

HR 4187

Presidential Records Act Amendments of 2002

Congress: 107 (2001–2003, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Apr 11, 2002

Current Status: Placed on the Union Calendar, Calendar No. 491.

Latest Action: Placed on the Union Calendar, Calendar No. 491. (Nov 22, 2002)

Official Text: <https://www.congress.gov/bill/107th-congress/house-bill/4187>

Sponsor

Name: Rep. Horn, Stephen [R-CA-38]

Party: Republican • **State:** CA • **Chamber:** House

Cosponsors (45 total)

Cosponsor	Party / State	Role	Date Joined
Del. Norton, Eleanor Holmes [D-DC-At Large]	D · DC		Apr 11, 2002
Rep. Allen, Thomas H. [D-ME-1]	D · ME		Apr 11, 2002
Rep. Baird, Brian [D-WA-3]	D · WA		Apr 11, 2002
Rep. Bentsen, Ken [D-TX-25]	D · TX		Apr 11, 2002
Rep. Blagojevich, Rod R. [D-IL-5]	D · IL		Apr 11, 2002
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Rep. LaTourette, Steven C. [R-OH-19]	R · OH		Apr 11, 2002
Rep. Lynch, Stephen F. [D-MA-9]	D · MA		Apr 11, 2002
Rep. Maloney, Carolyn B. [D-NY-14]	D · NY		Apr 11, 2002
Rep. McDermott, Jim [D-WA-7]	D · WA		Apr 11, 2002
Rep. Ose, Doug [R-CA-3]	R · CA		Apr 11, 2002
Rep. Owens, Major R. [D-NY-11]	D · NY		Apr 11, 2002
Rep. Schakowsky, Janice D. [D-IL-9]	D · IL		Apr 11, 2002
Rep. Towns, Edolphus [D-NY-10]	D · NY		Apr 11, 2002
Rep. Udall, Mark [D-CO-2]	D · CO		Apr 11, 2002
Rep. Waxman, Henry A. [D-CA-29]	D · CA		Apr 11, 2002
Rep. Baldacci, John Elias [D-ME-2]	D · ME		Apr 23, 2002
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Apr 23, 2002
Rep. Gilman, Benjamin A. [R-NY-20]	R · NY		Apr 23, 2002
Rep. Miller, George [D-CA-7]	D · CA		Apr 23, 2002
Rep. Roemer, Tim [D-IN-3]	D · IN		Apr 23, 2002
Rep. Shays, Christopher [R-CT-4]	R · CT		Apr 23, 2002
Rep. Visclosky, Peter J. [D-IN-1]	D · IN		Apr 23, 2002
Rep. Hooley, Darlene [D-OR-5]	D · OR		May 1, 2002
Rep. Nadler, Jerrold [D-NY-8]	D · NY		May 1, 2002
Rep. Sanders, Bernard [I-VT-At Large]	I · VT		May 1, 2002
Rep. Snyder, Vic [D-AR-2]	D · AR		May 1, 2002
Rep. Barrett, Thomas M. [D-WI-5]	D · WI		May 8, 2002
Rep. Paul, Ron [R-TX-14]	R · TX		May 8, 2002
Rep. Velazquez, Nydia M. [D-NY-12]	D · NY		May 8, 2002
Rep. Doggett, Lloyd [D-TX-10]	D · TX		May 14, 2002
Rep. Price, David E. [D-NC-4]	D · NC		May 14, 2002
Rep. Spratt, John M., Jr. [D-SC-5]	D · SC		May 14, 2002
Rep. Tierney, John F. [D-MA-6]	D · MA		May 14, 2002
Rep. Engel, Eliot L. [D-NY-17]	D · NY		May 20, 2002

Cosponsor	Party / State	Role	Date Joined
Rep. Inslee, Jay [D-WA-1]	D · WA		May 20, 2002
Rep. Watson, Diane E. [D-CA-32]	D · CA		May 20, 2002
Rep. Morella, Constance A. [R-MD-8]	R · MD		May 23, 2002
Rep. Lofgren, Zoe [D-CA-16]	D · CA		Jun 13, 2002

Committee Activity

Committee	Chamber	Activity	Date
Oversight and Government Reform Committee	House	Reported By	Nov 22, 2002

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

No related bills are listed.

Presidential Records Act Amendments of 2002 - (Sec. 2) Amends the Presidential Records Act to require the Archivist of the United States, when making available any presidential record not previously made available publicly, to: (1) promptly provide written notice of such determination to the former President during whose term of office the record was created and the incumbent President; and (2) make the notice available to the public.

Requires such a record to be made available upon the expiration of the-20 day period (excepting Saturdays, Sundays, and legal public holidays) beginning on the date the Archivist provides notice, except any record with respect to which the Archivist receives notification of a claim of constitutionally based privilege against disclosure from a former or incumbent President.

Authorizes a former President or an incumbent President to extend the period for not more than 20 additional days by filing with the Archivist a statement that such an extension is necessary to allow an adequate review of the record. Provides that if the period, or any extension of that period, would otherwise expire between January 19 and July 20 of the year in which the incumbent President first takes office, then such period or extension shall expire on July 20 of that year.

Requires: (1) a claim of constitutionally based privilege against disclosure to be asserted personally by a former or incumbent President; and (2) a former or incumbent President to notify the Archivist, the House Committee on Government Reform, and the Senate Committee on Governmental Affairs of a privilege claim on the same day that the claim is asserted. Prohibits the Archivist from making publicly available a presidential record that is subject to a privilege claim asserted by a former President until the expiration of the 20-day period beginning on the date the Archivist is notified of the claim. Requires the Archivist, upon the expiration of such period, to make the record publicly available unless otherwise directed by a court order in an action initiated by the former President.

Prohibits the Archivist from making publicly available a presidential record that is subject to a privilege claim asserted by the incumbent President unless: (1) the incumbent President withdraws the privilege claim; or (2) the Archivist is otherwise directed by a final court order that is not subject to appeal. Makes this provision inapplicable with respect to any presidential record required to be made available: (1) pursuant to a subpoena or other judicial process issued by a court for purposes of a civil or criminal investigation; or (2) to either House of Congress because such records contain information needed for the conduct of business that is otherwise not available.

Directs the Archivist to adjust any otherwise applicable time period as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.

(Sec. 3) Provides that Executive Order number 13233, dated November 1, 2001 (establishing a process for review of presidential records and assertion of privilege claims) shall have no force or effect.

Actions Timeline

- **Nov 22, 2002:** Reported (Amended) by the Committee on Government Reform. H. Rept. 107-790.
- **Nov 22, 2002:** Placed on the Union Calendar, Calendar No. 491.
- **Oct 9, 2002:** Committee Consideration and Mark-up Session Held.
- **Oct 9, 2002:** Ordered to be Reported (Amended) by Voice Vote.
- **Apr 12, 2002:** Sponsor introductory remarks on measure. (CR E511-512)
- **Apr 11, 2002:** Introduced in House
- **Apr 11, 2002:** Referred to the House Committee on Government Reform.

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