Record-Keeping Bill Is Criticized As 'Anemic' by Watchdog Group

By William Branigin
Washington Post Staff Writer
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Citing "significant deficiencies" in the preservation of e-mail by the White House and federal agencies, House Democrats yesterday introduced legislation to strengthen and modernize electronic record-keeping requirements. But a private watchdog group called the bill inadequate and issued a report describing federal record-keeping as antiquated and chaotic.

The group chided the government for following a "print-and-save policy" in which even e-mail is routinely printed out on paper and filed away to comply with federal record-keeping rules. It said the government needs to be pushed to adopt technology and practices common in the private sector.

Rep. Henry A. Waxman (D-Calif.), chairman of the House Committee on Oversight and Government Reform, and two other Democrats on the panel sponsored the bill after investigations showed that the White House under President Bush may have lost millions of e-mails.

The bill, H.R. 5811, directs the National Archives and Records Administration to set standards for capturing, managing, retrieving and preserving White House e-mails and other electronic communications, and to certify whether the White House system meets those standards. The bill also directs the National Archives to issue regulations within 18 months requiring federal agencies to preserve electronic communications in an electronic format. The agencies would have up to four years to comply.

Citizens for Responsibility and Ethics in Washington, a watchdog group known as CREW, called the proposed legislation "anemic" and said it "fails to make the substantial changes necessary to bring the federal government into the 21st century."

Karen Lightfoot, a spokeswoman for Waxman, said the bill "reflects a common-sense consensus." She added, "We knew it wouldn't meet everyone's wish list, but experts tell us it's an important start in dealing with the challenges of electronic records."

CREW yesterday issued a 42-page report concluding that the federal government is mismanaging its electronic records and clinging to outdated and inefficient paper record-keeping systems. It also faulted the National Archives, saying the agency has abdicated meaningful oversight responsibilities and "assumed only a passive role" by providing agencies with little more than general guidelines.
A spokeswoman for the archives, which issues standards for federal records management, did not immediately respond to requests for comment.

CREW charged that federal agencies have shown "an appalling lack of progress" in electronic record-keeping.

"The vast majority of federal agencies treat electronic records like paper records by printing them out and saving them in paper files," the group said in summarizing its findings. In addition, it said, there is "widespread confusion" among federal employees, many of whom do not understand their legal record-keeping obligations.

In the report, titled "Record Chaos: The Deplorable State of Electronic Record Keeping in the Federal Government," CREW recommended that Congress amend the Federal Records Act to require all agencies to implement electronic record-keeping by a certain date. The group also wants Congress to add penalties for failing to comply with the act, and says the National Archives should be required to conduct annual audits of agency compliance.

Anne Weismann, the chief legal counsel at CREW and author of the report, said four years is too long to wait for federal agencies to begin complying with new requirements under the House Democrats' proposed legislation.

"There has to be a massive effort to push the government into the 21st century," she said. The effort needs to be fully funded, or agencies "will always have an excuse" to stick with their existing systems, she said.

Melanie Sloan, CREW's executive director, said records that document serious policy matters are being lost, "not necessarily due to malice, but rather incompetence."

CREW found that federal agencies produce records in a dizzying array of formats. The Internal Revenue Service alone runs 630 different computer systems, it said. Across the government, billions of e-mail messages are exchanged every year, the report said, but not all must be preserved under the law, which is often left to individual employees to interpret.