

Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)

Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)

Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Fliner
Foster

Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Lynch

Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes

Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick

Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen

Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt

NOT VOTING—13

Baird
Boswell
Brown-Waite,
Ginny
Fossella

Hodes
Hulshof
Melancon
Pickering
Pryce (OH)

Renzi
Rush
Smith (TX)
Udall (CO)

Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon

Maloney (FL)
Maloney (NY)
Markey
Marshall
Matheson

Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano

Nunes
Paul
Pearce
Pence
Peterson (PA)

Royce
Ryan (WI)
Sali
Saxton
Scalise

Roskam
Royce
Ryan (WI)
Sali
Saxton

□ 1555

Messrs. YOUNG of Alaska, HAYES, LUCAS, TURNER, BUYER, and SAXTON changed their vote from “aye” to “no.”

So the previous question was ordered. The result of the vote was announced as above recorded.

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER. The Chair would ask the House to observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan, their families, and all who serve in our Armed Forces.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Without objection, 5-minute voting will continue. There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5811, ELECTRONIC MESSAGE PRESERVATION ACT

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 193, not voting 12, as follows:

[Roll No. 475]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)

Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello

Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth

Green, Al
Green, Gene
Grijalva
Gutiérrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchev
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslie
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin

McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Oliver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger

NAYS—193

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cohen (OK)
Conaway
Crenshaw
Cubin
Culberson

Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill

Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)

Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert

Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder

NOT VOTING—12

Baird
Boswell
Brown-Waite,
Ginny
Fossella

Hulshof
McMorris
Rodgers
Melancon
Pickering

Pryce (OH)
Renzi
Rush
Udall (CO)

□ 1606

Mr. FEENEY changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 362

Mr. CLAY. Mr. Speaker, I ask unanimous consent to withdraw my name as a cosponsor of House Concurrent Resolution 362.

The SPEAKER pro tempore (Mr. SALAZAR). Is there objection to the request of the gentleman from Missouri? There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6304. An act to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

ELECTRONIC MESSAGE PRESERVATION ACT

Mr. CLAY. Mr. Speaker, pursuant to House Resolution 1318, I call up the bill (H.R. 5811) 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, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5811

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 Communications Preservation Act”.

SEC. 2. PRESERVATION OF ELECTRONIC COMMUNICATIONS.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC COMMUNICATIONS.—

(1) IN GENERAL.—Chapter 31 of title 44, United States Code, is amended by adding at the end the following new section:

“§3108. Electronic communications

“(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic communications that are records. Such regulations shall, at a minimum—

“(1) require the electronic capture, management, and preservation of such electronic records;

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

“(3) establish mandatory minimum functional requirements and a software certification testing process to certify electronic records management applications to be used by Federal agencies for purposes of complying with the requirements in paragraphs (1) and (2); and

“(4) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

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

“(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

“(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

“(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

“(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency’s compliance with the regulations promulgated under this section.

“(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 this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 31 of title 44, United States Code, is amended by adding after the item relating to section 3107 the following new item:

“3108. Electronic communications.”.

(b) DEFINITION OF ELECTRONIC RECORDS MANAGEMENT APPLICATION.—Section 2901 of title 44, United States Code, is amended—

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

(2) by striking the period at the end of paragraph (15) and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(16) the term ‘electronic records management application’ means a software system designed to manage electronic records within an information technology system, includ-

ing by categorizing and locating records, identifying records that are due for disposition, and storing, retrieving, and disposing of records stored in a repository.”.

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 (4);

(B) by striking the period at the end of paragraph (5) 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 Presidential records during the President’s term of office, including—

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

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

“(C) a software certification testing process to certify the electronic records management application to be used by the President for the purposes of complying with the requirements in subparagraphs (A) and (B).”.

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

“(6) The term ‘electronic records management application’ has the meaning provided in section 2901(16) of this title.”.

(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:

“§2208. Certification of the President’s management of Presidential records

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

“(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 for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

“2208. Certification of the President’s management of Presidential records.”.

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

“(4) 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 Presidential records deposited into that President’s Presidential archival depository; and

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

(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 House Resolution 1318, the

amendment in the nature of a substitute printed in the bill is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 5811

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”.

SEC. 2. PRESERVATION OF ELECTRONIC MESSAGES.

(a) REQUIREMENT FOR PRESERVATION OF ELECTRONIC MESSAGES.—

(1) IN GENERAL.—Chapter 29 of title 44, United States Code, is amended by adding at the end the following new section:

“§2911. Electronic messages

“(a) REGULATIONS REQUIRED.—Not later than 18 months after the date of the enactment of this section, the Archivist shall promulgate regulations governing agency preservation of electronic messages that are 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 of this title;

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

“(3) establish mandatory minimum functional requirements for electronic records management systems to ensure compliance with the requirements in paragraphs (1) and (2);

“(4) establish a process to certify that Federal agencies’ electronic records management systems meet the functional requirements established under paragraph (3); and

“(5) include timelines for agency compliance with the regulations that ensure compliance as expeditiously as practicable but not later than four years after the date of the enactment of this section.

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

“(c) COMPLIANCE BY FEDERAL AGENCIES.—Each Federal agency shall comply with the regulations promulgated under subsection (a).

“(d) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under this section.

“(e) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

“(1) AGENCY REPORT TO ARCHIVIST.—Not later than four years after the date of the enactment of this section, the head of each Federal agency shall submit to the Archivist a report on the agency’s compliance with the regulations promulgated under this section.

“(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 this section.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 29 of title 44, United States Code, is amended by adding after the item relating to section 2910 the following new item:

“2911. Electronic messages.”.

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

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

(2) by striking the period at the end of paragraph (15) and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(16) the term ‘electronic messages’ means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

“(17) the term ‘electronic records management system’ means a software system designed to manage electronic records within an information technology system, 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) 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 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 certify 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) DEFINITION.—Section 2201 of title 44, United States Code, is amended by adding at the end the following new paragraphs:

“(5) The term ‘electronic messages’ has the meaning provided in section 2901(16) of this title.

“(6) The term ‘electronic records management system’ has the meaning provided in section 2901(17) of this title.”.

(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:

“§2208. Certification of the President’s management of Presidential records

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

“(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 for chapter 22 of title 44, United States Code, is amended by adding at the end the following new item:

“2208. Certification of the President’s management of Presidential records.”.

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

“(4) 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 Presidential records deposited into that President’s Presidential archival depository; and

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

(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. The gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. CLAY. Mr. Speaker, at this time I would like to recognize and yield 5 minutes to the chairman of the Committee on Oversight and Government Reform, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 5811, the Electronic Message Preservation Act of 2008, and I want to thank Representatives CLAY and HODES for their commitment to oversight and accountability and for their hard work on this bill.

The Electronic Message Preservation Act amends both the Federal Records Act and the Presidential Records Act to ensure the preservation of e-mail records.

In recent years, e-mail has become an essential form of communication and a key source of information about Federal decision-making. Despite the importance of these records, serious deficiencies exist in the way e-mails are preserved both by the White House and Federal agencies. The preservation of these records must be improved if historians are to have access to a complete record of government decision-making and if Congress is to perform needed oversight.

Under President Bush, the White House has allowed senior officials to use nongovernmental e-mail accounts maintained by the Republican National Committee for official business. An investigation by the Committee on Oversight and Government Reform found that many of these e-mails have been destroyed. Other e-mails have been lost because the White House relied for 5 years on an e-mail archiving system described as “primitive” by a former White House information technology officer.

While the problems have been particularly acute under the Bush administration, other administrations, including President Clinton, have also encountered problems preserving e-mail records.

To ensure that these Presidential records are appropriately preserved,

H.R. 5811 directs the Archivist to establish standards for the capture, maintenance and preservation of e-mail records and to certify that the White House is meeting these standards.

Committee investigations have also revealed that Federal agencies are inconsistent in the management of e-mail records. Most agencies still rely on an unreliable “print and file” process to preserve e-mail records rather than preserving them electronically.

GAO, in a report released yesterday, found that senior agency officials are not compliant with key e-mail preservation requirements. GAO reviewed the practices of senior agency officials and determined that the e-mails were not retained in adequate record keeping systems, making the e-mail records easier to lose or delete and harder to find and use.

This bill would modernize agency record keeping. The bill directs the Archivist to issue regulations mandating that within 4 years of the enactment of this legislation, all Federal agencies manage and preserve their e-mail records electronically.

Mr. Speaker, some have said that this bill is about preserving history. And it is. But it also is about our constitutional responsibility for oversight and for holding this and any administration accountable. Access to Presidential and Federal records helps us do our job. I urge all Members to support this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5811, the Electronic Message Preservation Act would require the preservation of certain electronic records by Federal agencies and certification in reports by the National Archives relating to Presidential records.

Why are we taking up this bill? We have been out of session for more than a week. We have been getting ready for a month-long recess, and this is the best they can offer to discuss on the House floor? This is the major bill of the week? Not the housing crisis, not gasoline prices, not retirement security for baby boomers, we are here today to talk about preservation of electronic records in Federal agencies.

□ 1615

This is the best they can come up with?

And though the answer to that is appropriately “yes,” this bill doesn’t take the right approach. As I said many times, secure information is the lifeblood of effective government. And more often than not, in today’s society, information takes the form of electronic transmissions and e-mails.

I have personally spent years focusing on government-wide information management and policy and have consistently encouraged the Federal Government to continue to embrace digital government, expand e-government initiatives and find more ways to leverage information technology.

With more and more of the government's business conducted electronically, we need to make sure our records are protected and preserved. Effective government is essential, and an effective government depends not only on secure information but on an accurate record.

The majority substitute amendment at markup addressed certain technical definitional concerns that we raised. It clarified that the legislation would apply to electronic messages rather than electronic communications and provided a workable definition of "electronic messages." Similarly, based on comments from the National Archives that the term "electronic records management applications" may limit agencies' abilities to adopt changing technologies, the amendment clarified that agencies and the White House should rely on broadly defined electronic records management systems to manage records.

At that time, I urged the chairman to continue to refine this bill to make sure that we got it right on issues like managing the cost of preserving unknown, but presumably vast, electronic databases, how to include emerging media in a system, and the functional parameters of any requirement that voluminous and varied data be "searchable." Those issues have not been addressed in any meaningful way in the markup.

In addition, several issues raised by the Archives and the White House remain unresolved as well. For example, Archives believes that the annual certification requirement is unprecedented and would be a significant departure from accepted and long-standing practice. Also, there are several clarifications of terms and definitions asked for by the Archives which are not addressed in the bill we're taking up today.

In addition, among other things, the White House views the bill as overturning the historical distinction in law between agency records and Presidential records, and the Statement of Administration Policy issued yesterday reiterates the White House's veto threat.

Now, we have to remember the White House in this case is protecting the "institution," not the Bush administration. This bill doesn't affect the current administration. And our interests here are institutional as well. But if we want to legislate, we should do it appropriately and thoughtfully, not in some needless rush to somehow punish an administration that won't even be affected by this bill.

I'm not certain that this bill is the appropriate legislation, but I do believe legislation is necessary in this area. And I want to work with Chairman WAXMAN and the White House and the Archives on a bill that will give appropriate guidelines to agencies and the White House on preserving electronic records.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield 5 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank my distinguished colleague, Mr. CLAY, for his leadership along with Mr. WAXMAN on this bill.

I rise today in strong support of H.R. 5811, the Electronic Message Preservation Act. My colleague from Virginia has said that the Archivist suggests that the requirement for certification under this bill is unprecedented. Well, this bill is filed, in part, as a response to White House practices that have been unprecedented and show clearly the need for this legislation. The documents, which include e-mails, correspondence, memos produced by an administration belong not to the President but to the people of the United States.

This bill will help ensure that these records are preserved properly for our future generations, and more importantly, this bill will help lift the veil of secrecy that has fallen over our government under this administration.

Every day the President and his staff generate thousands of documents on the issues confronting our Nation. These documents contain important insights into the way that our government is making decisions that affect our lives. Why are those decisions being made? Who benefits? Who gets to influence our government leaders?

We have serious concerns about the way the White House is preserving these documents, or not preserving them, and whether the true purpose of not preserving them is to hide the dealings from the American people. Through the investigations by the House Oversight and Government Reform Committee, we have learned that the White House lost hundreds of days of e-mail records between the years 2003 and 2005. Additionally, it appears that senior officials in the White House have been found to be skirting the historical record laws by using an e-mail system provided by the Republican National Committee for most of their e-mail correspondence.

For example, Karl Rove, former Deputy Chief of Staff, is said to have used the RNC system for 95 percent of his e-mail correspondence to which the American people will never have access. Under the Presidential Records Act, the President has the sole authority to manage his records during his time in office. The General Accountability Office found that this administration did not keep records as it was required to.

So the question becomes: What were they trying to hide? It is no surprise that the administration that leaked Valerie Plame's covert identity and organized propaganda to promote a war in Iraq is evading record-keeping practices to hide information from the American people. This is arguably partisan politics at its worse, and the only remedy is more accountability and more sunshine. The Electronic Message

Preservation Act will help to make sure that these important records are kept and help shine light on what our government is doing and why.

Mr. Speaker, I would like to enter for the RECORD a letter supporting this legislation that brings accountability back to the White House. The letter was signed by a number of groups that advocate for an open, transparent government, including the Government Accountability Project and openthegovernment.org.

Mr. Speaker, the Bush administration has been one of the most secretive and least transparent and most closed in American history. We still don't know what was said in closed-door meetings with Big Oil executives to set our energy policy, and today, we suffer from record-high gas prices. The secrecy in the White House has prevented officials in the White House from being held accountable to the American people.

The Electronic Message Preservation Act will reform White House record keeping and allow the American people to have confidence that future administrations will not be able to hide the truth from the people of this country or from history.

JULY 9, 2008.

Hon. HENRY WAXMAN

Chair, House Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN WAXMAN: We are writing to support the passage of H.R. 5811, the Electronic Message Preservation Act.

Investigations and reports by your Committee and by several nonprofits document the significant deficiencies in the preservation of e-mail by the federal government. H.R. 5811 directs the Archivist of the United States to establish standards for the capture, management, and preservation of White House e-mails and other electronic communications and to issue regulations requiring agencies to preserve electronic communications in an electronic format. This legislation demonstrates that Congress is paying attention to this serious issue, and taking steps to begin addressing the systemic problems with electronic records in general and electronic communications records that the federal agencies and the White House have failed for too long to address.

Thank you for your leadership on this critical aspect of government management and accountability. We look forward to working with you on this and other issues in the future.

Sincerely,

American Association of Law Libraries, American Library Association, Association of Research Libraries, Common Cause, Essential Information, Freedom of Information, Oklahoma, Government Accountability Project (GAP), iSolon.org, Liberty Coalition, National Coalition Against Censorship, National Coalition for History, Mine Safety and Health News, and Minnesota Coalition on Government Information.

Mississippi Center for Freedom of Information, National Freedom of Information Coalition, National Security Archives, National Press Club, 9/11 Research Project, Open TheGovernment.org, Peacefire, People For the American Way, Project on Government Oversight (POGO),

ReadtheBill.org Foundation, Society of Professional Journalists, and Washington Coalition for Open Government.

Mr. DAVIS of Virginia. Let me just note that as the chairman noted in his opening remarks, this was not just a Bush administration issue, this was a Clinton administration issue as well. Over 2 million e-mails were lost from the Vice-President's office, according to the GAO.

There has been a great deal of attention paid to the White House e-mails, and the chairman and I are both working to make sure we can preserve all the records from this administration. We've had a long-going investigation on the committee, and a lot of Bush bashing here today has become a personal hobby or even a crusade for some.

I understand the desire to pass legislation and score points, but I hope my colleagues recognize that this bill does nothing today to this administration. This doesn't take effect until the next administration. It's effective 1 year after enactment. So keep in mind these provisions affect the next President and the next administration for which there is no guidance for the White House, and that's why the need for legislation is there.

Our objection and concern, and something we hope to work with the majority on, is that this legislation is currently too broad and it gives unlimited authority to the Archivist who doesn't even want it. There's got to be a better medium to be able to do that. But if we're going to be in the games of blasting the administration which this will not even apply to, we can play the game, too.

I would yield at this point 4 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding, and I rise in opposition to this bill for the reasons stated by the gentleman from Virginia. We could have had a bill here with bipartisan support dealing with the problems as they truly exist, but instead, we have this bill on the floor.

The gentleman that just spoke on the other side of the aisle talked about the fact that we had unprecedented action by this administration and therefore we need to act. The fact of the matter is that what is unprecedented, what is unprecedented is the tremendous increase that we have had in the cost of gasoline to average Americans back home.

I just got back from my district. I had two town hall meetings. I met with people at a local gas station. I talked with many, many other people. They didn't want to know about what we were going to do about electronic record keeping, and I do disappoint the gentleman. That was not on the tip of their tongues. That was not in the back of their brain. They never even thought about it. Frankly, they think we could do that some time else. As a matter of fact, since this bill doesn't take place

until another year, we could do it another time.

What we should be doing here is responding to the American people who are saying, When are you people going to get your act together?

So I came back hoping that I could find the electronic communications, the secret e-mails of the Democratic leadership as to what we're going to do about energy. And what I found was the statement by one of the aides to one of the top Democrat leaders, and this is their energy plan: Right now, our strategy is drive small cars and wait for the wind. Drive small cars and wait for the wind.

I hope everybody across this land understands what the Democratic plan for energy appears to be. It basically means, listen, to those of you back home, sit down and shut up; you don't know what you're talking about. We've got more important things to do. We have to rush back and deal with the electronic record keeping bill because that is what is going to be most important to the American people.

Now, I don't know about you, but I haven't found a single person in my district who drives with a wind-driven car. And I'm all for wind energy, and I'm all for solar energy. They want to know when we're going to do something about bringing the cost down.

Now soon, we might hear from the Democratic side they're going to bring a bill to suspend the laws of economics, and they're going to tell us that supply and demand no longer prevail. Maybe that's the new magic we're waiting for. But that won't satisfy the people in my district. I'm in a small community in the foothills. The people I met in the Delta, in Rio Vista, the folks I met in Citrus Heights, the folks I was talking to in the Sacramento area, they demand that we do something now. And what we ought to be doing is drill here. That's in America. Drill now. Not 10 years from now. And pay less.

Now you can hear all the arguments that it's not going to make any difference. If it's not going to make any difference, why do we hear from the Speaker of the House that their first step with dealing with this is to empty the Strategic Petroleum Reserve claiming that that's going to make a big impact on the world market? At least they're saying that supply does matter. If supply really matters, then let's not tell the American people, as we hear now from the Democrats, drive small cars and wait for the wind, or as we hear from the Senator from Illinois who said that he's not so upset about the price of gasoline going up, it's that it went up so fast. It would have been better for us if the price of gasoline had gone up more slowly and continued on. That's not an energy policy.

So while I respect the work of the chairman of the subcommittee and the committee on this issue, and as important as electronic message preservation is, it pales, it pales compares to the energy needs of the American peo-

ple. And certainly we can do better. We ought to demand we do better. We ought to do better or not go home at all.

Mr. CLAY. Mr. Speaker, to get back to the subject matter before the House, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

□ 1630

Mr. WAXMAN. Thank you very much for yielding.

The issue of energy is very much related to this question of e-mails and the preservation of the records. Now, why do we have our energy problems in this country? Suddenly Republicans are saying, notwithstanding the fact that they have run this government for 7½ years, the Democrats, the Democrats are at fault.

Well, let me point out that as soon as President Bush came into office, he asked Vice President CHENEY to chair an energy task force, and they operated in secrecy. We don't know exactly who they heard from or what they were asked to do, but we know that the legislation that the administration requested from the Congress was for billions of dollars to be given to the oil, gas, coal, and nuclear industries, industries that are making record profits.

Now, at that same time, those of us from California were having a very difficult situation because energy wholesalers, including Enron, were holding back supplies in order to drive up the price, and we all met with Vice President CHENEY. And you know what he said to us, The reason you're having high prices of electricity is because of environmental laws. And we said, No, it's because we're being taken to the cleaners by Enron and other energy wholesalers. And he said, No, it's not true. Well, when we did our investigations on Enron, we found out it was exactly what was happening.

Now, the point I want to make is we don't know what went on with this administration's deliberations for energy policy. We know that they've all failed. We wouldn't have the high price of gas today if they had done their job of getting us off our reliance on oil because we're so dependent now on bringing in oil from overseas. Even if we drill every possibility in the United States, we'd still be importing oil from places that are very vulnerable and are very hostile to us.

But this energy task force, and this administration, proposed benefits for the oil companies and no policies to help us get out of that dependence on foreign oil and domestic oil, to look for alternatives, to look for conservation, to do something other than drill, drill, drill, and make the oil companies more profitable.

And when we tried to find out what went on, we couldn't get the e-mails. We couldn't look at the e-mails. And why? Well, do you know why? Because they weren't using e-mails from the government of the United States while they were doing government business.

They were using the e-mails of the Republican National Committee. Are they doing Party business or are they doing government business?

That's one of the reasons we need this bill, and we need to get away from this partisanship on the question of high oil prices.

Mr. DAVIS of Virginia. Mr. Speaker, let me just note that, once again, getting back to the legislation at hand, which has not been discussed recently, the Archivist, in testimony before the committee, noted that the cost of this bill could be billions of dollars before all is said and done. That money would come out of agency programs. That's money not spent on securing information. That's money for an open-ended and poorly defined initiative.

We want to better define this and work with the majority to do that, something I thought we had agreed to in the committee. We need to get a better hand on the price tag involved before we move forward.

I yield at this point 3 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. I thank the gentleman from Virginia for yielding, and, Mr. Speaker, I rise today to confirm what I'm hearing here.

We've got an energy crisis. Gas prices, food prices are through the roof, but the answer is to investigate. People at home in Raeford, North Carolina, and Laurinburg and Albemarle are telling me: Congress, legislate. Do what you need to do to get the price of gasoline down.

But I hear today we're going to investigate future Presidents and how they communicate. My concern, Mr. Speaker, as I listen to my constituents carefully at home is they're going to examine the records, electronic and otherwise, of this Congress, and they will see that we failed to legislate and do the four things that we need to do to drive down the price of gas.

Expand our nuclear capacity, it's clean. We need to have tar sands. We need to have coal turned into liquid and burn cleanly. We need to expand our refinery capacity because, as we import refined product, it costs us even more. And oh, by the way, exploration and drilling in areas where we have known reserves is something that we could stand together on the steps of this Capitol today and say we were going to do, and people around the world who watch signals, telling us where the price of energy is going, would see that America, the richest, the best, and the most powerful Nation in the world, is serious about becoming dependent of energy.

But no, Democrats, Republicans, I hear it off the floor of this House, Democrats want to do that, Republicans want to do that, yellow dogs, Blue Dogs, but the big dogs, the Democrat leadership, refuse to allow a vote on this floor that will do the four things that I'm talking about.

It's even in our own internal newspaper. It was there yesterday. Read it

and weep. We need to act. We have the ability, the capability, and the capacity to do that. And by the way, we must not, as we take the steps we need to take, let happen what has happened before, and that is, as we drive gas prices down, and we can—and there's a bill with my name on it that says any money that we derive from additional leases will be used for research and development for alternative sources of energy which are crucial.

So, Mr. Speaker, legislate, do it now, get gas prices down.

Mr. CLAY. Mr. Speaker, at this time, I yield 2 minutes to my good friend from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend Chairman WAXMAN and Representative CLAY for their recognition of this serious deficiency that we have in the way that we handle White House e-mails.

You know, the more I listen to this debate, the more convinced I am that we need H.R. 5811, the Electronic Message Preservation Act, and I'm convinced because even as we talk about energy, even as we talk about the solution to problems, and even as we talk about Blue Dogs and yellow dogs and big dogs, it seems to me that we ought to be able to know what the conversations are about in the White House. It seems to me that we ought to be able to look back historically and find out what was being discussed, what was being planned, what the deliberations were.

And as long as the level of secrecy exists, and I don't care which administration it is, then it means that the public does not know, and this bill simply opens up information and opportunity for the public to know.

I support it.

Mr. DAVIS of Virginia. I would yield 4 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I thank my friend from Virginia.

I rise in opposition to this. Here we are talking about e-mails from the White House and the executive branch when all we're hearing from the people in America is you've got to help us with energy prices.

Now, I realize there may be, if you look at enough e-mails from the White House, you may find out they're getting the same messages that all of us are getting: help us with energy prices, we're desperate.

Now, what I was hearing was from retailers, from restaurateurs, from people that are providing jobs, from people who have jobs and they're hanging on just by the skin of their teeth. They're union jobs, hardworking folks like that, that are just trying to make ends meet, and now they're at the end point where they're having to use their credit cards to pay for gas to get to the job so they can get paid so they can pay down their credit card enough to buy gas the next month. I'm seeing more and more people running out of gas on the interstate. They're getting des-

perate. And what is so sickening to me is knowing that in the last year all these different resources are becoming so much more clear that we have.

You know, we have been told, some of us, that there may be 900 billion to 1 trillion barrels of oil left in the entire Middle East, and then we hear that from that black shale that's in Utah, Colorado, and Wyoming, that we could recover three times that much at least in barrels of oil that could supply this Nation.

We've heard for all these decades now, for 3 decades, gee, let's don't go after ANWR, it will take 10, 15 years. Well, the latest information, as my friend from Alaska has pointed out, is there's a pipeline 74 miles away. It can be flowing to this country, this continental U.S., within 3 years.

And when you think about the Outer Continental Shelf, we may have more natural gas out there than any country in the world. We have been so blessed with natural resources, and yet, instead, we're making our citizens struggle just day-to-day to make ends meet. We're losing jobs. People are laying people off.

And I know—and I said this over a year ago—I know we have friends across the aisle who believe that perhaps even \$20 a gallon gasoline would be a good thing because it would save the planet because people would quit using it. And as Al Gore said, the internal combustion engine was the worst invention ever created for the destruction of man, something along those lines.

And the fact is, we do need to move to the alternative energy sources. We need to do that. But it's going to be 30, 40 years before we can get there, and in the meantime, it appears now we have enough natural resources, we could tell some of these other countries to kiss our backside and we don't need your fuel anymore. We can do it with what we have ourselves, and we ought to be doing that.

We ought to be doing coal-to-liquid. We ought to be using ANWR, and what's more, if you look at the royalties that could be obtained from all of that wealth of resources, we could cut taxes and create some of the programs that my friends across the aisle want to do. Do all of that with the massive revenue that would come in. Everybody would win, but until we get realistic and want to help folks, all we're going to be doing is talking about e-mails.

So let's do the right thing by the people that send us here. Let's help them with their energy costs. It is getting desperate, and it's time to put that word and all that wind being created—you talk about carbon emissions. There's no worse carbon emitter than this floor of the House of Representatives, gosh, with all the wind being generated.

But let's do something constructive and put it into action.

Mr. CLAY. Mr. Speaker, before returning to the subject matter before

the House, I yield myself as much time as I may consume.

I'm pleased to join my colleagues in the consideration of H.R. 5811, and H.R. 5811 seeks to modernize the requirements of the Federal Records Act and the Presidential Records Act to ensure the preservation of e-mails and other electronic messages.

This bill was introduced by Chairman WAXMAN, Representative HOLT and myself on April 15 and reported as amended from the committee on June 11. I want to thank Chairman WAXMAN and Representative HOLT for their dedication to this important issue.

Now, my friend from Virginia and others have made some statements that I would like to refute, and one is that this bill strikes a careful balance. It's not going after this administration, but the Act itself recognizes the President's authority to carry out the day-to-day management of his records. This bill preserves that framework.

The Federal Records Act gives the Archivist the authority to conduct inspection of agencies' record keeping programs, but the Presidential Records Act does not include such language. This bill does not give the Archivist any new authority to conduct inspections of Presidential records. And also, the Archivist has the expertise and the responsibility to determine how records should be managed and preserved and to certify that it is done properly.

The status quo of having those at the White House make the decisions has not worked, and so, therefore, Mr. Speaker, we know that this bill is needed. And that's why we have it under consideration on the floor today.

□ 1645

I urge my colleagues to safeguard our Nation's rich history. Therefore, I urge swift passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Let me again just say to my friend from Missouri and the chairman of the committee, we appreciate their efforts on this.

We all agree that this initiative has to be addressed, that from previous administrations from both parties there have been shortcomings in our ability to adequately preserve electronic records, that these administrations don't have the proper guidance from the outset. We recognize that this bill will not affect the current administration, it will affect the next administration.

I think the frustration on this side of the aisle comes from the fact that, although this is an important issue, that the most important issue in this country right now are the rising cost of fuels. And we can't have a debate on that because the leadership on the other side refuses to allow us votes on more domestic exploration. And the only meaningful energy debate that we can have on the House floor comes on this bill, to expand the National Ar-

chives' ability to preserve electronic records from the executive branch.

This is a great frustration, I think, not just on this side, but on the other side as well, to discuss this issue in a bipartisan manner, to debate this issue, to make the requisite compromises and accommodations to address this problem in a bipartisan manner, to include more alternative fuel options and more research and development in these areas, but also to include more domestic production and more conservation efforts. I think they're all part of it. And we are sitting here on, I think, issues that are important, but not nearly as important as the issues we're all hearing about when we go home.

To that end, I yield 4 minutes to the former chairman of the Transportation Committee, the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

This is an issue. And the frustration on this side—and it should be on that side—is on the lack of an energy policy that only Congress can solve.

I know there's a lot of talk. The Speaker just sent a letter to the President to use the SPR, as if that's going to solve the problem. That's not going to solve the problem. In fact, it will make the problem worse. We have to address the supply side of this issue, and we're not doing it.

The last time we produced any new energy on this floor was 1973 when we had an embargo and we had no fuel, so we passed the Trans-Alaskan Pipeline. In 1976, we produced the first barrel of oil to America from Alaska. In 3 years, we built an 800-mile-long pipeline 48 inches around. We built the terminus point in Valdez, and I wear that today on my tie. We drilled the wells and we built the collection lines to deliver that oil. And we got as high as 2.2 million barrels a day to the United States of America because we were under the threat at that time, the same threat we are today, of control by overseas forces, not forces of military fact, but in fact those that control our supply. At that time, we were importing 39 percent of our oil from overseas. Today, it's 70 percent. And we have done nothing in this Congress to relieve that problem.

Your constituents are paying for it today. There is no shortage of fuel. There is a high cost of fuel because we don't have the domestic capability of providing it. We need to have this debate on the floor. Let us stand up and be counted on both sides of the aisle who is for domestic production.

There is no shortage of fossil fuel in the United States of America. We have an abundance of it. We've had the lack of will to produce it. It was easier to buy it abroad. We just had a sale in Alaska, other than ANWR, in Chukchi Sea about \$2.6 billion from an oil com-

pany to try to develop it because there is a lot of argument on that side, well, they're not drilling the acreage they have now. You know why they're not drilling? Because your friends and your allies are filing suits not allowing them to drill, suits that say, oh, there's going to be polar bears affected or there's going to be some little other type of animal affected. In the meantime, your constituents are paying that \$4.62 a gallon. Yes, the oil did drop yesterday, but it will go up tomorrow and the next day because we are not supplying the oil to our people through the domestic source.

We have the shale that was mentioned in Utah and Wyoming and all the other areas, Colorado; huge amounts of oil. We have more coal in the United States than there is all around the world and we're not developing it. We have not had the will to develop it because this Congress sits by and talks about saving records of the past administration. Your bill may not do that, but this is what this is all about. And I'm saying that doesn't produce any gas. That doesn't help the truck driver. It costs \$2,000 to fill up one Peterbilt truck that delivers your food to your grocery store. Wait until that price starts hitting the prices in the grocery store, and it already has. The harvester who harvests the grain today now is paying sometimes as high as \$4 and \$5 for diesel fuel to run it. That's going to affect you, too.

We have not acted on this floor. And the responsible way of addressing the issue—now, some people will say we'll have the other forms of energy, wind and hippy-hoppies and that type of thing to solve the problem. But the reality is fossil fuels drive objects. It's the trucks, the planes, the trains, and the automobiles that deliver to your homes and your hospitals and your schools, and we must have that.

Yes, we can go into nuclear. Yes, we can go into wind. Yes, we can go into solar. And we can go to geothermal and hydro. We can do all those things and we should. My bill, H.R. 6107, to open ANWR—this, by the way, 12 times it passed this House floor. We won't have a vote on it this year, but we should have a vote. The one time we got it out of the Senate and Bill Clinton vetoed it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Virginia. I yield the gentleman 2 additional minutes.

Mr. YOUNG of Alaska. Bill Clinton vetoed it because he said it will take 10 years to produce it; ANWR, 10 years. That was 13 years ago. If we had built it then, we would have it pumping today over 1 million barrels a day, but no, he didn't do that.

Let me stress again, ANWR is, in fact, 74 miles away from the existing pipeline, 800 miles long, a terminus point and all the infrastructure in place, and we built that in 3 years. And if you don't think we can build a pipeline 74 miles away and drill the oil and

get it to that pipeline in 3 years, you're not studying this fact. It can be done for the American people.

I'm asking you on both sides, let's drill, let's develop our domestic sources for the good of America, the good of the Nation, and make sure we can go forth.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. Mr. Speaker, because of the inability to figure what the costs of this are, and that's from the Archivist's own testimony, money will be taken from other parts of the budget to pay for this until we can get a handle on it, including information security. And I would remind my friends that secure information is the lifeblood of effective government.

We all know there have been a wide range of incidents involving data loss or theft, privacy breaches and security incidents at Federal agencies. The protection of personal information at Federal agencies presents unique challenges. These recent data breach incidents demonstrate the importance of strengthening the laws and the rules protecting personal information held by Federal agencies.

And we can't address these issues after the fact. The evolving nature of cyber threats requires us to continually look for ways to improve government information privacy and security. We need to be proactive, not retroactive. I am concerned that the costs of this bill, being as nebulous as they are, without the regulations written and the like, will draw away from some of these other areas.

In summary, let me just say our concerns at this point are our inability to pin down the cost, which could be in the billions of dollars. The Archivist testified that the cost could be in the billions. The unlimited and unclear authority to the Archivist—who doesn't really want this authority in this particular case—to define it, these are issues that we can work on as it moves through. There are issues that need to be worked on. It's an issue that needs to be addressed. But I'm not comfortable with the way the legislation reads today.

Finally, we have to think about what we're doing here in shifting the Archivist from an advisory and collaborative role to that of a regulatory enforcer in a role that they have never had in the past.

Again, I think the legislation is a step forward in many ways, but it needs some refinement. We had hoped to be able to offer some amendments, but we just got word last Wednesday or Thursday this bill was on the floor. I didn't arrive back in town until Tuesday, when the deadline had expired, so we were not able, from our point of view—I was incommunicado—to address this, not having the advance warning, or we might have been able to address these through the amendment process.

At this point, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PE-

TERSON), who has been waiting patiently.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I've been listening to the discussion and the debate here. Having served in local government and State government and here in Washington, I find it unbelievable that we're talking about an issue that came from an energy discussion of the beginning of the Bush administration's e-mail records.

Back home people are struggling—and I live in a big rural area—to drive their cars. They're soon going to find out that natural gas prices are probably going to double by fall and the costs to heat their homes are going to double. My schools are going to pay twice as much to transport their children. They're going to pay twice as much to heat those schools. My hospitals are going to pay twice as much to heat those facilities and to transport patients. I'm losing the air service at my rural airports because you can't fly small planes with these fuel prices.

This country's economic base is crumbling as we talk here today because of exploding energy costs. We are not going to live in the country we were born in. Opportunity is not going to abound. Americans are frightened and concerned, and we're worried about e-mail records of a meeting 8 years ago.

I think our priorities are backwards. We passed an energy bill in '05 that was timid. I think this administration has been timid. We've had three administrations in a row that locked up our Outer Continental Shelf, the only modern country in the world to do that. We've had 14 Congresses in a row that have locked up the Outer Continental Shelf where there's huge resources.

I'm for all the wind we can produce. I'm for all the solar we can absorb. But if we double them both in the next 5 years, we're less than 1 percent of our energy need, and our energy need is growing more than 1 percent a year, so it can't even fill that gap.

Whether we like it or not, we need fossil fuels. We need coal, we need oil, we need gas—clean, green natural gas. I can't believe that people are afraid of drilling a gas well.

Natural gas is driving the blue collar jobs out of this country as we speak. Dow Chemical used to do 64 percent of its business in this country in 2000; they're now at 34 percent of their business in this country. They paid \$8 billion for gas in '02; they now pay \$8 billion in natural gas quarterly. They can't afford to be here, folks.

Americans can't afford to heat their older homes. They can't afford to drive their older cars. One hundred small trucking companies are going out of business every week because they can't afford fuel oil prices.

The working poor of this country are being destroyed economically. The middle class are going to become poor. Most people in this Congress won't feel much pain. They can afford to pay these prices. But I want to tell you, my neighbors can't. A young lady that

lives besides me drives 36 miles to work. She makes \$11 an hour.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DAVIS of Virginia. I yield the gentleman an additional 30 seconds.

Mr. PETERSON of Pennsylvania. She pays \$200 a month to heat her home, and she can't afford a doubling of those prices and she can't afford to drive to work. I can tell you story after story after story.

Mr. CLAY. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. Mr. Speaker, I think we have discussed this, and more, over the last few days.

I would just note that the frustration of some of our Members comes from the fact that we have massive issues facing this country; retirement of baby boomers and what this does to Federal budget deficits in the out years, and what this means to our future generation; American competitiveness, immigration, health care, and energy costs, and we're not dealing with them. We're kind of fiddling, sitting on this until after the election, and the public wants action now.

I would say this though, I would say to our chairman, he is moving ahead with items under his agenda. I appreciate him moving on this. I hope to work with him in the future, should this be successful, to try to strengthen this bill as it moves through.

I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, this bill addresses a real problem, and that is a government operating in secret. And it requires agencies to electronically preserve e-mail records.

Additionally, the bill has new requirements for the maintenance and preservation of e-mail records that are sent and received by Presidential advisers. The bill calls on the Archivist of the United States to establish standards for the management and preservation of these records.

It's ironic, Mr. Speaker, that the other side has talked about energy during this entire debate when this administration's energy policy was conducted in secret, which may explain why the country is in the position it is in now because there was no openness to the policy, and this certainly wasn't the correct path to take.

With that, Mr. Speaker, I hope we can go on and pass this bill and open up our government for public perusal.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this legislation. H.R. 5811, the Electronic Message Preservation Act, requires the preservation of certain electronic records by Federal agencies, requires a certification and reports relating to Presidential records, and requires that the information be readily retrieved through electronic searches.

E-mail, because of its nature, presents challenges to records management. First, the information contained in e-mail records is not uniform: it may concern any subject or function and document various types of transactions. As a result, in many cases, decisions on which e-mail messages are records must

be made individually. Second, the transmission data associated with an e-mail record—including information about the senders and receivers of messages, the date and time the message was sent, and any attachments to the messages—may be crucial to understanding the context of the record. Third, a given message may be part of an exchange of messages between two or more people within or outside an agency, or even of a string (sometimes branching) of many messages sent and received on a given topic. In such cases, agency staff need to decide which message or messages should be considered records and who is responsible for storing them in a recordkeeping system. Finally, the large number of federal e-mail users and high volume of e-mails increase the management challenge.

Preliminary results of GAO's ongoing review of e-mail records management at four agencies show that not all are meeting the challenges posed by e-mail records. Although the four agencies' e-mail records management policies addressed, with a few exceptions, the regulatory requirements, these requirements were not always met for the senior officials whose e-mail practices were reviewed. Each of the four agencies generally followed a print and file process to preserve e-mail records in paper-based recordkeeping capabilities. (Among other things, a recordkeeping system allows related records to be grouped into classifications according to their business purposes.) Unless they have recordkeeping capabilities, e-mail systems may not permit easy and timely retrieval of groupings of related records or individual records. Further, keeping large numbers of record and nonrecord messages in e-mail systems potentially increases the time and effort needed to search for information in response to a business need or an outside inquiry, such as a Freedom of Information Act request. Factors contributing to this practice where the lack of adequate staff support and the volume of e-mail received. In addition, agencies had not ensured that officials and their responsible staff received training in recordkeeping requirements for e-mail. If recordkeeping requirements are not followed, agencies cannot be assured that records, including information essential to protecting the rights of individuals and the Federal Government, are being adequately identified and preserved. H.R. 5811 ensures that these records will be kept properly. I support this legislation and urge my colleagues to do likewise.

□ 1700

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 1318, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DAVIS of Virginia. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Tom Davis moves to recommit the bill H.R. 5811 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following new sections:

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall include the following prohibitions:

(1) No person, other than personnel of the National Archives and Records Administration (in this section hereafter referred to as "NARA personnel"), shall view classified records in any room that is not secure except in the presence of NARA personnel or under video surveillance.

(2) No person, other than NARA personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than NARA personnel, shall conduct any review of documents while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility.

(b) DEFINITION OF RECORDS.—In this section, the term "records" has the meaning provided in section 3301 of title 44, United States Code.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

"(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review, retention, removal, or destruction of records of the Archives."

Mr. DAVIS of Virginia (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the motion be dispensed with.

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

Mr. WAXMAN. I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of the motion.

Mr. DAVIS of Virginia. Mr. Speaker, this motion to recommit would ensure that the integrity of the public record is preserved from people who abuse their positions and remove highly sensitive records from the National Archives.

Secure and accurate information is the lifeblood of effective government.

There has been a wide range of incidents involving data loss, theft, privacy breaches. But more troubling is that some seek to tamper with or corrupt the official records of this Nation, to rewrite history, if you will.

Our goal here is to protect the integrity of the public record. Under this motion the Archivist of the United States shall prescribe internal procedures to prevent unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically.

First, we set forth a number of procedures to ensure these records remain secure. Second, we close a loophole in the Presidential Records Act that allows those previously convicted of unauthorized removal of classified materials back into the archives where they could do more damage. If a person has demonstrated propensity to commit crimes relating to the removal and destruction of classified Federal records, we should take the simple step of blocking their access in the future.

The professionals at the National Archives are serious-minded historians and are not well suited to the role of police officer or security guard. The motion states that the archives shall not make available any original Presidential records to any person convicted of a crime involving the review, retention, removal, or destruction of archives records. This prohibition extends to individuals with special designations by former Presidents. In short, if you're convicted of mishandling classified materials, we want to remove you from the pool of people coming to the archives. You're a risk, and we are obligated to mitigate risks of this type.

I would like to note that this second provision passed the House in identical form over a year ago as part of H.R. 1255, the Presidential Records Act, which still has not been enacted into law, by a vote of 333-93.

If we are serious about preserving and protecting the historical records of the Nation, we must vote in favor of this motion to recommit. I urge my colleagues to support it.

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

Mr. WAXMAN. Mr. Speaker, I wish to speak on the motion to recommit.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. Mr. Speaker, I want to point out to everyone who is listening to this debate that fundamentally this bill is about accountability and preventing cover-up. On the Oversight Committee, we have seen firsthand how destruction of e-mails frustrates accountability and allows officials to hide wrongdoing.

We investigated Jack Abramoff's contacts with the White House. We saw

that Abramoff told his colleagues that he used the Republican National Committee e-mail accounts when he was dealing with White House officials so that his communications would remain secret. This bill shuts down that loophole. It says Jack Abramoff can't send secret e-mails to White House officials.

We tried to investigate the false intelligence that led to the war in Iraq, but this investigation did not have access to Karl Rove's e-mails because they were destroyed. This bill says that Karl Rove's e-mails have to be preserved and not destroyed.

We tried to investigate the Cheney Energy Task Force, which gave us the energy policy this Nation has followed under President Bush for the last 7½ years, which I believe has led to these incredible high prices for energy. But once again we needed access to the e-mails to understand what deals were cut with the special interests, including at that time Enron, which played a very active role on Vice President CHENEY's Energy Task Force.

A vote for this bill will make sure that the White House cannot hide its abuses. What we need is for this bill to pass so we can have honest and open and accountable government. That's why this legislation is before us today.

Of course, we don't know what the motion to recommit is until the very last minute; so we have to prepare for whatever may come. This is not a motion to recommit that would destroy the bill, and I appreciate that fact. It's a motion to recommit that, by and large, I think makes sense, and why it wasn't offered as an amendment leaves me perplexed. I do have some minor concerns about the motion to recommit, but that can be worked out in conference. This should have been brought up as an amendment to the bill. But, in effect, a motion to recommit is a motion to amend the bill. And since I do not oppose, in effect, the amendment that's being offered, I will join in support of this motion to recommit because this bill is too important. I know it was minimized a lot in the debate where people said why are we talking about e-mail preservation when we should be talking about drilling in Alaska and off the coast of the United States? Well, they are related because had we been able to have the Energy Task Force, chaired by CHENEY, Vice President CHENEY, we could have found out how we had this policy decided, and now that we're saddled with it, we could have done something about it 7½ years ago.

I will join in support of this motion to recommit, and I will urge my colleagues to vote for it so we can get the bill passed with this amendment that's being offered to it. I urge a vote for the motion.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; motions to suspend the rules on H.R. 3329 and H.R. 6184.

The vote was taken by electronic device, and there were—yeas 419, nays 1, answered "present" 2, not voting 12, as follows:

[Roll No. 476]

YEAS—419

Abercrombie	Castor	Filner
Ackerman	Cazayoux	Flake
Aderholt	Chabot	Forbes
Akin	Chandler	Fortenberry
Alexander	Childers	Foster
Allen	Clarke	Foxx
Altmire	Clay	Frank (MA)
Arcuri	Cleaver	Franks (AZ)
Baca	Clyburn	Frelinghuysen
Bachmann	Coble	Gallely
Bachus	Cohen	Garrett (NJ)
Baird	Cole (OK)	Gerlach
Baldwin	Conaway	Giffords
Barrett (SC)	Conyers	Gilchrest
Barrow	Cooper	Gillibrand
Bartlett (MD)	Costa	Gingrey
Barton (TX)	Costello	Gohmert
Bean	Courtney	Gonzalez
Becerra	Cramer	Goode
Berkley	Crenshaw	Goodlatte
Berman	Crowley	Gordon
Berry	Cubin	Granger
Biggert	Cuellar	Graves
Bilbray	Culberson	Green, Al
Bilirakis	Cummings	Green, Gene
Bishop (GA)	Davis (AL)	Grijalva
Bishop (NY)	Davis (CA)	Gutierrez
Bishop (UT)	Davis (IL)	Hall (NY)
Blackburn	Davis (KY)	Hall (TX)
Blumenauer	Davis, David	Hare
Blunt	Davis, Lincoln	Harman
Boehner	Davis, Tom	Hastings (FL)
Bonner	Deal (GA)	Hastings (WA)
Bono Mack	DeFazio	Hayes
Boozman	DeGette	Heller
Boren	DeLahunt	Hensarling
Boucher	DeLauro	Hergert
Boustany	Dent	Herseth Sandlin
Boyd (FL)	Diaz-Balart, L.	Higgins
Boyd (KS)	Diaz-Balart, M.	Hill
Brady (PA)	Dingell	Hinchey
Brady (TX)	Doggett	Hinojosa
Bralley (IA)	Donnelly	Hirono
Broun (GA)	Doolittle	Hobson
Brown (SC)	Doyle	Hodes
Brown, Corrine	Drake	Hoekstra
Buchanan	Dreier	Holden
Burgess	Duncan	Holt
Burton (IN)	Edwards (MD)	Honda
Butterfield	Edwards (TX)	Hooley
Buyer	Ehlers	Hoyer
Calvert	Ellison	Hunter
Camp (MI)	Ellsworth	Inglis (SC)
Campbell (CA)	Emanuel	Inslee
Cannon	Emerson	Israel
Cantor	Engel	Issa
Capito	English (PA)	Jackson (IL)
Capps	Eshoo	Jefferson
Capuano	Etheridge	Johnson (GA)
Cardoza	Everett	Johnson (IL)
Carnahan	Fallin	Johnson, E. B.
Carney	Farr	Johnson, Sam
Carson	Fattah	Jones (NC)
Carter	Feeney	Jones (OH)
Castle	Ferguson	Jordan

Kagen	Mitchell	Scott (VA)
Kanjorski	Mollohan	Sensenbrenner
Kaptur	Moore (KS)	Serrano
Keller	Moore (WI)	Sessions
Kennedy	Moran (KS)	Sestak
Kildee	Moran (VA)	Shadegg
Kilpatrick	Murphy (CT)	Shays
Kind	Murphy, Patrick	Shea-Porter
King (IA)	Murphy, Tim	Sherman
King (NY)	Murtha	Shimkus
Kingston	Musgrave	Shuler
Kirk	Myrick	Shuster
Klein (FL)	Nadler	Simpson
Kline (MN)	Napolitano	Sires
Knollenberg	Neal (MA)	Skelton
Kucinich	Neugebauer	Slaughter
Kuhl (NY)	Nunes	Smith (NE)
LaHood	Oberstar	Smith (NJ)
Lamborn	Obey	Smith (TX)
Lampson	Olver	Smith (WA)
Langevin	Ortiz	Snyder
Larsen (WA)	Pallone	Solis
Larson (CT)	Pascrell	Souder
Latham	Pastor	Space
LaTourette	Paul	Speier
Latta	Payne	Spratt
Lee	Pearce	Stark
Levin	Pence	Stearns
Lewis (CA)	Perlmutter	Stupak
Lewis (GA)	Peterson (MN)	Sullivan
Lewis (KY)	Peterson (PA)	Sutton
Linder	Petri	Tancredi
Lipinski	Pitts	Tanner
LoBiondo	Platts	Tauscher
Loeb sack	Poe	Taylor
Lofgren, Zoe	Pomeroy	Terry
Lowey	Porter	Thompson (CA)
Lucas	Price (GA)	Thompson (MS)
Lungren, Daniel	Price (NC)	Thornberry
E.	Putnam	Tiahrt
Lynch	Radanovich	Tiberi
Mack	Rahall	Tierney
Mahoney (FL)	Ramstad	Towns
Maloney (NY)	Rangel	Tsongas
Manzullo	Regula	Turner
Marchant	Rehberg	Udall (NM)
Markey	Reichert	Upton
Marshall	Reyes	Van Hollen
Matheson	Reynolds	Velázquez
Matsui	Rodriguez	Visclosky
McCarthy (CA)	Rogers (AL)	Walberg
McCarthy (NY)	Rogers (KY)	Walden (OR)
McCaul (TX)	Rogers (MI)	Walsh (NY)
McCollum (MN)	Rohrabacher	Walz (MN)
McCotter	Ros-Lehtinen	Wamp
McCrery	Roskam	Wasserman
McDermott	Ross	Schultz
McGovern	Rothman	Watson
McHenry	Roybal-Allard	Watt
McHugh	Royce	Waxman
McIntyre	Ruppersberger	Weiner
McKeon	Ryan (OH)	Welch (VT)
McMorris	Ryan (WI)	Weldon (FL)
Rodgers	Salazar	Weller
McNerney	Sali	Westmoreland
McNulty	Sánchez, Linda	Wexler
Meek (FL)	T.	Whitfield (KY)
Meeks (NY)	Sanchez, Loretta	Wilson (OH)
Melancon	Sarbanes	Wilson (SC)
Mica	Saxton	Wittman (VA)
Michaud	Scalise	Wolf
Miller (FL)	Schakowsky	Woolsey
Miller (MI)	Schiff	Wu
Miller (NC)	Schmidt	Yarmuth
Miller, Gary	Schwartz	Young (AK)
Miller, George	Scott (GA)	Young (FL)

NAYS—1

Dicks

ANSWERED "PRESENT"—2

Jackson-Lee (TX) Waters

NOT VOTING—12

Andrews	Hulshof	Rush
Boswell	Pickering	Udall (CO)
Brown-Waite,	Pryce (OH)	Wilson (NM)
Ginny	Renzi	
Fossella	Richardson	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1739

Ms. ESHOO, Ms. KILPATRICK, Ms. WASSERMAN SCHULTZ, Mrs. NAPOLITANO and Messrs. COHEN, GUTIERREZ, SCOTT of Virginia, ROGERS of Alabama, GONZALEZ, AL GREEN of Texas and CARNAHAN changed their vote from “nay” to “yea.”

Ms. JACKSON-LEE of Texas changed her vote from “yea” to “present.”

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mrs. WILSON of New Mexico. Mr. Speaker, on rollcall No. 476, I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. CLAY. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 5811, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CLAY:

At the end of the bill, add the following new sections:

SEC. 4. PROCEDURES TO PREVENT UNAUTHORIZED REMOVAL OF CLASSIFIED RECORDS FROM NATIONAL ARCHIVES.

(a) IN GENERAL.—The Archivist of the United States shall prescribe internal procedures to prevent the unauthorized removal of classified records from the National Archives and Records Administration or the destruction or damage of such records, including when such records are accessed or searched electronically. The procedures shall include the following prohibitions:

(1) No person, other than personnel of the National Archives and Records Administration (in this section hereafter referred to as “NARA personnel”), shall view classified records in any room that is not secure except in the presence of NARA personnel or under video surveillance.

(2) No person, other than NARA personnel, shall at any time be left alone with classified records, unless that person is under video surveillance.

(3) No person, other than NARA personnel, shall conduct any review of documents while in the possession of any cell phone or other personal communication device.

(4) All persons seeking access to classified records, as a precondition to such access, must consent to a search of their belongings upon conclusion of their records review.

(5) All notes and other writings prepared by persons during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility.

(b) DEFINITION OF RECORDS.—In this section, the term “records” has the meaning provided in section 3301 of title 44, United States Code.

SEC. 5. RESTRICTIONS ON ACCESS TO PRESIDENTIAL RECORDS.

Section 2204 of title 44, United States Code (relating to restrictions on access to presidential records) is amended by adding at the end the following new subsection:

“(f) The Archivist shall not make available any original presidential records to any individual claiming access to any presidential record as a designated representative under section 2205(3) if that individual has been convicted of a crime relating to the review,

retention, removal, or destruction of records of the Archives.”

Mr. CLAY (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the amendment be waived.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SALI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 286, nays 137, not voting 11, as follows:

[Roll No. 477]

YEAS—286

Abercrombie	Cummings	Hirono
Ackerman	Davis (AL)	Hobson
Allen	Davis (CA)	Hodes
Altmire	Davis (IL)	Holden
Andrews	Davis, Lincoln	Holt
Arcuri	DeFazio	Honda
Baca	DeGette	Hooley
Baird	DeLauro	Hoyer
Baldwin	DeLauro	Inslee
Barrow	Dent	Israel
Bean	Diaz-Balart, L.	Jackson (IL)
Becerra	Diaz-Balart, M.	Jackson-Lee
Berkley	Dicks	(TX)
Berman	Dingell	Jefferson
Berry	Doggett	Johnson (GA)
Bilirakis	Donnelly	Johnson (IL)
Bishop (GA)	Doyle	Johnson, E. B.
Bishop (NY)	Edwards (MD)	Jones (NC)
Blumenauer	Edwards (TX)	Jones (OH)
Boren	Ellison	Kagen
Boucher	Ellsworth	Kanjorski
Boustany	Emanuel	Kaptur
Boyd (FL)	Engel	Keller
Boyd (KS)	English (PA)	Kennedy
Brady (PA)	Eshoo	Kildee
Bralley (IA)	Etheridge	Kilpatrick
Brown, Corrine	Farr	Kind
Buchanan	Fattah	Kirk
Butterfield	Filner	Klein (FL)
Capito	Fortenberry	Knollenberg
Capps	Foster	Kucinich
Capuano	Frank (MA)	Kuhl (NY)
Carnahan	Frelinghuysen	LaHood
Carney	Gallely	Lampson
Carson	Gerlach	Langevin
Castle	Giffords	Larsen (WA)
Castor	Gilchrest	Larson (CT)
Cazayoux	Gillibrand	Latham
Chabot	Gonzalez	LaTourette
Chandler	Gordon	Lee
Childers	Graves	Levin
Clarke	Green, Al	Lewis (GA)
Clay	Green, Gene	Lipinski
Cleaver	Grijalva	LoBiondo
Clyburn	Gutierrez	Loeback
Cohen	Hall (NY)	Lofgren, Zoe
Conyers	Hare	Lowey
Cooper	Harman	Lynch
Costa	Hastings (FL)	Mahoney (FL)
Costello	Heller	Maloney (NY)
Courtney	Herseth Sandlin	Markey
Cramer	Higgins	Marshall
Crowley	Hill	Matheson
Cuellar	Hinchey	Matsui
Culberson	Hinojosa	McCarthy (NY)

McCollum (MN)	Rahall	Spratt
McDermott	Ramstad	Stark
McGovern	Rangel	Stupak
McHugh	Reichert	Sutton
McIntyre	Reyes	Tanner
McMorris	Rodriguez	Tauscher
Rodgers	Rohrabacher	Taylor
McNerney	Ros-Lehtinen	Terry
McNulty	Roskam	Thompson (CA)
Meek (FL)	Ross	Thompson (MS)
Meeke (NY)	Rothman	Tiahrt
Melancon	Roybal-Allard	Tiberi
Michaud	Ruppersberger	Tierney
Miller (NC)	Ryan (OH)	Towns
Miller, George	Salazar	Tsongas
Mitchell	Sánchez, Linda	Turner
Mollohan	T.	Udall (NM)
Moore (KS)	Sanchez, Loretta	Upton
Moore (WI)	Sarbanes	Van Hollen
Moran (KS)	Saxton	Velázquez
Moran (VA)	Schakowsky	Vislosky
Murphy (CT)	Schiff	Walberg
Murphy, Patrick	Schmidt	Walden (OR)
Murphy, Tim	Schwartz	Walsh (NY)
Murtha	Scott (GA)	Walz (MN)
Nadler	Scott (VA)	Wasserman
Napolitano	Serrano	Schultz
Neal (MA)	Sestak	Waters
Oberstar	Shays	Watson
Obey	Shea-Porter	Watt
Olver	Sherman	Waxman
Ortiz	Shuler	Weiner
Pallone	Simpson	Welch (VT)
Pascarell	Sires	Weller
Pastor	Skelton	Wexler
Payne	Slaughter	Wilson (NM)
Perlmutter	Smith (NJ)	Wilson (OH)
Peterson (MN)	Smith (WA)	Woolsey
Platts	Snyder	Wu
Pomeroy	Solis	Yarmuth
Porter	Space	Young (FL)
Price (NC)	Speier	

NAYS—137

Aderholt	Feeney	Miller (MI)
Akin	Ferguson	Miller, Gary
Alexander	Flake	Musgrave
Bachmann	Forbes	Myrick
Bachus	Foxo	Neugebauer
Barrett (SC)	Franks (AZ)	Nunes
Bartlett (MD)	Garrett (NJ)	Paul
Barton (TX)	Gingrey	Pearce
Biggart	Gohmert	Pence
Bilbray	Goode	Peterson (PA)
Bishop (UT)	Goodlatte	Petri
Blackburn	Granger	Pitts
Blunt	Hall (TX)	Poe
Boehner	Hastings (WA)	Price (GA)
Bonner	Hayes	Putnam
Bono Mack	Hensarling	Radanovich
Boozman	Herger	Regula
Brady (TX)	Hoekstra	Rehberg
Broun (GA)	Hunter	Reynolds
Brown (SC)	Inglis (SC)	Rogers (AL)
Burgess	Issa	Rogers (KY)
Burton (IN)	Johnson, Sam	Rogers (MI)
Buyer	Jordan	Royce
Calvert	King (IA)	Ryan (WI)
Camp (MI)	King (NY)	Sali
Campbell (CA)	Kingston	Scalise
Cannon	Kline (MN)	Sensenbrenner
Cantor	Lamborn	Sessions
Carter	Latta	Shadegg
Coble	Lewis (CA)	Shimkus
Cole (OK)	Lewis (KY)	Shuster
Conaway	Linder	Smith (NE)
Crenshaw	Lucas	Smith (TX)
Cubin	Lungren, Daniel	Souder
Davis (KY)	E.	Stearns
Davis, David	Mack	Sullivan
Davis, Tom	Manzullo	Tancredo
Deal (GA)	Marchant	Thornberry
Doolittle	McCarthy (CA)	Wamp
Drake	McCaul (TX)	Weldon (FL)
Dreier	McCotter	Westmoreland
Duncan	McCrery	Whitfield (KY)
Ehlers	McHenry	Wilson (SC)
Emerson	McKeon	Wittman (VA)
Everett	Mica	Wolf
Fallin	Miller (FL)	Young (AK)

NOT VOTING—11

Boswell	Fossella	Renzi
Brown-Waite,	Hulshof	Richardson
Ginny	Pickering	Rush
Cardoza	Pryce (OH)	Udall (CO)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1751

Mrs. MYRICK, Messrs. LEWIS of California, MCCOTTER, Mrs. BONO MACK, and Mr. CAMP of Michigan changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6331. An act to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

HOMES FOR HEROES ACT OF 2008

The SPEAKER pro tempore (Mr. CHILDERS). The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3329, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. AL GREEN) that the House suspend the rules and pass the bill, H.R. 3329, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 9, not voting 13, as follows:

[Roll No. 478]
YEAS—412

Abercrombie	Bishop (NY)	Cantor
Ackerman	Bishop (UT)	Capito
Aderholt	Blackburn	Capps
Akin	Blumenauer	Capuano
Alexander	Blunt	Cardoza
Allen	Boehner	Carnahan
Altmire	Bonner	Carney
Andrews	Bono Mack	Carson
Arcuri	Boozman	Carter
Baca	Boren	Castle
Bachmann	Boucher	Castor
Bachus	Boustany	Cazayoux
Baird	Boyd (FL)	Chabot
Baldwin	Boyd (KS)	Chandler
Barrett (SC)	Brady (PA)	Childers
Barrow	Brady (TX)	Clarke
Bartlett (MD)	Braley (IA)	Clay
Barton (TX)	Broun (GA)	Cleaver
Bean	Brown (SC)	Clyburn
Becerra	Brown, Corrine	Coble
Berkley	Buchanan	Cohen
Berman	Burgess	Cole (OK)
Berry	Burton (IN)	Conaway
Biggert	Butterfield	Conyers
Bilbray	Buyer	Cooper
Bilirakis	Calvert	Cooper
Bishop (GA)	Camp (MI)	Costa
		Costello

Courtney	Inslee	Nadler
Cramer	Israel	Napolitano
Crenshaw	Issa	Neal (MA)
Crowley	Jackson (IL)	Neugebauer
Cubin	Jackson-Lee (TX)	Nunes
Cuellar	Jefferson	Oberstar
Culberson	Johnson (GA)	Obey
Cummings	Johnson (IL)	Olver
Davis (AL)	Johnson, E. B.	Ortiz
Davis (CA)	Johnson, Sam	Pallone
Davis (IL)	Jones (NC)	Pascroll
Davis (KY)	Jones (OH)	Pastor
Davis, David	Jordan	Payne
Davis, Lincoln	Kagen	Pearce
Davis, Tom	Kanjorski	Pence
Deal (GA)	Kaptur	Perlmutter
DeFazio	Keller	Peterson (MN)
DeGette	Kennedy	Petri
Delahunt	Kildee	Pitts
DeLauro	Kilpatrick	Platts
Dent	Kind	Poe
Diaz-Balart, L.	King (IA)	Pomeroy
Diaz-Balart, M.	King (NY)	Porter
Dicks	Kingston	Price (GA)
Dingell	Kirk	Price (NC)
Doggett	Klein (FL)	Putnam
Donnelly	Kline (MN)	Radanovich
Doolittle	Knollenberg	Rahall
Doyle	Kucinich	Ramstad
Drake	Kuhl (NY)	Rangel
Dreier	LaHood	Regula
Edwards (MD)	Lamborn	Rehberg
Edwards (TX)	Lampson	Reichert
Ehlers	Langevin	Reyes
Ellison	Larsen (WA)	Reynolds
Ellsworth	Larson (CT)	Rodriguez
Emanuel	Latham	Rogers (AL)
Emerson	LaTourrette	Rogers (KY)
Engel	Latta	Rogers (MI)
English (PA)	Lee	Rohrabacher
Eshoo	Levin	Ros-Lehtinen
Etheridge	Lewis (CA)	Roskam
Everett	Lewis (GA)	Ross
Fallin	Lewis (KY)	Rothman
Farr	Lipinski	Roybal-Allard
Fattah	LoBiondo	Royce
Feeney	Loebsack	Ruppersberger
Ferguson	Lofgren, Zoe	Ryan (OH)
Filner	Lowe	Ryan (WI)
Forbes	Lucas	Salazar
Fortenberry	Lungren, Daniel E.	Sali
Foster	Lynch	Sanchez, Linda T.
Fox	Mack	Sanchez, Loretta
Frank (MA)	Mahoney (FL)	Sarbanes
Franks (AZ)	Maloney (NY)	Saxton
Frelinghuysen	Manzullo	Scalise
Gallegly	Markey	Schakowsky
Garrett (NJ)	Marshall	Schiff
Gerlach	Matheson	Schmidt
Giffords	Matsui	Schwartz
Gilchrest	McCarthy (CA)	Scott (GA)
Gillibrand	McCarthy (NY)	Scott (VA)
Gingrey	McCaul (TX)	Serrano
Gohmert	McCollum (MN)	Sessions
Gonzalez	McCotter	Sestak
Goode	McCrery	Shadegg
Goodlatte	McDermott	Shays
Gordon	McGovern	Shea-Porter
Granger	McHenry	Sherman
Graves	McIntyre	Shimkus
Green, Al	McKeon	Shuler
Green, Gene	McMorris	Shuster
Grijalva	Rodgers	Simpson
Gutierrez	McNerney	Sires
Hall (NY)	McNulty	Skelton
Hall (TX)	Meek (FL)	Slaughter
Hare	Meeke (NY)	Smith (NE)
Harman	Melancon	Smith (NJ)
Hastings (FL)	Mica	Smith (TX)
Hastings (WA)	Michaud	Smith (WA)
Hayes	Miller (FL)	Snyder
Heller	Miller (MI)	Solis
Hergert	Miller (NC)	Souder
Herseth Sandlin	Miller, Gary	Space
Higgins	Miller, George	Speier
Hill	Mitchell	Spratt
Hinchey	Mollohan	Stark
Childers	Moore (KS)	Stearns
Clarke	Moore (WI)	Stupak
Clay	Moran (KS)	Sullivan
Cleaver	Moran (VA)	Tanner
Clyburn	Murphy (CT)	Tauscher
Coble	Murphy, Patrick	Taylor
Cohen	Murphy, Tim	Terry
Cole (OK)	Murtha	Thompson (CA)
Conaway	Musgrave	Thompson (MS)
Conyers	Myrick	Thornberry
Cooper		
Cooper		
Costa		
Costello		

Tiahrt	Walsh (NY)	Westmoreland
Tiberi	Walz (MN)	Wexler
Tierney	Wamp	Whitfield (KY)
Towns	Wasserman	Wilson (NM)
Tsongas	Schultz	Wilson (OH)
Turner	Waters	Wilson (SC)
Udall (NM)	Watson	Wittman (VA)
Upton	Watt	Wolf
Van Hollen	Waxman	Woolsey
Velázquez	Weiner	Wu
Visclosky	Welch (VT)	Yarmuth
Walberg	Weldon (FL)	Young (AK)
Walden (OR)	Weller	Young (FL)

NAYS—9

Campbell (CA)	Flake	Paul
Cannon	Hensarling	Sensenbrenner
Duncan	Marchant	Tancredo

NOT VOTING—13

Boswell	Linder	Renzi
Brown-Waite,	McHugh	Richardson
Ginny	Peterson (PA)	Rush
Fossella	Pickering	Udall (CO)
Hulshof	Pryce (OH)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1759

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMERICA'S BEAUTIFUL NATIONAL PARKS QUARTER DOLLAR COIN ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6184, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 6184.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 15, as follows:

[Roll No. 479]
YEAS—419

Abercrombie	Bishop (UT)	Cantor
Ackerman	Blackburn	Capito
Aderholt	Blumenauer	Capps
Akin	Blunt	Capuano
Alexander	Boehner	Cardoza
Allen	Bonner	Carnahan
Altmire	Bono Mack	Carney
Andrews	Boozman	Carson
Arcuri	Boren	Carter
Baca	Boucher	Castle
Bachmann	Boustany	Castor
Bachus	Boyd (FL)	Cazayoux
Baird	Boyd (KS)	Chabot
Baldwin	Brady (PA)	Chandler
Barrett (SC)	Brady (TX)	Childers
Barrow	Braley (IA)	Clarke
Bartlett (MD)	Broun (GA)	Clay
Barton (TX)	Brown (SC)	Cleaver
Bean	Brown, Corrine	Clyburn
Becerra	Buchanan	Coble
Berkley	Burgess	Cohen
Berman	Burton (IN)	Cole (OK)
Berry	Butterfield	Conaway
Biggert	Buyer	Conyers
Bilbray	Calvert	Cooper
Bilirakis	Camp (MI)	Costa
Bishop (GA)	Campbell (CA)	Costello
Bishop (NY)	Cannon	Courtney