

(2) the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Armed Services of the Senate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. KRISHNAMOORTHY) and the gentleman from Utah (Mr. STEWART) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. KRISHNAMOORTHY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 1617.

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

There was no objection.

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

Madam Speaker, I rise today in support of H.R. 1617, the Keeping Russian Entrapments Minimal and Limiting Intelligence Networks Act, or the KREMLIN Act.

The intelligence community is united in its assessment that Russia attempted to sabotage the 2016 U.S. election and that America is not alone in facing these dangers and attacks. In fact, recent reports indicate that Russia continues to engage in information warfare and political interference in the West that threatens the health of democratic institutions within member countries of the North Atlantic Treaty Organization, otherwise known as NATO.

Among many examples, the Russian Federation is linked to cybercrimes in Ukraine and Germany, disinformation campaigns here in the United States, intelligence support for pro-Russian Bulgarian candidates, and financing for pro-Russian parties in France.

The bipartisan KREMLIN Act which I introduced with my friend, Congressman CHRIS STEWART of Utah, acknowledges the active threat of foreign interference on the United States and our NATO allies.

Specifically, this legislation would require the Director of National Intelligence to submit three intelligence assessments to Congress. These assessments must analyze:

First, potential military action by Russia against members of NATO;

Second, potential responses by Russia to an enlarged U.S. or NATO presence in Eastern Europe;

Third, potential areas where the Russian Government could exploit weaknesses and divisions among the governments of NATO and her allies.

Most importantly, the KREMLIN Act recognizes that Russian meddling with our allied NATO countries constitutes a direct threat to the United States.

By providing the appropriate congressional committees with these comprehensive assessments, we will be better prepared to thwart efforts in the future that aim to weaken international democratic institutions.

Madam Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, March 12, 2019.

Hon. ADAM SCHIFF,
Chairman, House Permanent Select Committee on Intelligence, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that the Committee on Foreign Affairs has now had an opportunity to review H.R. 1617, the "KREMLIN Act," which falls within our shared Rule X jurisdiction. I appreciate that you have consulted with us on this legislation. The Foreign Affairs Committee has no objection to considering this bill on the House floor. To expedite that consideration, the Foreign Affairs Committee is willing to waive referral, with the understanding that we do not thereby waive any future jurisdictional claim over the legislation or its subject matter.

In the event a House-Senate conference on this or similar legislation is convened, the Foreign Affairs Committee reserves the right to request an appropriate number of conferees to address any concerns with this bill or related provisions that may arise in conference.

Please place this letter into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperation spirit in which you have worked regarding this matter and others between our committees.

Sincerely,

ELIOT L. ENGEL,
Chairman, House Committee on
Foreign Affairs.

PERMANENT SELECT COMMITTEE ON
INTELLIGENCE, HOUSE OF REPRESENTATIVES,

March 8, 2019.

Hon. ELIOT ENGEL,
Chairman, Committee on Foreign Affairs,
House of Representatives, Washington, DC.

DEAR CHAIRMAN ENGEL: I write in reply to your letter regarding H.R. 1617, the "KREMLIN Act." I appreciate your willingness to work cooperatively on this legislation.

I acknowledge that provisions of the bill fall within the jurisdiction of the Committee on Foreign Affairs; and that the Committee on Foreign Affairs will not take up H.R. 1617 formally. I further agree that your Committee's inaction regarding the bill will not waive any future jurisdictional claims over matters addressed in H.R. 1617 which fall within your Committee's jurisdiction under Rule X of the Rules of Procedure for the House of Representatives for the 116th Congress.

At your request, I lastly will ensure that our exchange of letters is included in the Congressional Record during floor consideration of the bill. Thank you again for your cooperation regarding the legislation. I look forward to continuing to work with you as the measure moves through the legislative process.

Sincerely,

ADAM B. SCHIFF,
Chairman.

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

Madam Speaker, I rise in favor of H.R. 1617, and I am proud to cosponsor this bill with my friend, Mr. KRISHNAMOORTHY.

The Keeping Russian Entrapments Minimal and Limiting Intelligence Networks Act, also known as the KREMLIN Act, is a commonsense bill that directs the intelligence commu-

nity to conduct an assessment on the leadership of the Russian Government's plans and intentions, as my friend RAJA has said, especially in regards to NATO.

Madam Speaker, with some questioning Washington's commitment to the transatlantic alliance, this bill also serves as a reminder to our allies of the U.S. Congress' commitment to NATO.

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NATO is indispensable. As a former military officer, I know firsthand how true that is. It is also as important today as it has ever been. Understanding the threats that the Kremlin continues to challenge to this important alliance is of utmost importance.

In particular, the bill seeks assessments in three areas:

First, any potential military action against NATO members;

Second, potential reaction to the expansion of NATO; and,

Third, potential weaknesses and areas of division against NATO allies.

Learning the Russian Government's intentions in these areas will better enable the United States Government to counter any attempts to undermine this critical alliance that we call NATO.

I thank the Speaker, urge passage of H.R. 1617, and reserve the balance of my time.

Mr. KRISHNAMOORTHY. Madam Speaker, I have no further speakers and am prepared to close.

Mr. STEWART. Madam Speaker, once again, very briefly, this is a commonsense piece of legislation. It is a bipartisan piece of legislation. Importantly, it improves our national security. It improves the ability of our intelligence agencies to do the critical work that they do.

I urge my colleagues to vote in favor, and I yield back the balance of my time.

Mr. KRISHNAMOORTHY. Madam Speaker, for the health of our democracy, I strongly urge my colleagues to support this bipartisan KREMLIN Act, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. KRISHNAMOORTHY) that the House suspend the rules and pass the bill, H.R. 1617.

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

A motion to reconsider was laid on the table.

ELECTRONIC MESSAGE PRESERVATION ACT

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1582) to amend title 44, United States Code, to require preservation of certain electronic records by Federal agencies, to require a certification and reports relating to Presidential records, and for other purposes.

The Clerk read the title of the bill.
The text of the bill is as follows:

H.R. 1582

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 AND OTHER RECORDS.

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

“§ 2912. Preservation of electronic messages and other records

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

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

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

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

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

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

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

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

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

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

(b) DEADLINE FOR REGULATIONS.—

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

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

(c) REPORTS ON IMPLEMENTATION OF REGULATIONS.—

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

(2) ARCHIVIST REPORT TO CONGRESS.—Not later than 90 days after receipt of all reports required by paragraph (1), the Archivist shall

submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a report on Federal agency compliance with the regulations promulgated under section 2912(a) of title 44, United States Code, as added by subsection (a), and shall make the report publicly available on the website of the agency.

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

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

“2912. Preservation of electronic messages and other records.”.

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

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

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

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

“(16) the term ‘electronic records management system’ means software designed to manage electronic records, including by—

“(A) categorizing and locating records;

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

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

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

SEC. 3. PRESIDENTIAL RECORDS.

(a) ADDITIONAL REGULATIONS RELATING TO PRESIDENTIAL RECORDS.—

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

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

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

(C) by adding at the end the following:

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

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

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

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

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

“(6) The term ‘electronic messages’ has the meaning given that term under section 2901(15).

“(7) The term ‘electronic records management system’ has the meaning given that term under section 2901(16).”.

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

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

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

“(a) ANNUAL CERTIFICATION.—The Archivist shall annually certify whether the electronic records management controls established by

the President meet requirements under sections 2203(a) and 2206(5).

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

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

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

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

“(5) One year following the conclusion of a President’s term of office, or if a President serves consecutive terms 1 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 Reform of the House of Representatives a report on—

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

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

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of the enactment of this Act.

SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from North Carolina (Mr. MEADOWS) each will control 20 minutes.

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

Ms. NORTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the District of Columbia? There was no objection.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of the Electronic Message Preservation Act. This bill would update the Federal Records Act and the Presidential Records Act to ensure that agencies save records created through electronic messages, including emails. This bill would require the Archivist of the United States to issue regulations

mandating that all Federal agencies manage and preserve their email records electronically.

Agencies are already supposed to be saving emails electronically. In 2012, the Archivist and the Director of the Office of Management and Budget issued a directive that required agencies to do so. This bill would help ensure that email records from Federal agencies and the White House are all preserved.

According to a September 2018 report from the National Archives and Records Administration, approximately 35 percent of agencies continue to print and file hard copies of email messages. This means that these records are more likely to get lost, and they are harder for the agency to retrieve during records searches under the Freedom of Information Act.

This bill would put into statute what agencies are already required to do under a directive issued by the Archivist and the Director of the Office of Management and Budget in 2012. Agencies are required, under the directive, to save all permanent electronic records electronically by the end of 2019. Putting this requirement to save email records electronically into statute would show agencies to take this issue seriously.

This bill would also require the Archivist to establish standards for the preservation and management of Presidential email records and to certify, annually, that the White House has records management controls in place that meet those standards. The Archivist would be required, under this legislation, to report 1 year after the President leaves office on whether the controls used by the President met the required standards.

This bill has been introduced and passed by the House under multiple administrations. This is not a partisan bill for sure. It is a good government bill.

Madam Speaker, I urge all Members to support this bill, and I reserve the balance of my time.

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

Madam Speaker, I rise today in support of H.R. 1582, the Electronic Message Preservation Act.

The American people, Madam Speaker, as you know, have the right to know what is going on in their government. Preservation of Federal records is essential to that right. The Federal Government must preserve Federal records, regardless of the form or technology used to create those records in order to remain accountable to the American people.

Over the last two decades, technology has advanced. Electronic communication has permeated all parts of the Federal Government. The Electronic Message Preservation Act requires the Federal Government to preserve those electronic records in electronic format. It just makes sense.

For decades, many Federal agencies have used what we call the print-to-file method of electronic record preservation. That is right; Federal employees were actually encouraged to print out emails to archive the paper copies instead of just archiving them electronically.

Paper-based records, as you know, Madam Speaker, really are inefficient, prone to record loss, and difficult to manage. A poorly managed, paper-based system can also increase the costs of recordkeeping for the Federal Government and the American taxpayers.

The Office of Management and Budget and my good friends over at the National Archives, under the leadership of David Ferriero, have been working to modernize Federal recordkeeping. They issued a joint directive that requires agencies to preserve emails and other electronic records in electronic format. Under that directive, all Federal agencies should be preserving electronic records in an electronic format by the end of this year.

This bill, Madam Speaker, just codifies that requirement in a joint directive and expands the scope of the electronic message preservations to include the Presidential records, as my colleague opposite has already noted.

The bill also requires agencies to report on compliance with the electronic record preservation requirements, which will allow Congress to understand the progress towards these goals.

Madam Speaker, I would like to thank Chairman CUMMINGS for working on this important issue. I encourage all of my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume.

If anything, I am surprised, perhaps shocked, that we have had to put the matter of electronic recordkeeping into statutory form to make sure it has happened.

We are deep into the electronic era, and perhaps, when you put a matter into statutory form, it finally is a matter of law and it gets people's attention. I certainly hope so.

Madam Speaker, I am prepared to yield back unless the gentleman has something more to say.

I reserve the balance of my time.

Mr. MEADOWS. Madam Speaker, I want to thank the gentlewoman for her deliberative process and the way that she has managed that. I thank her.

I think this is one of the rare moments where you have true bipartisan support on something that is just common sense. We need to be doing that.

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

Ms. NORTON. Madam Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I rise in support of the Electronic Message Preservation Act. I introduced this bill with the goal of modernizing the Federal and Presidential Records Acts.

This bill would require the Archivist of the United States to issue regulations mandating that all federal agencies manage and preserve their email records electronically.

This bill would help ensure that email records from federal agencies and the White House are preserved.

According to a September 2018 report from the National Archives and Records Administration, approximately 35 percent of agencies continue to print and file hard copies of email messages.

This means that these records are more likely to get lost and that they are harder for the agency to retrieve during records searches under the Freedom of Information Act.

This bill would put into statute what agencies are already required to do under a directive issued by the Archivist and the Director of the Office of Management and Budget in 2012.

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

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

Under this bill, the Archivist must report one year after the president leaves office on whether the controls used by the president met the required standards.

This legislation would provide accountability to encourage every president to have the controls in place that are necessary to preserve emails and other electronic records.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from the District of Columbia (Ms. NORTON) that the House suspend the rules and pass the bill, H.R. 1582.

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

A motion to reconsider was laid on the table.

FEDERAL ADVISORY COMMITTEE ACT AMENDMENTS OF 2019

Ms. NORTON. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1608) to amend the Federal Advisory Committee Act to increase the transparency of Federal advisory committees, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1608

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