



**CONGRESSIONAL BUDGET OFFICE
COST ESTIMATE**

August 29, 2016

**H.R. 2319
Electronic Message Preservation Act of 2015**

*As ordered reported by the House Committee on Oversight and Government Reform
on July 12, 2016*

H.R. 2319 would amend federal law concerning the preservation, storage, and management of records by federal agencies. The legislation would direct the National Archives and Records Administration (NARA) to issue regulations governing the preservation of e-mail and other electronic records in electronic format. The bill also would amend the Presidential Records Act to authorize NARA to manage the electronic records of the President.

Most of the provisions of H.R. 2319 would codify current practices of the federal government. Under the Federal Records Act, each agency is required to make and preserve records of its activities and to have appropriate systems to manage and preserve those records. The act also gives NARA the responsibility to oversee and issue guidance on managing federal records, including e-mail messages. In 2012, the Office of Management and Budget issued a Managing Government Records Directive (M-12-18) that requires all federal agencies to manage all of their e-mail in an electronic format by 2016. Although current NARA regulations require that government e-mail messages be stored electronically, NARA allows agencies to print and file paper copies of e-mail records.

Under the legislation, NARA would have 120 days to promulgate regulations and agencies would have two years to comply. After reviewing information provided by NARA, CBO expects that some agencies—mostly small independent agencies with fewer than 100 employees—will not be able to meet the 2016 deadline specified in the directive for using electronic systems to manage e-mail records. Thus, CBO estimates that implementing the bill would require those agencies to acquire additional computer hardware and software to meet the new requirements sooner than they otherwise would have. CBO estimates that implementing H.R. 2319 would cost about \$4 million dollars over the 2017-2021 period, for those acquisitions; such spending would be subject to the availability of appropriated funds. CBO also estimates that implementing other provisions of the bill regarding managing Presidential records would not have a significant effect on the federal budget.

The legislation also could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 2319 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2027.

H.R. 2319 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. The estimate was approved by Theresa Gullo, Assistant Director for Budget Analysis.