

placed on administrative leave on May 23, 2013, and then retired 4 months later on September 23, 2013, successfully avoiding termination after she acknowledged the IRS wrongfully scrutinized conservative groups for years. Ms. Lerner continued to receive a full salary during this time, roughly \$60,000, for which the average American would have to work 15 months to earn.

Then members of our Oversight and Government Reform Committee know the full story, the story of the so-called secret agent man who was allowed for years to not show up to his department work under the ruse of being a CIA agent. There was an unbelievable breakdown in the senior executive oversight, I might state.

Now, the American people need to have confidence that these executives are acting honestly and responsibly, Mr. Speaker. The Senior Executive Accountability Act is an attempt, an important attempt, an important step towards holding bad actors accountable for their actions in restoring the public trust.

Mr. Speaker, I ask my colleagues for their support of H.R. 5169.

Mr. CUMMINGS. Mr. Speaker, may I ask how much time remains?

The SPEAKER pro tempore. The gentleman from Maryland has 16 minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we do oppose this legislation. We understand the intent of the sponsor, and we applaud him for his efforts. I think that we have to be very, very careful with people's constitutional rights I have stated in my opposition.

With that, Mr. Speaker, I urge Members to vote against the legislation, and I yield back the balance of my time.

Mr. MEADOWS. Mr. Speaker, I am willing to close with just a few remarks.

Mr. Speaker, perhaps the IRS and the scandals that have been surrounding that are not a big deal to address this piece of legislation. Perhaps a picture of the gentleman in a Las Vegas hot tub is not a reason to address this piece of legislation, but I can tell you that our veterans are, Mr. Speaker.

Those facts that have been the headlines for far too long really are at the core of what we are as a body, that we must protect the men and women who have fought so valiantly for our country and for the freedoms. If we cannot hold our senior executives accountable for the sake of our veterans, then what good is there of any law?

What we must do, Mr. Speaker, I urge my colleagues to join me in supporting this for the veterans of our country to make sure that there is more accountability on behalf of American taxpayers so that we, once again, can start to trust our government.

With that, I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from North Carolina (Mr. MEADOWS) that the House suspend the rules and pass the bill, H.R. 5169, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

FEDERAL RECORDS ACCOUNTABILITY ACT OF 2014

Mr. MEADOWS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5170) to improve Federal employee compliance with the Federal and Presidential recordkeeping requirements, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

(b) TABLE OF CONTENTS.—The table of contents for 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.

SEC. 2. REMOVAL FOR DELIBERATE DESTRUCTION OF FEDERAL RECORDS.

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

“SUBCHAPTER VI—FEDERAL RECORDS

“§ 7551. Definitions

“In this subchapter the following definitions apply:

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

“(A) an individual in the competitive service who is not serving a probationary or trial period under an initial appointment or who has completed 1 year of current continuous employment in the same or similar positions under other than a temporary appointment limited to 1 year or less; or

“(B) a career appointee in the Senior Executive Service who—

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

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

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

“§ 7552. Suspension and removal

“(a) INSPECTOR GENERAL FINDING.—If the Inspector General of an agency determines an employee of the agency has willfully and unlawfully concealed, removed, mutilated,

obliterated, falsified, or destroyed any record, proceeding, map, book, document, paper, or other thing in the custody of such employee, or verifies a violation under section 2208 or 2911 of title 44, the Inspector General shall promptly inform the head of the agency of that determination in writing.

“(b) SUSPENSION.—Notwithstanding any other provision of law, the head of an agency shall suspend an employee of that agency who has been determined by the Inspector General under subsection (a) to have willfully and unlawfully concealed, removed, mutilated, obliterated, falsified, or destroyed any record, proceeding, map, book, document, paper, or other thing in the custody of such employee, or who has been verified by the Inspector General to be in violation of section 2208 or 2911 of title 44.

“(c) REQUIREMENTS AFTER SUSPENSION.—An employee suspended under subsection (b) is entitled, after suspension and before removal, to—

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

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

“(3) an opportunity within 15 days after the receipt of the written statement under paragraph (2), plus an additional 15 days if the charges are amended, to answer the charges and submit affidavits;

“(4) a hearing, at the request of the employee, by an agency authority duly constituted for this purpose;

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

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

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

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

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“SUBCHAPTER VI—FEDERAL RECORDS

“7551. Definitions.

“7552. Suspension and removal.”.

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

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

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

(C) by adding at the end the following:

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

SEC. 3. USE OF NON-OFFICIAL ELECTRONIC MESSAGING ACCOUNTS.

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

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

“(a) IN GENERAL.—The President, Vice President, or covered employee may not create or send a Presidential or Vice Presidential record using a non-official electronic messaging account (in this section, referred to as ‘applicable electronic message’) unless the President, Vice President, or covered employee—

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

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

“(3) prints a complete copy of the applicable electronic message, including a complete list of the recipients of such message, and submits the message to the appropriate location or individual for appropriate archival storage by the Executive Office of the President within fifteen days after the original creation or transmission of the message.

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

“(c) DEFINITIONS.—In this section:

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

“(A) the immediate staff of the President;

“(B) the immediate staff of the Vice President;

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

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

“(2) ELECTRONIC MESSAGE.—The term ‘electronic message’ means electronic mail and all other means by which individuals and groups may communicate with each other electronically.

“(3) ELECTRONIC MESSAGING ACCOUNT.—The term ‘electronic messaging account’ means any account that sends an electronic message.”

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

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

“(a) IN GENERAL.—An officer or employee of a Federal agency may not create or send a record using a non-official electronic messaging account (in this section, referred to as ‘applicable electronic message’) 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 applicable electronic message and identifies all recipients of the applicable electronic message in such message;

“(2) forwards a complete copy of the applicable electronic message, including a complete list of the recipients of such message, to an official electronic messaging account

of the officer or employee within fifteen days after the original creation or transmission of the record; or

“(3) prints a complete copy of the applicable electronic message, including a complete list of the recipients of such message, and submits it to the appropriate location or individual for appropriate archival storage by the Federal agency within fifteen days after the original creation or transmission of the message.

“(b) ADVERSE ACTIONS.—An intentional violation of subsection (a) (including any rules, regulations, or other implementing guidelines) by an officer or employee of a Federal agency, as determined by the appropriate supervisor, shall be forwarded to the Inspector General of the agency for a verification of the violation, and upon verification, shall be subject to the suspension and removal provisions under section 7552 of title 5.

“(c) DEFINITIONS.—In this section:

“(1) ELECTRONIC MESSAGE.—The term ‘electronic message’ means electronic mail and all other means by which individuals and groups may communicate with each other electronically.

“(2) ELECTRONIC MESSAGING ACCOUNT.—The term ‘electronic messaging account’ means any account that sends an electronic message.”

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

SEC. 4. REPORTING OF THE LOSS OR POTENTIAL LOSS OF RECORDS.

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

“§3106. Unlawful removal, destruction of records

“(a) NOTIFICATION.—

“(1) ARCHIVIST AND PUBLIC NOTIFICATION.—Whenever the actual, impending, or threatened unlawful concealment, removal, mutilation, obliteration, falsification, or destruction of any record, proceeding, map, book, document, paper, or other thing in the custody of an agency comes to the attention of the head of the Federal agency, the head of the agency shall—

“(A) notify the Archivist; and

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

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

“(b) RECLAMATION OF RECORDS.—With the assistance of the Archivist, the head of a Federal agency shall initiate action through the Attorney General for the recovery of records the head knows or has reason to believe have been unlawfully removed from the agency, or from another Federal agency

whose records have been transferred to the legal custody of such head.

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

SEC. 5. SENIOR AGENCY OFFICIAL FOR RECORDS COMPLIANCE.

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

“§3108. Senior Agency Official for Records Compliance

“(a) DESIGNATION.—Not later than November 15, 2014, the head of each Federal agency shall designate a Senior Agency Official for Records Management, and not later than November 15 of each year thereafter the head of each Federal agency shall reaffirm or designate a new Senior Agency Official for Records Management.

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

“(1) be at least at the level of an Assistant Secretary or the equivalent; and

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

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

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

“3108. Senior Agency Official for Records Compliance.”

SEC. 6. PRESERVATION OF ELECTRONIC MESSAGES AND OTHER RECORDS.

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

“§2912. Preservation of electronic messages and other records

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

“(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33 of this title;

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

“(3) establish mandatory minimum functional requirements for electronic records management systems to ensure compliance with the requirements in paragraphs (1) and (2);

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

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

“(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

“(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

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

“(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

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

“(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under subsection (a).”

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

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

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

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

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

“(15) the term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

“(16) the term ‘electronic records management system’ means software designed to manage electronic records, including by—

“(A) categorizing and locating records;

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

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

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

SEC. 7. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

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

(A) by striking “and” at the end of paragraph (3);

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

(C) by adding at the end the following:

“(5) provisions for establishing standards necessary for the economical and efficient management of electronic Presidential records during the President’s term of office, including—

“(A) records management controls necessary for the capture, management, and preservation of electronic messages;

“(B) records management controls necessary to ensure that electronic messages are readily accessible for retrieval through electronic searches; and

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

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

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

“(7) The term ‘electronic records management system’ has the meaning given that term under section 2901(16) of this title.”

(b) CERTIFICATION OF PRESIDENT’S MANAGEMENT OF PRESIDENTIAL RECORDS.—

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

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

“(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the electronic records management controls established by the President meet requirements under sections 2203(a) and 2206(5) of this title.

“(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, as amended by section 3(c)(1), is further amended by adding at the end the following new item:

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

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

“(4) One year following the conclusion of a President’s term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

“(A) the volume and format of electronic Presidential records deposited into that President’s Presidential archival depository; and

“(B) whether the electronic records management controls of that President met the requirements under subsection (a) and section 2206(5) of this title.”

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

SEC. 8. RETENTION OF ELECTRONIC CORRESPONDENCE.

(a) RETENTION OF RECORDS OF HIGH LEVEL OFFICIALS.—Section 3102 of title 44, United States Code, is amended—

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

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

(3) by adding at the end the following:

“(4) the identification of electronic messaging accounts (as defined in section 2911) that should be preserved because such accounts are most likely to contain records that should be preserved as permanent Federal records and the automatic retention of those records, including the accounts of each head of a Federal agency, the deputies and assistants of such head, the head of each program office and staff office, each assistant secretary, each administrator, each commis-

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

“(5) electronic capture, management, and preservation of the electronic messaging accounts (as defined in section 2911) described in paragraph (4), in accordance with the records disposal requirements of chapter 33 of this title such that—

“(A) electronic records are readily accessible for retrieval through electronic searches; and

“(B) there are mandatory minimum functional requirements for electronic records management systems to ensure compliance with this section.”

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

(1) by striking “Chapters 21” and inserting

“(a) IN GENERAL.—Chapters 21”; and

(2) by adding at the end the following:

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

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

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

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

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

“(6) to review existing and proposed legislation and regulations relating to records retention requirements under the chapters 21, 29, 31 and 33 of title 44, United States Code (commonly referred to as the Federal Records Act) for programs and operations of such establishment and to make recommendations in the semiannual reports required by section 5(a) concerning compliance with records retention requirements.”

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 2016.

The SPEAKER pro tempore (Mr. BENTIVOLIO). Pursuant to the rule, the gentleman from North Carolina (Mr. MEADOWS) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. MEADOWS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, compliance with the Federal Records Act and the Presidential Records Act is vital in preserving the history of our government and ensuring its continued transparency.

Unfortunately, too frequently of late, Congress has heard examples of agencies and individuals failing to comply with the basic provisions of Federal recordkeeping law. The most recent illustration is the IRS which, according to the Archivist of the United States, failed to follow the law by not disclosing the potential loss of Federal records relating to Lois Lerner.

In another instance, the Oversight Committee learned that the then-Assistant Attorney General Tom Perez used his personal email account almost 1,200 times over a 4-year period to conduct official business. We should not tolerate this type of behavior.

Democracy requires transparency, Mr. Speaker. The public has a right to know the actions their government takes on their behalf. This principle of a right to know has been enshrined in numerous statutes at the Federal, State, and local levels. These include open meeting laws, Freedom of Information Act processes, and records laws.

At the national level, two bedrock transparency laws are the Federal Records Act and the Presidential Records Act. Together, these two laws ensure that our Nation's key documents, whether they be emails, maps, agendas, microfilm, or any other type of media, are preserved, sometimes in perpetuity, as a clear record of the government's operation and decision-making process.

Unfortunately, in recent weeks, particularly in relation to the events at the IRS surrounding the loss of Lois Lerner's emails, it is clear that records laws are not being followed appropriately by agencies and their employees.

The Archivist of the United States in testimony before this committee on June 24 stated that the IRS "did not follow the law" in failing to notify him of the potential loss of Federal records of Lois Lerner's hard drive.

Records can be lost due to ignorance, inattention, or intentional malice. We should not tolerate any of these excuses, but the intentional destruction of records, Mr. Speaker, in particular, is a criminal act, and Federal employees found to have committed such a crime should be fired.

I am pleased that today we are considering the Federal Records Accountability Act of 2014, a bill I was proud to introduce. This commonsense legislation will make a number of reforms to better hold Federal employees accountable to the requirements of the Federal Records Act and the Presidential Records Act.

Specifically, the bill creates a process requiring agencies to fire employees who have been found to have "willfully and unlawfully" altered, removed, or destroyed a Federal record.

The bill bars Federal employees from using nonofficial emails and other electronic messaging accounts to conduct official business, unless that communication is disclosed in full within 15

days to the government. Failure to do so would be considered a "willful and unlawful" destruction of Federal records and subject the employee to termination.

Mr. Speaker, additionally, the legislation will require agencies to disclose on their Web site notices indicating an actual, impending, or threatened loss of Federal records. This expands the current law mandate that agencies only inform the Archivist, the mandate recently ignored by the IRS.

This bill also requires agencies to appoint or reconfirm a senior agency official for records management. This individual would be responsible for ensuring full agency compliance with records laws, and Congress will be able to hold them directly accountable for noncompliance.

Additionally, thanks to an amendment from my good friend, the ranking member, Mr. CUMMINGS, this bill will require agencies to preserve their electronic records in an electronic format. This reform will end the absurd and yet all too common practice in which agencies require emails and other electronic records to be manually printed out for long-term storage and instead save them on a hard drive.

Finally, thanks to efforts by Ms. SPEIER and Mr. DESANTIS, the bill will require agencies to automatically capture all official emails, instant messages, tweets, and other electronic communications by senior agency officials, their assistants, and other officials likely to come into regular digital contact with a large number of Federal records.

This process will dramatically improve transparency at the most senior levels of government by starting with the presumption that electronic messages are Federal records instead of the current process under which officials self-select what constitutes a record.

Collectively, the reforms in H.R. 5170 will send a powerful message that transparency and faithful record-keeping are priorities of our government.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

□ 2045

Mr. Speaker, I rise in strong support of this bill and I want to thank Representative MARK MEADOWS for his hard work on this bill.

This bill would make the Federal Government's records more transparent. This bill includes the language of a bill I introduced, the Electronic Message Preservation Act. That portion of the legislation would require the Archivist of the United States to issue regulations mandating that within 2 years of enactment all Federal agencies manage and preserve their email records electronically.

The bill would also direct the Archivist to establish standards for the pres-

ervation and management of electronic Presidential records and to annually certify that the White House has records management controls in place that meet those standards. Under this bill, the Archivist must report 1 year after the President leaves office on whether the controls used by the President met the required standards.

This amendment would move agencies out of the arcane print-and-file recordkeeping systems that many of them still use, a system which can lead to records getting lost or not being turned over in response to requests.

This bill also includes an amendment offered by my colleague Representative JACKIE SPEIER during the committee markup. The Speier amendment would provide a clearer standard for agencies to follow with regard to which records had to be kept and for how long. Under this approach, the records of senior agency officials would be kept permanently.

This bill also provides procedures for agencies to follow if an employee intentionally destroys records. Under this bill, employees will be held accountable and they will also receive the same due process rights that they have under current law.

There are a couple of issues with this bill that I would like to flag. One concern that has been raised is that the bill could have the unintended consequence of encouraging Federal employees to save every email. Under current law, the National Archives works with agencies to establish schedules that define how long an agency has to keep categories of records.

Agencies can't save everything forever or the volume would be so overwhelming we wouldn't be able to sort out important information from junk. We should evaluate this concern and just ensure that we aren't creating unintended consequences.

Another concern that has been raised with this bill is that, in attempts to restrict the manner in which the President and Vice President create records, the bill says the President and Vice President or a covered employee may not create or send a Presidential or Vice Presidential record using a non-official electronic messaging account unless the President or Vice President or covered employee takes certain steps. Those steps include copying an official email account, forwarding a copy of the email to an official account, or printing the email and properly archiving it.

The Presidential Records Act already requires the President, the Vice President, and their immediate staff to preserve their records. I think we should just make sure that we are not crossing the line in the requirements for the President and the Vice President. I believe those two concerns should be evaluated and addressed if this bill is considered in the Senate.

Again, I strongly support this bill and urge my colleagues to support it.

With that, I yield back the balance of my time.

Mr. MEADOWS. Mr. Speaker, I yield myself such time as I may consume.

As we look at this particular piece of legislation, the real genesis of this came from very troubling testimony that a number of us on both sides of this aisle heard in hearing after hearing. It was not one agency. It has been a plethora of agencies that seem to have communication that is going on, Mr. Speaker, on a regular basis that is not being preserved.

Now, part of this is accountability; part of this is historical. Can you imagine what our Founding Fathers would do if they had communicated to one another and never preserved the letter or the communication that had taken place between them? What would our history be? It would be filled with a number of holes. So, from a historical perspective, we have the real duty to require it for our children and our grandchildren to understand what goes on in government.

But, from an accountability standpoint, I think that is where most Americans are focusing these days, Mr. Speaker. They don't understand why we continue to lose email after email, while there seems to be hard drive problems at the IRS that transcend all logical comprehension of why so many hard drives would have failed. I have a hard time understanding that as well.

Regardless of those issues, if we enact this particular bill—and I thank the ranking member from Maryland because he has, indeed, with his amendment made this bill better. It is stronger, and I thank him for his support. Because when we work together in a bipartisan way to make sure that these records are kept, it not only preserves it for historical purposes, but it starts to build back the foundation, block by block, layer by layer, where the American people can once again trust their government.

I think it is time, Mr. Speaker, that we take this act and make it into law. So I encourage my colleagues to support this. I urge them to support this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. MEADOWS) that the House suspend the rules and pass the bill, H.R. 5170, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

USE OF PERSONAL EMAIL ACCOUNTS PROHIBITION

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5418) to prohibit officers and employees of the Internal Revenue Service from using personal email accounts to conduct official business.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5418

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. IRS EMPLOYEES PROHIBITED FROM USING PERSONAL EMAIL ACCOUNTS FOR OFFICIAL BUSINESS.

No officer or employee of the Internal Revenue Service may use a personal email account to conduct any official business of the Government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

Tonight I rise in strong support of H.R. 5418. This bill which I introduced is a response to the Ways and Means Committee's year-and-a-half-long investigation of the IRS' targeting of taxpayers based on their political beliefs.

In its exhaustive ongoing investigation, the committee found that some IRS employees risk that confidential information by circumventing official email and using their personal, non-secure email for official business. H.R. 5418 fixes this problem by prohibiting employees of the IRS from using a personal email account to conduct any official business, ensuring there is a full record of IRS activity and that taxpayer information is secure.

There is no reason for an IRS employee to have confidential taxpayer information on his or her home computer without the necessary safeguards against disclosure. This behavior must be stopped, and I urge a "yes" vote on this bill.

I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I shall consume.

This is the first of three straightforward bills concerning the IRS. It is my hope the Republicans will focus the debate in the straightforward manner that is warranted, and that is what is happening on this bill.

Currently, the IRS restricts its employees from sending emails that contain sensitive but unclassified data outside the IRS network unless approved by senior agency management, but the manual does not specifically reference the use of personal email accounts. This legislation would specifically prohibit the use of personal email accounts to conduct official agency business. I support this bill.

Mr. Speaker, I welcome the introduction of this bill and I support it, and I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I think it is a good bill. It is a common-sense bill. It has broad support. I urge its support, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and pass the bill, H.R. 5418.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR A RIGHT TO AN ADMINISTRATIVE APPEAL

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5419) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE APPEAL RELATING TO ADVERSE DETERMINATIONS OF TAX-EXEMPT STATUS OF CERTAIN ORGANIZATIONS.

(a) IN GENERAL.—Section 7123 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

“(c) ADMINISTRATIVE APPEAL RELATING TO ADVERSE DETERMINATION OF TAX-EXEMPT STATUS OF CERTAIN ORGANIZATIONS.—

“(1) IN GENERAL.—The Secretary shall prescribe procedures under which an organization described in section 501(c) may request an administrative appeal (including a conference relating to such appeal if requested by the organization) to the Internal Revenue Service Office of Appeals of an adverse determination described in paragraph (2).

“(2) ADVERSE DETERMINATIONS.—For purposes of paragraph (1), an adverse determination is described in this paragraph if such determination is adverse to an organization with respect to—

“(A) the initial qualification or continuing qualification of the organization as exempt from tax under section 501(a) or as an organization described in section 170(c)(2),

“(B) the initial classification or continuing classification of the organization as a private foundation under 509(a), or

“(C) the initial classification or continuing classification of the organization as a private operating foundation under section 4942(j)(3).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from Michigan (Mr. LEVIN) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana.

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members