

HR 1234

Electronic Message Preservation Act

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Mar 18, 2013

Current Status: Placed on the Union Calendar, Calendar No. 93.

Latest Action: Placed on the Union Calendar, Calendar No. 93. (Jun 25, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/1234>

Sponsor

Name: Rep. Cummings, Elijah E. [D-MD-7]

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

Cosponsors

No cosponsors are listed for this bill.

Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Reported By	Jun 25, 2013

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
113 S 676	Related bill	Apr 9, 2013: Read twice and referred to the Committee on Finance.
113 HR 1291	Related bill	Mar 28, 2013: Referred to the Subcommittee on Fisheries, Wildlife, Oceans, and Insular Affairs.

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 such regulations as necessary. 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. Defines "electronic records management system" as software designed to manage electronic records, including by categorizing and locating records, ensuring that records are retained as long as necessary, identifying records that are due for disposition, and ensuring the storage, retrieval, and disposition of records.

Requires: (1) the head of each federal agency, not later than four years after the enactment of this Act, to submit to the Archivist a report on agency compliance with regulations promulgated under this Act; and (2) the Archivist to report to the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs (the congressional oversight committees) on such compliance.

Prohibits an officer or employee of an executive agency from creating or sending a record using a non-official electronic messaging account unless such officer or employee: (1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record, or (2) forwards a complete copy of the record to such an official account within five days after the original creation or transmission of the record.

(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 the President meet the requirements of the Presidential Records Act; and (3) report annually to the congressional oversight committees on the status of such certification.

Requires the Archivist, one year after the conclusion of a President's term of office, to submit to the congressional oversight committees a report on: (1) the volume and format of electronic presidential records deposited into that President's archival depository, and (2) whether the electronic records management controls of that President meet requirements under this Act.

Prohibits an officer or employee of an executive agency from creating or sending a presidential record using a non-official electronic messaging account unless such officer or employee: (1) copies an official electronic messaging account in the original creation or transmission of the record, or (2) forwards a complete copy of the record to such an account within five days.

Actions Timeline

- **Jun 25, 2013:** Reported (Amended) by the Committee on Oversight and Government Reform. H. Rept. 113-128.
- **Jun 25, 2013:** Placed on the Union Calendar, Calendar No. 93.
- **Mar 20, 2013:** Committee Consideration and Mark-up Session Held.
- **Mar 20, 2013:** Ordered to be Reported (Amended) by Voice Vote.
- **Mar 18, 2013:** Introduced in House
- **Mar 18, 2013:** Referred to the House Committee on Oversight and Government Reform.