

HR 5811

Electronic Message Preservation Act

Congress: 110 (2007–2009, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Apr 15, 2008

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governm

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Jul 10, 2008)

Official Text: <https://www.congress.gov/bill/110th-congress/house-bill/5811>

Sponsor

Name: Rep. Waxman, Henry A. [D-CA-30]

Party: Democratic • State: CA • Chamber: House

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		Apr 15, 2008
Rep. Hodes, Paul W. [D-NH-2]	D · NH		Apr 15, 2008

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Jul 10, 2008
Oversight and Government Reform Committee	House	Discharged from	May 1, 2008

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
110 HRES 1318	Procedurally related	Jul 9, 2008: Motion to reconsider laid on the table Agreed to without objection.

Electronic Message Preservation Act - Requires the Archivist of the United States to promulgate regulations governing federal agency preservation of electronic messages that are federal records and to periodically review and amend, as necessary, such regulations. Requires such regulations to: (1) require the electronic capture, management, and preservation of such electronic records in accordance with the Federal Records Act; (2) require such records to be retrievable through electronic searches; (3) establish mandatory minimum functional requirements for electronic records management systems and a process to certify federal agency compliance with such requirements; (4) include timelines for federal agency compliance; and (5) include requirements for the capture, management, and preservation of other electronic records.

Requires the head of each federal agency to report to the Archivist on the agency's compliance with the Archivist's regulations. Requires the Archivist to report to the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs on federal agency compliance.

Requires the Archivist to: (1) establish standards for the management of presidential records during a President's term of office, including records management controls necessary for the capture, management, and preservation of electronic messages and for ensuring that electronic messages are readily accessible for retrieval through electronic searches; (2) certify annually whether records management controls established by a President meet the requirements of the Presidential Records Act; and (3) report annually to the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs on the status of such certification.

Requires the Archivist to report to Congress one year after the conclusion of a President's term of office on: (1) the volume and format of presidential records deposited into the archival depository; and (2) whether records management controls of a President meet the requirements of this Act and the Presidential Records Act.

Requires the Archivist to prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records.

Prohibits the Archivist from providing access to original presidential records to individuals who have been convicted of a crime relating to the review, retention, removal, or destruction of records of the National Archives.

Actions Timeline

- **Jul 10, 2008:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Jul 9, 2008:** Rule H. Res. 1318 passed House.
- **Jul 9, 2008:** Considered under the provisions of rule H. Res. 1318. (consideration: CR H6294-6305; text of measure as reported in House: CR H6294-6295; text of measure as reported in House: CR H6295-6296)
- **Jul 9, 2008:** Rule provides for consideration of H.R. 5811 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted.
- **Jul 9, 2008:** DEBATE - The House proceeded with one hour of debate on H.R. 5811.
- **Jul 9, 2008:** The previous question was ordered pursuant to the rule. (consideration: CR H6302)
- **Jul 9, 2008:** Mr. Davis, Tom moved to recommit with instructions to Oversight and Government. (consideration: CR H6302-6303; text: CR H6302)
- **Jul 9, 2008:** DEBATE - The House proceeded with 10 minutes of debate on the Tom Davis motion to recommit with instructions. The instructions contained in the motion seek to report the same back to the House with an amendment to prevent unauthorized removal of classified records from National Archives.
- **Jul 9, 2008:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H6303)
- **Jul 9, 2008:** On motion to recommit with instructions Agreed to by the Yeas and Nays: 419 - 1, 2 Present (Roll no. 476). (consideration: CR H6303-6304)
- **Jul 9, 2008:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 286 - 137 (Roll no. 477).
- **Jul 9, 2008:** On passage Passed by the Yeas and Nays: 286 - 137 (Roll no. 477).
- **Jul 9, 2008:** Motion to reconsider laid on the table Agreed to without objection.
- **Jul 8, 2008:** Rules Committee Resolution H. Res. 1318 Reported to House. Rule provides for consideration of H.R. 5811 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Bill is closed to amendments. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform now printed in the bill shall be considered as adopted.
- **Jun 11, 2008:** Reported (Amended) by the Committee on Oversight and Government. H. Rept. 110-709.
- **Jun 11, 2008:** Placed on the Union Calendar, Calendar No. 450.
- **May 1, 2008:** Committee Consideration and Mark-up Session Held.
- **May 1, 2008:** Subcommittee on Information Policy, Census, and National Archives Discharged.
- **May 1, 2008:** Ordered to be Reported (Amended) by Voice Vote.
- **Apr 16, 2008:** Referred for a period ending not later than April 16, 2008, (or for a later time if the Chairman so designates) to the Subcommittee on Information Policy, Census, and National Archives.
- **Apr 15, 2008:** Introduced in House
- **Apr 15, 2008:** Referred to the House Committee on Oversight and Government Reform.