

## HR 1387

### Electronic Message Preservation Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Government Operations and Politics

**Introduced:** Mar 9, 2009

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

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Mar 18, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/1387>

### Sponsor

**Name:** Rep. Hodes, Paul W. [D-NH-2]

**Party:** Democratic • **State:** NH • **Chamber:** House

### Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Clay, Wm. Lacy [D-MO-1]	D · MO		Mar 9, 2009
Rep. Towns, Edolphus [D-NY-10]	D · NY		Mar 9, 2009

### Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Mar 18, 2010
Oversight and Government Reform Committee	House	Reported By	Jan 27, 2010

### Subjects & Policy Tags

#### Policy Area:

Government Operations and Politics

### Related Bills

No related bills are listed.

Electronic Message Preservation Act - (Sec. 2) 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 agency and Archivist reports on agency compliance with such regulations.

(Sec. 3) Requires the Archivist to: (1) establish standards for the management of electronic 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 electronic records management controls established by a President meet the requirements of the Presidential Records Act; and (3) report annually to specified congressional committees on the status of such certification.

Requires the Archivist to report to Congress on: (1) the volume and format of electronic presidential records deposited into the archival depository; and (2) whether the electronic records management controls of a President meet the requirements of this Act and the Presidential Records Act.

(Sec. 4) Directs the Archivist to prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration (NARA) or the destruction or damage of such records, including when such records are accessed electronically. Requires such procedures to: (1) apply to all NARA facilities authorized to store classified records; (2) prohibit any person, other than covered personnel, from viewing classified records in any room that is not secure, except in the presence of NARA personnel or under video surveillance, from being left alone with classified records unless under video surveillance, or from conducting any review of classified records while in the possession of any personal communication device; (3) require all persons seeking access to classified records to consent to a search of their belongings upon conclusion of their records review; and (4) require all writings prepared by persons, other than covered personnel, during the course of a review of classified records to be retained by NARA in a secure facility until such writings are determined to be unclassified, are declassified, or are securely transferred to another secure facility.

Defines "covered personnel" to mean any individual who: (1) has an appropriate and necessary reason for accessing classified records, as determined by the Archivist; and (2) is either an officer or employee of the federal government with appropriate security clearances or a person with appropriate security clearances of a federal contractor authorized in writing to act for purposes of this section by a federal officer or employee.

(Sec. 5) Prohibits the Archivist from making available any original presidential records to anyone claiming access to any such record as a designated representative of a former President if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives.

(Sec. 6) Requires the budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, to be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" submitted for this Act.

## Actions Timeline

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- **Mar 18, 2010:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Mar 17, 2010:** Mr. Clay moved to suspend the rules and pass the bill, as amended.
- **Mar 17, 2010:** Considered under suspension of the rules. (consideration: CR H1540-1542)
- **Mar 17, 2010:** DEBATE - The House proceeded with forty minutes of debate on H.R. 1387.
- **Mar 17, 2010:** Passed/agreed to in House: On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote.(text: CR H1540-1541)
- **Mar 17, 2010:** On motion to suspend the rules and pass the bill, as amended Agreed to by voice vote. (text: CR H1540-1541)
- **Mar 17, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Jan 27, 2010:** Reported (Amended) by the Committee on Oversight and Government. H. Rept. 111-406.
- **Jan 27, 2010:** Placed on the Union Calendar, Calendar No. 237.
- **Mar 10, 2009:** Committee Consideration and Mark-up Session Held.
- **Mar 10, 2009:** Ordered to be Reported (Amended) by Voice Vote.
- **Mar 9, 2009:** Introduced in House
- **Mar 9, 2009:** Referred to the House Committee on Oversight and Government Reform.