

115TH CONGRESS
1ST SESSION

H. R. 745

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2017

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

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 2017”.

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.

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—

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

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

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

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

10 **“§ 7552. Suspension and removal**

11 “(a) INSPECTOR GENERAL FINDING.—If the Inspec-
12 tor General of an agency determines an employee of the
13 agency has willfully and wrongfully concealed, removed,
14 mutilated, obliterated, falsified, or destroyed any record,
15 proceeding, map, book, document, paper, or other thing
16 in the custody of such employee, or verifies a violation
17 under section 2209 or 2911 of title 44, the Inspector Gen-
18 eral shall promptly inform the head of the agency of that
19 determination in writing.

20 “(b) SUSPENSION.—The head of an agency shall sus-
21 pend an employee of that agency who has been determined
22 by the Inspector General under subsection (a) to have will-
23 fully and unlawfully concealed, removed, mutilated, oblit-
24 erated, falsified, or destroyed any record, proceeding, map,
25 book, document, paper, or other thing in the custody of

1 such employee, or who has been verified by the Inspector
2 General to be in violation of section 2209 or 2911 of title
3 44.

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

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

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

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

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

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

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

24 “(d) REMOVAL.—Subject to subsection (c) of this
25 section and after any investigation and review the head

1 of the agency considers necessary, the head of an agency
 2 shall remove an employee suspended under subsection (b)
 3 if such head determines that the employee willfully and
 4 unlawfully concealed, removed, mutilated, obliterated, fal-
 5 sified, or destroyed any record, proceeding, map, book,
 6 document, paper, or other thing in the custody of such
 7 employee.

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

11 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

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

“SUBCHAPTER VI—FEDERAL RECORDS

“7551. Definitions.

“7552. Suspension and removal.”.

16 (2) SUBCHAPTER II APPLICABILITY.—Section
 17 7512 of such title is amended—

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

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

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

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

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

5 (a) **PRESIDENTIAL RECORDS.**—Section 2209 of title
6 44, United States Code, is amended to read as follows:

7 **“§ 2209. Disclosure requirement for official business**
8 **conducted using non-official electronic**
9 **messaging accounts**

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

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

22 “(2) forwards a complete copy of the applicable
23 electronic message, including a complete list of the
24 recipients of such message, to an official electronic
25 messaging account of the President, Vice President,

1 or covered employee, as applicable, within twenty
2 days after the original creation or transmission of
3 the message; or

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

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

19 “(c) DEFINITIONS.—In this section:

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

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

23 “(B) the immediate staff of the Vice Presi-
24 dent;

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

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

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

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

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

16 “**§ 2911. Disclosure requirement for official business**
17 **conducted using non-official electronic**
18 **messaging accounts**

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

24 “(1) includes an official electronic messaging
25 account of the officer or employee as a recipient in

1 the original creation or transmission of the applica-
2 ble electronic message and identifies all recipients of
3 the applicable electronic message in such message;

4 “(2) forwards a complete copy of the applicable
5 electronic message, including a complete list of the
6 recipients of such message, to an official electronic
7 messaging account of the officer or employee within
8 twenty days after the original creation or trans-
9 mission of the record; or

10 “(3) prints a complete copy of the applicable
11 electronic message, including a complete list of the
12 recipients of such message, and submits it to the ap-
13 propriate location or individual for appropriate ar-
14 chival storage by the executive agency within twenty
15 days after the original creation or transmission of
16 the message.

17 “(b) ADVERSE ACTIONS.—An intentional violation of
18 subsection (a) (including any rules, regulations, or other
19 implementing guidelines) by an officer or employee of an
20 executive agency, as determined by the appropriate super-
21 visor, shall be forwarded to the Inspector General of the
22 agency for a verification of the violation, and upon
23 verification, shall be subject to the suspension and removal
24 provisions under section 7552 of title 5.

25 “(c) DEFINITIONS.—In this section:

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

5 “(2) **ELECTRONIC MESSAGING ACCOUNT.**—The
6 term ‘electronic messaging account’ means any ac-
7 count that sends an electronic message.”.

8 (c) **TECHNICAL CORRECTION.**—Section
9 2204(b)(2)(A) of title 44, United States Code, is amended
10 by striking “section 2203(d)(1)” and inserting “section
11 2203(g)(1)”.

12 **SEC. 4. REPORTING OF THE LOSS OR POTENTIAL LOSS OF**
13 **RECORDS.**

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

16 **“§ 3106. Unlawful removal, destruction of records**

17 “(a) **NOTIFICATION.**—

18 “(1) **ARCHIVIST AND PUBLIC NOTIFICATION.**—

19 Whenever the actual, impending, or threatened un-
20 lawful concealment, removal, mutilation, obliteration,
21 falsification, or destruction of any record, pro-
22 ceeding, map, book, document, paper, or other thing
23 in the custody of a Federal agency comes to the at-
24 tention of the head of the Federal agency, the head
25 shall—

1 “(A) notify the Archivist; and

2 “(B) publish a general description of the
3 records at risk or that have been lost on the
4 Web site of the Federal agency.

5 “(2) FEDERAL AGENCY NOTIFICATION.—When-
6 ever the actual, impending, or threatened unlawful
7 concealment, removal, mutilation, obliteration, fal-
8 sification, or destruction of any record, proceeding,
9 map, book, document, paper, or other thing in the
10 custody of a Federal agency comes to the attention
11 of a Senior Agency Official for Records Manage-
12 ment, such official shall immediately notify the head
13 of the Federal agency.

14 “(b) RECLAMATION OF RECORDS.—With the assist-
15 ance of the Archivist, the head of a Federal agency shall
16 initiate action through the Attorney General for the recov-
17 ery of records the head knows or has reason to believe
18 have been unlawfully removed from the agency, or from
19 another Federal agency whose records have been trans-
20 ferred to the legal custody of the head.

21 “(c) ACTION BY THE ARCHIVIST.—In any case in
22 which the head of the Federal agency does not initiate an
23 action for the recovery of records described in subsection
24 (b) or other redress within a reasonable period of time
25 after being notified of any such unlawful removal, the Ar-

1 chivist shall request the Attorney General to initiate an
2 action described in subsection (b), and shall notify the
3 Congress not later than 5 days after the date on which
4 such a request has been submitted to the Attorney Gen-
5 eral.”.

6 **SEC. 5. SENIOR AGENCY OFFICIAL FOR RECORDS MANAGE-**
7 **MENT.**

8 (a) SENIOR AGENCY OFFICIAL.—Chapter 31 of title
9 44, United States Code, is amended by adding at the end
10 the following new section:

11 **“§ 3108. Senior Agency Official for Records Manage-**
12 **ment**

13 “(a) DESIGNATION.—Not later than October 1, 2017,
14 the head of each Federal agency shall designate a Senior
15 Agency Official for Records Management, and not later
16 than November 15 of each year thereafter the head of each
17 Federal agency shall reaffirm or designate a new Senior
18 Agency Official for Records Management.

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

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

23 “(2) be responsible for the coordinating with
24 the appropriate Agency Records Officer and appro-
25 priate agency officials to ensure compliance with all

1 applicable records management statutes, regulations,
2 and any guidance issued by the Archivist.

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

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

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

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

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

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

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

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

21 “(4) the identification of electronic messaging
22 accounts (as defined in section 2911) that should be
23 preserved because such accounts are most likely to
24 contain records that should be preserved as perma-
25 nent Federal records and the automatic retention of

1 those records, including the accounts of each head of
2 a Federal agency, the deputies and assistants of
3 such head, the head of each program office and staff
4 office, each assistant secretary, each administrator,
5 each commissioner, each director of an office, bu-
6 reau, or the equivalent, each principal regional offi-
7 cial, each staff assistant to such official (such as a
8 special assistant, confidential assistant, or adminis-
9 trative assistant), each career Federal employee,
10 each political appointee, and each member of the
11 Armed Forces serving in equivalent or comparable
12 positions; and

13 “(5) electronic capture, management, and pres-
14 ervation of the electronic messaging accounts (as de-
15 fined in section 2911) described in paragraph (4), in
16 accordance with the records disposal requirements of
17 chapter 33 of this title such that—

18 “(A) electronic records are readily acces-
19 sible for retrieval through electronic searches;
20 and

21 “(B) there are mandatory minimum func-
22 tional requirements for electronic records man-
23 agement systems to ensure compliance with this
24 section.”.

25 (b) REVIEW BY THE COMPTROLLER GENERAL.—

1 (1) EVALUATION AND REPORTS REQUIRED.—
2 Not later than 2 years after the date of the enact-
3 ment of this Act, and periodically thereafter, the
4 Comptroller General of the United States shall
5 evaluate and submit to Congress a report on Federal
6 agency management of electronic mail records re-
7 quired under paragraphs (4) and (5) of section 3102
8 of title 44, United States Code, as added by sub-
9 section (a).

10 (2) SUNSET OF EVALUATION AND REPORTING
11 REQUIREMENT.—The requirements described under
12 paragraph (1) shall cease to be in effect 11 years
13 after the date of the enactment of this Act.

14 (c) REVIEW BY INSPECTOR GENERAL.—Section 4(a)
15 of the Inspector General Act (5 U.S.C. App.) is amend-
16 ed—

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

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

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

23 “(6) to review existing and proposed legislation
24 and regulations relating to records retention require-
25 ments under the chapters 21, 29, 31, and 33 of title

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

7 (d) EFFECTIVE DATE.—This section and the amend-
8 ments made by this section shall take effect on December
9 31, 2018.

10 **SEC. 7. FEDERAL REGISTER MODERNIZATION.**

11 (a) REFERENCES TO PRINTING.—Chapter 15 of title
12 44, United States Code, is amended—

13 (1) in section 1502—

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

16 (B) by striking “printing and distribution”
17 and inserting “publishing”;

18 (2) in section 1507 is amended—

19 (A) by striking “the duplicate originals or
20 certified copies of the document have” and in-
21 serting “the document has”; and

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

24 (3) in section 1509, in subsections (a) and (b)
25 of, by striking “printing, reprinting, wrapping, bind-

1 ing, and distributing” and inserting “publishing”,
2 each place it appears.

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

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

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

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

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

14 **“§ 1503. Filing documents with Office; notation of**
15 **time; public inspection; transmission for**
16 **publishing**

17 “The original document required or authorized to be
18 published by section 1505 of this title shall be filed with
19 the Office of the Federal Register for publication at times
20 established by the Administrative Committee of the Fed-
21 eral Register by regulation. The Archivist of the United
22 States shall cause to be noted on the original of each docu-
23 ment the day and hour of filing. Upon filing, the document
24 shall be immediately available for public inspection in the
25 Office. The original shall be retained by the National Ar-

1 chives and Records Administration and shall be available
2 for inspection under regulations prescribed by the Archi-
3 vist, unless such original is disposed of in accordance with
4 disposal schedules submitted by the Administrative Com-
5 mittee and authorized by the Archivist pursuant to regula-
6 tions issued under chapter 33 of this title; however, origi-
7 nals of proclamations of the President and Executive or-
8 ders shall be permanently retained by the Administration
9 as part of the National Archives of the United States. The
10 Office shall transmit to the Government Publishing Office,
11 as provided by this chapter, each document required or
12 authorized to be published by section 1505 of this title.
13 Every Federal agency shall cause to be transmitted for
14 filing the original of all such documents issued, prescribed,
15 or promulgated by the agency.”.

16 (d) FEDERAL REGISTER AMENDMENT.—Section
17 1504 of title 44, United States Code, is amended to read
18 as follows:

19 **“§ 1504. ‘Federal Register’; publishing; contents; dis-**
20 **tribution; price**

21 “Documents required or authorized to be published
22 by section 1505 of this title shall be published immediately
23 by the Government Publishing Office in a serial publica-
24 tion designated the ‘Federal Register’. The Director of the
25 Government Publishing Office shall make available the fa-

1 cilities of the Government Publishing Office for the
2 prompt publication of the Federal Register in the manner
3 and at the times required by this chapter and the regula-
4 tions prescribed under it. The contents of the daily issues
5 shall constitute all documents, required or authorized to
6 be published, filed with the Office of the Federal Register
7 up to the time of the day immediately preceding the day
8 of publication fixed by regulations under this chapter.
9 There shall be published with each document a copy of
10 the notation, required to be made by section 1503 of this
11 title, of the day and hour when, upon filing with the Of-
12 fice, the document was made available for public inspec-
13 tion. Distribution shall be made at a time in the morning
14 of the day of distribution fixed by regulations prescribed
15 under this chapter. The prices to be charged for the Fed-
16 eral Register may be fixed by the Administrative Com-
17 mittee of the Federal Register established by section 1506
18 of this title without reference to the restrictions placed
19 upon and fixed for the sale of Government publications
20 by sections 1705 and 1708 of this title.”.

21 (e) DOCUMENTS TO BE PUBLISHED IN FEDERAL
22 REGISTER.—Section 1505 of title 44, United States Code,
23 is amended—

24 (1) in subsection (b)—

1 (A) in the heading, by striking “COM-
 2 MENTS” and inserting “NEWS COMMENTARY”;
 3 and

4 (B) by striking “comments” and inserting
 5 “news commentary”; and

6 (2) in subsection (c), in the matter following
 7 paragraph (2)—

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

10 (B) by striking “and two duplicate origi-
 11 nals or two certified copies” and inserting “doc-
 12 ument”.

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

16 **“§ 1506. Administrative Committee of the Federal**
 17 **Register; establishment and composition;**
 18 **powers and duties**

19 “The Administrative Committee of the Federal Reg-
 20 ister shall consist of the Archivist of the United States
 21 or Acting Archivist, who shall chair the committee, an offi-
 22 cer of the Department of Justice designated by the Attor-
 23 ney General, and the Director of the Government Pub-
 24 lishing Office or Acting Director of the Government Pub-
 25 lishing Office. The Director of the Federal Register shall

1 act as secretary of the committee. The committee shall
2 prescribe, with the approval of the President, regulations
3 for carrying out this chapter. The regulations shall provide
4 for, among other things—

5 “(1) the documents which shall be authorized
6 under section 1505(b) of this title to be published in
7 the Federal Register;

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

10 “(3) the manner of distribution to Members of
11 Congress, officers and employees of the United
12 States, or Federal agency, for official use, and the
13 number which shall be available for distribution to
14 the public;

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

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

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

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

1 **“§ 1510. Code of Federal Regulations**

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

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

21 “(c) SUPPLEMENTATION, COLLATION, AND REPUBLI-
22 CATION.—The Administrative Committee shall regulate
23 the supplementation and the collation and republication
24 of the codification with a view to keeping the Code of Fed-
25 eral Regulations as current as practicable. Each unit of
26 codification shall be supplemented and republished at least

1 once each calendar year. The Office of the Federal Reg-
2 ister may create updates of each unit of codification from
3 time to time and make the same available electronically
4 or may provide public access using an electronic edition
5 that allows a user to select a specific date and retrieve
6 the version of the codification in effect as of that date.

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

11 “(e) PRIMA FACIE EVIDENCE.—The codified docu-
12 ments of the several agencies published in the Code of
13 Federal Regulations under this section, as amended by
14 documents subsequently filed with the Office and pub-
15 lished in the daily issues of the Federal Register, shall
16 be prima facie evidence of the text of the documents and
17 of the fact that they are in effect on and after the date
18 of publication.

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

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

1 (h) TECHNICAL AND CONFORMING AMENDMENTS.—
2 The table of sections for chapter 15 of title 44, United
3 States Code, is amended by striking the items related to
4 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; transmission for publishing.

“1504. ‘Federal Register’; publishing; contents; distribution; price.”.

5 **SEC. 8. STATUTORY PROTECTION FOR NATIONAL AR-**
6 **CHIVES AND RECORDS ADMINISTRATION**
7 **VOLUNTEERS.**

8 Section 2105(d) of title 44, United States Code, is
9 amended by adding at the end the following new sentence:
10 “An individual who provides voluntary and uncompensated
11 service under this subsection shall not be considered an
12 employee, except for purposes of chapter 81 of title 5 (re-
13 lating to compensation for injury), sections 2671 through
14 2680 of title 28 (relating to tort claims), and section 3721
15 of title 31 (related to damage or loss of personal property
16 incident to volunteer service).”.

○