

114TH CONGRESS
1ST SESSION

H. R. 3743

To prohibit the Secretary of an executive department from maintaining a private email server for conducting official Government business.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 2015

Mr. CRAMER introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To prohibit the Secretary of an executive department from maintaining a private email server for conducting official Government business.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Securing Every Rel-
5 evant and Vital Electronic Record Act of 2015” or the
6 “SERVER Act”.

1 **SEC. 2. PROHIBITION ON SECRETARY OF EXECUTIVE DE-**
2 **PARTMENT FROM MAINTAINING PRIVATE**
3 **EMAIL SERVER.**

4 (a) PROHIBITION.—The Secretary of an executive de-
5 partment may not maintain a private email server for the
6 purpose of conducting official Government business.

7 (b) COMPLIANCE.—The Inspector General of each ex-
8 ecutive department shall ensure compliance with sub-
9 section (a).

10 (c) CRIMINAL PENALTY.—Whoever violates sub-
11 section (a) shall be fined under title 18, United States
12 Code, or imprisoned not more than three years, or both;
13 and shall forfeit his or her office and be disqualified from
14 holding any office under the United States.

15 (d) DEFINITIONS.—In this section:

16 (1) EXECUTIVE DEPARTMENT.—The term “ex-
17 ecutive department” has the meaning provided in
18 section 101 of title 5, United States Code.

19 (2) PRIVATE EMAIL SERVER AND OFFICIAL
20 GOVERNMENT BUSINESS.—The terms “private email
21 server” and “official Government business” have the
22 meanings provided in regulations promulgated for
23 purposes of this Act by the Archivist of the United
24 States.