

**Jamieson Gradert**

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# **A BILL**

To provide for a more adequate and efficient records keeping protocol and to promote accountability and responsibility amongst department heads and public employees.

1 **SECTION 1. SHORT TITLE**

2 This Act may be cited as the GREAT Act “Government Records Enforcement,  
3 Accountability and Transparency” Act

4 **SECTION 2. DEPARTMENT HEADS AND DUTIES.**

5 Chapter 31 of title 44 of United States Code section 3101 is replaced to  
6 read as follows:

7 **§ 3101 RECORDS MANAGEMENT BY FEDERAL AGENCIES**

8 **(1)** The head of each Federal Agency shall create and maintain a division within  
9 the agency to make, preserve and catalog records containing all documenta-  
10 tion of the organization, functions, policies, decisions, procedures, internal  
11 and external communications and essential transactions of the agency. The  
12 division shall be designed to furnish information necessary to protect the le-

1 gal and financial rights of the Government and of persons directly affected  
2 by the agency's activities and to ensure a timely and efficient response to  
3 congressional requests and that of the public pursuant subchapter II of chap-  
4 ter 5 of part I of title 5 United States Code §552. Each agency shall have  
5 created a division described in this Act no later than 90 days from enact-  
6 ment. Except as provided in Chapter 35 Title 44 Subchapter I §3506 Para-  
7 graph (2)(B).

8 **(2)** Upon creation of each Federal Agency's records division. A division direc-  
9 tor shall be appointed by no later than thirty calendar days and no agency  
10 shall have a vacancy of the director for more than thirty calendar days there-  
11 after.

12 **(3)** Duties of the Office of the Director of Records are as follows:

13 (a) Ensure that all agency employees as well as the agency's head are in  
14 full compliance with all applicable records law and regulation.

15 (b) Maintain an adequate level of qualified staff to efficiently process, cat-  
16 alog and maintain all records created by the agency.

17 (c) Be proficient in data maintenance and control protocols as directed by  
18 the Office of Information and Regulatory Affairs.

19 (d) Quickly assess, mediate and report any discrepancy, error, lack of rec-  
20 ord, unauthorized destruction, attempted destruction, record suppression  
21 and unauthorized access to any record under the control or subject to the

1 control of the records division whether or not the Agency’s Head or Direc-  
2 tor of Records has any doubt that any of these have occurred. It shall be  
3 the sole duty of that agency’s Director of Records to make a formal and  
4 detailed declaration to the Office of the Inspector General of the agency  
5 and to the Director of the office of Information and Regulatory Affairs  
6 General within 48.

7 **SECTION 3. AMENDMENTS THE INSPECTOR GENERAL ACT**

8 Title 5 APP. Inspector General Act of 1978 is amended as follows:

9 In §6 (b)(2) After establishment insert, “and the Attorney General of the  
10 United States” , and in §6(e)(2)(A) strike “significantly”.

11 **SECTION 4. RECORDS ACCOUNTABILITY AND THE ESTABLISH-**  
12 **MENT OF GOVERNMENT PROPERTY RIGHTS**

13 Chapter 35 of Title 44 Subchapter I is amended as follows:

14 In §3502 (2) strike “time, effort” , repeal §3506 (2)(A), and insert a new  
15 section to read:

16 **§3522** Establishment of property rights pertaining to communications.

17 All communications to and from any person as defined in this subchapter, while  
18 operating under an official capacity or in connection with the operation of an offi-  
19 cial capacity or duty, or is utilizing any communication device, service, or net-  
20 work owned by the United States whether or not that device is transmitting per-  
21 sonal data or is owned by any person, shall in be the property of the United States,

1 including any personal communications contained therein. Any person who shall  
2 destroy alter or otherwise suppress this property, shall be guilty of a Class A Mis-  
3 demeanor for the first offense and be fined under this chapter or imprisoned not  
4 more than one year and shall be guilty of a Felony for each subsequent violation  
5 occurring within five calendar years and be fined under this chapter or imprisoned  
6 not more than 5 years.

7 **SECTION 5. CIVIL AND CRIMINAL OFFENSES**

8 Chapter 73 of Title 18 Part I is amended by inserting the following section:

9 **§1552** Whoever with intent to deceive, defraud, endeavors to influence, obstruct,  
10 impede, or delay any investigation, audit, inquiry, subpoena, or other official duty  
11 of the Office of the Inspector General in the normal course of duties pursuant The  
12 Inspector General Act of 1978 as amended. Shall be guilty of a Class A Misde-  
13 meanor for the first offense and be fined under this chapter or imprisoned not  
14 more than one year and shall be guilty of a Felony for each subsequent violation  
15 occurring within five calendar years and be fined under this chapter and impris-  
16 oned not more than 5 years.

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