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ONE HUNDRED TENTH CONGRESS

# Congress of the United States

## House of Representatives

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### FOR IMMEDIATE RELEASE

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## LEGISLATION INTRODUCED TO IMPROVE FEDERAL ELECTRONIC RECORDKEEPING

WASHINGTON, DC — Rep. Henry A. Waxman, Rep. Wm. Lacy Clay, and Rep. Paul W. Hodes introduced legislation to modernize the requirements of the Presidential Records Act and the Federal Records Act and ensure that crucial records are preserved for historians. The Electronic Communications Preservation Act, H.R. 5811, was introduced after Oversight Committee investigations revealed significant deficiencies in the preservation of e-mail by the White House and federal agencies.

“Too often over the past several years, our investigations have revealed weaknesses in government preservation of e-mail that could leave substantial gaps as future historians examine White House and agency decisionmaking,” said Rep. Waxman. “As more and more official business is conducted over e-mail, these records must be preserved as a vital part of our history. H.R. 5811 is an important step towards ensuring that e-mail records are properly preserved.”

“H.R. 5811 will help government officials and the public have better access to the electronic communications that influence governmental decisionmaking,” said Rep. Clay. “As we move forward, this bill insures that our federal agencies and future administrations efficiently and effectively preserve their work product in a format that is easy to find and easy to reproduce.”

“The people of the United States deserve an open and honest record of the actions of this Administration,” said Rep. Hodes. “This bill will ensure that this Administration and future administrations’ actions are transparent and they can be held accountable.”

Under President Bush, the White House may have lost millions of e-mails. Numerous White House officials — including Senior Advisor Karl Rove — used e-mail accounts maintained by the Republican National Committee, which regularly deleted the e-mails from its servers. In addition, the White House cannot account for hundreds of days worth of official White House e-mails sent and received between 2003 and 2005.

To ensure the retention of these important records, H.R. 5811 directs the Archivist of the United States to establish standards for the capture, management, retrieval, and preservation of White House e-mails and other electronic communications, and to certify whether the White House e-mail preservation system meets these standards.

Under current law, federal agencies have broad discretion to determine how electronic records and electronic communications are preserved. However, many agencies rely on unreliable “print and file” systems for preserving electronic records, including e-mails. As a result, many e-mails that should be saved as federal records may be lost.

H.R. 5811 directs the Archivist to issue regulations requiring agencies to preserve electronic communications in an electronic format. These regulations must cover, at a minimum, the capture, management, preservation, and electronic retrieval of electronic communications. In addition, the Archivist would be required to establish testing and certification standards for any electronic records management systems implemented at agencies.

The text of the bill and summary are available online at [www.oversight.house.gov](http://www.oversight.house.gov).