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[H.R. 1152, the IRS Email Transparency Act](#)

FLOOR SITUATION

On Wednesday, April 15, 2015, the House will consider [H.R. 1152](#), *the IRS Email Transparency Act*, under suspension of the rules. The bill was introduced on February 27, 2015 by Rep. Kenny Marchant (R-TX) and was referred to the Committee on Ways and Means, which ordered the bill reported, as amended, by voice vote on March 25, 2015.

SUMMARY

H.R. 1152 prohibits officers and employees of the Internal Revenue Service (IRS) from using personal email accounts to conduct any official government business, thereby enhancing the safety and protection of sensitive taxpayer information.

BACKGROUND

Federal executive agencies are required to protect and preserve federal records, regardless of whether such records are in paper or electronic form, and protect against the unauthorized removal of such records. Email accounts are specifically included within the scope of records subject to such retention policies. The IRS also is required by statute to protect the sensitive information for which it is responsible. The agency has policies restricting the use of email accounts and prohibits the use of non-agency email for any governmental or official purpose.¹

However, since early 2011, the Committees on Oversight and Government Reform and Ways and Means have been investigating the evidence of possible criminal wrong-doing by IRS employees, including Lois Lerner, the former IRS Director of Exempt Organizations, relating to the targeting of conservative organizations. On April 9, 2014, the Committee on Ways and Means sent a [criminal referral letter](#) to the Department of Justice outlining possible criminal conduct by Ms. Lerner, including the possible disclosure of taxpayer information through her use of personal email for official business. On July 30, 2014, the Committee sent [additional information](#) revealing that she used her personal email for official business. The House passed an identical bill ([H.R. 5418](#)) by voice vote on September 16, 2014, during the 113th Congress. The Senate did not act on that measure.

¹ Joint Committee on Taxation, [Description of H.R. 1152, A Bill to Prohibit Officers and Employees of the Internal Revenue Service from Using Personal E-Mail Accounts for Official Business](#) (JCX-55-15), March 24, 2015 at 2 and 3.

COST

[CBO estimates](#) that enacting the legislation would have no significant impact on the federal budget. CBO further estimates that enacting the bill would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

STAFF CONTACT

For questions or further information, contact the House Republican Policy Committee at 6-5539.