attorney General for the recov-

1 ery of records the head knows or has reason to believe
 2 have been unlawfully removed from the agency, or from
 3 another Federal agency whose records have been trans-
 4 ferred to the legal custody of the head.

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

15 **SEC. 5. SENIOR AGENCY OFFICIAL FOR RECORDS MANAGE-**
 16 **MENT.**

17 (a) SENIOR AGENCY OFFICIAL.—Chapter 31 of title
 18 44, United States Code, is amended by adding at the end
 19 the following new section:

20 **“§ 3108. Senior Agency Official for Records Manage-**
 21 **ment**

22 “(a) DESIGNATION.—Not later than October 1, 2016,
 23 the head of each Federal agency shall designate a Senior
 24 Agency Official for Records Management, and not later
 25 than November 15 of each year thereafter the head of each

1 Federal agency shall reaffirm or designate a new Senior
2 Agency Official for Records Management.

3 “(b) AUTHORITIES AND RESPONSIBILITIES.—The
4 Senior Agency Official for Records Management shall—

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

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

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

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

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

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

22 (a) RETENTION OF RECORDS OF HIGH LEVEL OFFI-
23 CIALS.—Section 3102 of title 44, United States Code, is
24 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 messaging
7 accounts (as defined in section 2911) that should be
8 preserved because such accounts are most likely to
9 contain records that should be preserved as perma-
10 nent Federal records and the automatic retention of
11 those records, including the accounts of each head of
12 a Federal agency, the deputies and assistants of
13 such head, the head of each program office and staff
14 office, each assistant secretary, each administrator,
15 each commissioner, each director of an office, bu-
16 reau, or the equivalent, each principal regional offi-
17 cial, each staff assistant to such official (such as a
18 special assistant, confidential assistant, or adminis-
19 trative assistant), each career Federal employee,
20 each political appointee, and each member of the
21 Armed Forces serving in equivalent or comparable
22 positions; and

23 “(5) electronic capture, management, and pres-
24 ervation of the electronic messaging accounts (as de-
25 fined in section 2911) described in paragraph (4), in

1 accordance with the records disposal requirements of
2 chapter 33 of this title such 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 (b) REVIEW BY THE COMPTROLLER GENERAL OF
11 THE UNITED STATES.—Section 3107 of title 44, United
12 States Code, is amended—

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

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

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

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

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

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

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

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

14 (d) EFFECTIVE DATE.—This section and the amend-
15 ments made by this section shall take effect on December
16 31, 2017.

17 **SEC. 7. FEDERAL REGISTER MODERNIZATION.**

18 (a) REFERENCES TO PRINTING.—Chapter 15 of title
19 44, United States Code, is amended—

20 (1) in section 1502—

21 (A) in the heading, by striking “**print-**
22 **ing**” and inserting “**publishing**”; and

23 (B) by striking “printing and distribution”
24 and inserting “publishing”;

25 (2) in section 1507 is amended—

1 (A) by striking “the duplicate originals or
 2 certified copies of the document have” and in-
 3 serting “the document has”; and

4 (B) in paragraph (2), by striking “print-
 5 ed” and inserting “published”; and

6 (3) in section 1509, in subsections (a) and (b)
 7 of, by striking “printing, reprinting, wrapping, bind-
 8 ing, and distributing” and inserting “publishing”,
 9 each place it appears.

10 (b) PUBLISH DEFINED.—Section 1501 of title 44,
 11 United States Code, is amended—

12 (1) by striking “; and” at the end of the defini-
 13 tion for “person” and inserting a semicolon; and

14 (2) by inserting after the definition for “per-
 15 son” the following:

16 “‘publish’ means to circulate for sale or dis-
 17 tribution to the public; and”.

18 (c) FILING DOCUMENTS WITH OFFICE AMEND-
 19 MENT.—Section 1503 of title 44, United States Code, is
 20 amended to read as follows:

21 **“§ 1503. Filing documents with Office; notation of**
 22 **time; public inspection; transmission for**
 23 **publishing**

24 “The original document required or authorized to be
 25 published by section 1505 of this title shall be filed with

1 the Office of the Federal Register for publication at times
2 established by the Administrative Committee of the Fed-
3 eral Register by regulation. The Archivist of the United
4 States shall cause to be noted on the original of each docu-
5 ment the day and hour of filing. Upon filing, the document
6 shall be immediately available for public inspection in the
7 Office. The original shall be retained by the National Ar-
8 chives and Records Administration and shall be available
9 for inspection under regulations prescribed by the Archi-
10 vist, unless such original is disposed of in accordance with
11 disposal schedules submitted by the Administrative Com-
12 mittee and authorized by the Archivist pursuant to regula-
13 tions issued under chapter 33 of this title; however, origi-
14 nals of proclamations of the President and executive or-
15 ders shall be permanently retained by the Administration
16 as part of the National Archives of the United States. The
17 Office shall transmit to the Government Publishing Office,
18 as provided by this chapter, each document required or
19 authorized to be published by section 1505 of this title.
20 Every Federal agency shall cause to be transmitted for
21 filing the original of all such documents issued, prescribed,
22 or promulgated by the agency.”.

23 (d) FEDERAL REGISTER AMENDMENT.—Section
24 1504 of title 44, United States Code, is amended to read
25 as follows:

1 **“§ 1504. ‘Federal Register’; publishing; contents; dis-**
2 **tribution; price**

3 “Documents required or authorized to be published
4 by section 1505 of this title shall be published immediately
5 by the Government Publishing Office in a serial publica-
6 tion designated the ‘Federal Register’. The Director of the
7 Government Publishing Office shall make available the fa-
8 cilities of the Government Publishing Office for the
9 prompt publication of the Federal Register in the manner
10 and at the times required by this chapter and the regula-
11 tions prescribed under it. The contents of the daily issues
12 shall constitute all documents, required or authorized to
13 be published, filed with the Office of the Federal Register
14 up to the time of the day immediately preceding the day
15 of publication fixed by regulations under this chapter.
16 There shall be published with each document a copy of
17 the notation, required to be made by section 1503 of this
18 title, of the day and hour when, upon filing with the Of-
19 fice, the document was made available for public inspec-
20 tion. Distribution shall be made at a time in the morning
21 of the day of distribution fixed by regulations prescribed
22 under this chapter. The prices to be charged for the Fed-
23 eral Register may be fixed by the Administrative Com-
24 mittee of the Federal Register established by section 1506
25 of this title without reference to the restrictions placed

1 upon and fixed for the sale of Government publications
2 by sections 1705 and 1708 of this title.”.

3 (e) DOCUMENTS TO BE PUBLISHED IN FEDERAL
4 REGISTER.—Section 1505 of title 44, United States Code,
5 is amended—

6 (1) in subsection (b)—

7 (A) in the heading, by striking “COM-
8 MENTS” and inserting “NEWS COMMENTARY”;
9 and

10 (B) by striking “comments” and inserting
11 “news commentary”; and

12 (2) in subsection (c), in the matter following
13 paragraph (2)—

14 (A) by inserting “telecommunications, the
15 Internet,” after “the press, the radio,”; and

16 (B) by striking “and two duplicate origi-
17 nals or two certified copies” and inserting “doc-
18 ument”.

19 (f) ADMINISTRATIVE COMMITTEE OF THE FEDERAL
20 REGISTER AMENDMENT.—Section 1506 of title 44,
21 United States Code, is amended to read as follows:

1 **“§ 1506. Administrative Committee of the Federal**
2 **Register; establishment and composition;**
3 **powers and duties**

4 “The Administrative Committee of the Federal Reg-
5 ister shall consist of the Archivist of the United States
6 or Acting Archivist, who shall chair the committee, an offi-
7 cer of the Department of Justice designated by the Attor-
8 ney General, and the Director of the Government Pub-
9 lishing Office or Acting Director of the Government Pub-
10 lishing Office. The Director of the Federal Register shall
11 act as secretary of the committee. The committee shall
12 prescribe, with the approval of the President, regulations
13 for carrying out this chapter. The regulations shall provide
14 for, among other things—

15 “(1) the documents which shall be authorized
16 under section 1505(b) of this title to be published in
17 the Federal Register;

18 “(2) the manner and form in which the Federal
19 Register shall be published;

20 “(3) the manner of distribution to Members of
21 Congress, officers and employees of the United
22 States, or Federal agency, for official use, and the
23 number which shall be available for distribution to
24 the public;

1 “(4) the prices to be charged for individual cop-
 2 ies of, and subscriptions to, the Federal Register
 3 and any reprints and bound volumes of it;

4 “(5) the manner and form by which the Federal
 5 Register may receive information and comments
 6 from the public, if practicable and efficient; and

7 “(6) special editions of the Federal Register.”.

8 (g) CODE OF FEDERAL REGULATIONS AMEND-
 9 MENT.—Section 1510 of title 44, United States Code, is
 10 amended to read as follows:

11 **“§ 1510. Code of Federal Regulations**

12 “(a) SPECIAL EDITION FOR CODIFICATION OF AGEN-
 13 CY DOCUMENTS.—The Administrative Committee of the
 14 Federal Register, with the approval of the President, may
 15 require, from time to time as it considers necessary, the
 16 preparation and publication in a special edition of the Fed-
 17 eral Register a complete codification of the documents of
 18 each agency of the Government having general applica-
 19 bility and legal effect, issued or promulgated by the agency
 20 by publication in the Federal Register or by filing with
 21 the Administrative Committee, and which are relied upon
 22 by the agency as authority for, or are invoked or used by
 23 it in the discharge of, its activities or functions, and are
 24 in effect as to facts arising on or after dates specified by
 25 the Administrative Committee.

1 “(b) CODE OF FEDERAL REGULATIONS.—A codifica-
2 tion prepared under subsection (a) of this section shall be
3 published and shall be designated as the ‘Code of Federal
4 Regulations’. The Administrative Committee shall regu-
5 late the manner and forms of publishing this codification.

6 “(c) SUPPLEMENTATION, COLLATION, AND REPUBLI-
7 CATION.—The Administrative Committee shall regulate
8 the supplementation and the collation and republication
9 of the codification with a view to keeping the Code of Fed-
10 eral Regulations as current as practicable. Each unit of
11 codification shall be supplemented and republished at least
12 once each calendar year. The Office of the Federal Reg-
13 ister may create updates of each unit of codification from
14 time to time and make the same available electronically
15 or may provide public access using an electronic edition
16 that allows a user to select a specific date and retrieve
17 the version of the codification in effect as of that date.

18 “(d) PREPARATION AND PUBLICATION BY THE FED-
19 ERAL REGISTER.—The Office of the Federal Register
20 shall prepare and publish the codifications, supplements,
21 collations, and user aids authorized by this section.

22 “(e) PRIMA FACIE EVIDENCE.—The codified docu-
23 ments of the several agencies published in the Code of
24 Federal Regulations under this section, as amended by
25 documents subsequently filed with the Office and pub-

1 lished in the daily issues of the Federal Register, shall
 2 be prima facie evidence of the text of the documents and
 3 of the fact that they are in effect on and after the date
 4 of publication.

5 “(f) REGULATIONS.—The Administrative Committee,
 6 with approval of the President, shall issue regulations for
 7 carrying out this section.

8 “(g) EXCEPTION.—This section does not require
 9 codification of the text of Presidential documents pub-
 10 lished and periodically compiled in supplements to title 3
 11 of the Code of Federal Regulations.”.

12 (h) TECHNICAL AND CONFORMING AMENDMENTS.—
 13 The table of sections for chapter 15 of title 44, United
 14 States Code, is amended by striking the items related to
 15 sections 1502, 1503, and 1504 and inserting the following:

“1502. Custody and publishing of Federal documents; appointment of Director.
 “1503. Filing documents with Office; notation of time; public inspection; trans-
 mission for publishing.
 “1504. ‘Federal Register’; publishing; contents; distribution; price.”.

16 **SEC. 8. STATUTORY PROTECTION FOR NATIONAL AR-**
 17 **CHIVES AND RECORDS ADMINISTRATION**
 18 **VOLUNTEERS.**

19 Section 2105(d) of title 44, United States Code is
 20 amended by adding at the end the following new sentence:
 21 “An individual who provides voluntary and uncompensated
 22 service under this subsection shall not be considered an
 23 employee, except for purposes of chapter 81 of title 5 (re-

1 lating to compensation for injury), sections 2671 through
2 2680 of title 28 (relating to tort claims), and section 3721
3 of title 31 (related to damage or loss of personal property
4 incident to volunteer service).”.

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

SEPTEMBER 19, 2016

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed