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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To prohibit Federal personnel charged with certain criminal offenses from receiving classified information, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. SHERRILL introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit Federal personnel charged with certain criminal offenses from receiving classified information, and for other purposes.

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 “Guarding the United
5 States Against Reckless Disclosures Act” or the “GUARD
6 Act”.

1 **SEC. 2. PROHIBITION ON RECEIPT OF CLASSIFIED INFOR-**
2 **MATION BY INDIVIDUALS CHARGED WITH**
3 **CERTAIN CRIMINAL OFFENSES.**

4 (a) PROHIBITIONS.—Except as provided in sub-
5 section (b), during a period a covered person is charged
6 with a covered criminal offense, the covered person may
7 not receive any classified information, including classified
8 information received as a part of the covered person’s offi-
9 cial duties as Federal official or as a candidate in an elec-
10 tion for Federal office.

11 (b) WAIVER.—Subsection (a) may be waived with re-
12 spect to any covered person upon an affirmative vote of
13 a majority of the Members of the House and two-thirds
14 of the Members of the Senate, duly chosen and sworn.

15 (c) DEFINITIONS.—In this section—

16 (1) the term “covered criminal offense” means
17 a criminal offense under Federal law relating to—

18 (A) obstructing an official proceeding;

19 (B) unlawful retention of national defense
20 information;

21 (C) the unlawful disclosure or improper
22 handling of classified information;

23 (D) acting as a foreign agent; or

24 (E) compromising the national security of
25 the United States;

26 (2) the term “covered person” means—

1 (A) the President and Vice President;

2 (B) a Member of Congress (as that term
3 is defined in section 2106 of title 5, United
4 States Code);

5 (C) an employee (as that term is defined in
6 section 2105 of title 5, United States Code), in-
7 cluding—

8 (i) an employee of the United States
9 Postal Service or Postal Regulatory Com-
10 mission;

11 (ii) an employee of the Transportation
12 Security Administration; and

13 (iii) notwithstanding section 7425 of
14 title 38, United States Code, an employee
15 appointed under chapter 73 or 74 of such
16 title;

17 (D) any member of the uniformed services
18 (as that term is defined in section 2101 of title
19 5, United States Code); and

20 (E) a candidate for Federal office (as that
21 term is defined in section 301 of the Federal
22 Election Campaign Act of 1971 (52 U.S.C.
23 30101)); and

1 (3) the term “period a covered person is
2 charged with a covered criminal offense” means the
3 period—

4 (A) beginning on the date on which an in-
5 dictment or information is filed charging a per-
6 son with 1 or more covered criminal offense;
7 and

8 (B) ending on the date on which, for any
9 such covered criminal offense—

10 (i) the charge for the covered criminal
11 offense is dismissed; or

12 (ii) the person is found not guilty of
13 the covered criminal offense.