

that they be preserved for generations to come.

Unfortunately, the National Park Service is facing an insurmountable backlog of deferred maintenance that is growing more urgent as decades-old agency structures reach the end of their anticipated lifespans. This is impacting some of our most beloved parks.

The Blue Ridge Parkway in North Carolina and Virginia is the country's second most visited National Park, supporting approximately 15,600 jobs and is a huge economic asset to nearby rural communities. Deferred maintenance has resulted in the unfortunate deterioration of its amenities and accessibility.

The National Park Service Legacy Act would establish a National Park Service Legacy Restoration Fund directly aimed at addressing the agency's backlog and fixing the issues facing the Blue Ridge Parkway. As a proud cosponsor of this innovative legislation, I encourage its vote and final passage in the House this Congress.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3 p.m. today.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1501

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CURTIS) at 3 o'clock and 1 minute p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or votes objected to under clause 6 of rule XX.

The House will resume proceedings on postponed questions at a later time.

ELECTRONIC MESSAGE PRESERVATION ACT OF 2017

Mr. WALKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1376) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1376

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electronic Message Preservation Act of 2017".

SEC. 2. PRESERVATION OF ELECTRONIC MESSAGES AND OTHER RECORDS.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

"§ 2912. Preservation of electronic messages and other records

"(a) REGULATIONS REQUIRED.—The Archivist shall promulgate regulations governing Federal agency preservation of electronic messages that are determined to be records. Such regulations shall, at a minimum—

"(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33;

"(2) require that such electronic records are readily accessible for retrieval through electronic searches; and

"(3) include timelines for Federal agency implementation of the regulations that ensure compliance as expeditiously as practicable.

"(b) ENSURING COMPLIANCE.—The Archivist shall promulgate regulations that—

"(1) establish mandatory minimum functional requirements for electronic records management systems to ensure compliance with the requirements in paragraphs (1) and (2) of subsection (a); and

"(2) establish a process to ensure that the electronic records management system of each Federal agency meets the functional requirements established under paragraph (1).

"(c) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsections (a) and (b) shall also include requirements for the capture, management, and preservation of other electronic records.

"(d) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsections (a) and (b).

"(e) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under subsections (a) and (b)."

(b) DEADLINE FOR REGULATIONS.—

(1) PRESERVATION OF ELECTRONIC MESSAGES.—Not later than 120 days after the date of the enactment of this Act, the Archivist shall promulgate the regulations required under section 2912(a) of title 44, United States Code, as added by subsection (a).

(2) ENSURING COMPLIANCE.—Not later than 2 years after the date of the enactment of this Act, the Archivist shall promulgate the regulations required under section 2912(b) of title 44, United States Code, as added by subsection (a).

(c) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

(1) AGENCY REPORT TO ARCHIVIST.—Not later than one year after the date of the enactment of this Act, the head of each Federal agency shall submit to the Archivist a report on the agency's compliance with the regulations promulgated under section 2912 of title 44, United States Code, as added by subsection (a), and shall make the report publicly available on the website of the agency.

(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under section 2912(a) of title 44, United States Code, as added by subsection (a), and shall make the report publicly available on the website of the agency.

(3) FEDERAL AGENCY DEFINED.—In this subsection, the term "Federal agency" has the meaning given that term in section 2901 of title 44, United States Code.

(d) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 29 of title 44, United States Code, is amended by adding after the item relating to section 2911 the following new item:

"2912. Preservation of electronic messages and other records."

(e) DEFINITIONS.—Section 2901 of title 44, United States Code, is amended—

(1) by striking "and" at the end of paragraph (14); and

(2) by striking paragraph (15) and inserting the following new paragraphs:

"(15) the term 'electronic messages' means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

"(16) the term 'electronic records management system' means software designed to manage electronic records, including by—

"(A) categorizing and locating records;

"(B) ensuring that records are retained as long as necessary;

"(C) identifying records that are due for disposition; and

"(D) ensuring the storage, retrieval, and disposition of records."

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

(1) IN GENERAL.—Section 2206 of title 44, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) provisions for establishing standards necessary for the economical and efficient management of electronic Presidential records during the President's term of office, including—

"(A) records management controls necessary for the capture, management, and preservation of electronic messages;

"(B) records management controls necessary to ensure that electronic messages are readily accessible for retrieval through electronic searches; and

"(C) a process to ensure the electronic records management system to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B)."

(2) DEFINITIONS.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraphs:

"(6) The term 'electronic messages' has the meaning given that term under section 2901(15).

"(7) The term 'electronic records management system' has the meaning given that term under section 2901(16)."

(b) CERTIFICATION OF PRESIDENT'S MANAGEMENT OF PRESIDENTIAL RECORDS.—

(1) CERTIFICATION REQUIRED.—Chapter 22 of title 44, United States Code, is amended by adding at the end the following new section:

"§ 2210. Certification of the President's management of Presidential records

"(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the electronic records management controls established by the President meet requirements under sections 2203(a) and 2206(5).

"(b) REPORT TO CONGRESS.—The Archivist shall report annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the status of the certification."

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

“2210. Certification of the President’s management of Presidential records.”.

(c) REPORT TO CONGRESS.—Section 2203(g) of title 44, United States Code, is amended by adding at the end the following new paragraph:

“(5) One year following the conclusion of a President’s term of office, or if a President serves consecutive terms one year following the conclusion of the last term, the Archivist shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on—

“(A) the volume and format of electronic Presidential records deposited into that President’s Presidential archival depository; and

“(B) whether the electronic records management controls of that President met the requirements under sections 2203(a) and 2206(5).”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. WALKER) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WALKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1376, the Electronic Message Preservation Act of 2017, introduced by the gentleman from Maryland (Mr. CUMMINGS), the ranking member of the Committee on Oversight and Government Reform. The Electronic Message Preservation Act of 2017 will ensure the Federal Government continues to take the necessary steps to modernize its recordkeeping.

Despite the significant shift to electronic communications over the last two decades, many Federal agencies are just now moving away from a print-to-file method of electronic record preservation. Using paper to preserve electronic records is inefficient, difficult to manage, difficult to search, and risks loss of the records. Paper-based systems can also increase the cost to the taxpayer.

At the end of 2016, the Office of Management and Budget began requiring agencies to preserve records electronically if they were created electronically. This bill codifies that requirement. This bill ensures agencies will continue to electronically manage

their records, where possible, and closes gaps in current law.

H.R. 1376 also requires electronic Presidential records be held to the same archival standards as those of executive agencies.

I would like to thank the gentleman from Maryland for his work on this important issue this Congress and in the previous Congress.

I encourage my colleagues to support the bill, and I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Electronic Message Preservation Act of 2017, and I want to thank Mr. GOWDY, our chairman, for getting this bill to the floor as he has today.

I introduced this bill with the goal of modernizing the Federal and Presidential Records Acts. This bill would require the Archivist of the United States to issue regulations mandating that all Federal agencies manage and preserve their email records electronically. This bill would help ensure that email records from Federal agencies and the White House are preserved.

According to an October 2017 report from the National Archives and Records Administration, approximately 46 percent of agencies continue to print and file paper copies of email messages. These records are more likely to get lost and are harder for agencies to retrieve during record searches under the Freedom of Information Act.

This bill would put into statute what agencies are already required to do under a directive issued by the Archivist and the Director of the Office of Management and Budget.

In 2016, the National Archives issued a document for agency records officers titled: “Why Agencies Need to Move Toward Electronic Recordkeeping.” The document identified a number of reasons, including long-term cost savings, information security, and more efficient and effective implementation of the Freedom of Information Act.

This bill also would require the Archivist to establish standards for the preservation and management of email records that are Presidential records and to certify annually that the White House has records management controls in place that meet those standards.

Under this bill, the Archivist must report 1 year after a President leaves office on whether the controls used by the President met the required standards. This legislation would provide accountability to encourage every President to have the controls in place that are necessary to preserve emails and other electronic records.

This bill has been passed by the House with bipartisan support several times before. I urge my colleagues to support the bill again today, and I hope that the Senate will act on the bill and send it to the President’s desk before the end of the year.

Mr. Speaker, I think the gentleman from North Carolina and I have laid

out very nicely exactly and eloquently what this bill is all about. It is very important that we modernize all of our systems in the Federal Government, and recordkeeping is so important.

We see it, particularly in our committee, the Oversight and Government Reform Committee, because we are constantly trying to get records and requesting records and occasionally subpoenaing records. So this is a way, I believe, to make that whole process more effective, efficient, and transparent.

Mr. Speaker, I yield back the balance of my time.

Mr. WALKER. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. WALKER) that the House suspend the rules and pass the bill, H.R. 1376.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GOOD ACCOUNTING OBLIGATION IN GOVERNMENT ACT

Mr. WALKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5415) to require agencies to submit reports on outstanding recommendations in the annual budget justification submitted to Congress, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5415

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Good Accounting Obligation in Government Act” or the “GAO-IG Act”.

SEC. 2. REPORTS ON OUTSTANDING GOVERNMENT ACCOUNTABILITY OFFICE AND INSPECTOR GENERAL RECOMMENDATIONS.

(a) REQUIRED REPORTS.—In the annual budget justification submitted to Congress, as submitted with the budget of the President under section 1105 of title 31, United States Code, the head of each agency shall include the following:

(1) A report listing each public recommendation of the Government Accountability Office that is designated by the Government Accountability Office as “open” or “closed, unimplemented” as of the date on which the annual budget justification is submitted.

(2) A report listing each public recommendation for corrective action from the Office of Inspector General of the agency for which no final action has been taken as of the date on which the annual budget justification is submitted.

(3) A report on the implementation status of each public recommendation described in paragraphs (1) and (2), which shall include the following:

(A) With respect to a public recommendation that is designated by the Government Accountability Office as “open” or “closed, unimplemented”—