

118TH CONGRESS
1ST SESSION

H. R. 581

To require individuals who formerly held an elected Federal office to certify after leaving office that they do not have in their possession any classified materials, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2023

Mr. TORRES of New York introduced the following bill; which was referred to the Permanent Select Committee on Intelligence, and in addition to the Committees on Oversight and Accountability, and 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

A BILL

To require individuals who formerly held an elected Federal office to certify after leaving office that they do not have in their possession any classified materials, 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 “Defending Our Classi-
5 fied Secrets Act” or the “DOCS Act”.

1 **SEC. 2. CERTIFICATION THAT FORMER ELECTED OFFI-**
2 **CIALS DO NOT POSSESS CLASSIFIED MATE-**
3 **RIAL.**

4 (a) **REQUIRING CERTIFICATION AFTER LEAVING OF-**
5 **FICE.**—Each individual who formerly held an elected Fed-
6 eral office shall, not later than 30 days after the individual
7 no longer holds an elected Federal office, submit a certifi-
8 cation to the National Archives and Records Administra-
9 tion that the individual does not possess any classified ma-
10 terials.

11 (b) **PUBLIC AVAILABILITY OF CERTIFICATIONS.**—
12 The Archivist of the United States shall compile the cer-
13 tifications submitted under subsection (a) and make the
14 certifications available to the public.

15 (c) **PENALTY.**—An individual who does not submit a
16 certification required under subsection (a), or who submits
17 a certification that contains false information, shall be
18 subject to a civil money penalty not to exceed \$100,000.

19 (d) **DEFINITION.**—In this section, the term “elected
20 Federal office” means the office of President, Vice Presi-
21 dent, Senator, or Representative in, or Delegate or Resi-
22 dent Commissioner to, the Congress.

23 (e) **EFFECTIVE DATE.**—This section shall apply with
24 respect to an individual who holds an elected Federal of-
25 fice on or after the date of the enactment of this Act.

1 **SEC. 3. PROCEDURE TO TRACK CLASSIFIED MATERIAL**
2 **FOLLOWING REMOVAL FROM A SENSITIVE**
3 **COMPARTMENTED INFORMATION FACILITY.**

4 The Director of National Intelligence shall ensure
5 there is established a mandatory procedure under which
6 any classified material removed from a sensitive compart-
7 mented information facility shall be documented and
8 tracked (including with respect to the physical location of
9 such material) for a period beginning at the time of such
10 removal and ending at such time as the Director may de-
11 termine appropriate.

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