

118TH CONGRESS
1ST SESSION

S. RES. 446

Prohibiting Senators charged with certain criminal offenses from receiving
classified information, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2023

Mr. FETTERMAN submitted the following resolution; which was referred to the
Committee on Rules and Administration

RESOLUTION

Prohibiting Senators charged with certain criminal offenses
from receiving classified information, and for other purposes.

1 *Resolved,*

2 **SECTION 1. PROHIBITION ON RECEIPT OF CLASSIFIED IN-**
3 **FORMATION BY SENATORS CHARGED WITH**
4 **CERTAIN CRIMINAL OFFENSES.**

5 (a) DEFINITIONS.—In this section—

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

8 (A) the unlawful disclosure or improper
9 handling of classified information;

10 (B) acting as a foreign agent; or

1 (C) compromising the national security of
2 the United States; and

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

5 (A) beginning on the date on which an in-
6 dictment or information is filed charging a Sen-
7 ator with 1 or more covered criminal offenses;
8 and

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

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

13 (ii) the Senator is found not guilty of
14 the covered criminal offense.

15 (b) PROHIBITIONS.—Except as provided in sub-
16 section (c), during a period a Senator is charged with a
17 covered criminal offense—

18 (1) the Senator may not receive any classified
19 information, including classified information received
20 as a part of information provided to the personal of-
21 fice of the Senator, to a committee of the Senate or
22 of Congress, or through a briefing of Senators;

23 (2) the Senator may not serve as a member of
24 any committee of the Senate or of Congress;

1 (3) the Senator may not submit a congression-
2 ally directed spending request for any appropriation
3 bill or other legislation;

4 (4) it shall not be in order to include an item
5 of congressionally directed spending requested by the
6 Senator in any appropriation bill or other legislation;
7 and

8 (5) the Senator may not obligate official funds
9 for any international travel.

10 (c) WAIVER.—Subsection (b) may be waived with re-
11 spect to a Senator upon an affirmative vote of two-thirds
12 of the Members of the Senate, duly chosen and sworn.

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