



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

April 12, 2018

### **H.R. 1376** **Electronic Message Preservation Act of 2017**

*As ordered reported by the House Committee on Oversight and Government Reform  
on March 15, 2018*

H.R. 1376 would direct the National Archives and Records Administration (NARA) to issue regulations governing the preservation of email and other electronic records in an electronic format. Under H.R. 1376, NARA would have 120 days to promulgate regulations and agencies would have two years to comply. The bill also would amend the Presidential Records Act to authorize NARA to manage the President's electronic records.

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. That act also requires NARA to oversee and issue guidance on managing federal records, including email messages. In 2012, the Office of Management and Budget issued Managing Government Records Directive (M-12-18), which required federal agencies to manage all email records in an electronic format by 2016. Although current NARA regulations require that government email messages be stored electronically, NARA allows agencies to print and file paper copies instead.

Using information from NARA, CBO estimates that implementing the bill would have no significant effect on federal spending because most of the provisions of H.R. 1376 would codify current practices. NARA anticipates that by December 2019 all federal agencies will have email and other electronic records stored electronically. Having NARA manage Presidential electronic records would not have a significant effect on the federal budget, according to the agency.

Enacting H.R. 1376 could affect direct spending by agencies that use fees, receipts from the sale of goods, and other collections to cover operating costs. Therefore, pay-as-you-go procedures apply. Because most agencies can adjust the amounts collected as their operating costs change, CBO estimates that any net changes in direct spending by those agencies would be insignificant. Enacting the bill would not affect revenues.

CBO estimates that enacting H.R. 1376 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2029.

H.R. 1376 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 reviewed by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.