

118TH CONGRESS  
2D SESSION

# H. R. 7846

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2024

Ms. SHERRILL (for herself and Ms. SLOTKIN) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on House Administration, 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

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## 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.

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