

118TH CONGRESS
1ST SESSION

H. R. 1791

To amend title 18, United States Code, to provide civil penalties for unauthorized removal and retention of classified documents or material, to amend chapter 22 of title 44, to include a certification process for Presidential records, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 2023

Mr. QUIGLEY (for himself and Mr. LAHOOD) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 18, United States Code, to provide civil penalties for unauthorized removal and retention of classified documents or material, to amend chapter 22 of title 44, to include a certification process for Presidential records, 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 “Classified Documents
5 Accountability Act”.

1 **SEC. 2. CIVIL PENALTIES FOR UNAUTHORIZED REMOVAL**
2 **AND RETENTION OF CLASSIFIED DOCU-**
3 **MENTS OR MATERIAL.**

4 Section 1924 of title 18, United States Code, is
5 amended by adding at the end the following:

6 “(d) The Attorney General may bring a civil action
7 in the appropriate United States district court against any
8 person who violates this section and, upon proof of such
9 violation by a preponderance of the evidence, such person
10 shall be subject to pay a civil penalty in an amount not
11 to exceed \$500,000 for each such violation. The imposition
12 of a civil penalty under this subsection does not preclude
13 any other criminal or civil statutory, common law, or ad-
14 ministrative remedy, which is available by law to the
15 United States or any other person.”.

16 **SEC. 3. CERTIFICATION REQUIREMENT.**

17 (a) AMENDMENT.—Chapter 22 of title 44, United
18 States Code, is amended by adding at the end the fol-
19 lowing new section:

20 **“§ 2210. Certification of Presidential records**

21 “(a) REQUIREMENT FOR ARCHIVES REPRESENTA-
22 TIVE.—There shall be an officer or employee from the Na-
23 tional Archives and Records Administration present in the
24 Executive Office of the President and the Office of the
25 Vice President to ensure proper logging and handling of

1 Presidential records and Vice-Presidential records, as ap-
2 plicable.

3 “(b) CERTIFICATION PROCESS.—

4 “(1) SCREENING BY ARCHIVES.—Any record of
5 the President and Vice President shall be screened
6 for classified material by the National Archives and
7 Records Administration during the Presidential
8 transition and shall be retained by the National Ar-
9 chives and Records Administration.

10 “(2) CERTIFICATION REQUIRED.—Not later
11 than the first day of a term of office of an incoming
12 Presidential administration, the outgoing President
13 and the Vice President, or a designee of the Presi-
14 dent and the Vice President, shall certify to the Ar-
15 chivist and the Attorney General whether outgoing
16 President and Vice President have retained any clas-
17 sified records. This paragraph does not apply to a
18 second consecutive term of a President.

19 “(c) PENALTIES FOR NONCOMPLIANCE.—Beginning
20 on such first day and ending on the date the certification
21 under subsection (b)(2) is so submitted, an outgoing
22 President or Vice President, or a designee of the outgoing
23 President or Vice President, who fails to submit the cer-
24 tification shall be subject to the following, as determined
25 by the Archivist:

1 “(1) No Federal funds may be obligated or ex-
2 pended for office space, staff, or the travel of such
3 outgoing President or Vice President, including any
4 funds authorized under the Former Presidents Act
5 of 1958 (Public Law 85–745).

6 “(2) A reduction of up to 50 percent in the
7 monthly payment of any pension payment dispersed
8 to such outgoing President or Vice President under
9 such Act or chapter 83 or 84 of title 5 (as the case
10 may be).

11 “(d) DEFINITIONS.—In this section:

12 “(1) FEDERAL AGENCY.—The term ‘Federal
13 agency’ has the meaning given that term in section
14 2901.

15 “(2) PRESIDENTIAL TRANSITION.—The term
16 ‘Presidential transition’ means the period of time
17 that begins on the day on which the Administrator
18 of General Services declares an apparent winner of
19 the Presidential election and ends on the day on
20 which the winner of the Presidential election is inau-
21 gurated as President.

22 “(3) RECORDS.—The term ‘records’—

23 “(A) includes all recorded information, re-
24 gardless of form or characteristics, made or re-
25 ceived by a Federal agency under Federal law

1 or in connection with the transaction of public
2 business and preserved or appropriate for pres-
3 ervation by that agency or its legitimate suc-
4 cessor as evidence of the organization, func-
5 tions, policies, decisions, procedures, operations,
6 or other activities of the United States Govern-
7 ment or because of the informational value of
8 data in them; and

9 “(B) does not include library and museum
10 material made or acquired and preserved solely
11 for reference or exhibition purposes.”.

12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of sections for chapter 22 of title 44, United
14 States Code, is amended by adding at the end the fol-
15 lowing new item:

“2210. Certification of presidential records.”.

16 **SEC. 4. CLARIFICATION.**

17 Nothing in this Act, or any amendment made by this
18 Act, shall be construed to effect or otherwise alter any
19 whistleblower protections afforded individuals under title
20 5, United States Code, or any other provision of law.

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