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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R.

To ban stock trading and prediction market participation for the President, Vice President, and Members of Congress, suspend pay for Members of Congress during shutdowns, establish term limits for Congress, establish term limits and ethics rules for the Supreme Court, reform the presidential pardon power, revoke the statute of limitations for the President and Vice President, strengthen the foreign and domestic emoluments clauses, overturn Citizens United, ban dark money, corporate PACS, and partisan gerrymandering, end voter suppression, and restrict government pensions for felony convictions and lawsuits by the President, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LANDSMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To ban stock trading and prediction market participation for the President, Vice President, and Members of Congress, suspend pay for Members of Congress during shutdowns, establish term limits for Congress, establish term limits and ethics rules for the Supreme Court, reform the presidential pardon power, revoke the statute of limitations for the President and Vice President, strengthen the foreign and domestic emoluments clauses, overturn Citizens United, ban dark money, corporate PACS, and

partisan gerrymandering, end voter suppression, and restrict government pensions for felony convictions and lawsuits by the President, 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 “Drain the Swamp
5 Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of Contents.

TITLE I—RESTORE TRUST IN GOVERNMENT ACT

- Sec. 101. Short title.
- Sec. 102. Restrictions on trade and ownership of covered investments.

TITLE II—NO PAY FOR CONGRESS DURING DEFAULT OR
GOVERNMENT SHUTDOWN

- Sec. 201. Short title.
- Sec. 202. Requiring reduction of pay of Members of Congress if public debt limit is reached.
- Sec. 203. Requiring reduction of pay of Members of Congress if Government shutdown occurs.
- Sec. 204. Role of Secretary of the Treasury.
- Sec. 205. Definitions.

TITLE III—SUPREME COURT DURATION OF ACTIVE SERVICE

- Sec. 301. Short title.
- Sec. 302. Supreme Court terms of office.
- Sec. 303. Senior justices.

TITLE IV—CONSTITUTIONAL AMENDMENT FOR CONGRESSIONAL
TERM LIMITS

- Sec. 401. Constitutional amendment for congressional term limits.

TITLE V—SUPREME COURT ETHICS REQUIREMENTS

- Sec. 501. Short title.
- Sec. 502. Establishment of the Office of Ethics Counsel within the Supreme Court of the United States.

Sec. 503. Establishment of the Office of Investigative Counsel within the Supreme Court of the United States.

Sec. 504. Severability.

TITLE VI—PREVENTING ABUSES OF PRESIDENTIAL POWER

Sec. 600. Short title.

Subtitle A—Abuse of the Pardon Power Prevention

Sec. 601. Short title.

Sec. 602. Congressional oversight relating to certain pardons.

Sec. 603. Bribery in connection with pardons and commutations.

Sec. 604. Prohibition on presidential self-pardon.

Subtitle B—Ensuring No President Is Above the Law

Sec. 611. Short title.

Sec. 612. Tolling of statute of limitations.

Subtitle C—Enforcement of the Foreign and Domestic Emoluments Clauses of the Constitution

Sec. 621. Short title.

Sec. 622. Definitions.

Sec. 623. Prohibition on acceptance of foreign and domestic emoluments.

Sec. 624. Civil actions by Congress concerning foreign emoluments.

Sec. 625. Disclosures concerning foreign and domestic emoluments.

Sec. 626. Enforcement authority of the Director of the Office of Government Ethics.

Sec. 627. Jurisdiction of the Office of Special Counsel.

Sec. 628. Rulemaking for ethics requirements for legal expense funds.

Sec. 629. Limitations and disclosure of certain donations to, and disbursements by, inaugural committees.

TITLE VII—CONSTITUTIONAL AMENDMENT TO OVERTURN CITIZENS UNITED

Sec. 701. Constitutional amendment to overturn Citizens United.

TITLE VIII—REPORTING OF CAMPAIGN-RELATED DISBURSEMENTS

Sec. 801. Short title.

Sec. 802. Reporting of campaign-related disbursements.

Sec. 803. Reporting of Federal judicial nomination disbursements.

Sec. 804. Coordination with FinCEN.

Sec. 805. Application of foreign money ban to disbursements for campaign-related disbursements consisting of covered transfers.

Sec. 806. Sense of Congress regarding implementation.

Sec. 807. Effective date.

TITLE IX—BAN CORPORATE PACS ACT

Sec. 901. Short title.

Sec. 902. Limiting authority of corporations to establish or operate separate segregated funds for political purposes to nonprofit corporations.

Sec. 903. Effective date; transition for existing funds and committees.

TITLE X—NONPARTISAN REDISTRICTING REFORM

- Sec. 1001. Short title.
- Sec. 1002. Finding of constitutional authority.
- Sec. 1003. Ban on mid-decade redistricting.
- Sec. 1004. Criteria for redistricting.
- Sec. 1005. Development of plan.
- Sec. 1006. Failure by State to enact plan.
- Sec. 1007. Civil enforcement.
- Sec. 1008. No effect on elections for State and local office.
- Sec. 1009. Effective date.

TITLE XI—JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT

- Sec. 1101. Short title.
- Sec. 1102. Vote dilution, denial, and abridgment claims.
- Sec. 1103. Retrogression.
- Sec. 1104. Violations triggering authority of court to retain jurisdiction.
- Sec. 1105. Criteria for coverage of States and political subdivisions.
- Sec. 1106. Determination of States and Political Subdivisions Subject to Preclearance for Covered Practices.
- Sec. 1107. Promoting transparency to enforce the Voting Rights Act.
- Sec. 1108. Authority to assign observers.
- Sec. 1109. Clarification of authority to seek relief.
- Sec. 1110. Preventive relief.
- Sec. 1111. Relief for violations of voting rights laws.
- Sec. 1112. Enforcement of Voting Rights by Attorney General.
- Sec. 1113. Definitions.
- Sec. 1114. Attorneys' fees.
- Sec. 1115. Other technical and conforming amendments.
- Sec. 1116. Severability.
- Sec. 1117. Grants to assist with notice requirements under the Voting Rights Act of 1965.

TITLE XII—RESTRICTIONS ON GOVERNMENT PENSIONS FOR FELONY CONVICTIONS

- Sec. 1201. Federal retirement benefits forfeiture for Members of Congress and cabinet members convicted of certain crimes.
- Sec. 1202. Forfeiture of benefits for former Presidents convicted of a felony.

TITLE XIII—RESTRICTION ON LAWSUITS BY PRESIDENT

- Sec. 1301. Exceptions to Federal Tort Claims Act.

TITLE XIV—PROHIBITION ON PREDICTION MARKET PARTICIPATION

- Sec. 1401. Short title.
- Sec. 1402. Restrictions on trading on prediction markets.

1 **TITLE I—RESTORE TRUST IN**
2 **GOVERNMENT ACT**

3 **SECTION 101. SHORT TITLE.**

4 This title may be cited as the “Restore Trust in Gov-
5 ernment Act”.

6 **SEC. 102. RESTRICTIONS ON TRADE AND OWNERSHIP OF**
7 **COVERED INVESTMENTS.**

8 (a) TABLE OF CONTENTS.—The table of contents for
9 chapter 131 of title 5, United States Code, is amended
10 by adding at the end the following:

SUBCHAPTER IV. RESTRICTIONS ON TRADE AND OWNERSHIP OF COVERED
INVESTMENTS

13151. Definitions.

13152. Trade and ownership of covered investments.

13153. Penalties.

11 (b) RESTRICTIONS.—Chapter 131 of title 5, United
12 States Code, is amended by adding at the end a new sub-
13 chapter:

14 “SUBCHAPTER IV—RESTRICTIONS ON TRADE
15 AND OWNERSHIP OF COVERED INVESTMENTS

16 “§ 13151. **Definitions**

17 “In this subchapter:

18 “(1) COMMODITY.—The term ‘commodity’—

19 “(A) has the meaning given the term in

20 section 1a of the Commodity Exchange Act (7

21 U.S.C. 1a); and

1 “(B) does not include a precious metal (as
2 defined in section 1027.100 of title 31, Code of
3 Federal Regulations).

4 “(2) COVERED INDIVIDUAL.—The term ‘cov-
5 ered individual’ means any of the following:

6 “(A) A Member of Congress, as defined in
7 section 13101.

8 “(B) A dependent child (as defined in sec-
9 tion 13101) or a spouse of a Member of Con-
10 gress.

11 “(C) A trustee of a trust in which an indi-
12 vidual described in subparagraph (A) or (B)
13 has a beneficial interest in the principal or in-
14 come of the trust as described in section
15 1403(b)(5) of the Internal Revenue Code of
16 1986.

17 “(D) The President, or the spouse or a de-
18 pendent child (as defined in section 13101) of
19 the President.

20 “(E) The Vice President, or the spouse or
21 a dependent child (as defined in section 13101)
22 of the Vice President.

23 “(F) The Chief Justice of the United
24 States, or the spouse or a dependent child (as
25 defined in section 13101) of the Chief Justice.

1 “(G) An Associate Justice of the Supreme
2 Court, or the spouse or a dependent child (as
3 defined in section 13101) of an Associate Jus-
4 tice.

5 “(3) COVERED INVESTMENT.—The term ‘cov-
6 ered investment’—

7 “(A) means an investment in a security, a
8 commodity, a future, or any comparable eco-
9 nomic interest acquired through synthetic
10 means, such as the use of a derivative, includ-
11 ing an option, warrant, or other similar means;
12 and

13 “(B) does not include—

14 “(i) a widely held investment fund de-
15 scribed in section 13104(f)(8) that is di-
16 versified and publicly traded on a national
17 or regional stock exchange;

18 “(ii) a United States Treasury bill,
19 note, or bond;

20 “(iii) a State or municipal government
21 bill, note, or bond;

22 “(iv) any compensation received by a
23 spouse or a dependent child described in
24 paragraph (2) from an employer of the
25 spouse or dependent child;

1 “(v) an interest in a small business
2 concern and, in the case of an investment
3 in a family farm or ranch that qualifies as
4 an interest in a small business concern, a
5 future or commodity directly related to the
6 farming activities and products of the farm
7 or ranch;

8 “(vi) an interest in a limited liability
9 company created for the sole purpose of
10 purchasing or holding real estate that
11 serves as the personal residences of the
12 Member of Congress;

13 “(vii) any share of Settlement Com-
14 mon Stock issued under section 7(g)(1)(A)
15 of the Alaska Native Claims Settlement
16 Act (43 U.S.C. 1606(g)(1)(A)); or

17 “(viii) any share of Settlement Com-
18 mon Stock, as defined in section 3 of the
19 Alaska Native Claims Settlement Act (43
20 U.S.C. 1602).

21 “(4) DIVERSIFIED.—The term ‘diversified’,
22 with respect to an investment fund, means such
23 fund does not have a stated policy of concentrating
24 its investments in any industry, business, single
25 country other than the United States, or bonds of a

1 single State within the United States except for the
2 State in which the Member of Congress resides.

3 “(5) FUTURE.—The term ‘future’ means a fi-
4 nancial contract obligating the buyer to purchase an
5 asset or the seller to sell an asset, such as a physical
6 commodity or a financial investment, at a predeter-
7 mined future date and price.

8 “(6) SECURITY.—The term ‘security’ has the
9 meaning given the term in section 3(a) of the Secu-
10 rities Exchange Act of 1934 (15 U.S.C. 78c(a)).

11 “(7) SMALL BUSINESS CONCERN.—The term
12 ‘small business concern’ has the meaning given that
13 term under section 3 of the Small Business Act (15
14 U.S.C. 632).

15 “(8) SUPERVISING ETHICS OFFICE.—The term
16 ‘supervising ethics office’ has the meaning given the
17 term in section 13101.

18 **“§ 13152. Trade and ownership of covered invest-**
19 **ments**

20 “(a) CONDUCT DURING FEDERAL SERVICE.—Except
21 as described in subsection (b)(1)(B) and subsections (e)
22 through (g), no covered individual may, directly or indi-
23 rectly, own or trade a covered investment.

24 “(b) COMPLIANCE.—

1 “(1) REQUIREMENT.—To comply with sub-
2 section (a)—

3 “(A) a covered individual may not pur-
4 chase a covered investment; and

5 “(B) a covered individual shall divest of
6 any covered investment by the effective date es-
7 tablished in paragraph (2) at fair market value.

8 “(2) EFFECTIVE DATE.—The effective date is
9 established as follows:

10 “(A) 180 days for an individual who is a
11 covered individual on the date of enactment of
12 the Restore Trust in Government Act.

13 “(B) 90 days within the date on which an
14 individual becomes a covered individual if such
15 date occurs after the date of enactment of the
16 Restore Trust in Government Act.

17 “(c) CERTIFICATES OF DIVESTITURE.—

18 “(1) APPLICATION OF CERTIFICATE OF DIVES-
19 TITURE PROGRAM.—For purposes of section 1043 of
20 the Internal Revenue Code of 1986—

21 “(A) this section shall be treated as a Fed-
22 eral conflict of interest statute;

23 “(B) any covered individual described in
24 section 13151(2)(A) shall be treated as an eligi-

1 ble person described in section 1043(b)(1)(A) of
2 such Code; and

3 “(C) any spouse or dependent child de-
4 scribed in section 13151(2)(B) shall be treated
5 as an eligible person described in section
6 1043(b)(1)(B) of such Code.

7 “(2) ISSUANCE OF CERTIFICATE OF DIVESTI-
8 TURE.—

9 “(A) IN GENERAL.—Each supervising eth-
10 ics office shall issue a certificate of divestiture
11 to each covered individual required to divest
12 under this subchapter upon submission of proof
13 of compliance by such individual with the re-
14 quirements to divest or any extensions granted
15 by the supervising ethics office.

16 “(B) ELIGIBILITY.—Such certificate shall
17 include an identification of each specific prop-
18 erty eligible for the application of the certificate
19 of divestiture program as determined by the su-
20 pervising ethics office.

21 “(d) INCOME TAX.—A loss from a transaction or
22 holding involving a covered financial instrument that is
23 conducted in violation of this section may not be deducted
24 from the amount of income tax owed by the covered indi-
25 vidual.

1 “(e) OCCUPATIONAL EXCEPTION.—A spouse or de-
2 pendent child of a covered individual as described in sec-
3 tion 13151(2)(B) may trade any covered investment if
4 such covered investment is not owned by a covered indi-
5 vidual and if such trade is performed as a function of the
6 primary occupation of the spouse or dependent child.

7 “(f) TRUSTS.—

8 “(1) QUALIFIED BLIND TRUST.—Any covered
9 investment held in a qualified blind trust as defined
10 in section 13104(f)(3) shall be divested in accord-
11 ance with subsection (b)(1)(B) by the effective date
12 established in subsection (b)(2).

13 “(2) FAMILY TRUST.—A supervising ethics of-
14 fice may grant an exemption for covered investments
15 held in a family trust only if—

16 “(A) no covered individual—

17 “(i) is a grantor of the family trust;

18 “(ii) contributed any covered invest-
19 ment to the family trust; or

20 “(iii) has any authority over a trustee
21 of the family trust, including the authority
22 to appoint, replace, or direct the actions of
23 such a trustee; and

24 “(B) the grantor of the family trust is or
25 was a family member of the covered individual.

1 “(3) REQUESTS.—A covered individual seeking
2 an exemption under paragraph (2) shall submit to
3 the applicable supervising ethics office a request for
4 the exemption, in writing, certifying that the condi-
5 tions described in that paragraph are met.

6 “(g) ASSETS ACQUIRED IN SPECIAL CIR-
7 CUMSTANCES.—In the event that a covered individual ac-
8 quires a covered investment after the date of enactment
9 of the Restore Trust in Government Act other than by
10 purchase (such as by marriage, inheritance, divorce settle-
11 ment, or other circumstance), the covered individual shall
12 have 90 days from the date on which such investment was
13 acquired to divest such covered investment at fair market
14 value.

15 “(h) EXTENSION.—A supervising ethics office may
16 grant a covered individual an extension of time to comply
17 with a divestment deadline under this subchapter if a cov-
18 ered investment cannot be divested by such deadline due
19 to low liquidity, vesting schedules, or contractual restric-
20 tions.

21 “(i) INTERPRETATIVE GUIDANCE.—The supervising
22 ethics office shall issue interpretive guidance on any rel-
23 evant term not defined in this subchapter.

24 **“§ 13153. Penalties**

25 “(a) IN GENERAL.—

1 “(1) PENALTIES.—Any covered individual who
2 violates the restrictions on trading or ownership of
3 covered investments in section 13152 shall, at the
4 direction of the supervising ethics office—

5 “(A) pay a fee equal to ten percent of the
6 value of the covered investment; and

7 “(B) disgorge the profits of any trans-
8 action that violates the provisions of this sub-
9 chapter.

10 “(2) PAYMENT OF PENALTY TO TREASURY.—A
11 penalty imposed under paragraph (1)(B) shall be
12 payable into the Treasury of the United States.

13 “(b) PAYMENT RESTRICTIONS.—A Member of Con-
14 gress may not pay any of the penalties under this section
15 by using amounts from the following sources:

16 “(1) The Members’ Representational Allowance.

17 “(2) The Senators’ Official Personnel and Of-
18 fice Expense Account.

19 “(3) Any contribution (as defined in section
20 301(8) of the Federal Election Campaign Act of
21 1971 (52 U.S.C. 30101(8))) accepted as a can-
22 didate, and any other donation received as support
23 for activities of the individual as a holder of Federal
24 office.

1 “(c) PUBLICATION.—Each supervising ethics office
2 shall publish on a publicly available website a description
3 of—

4 “(1) each fine assessed by the supervising eth-
5 ics office pursuant to this section;

6 “(2) the reason why each such fine was as-
7 sessed; and

8 “(3) the result of each assessment.”.

9 **TITLE II—NO PAY FOR CON-**
10 **GRESS DURING DEFAULT OR**
11 **GOVERNMENT SHUTDOWN**

12 **SEC. 201. SHORT TITLE.**

13 This title may be cited as the “No Pay for Congress
14 During Default or Government Shutdown Act”.

15 **SEC. 202. REQUIRING REDUCTION OF PAY OF MEMBERS OF**
16 **CONGRESS IF PUBLIC DEBT LIMIT IS**
17 **REACHED.**

18 (a) REDUCTION OF PAY FOR EACH DAY OF GOVERN-
19 MENT SHUTDOWN.—

20 (1) IN GENERAL.—If on any day during a year
21 the public debt limit is reached, the annual rate of
22 pay applicable under section 601(a) of the Legisla-
23 tive Reorganization Act of 1946 (2 U.S.C. 4501)
24 with respect to each Member of Congress for the

1 year shall be reduced by an amount equal to the
2 product of—

3 (A) an amount equal to one day's worth of
4 pay under such annual rate; and

5 (B) the number of 24-hour periods during
6 which the public debt limit is reached.

7 (2) EFFECTIVE DATE.—This subsection shall
8 apply with respect to days occurring after the date
9 of the regularly scheduled general election for Fed-
10 eral office held in November 2026.

11 (b) SPECIAL RULE FOR ONE HUNDRED NINE-
12 TEENTH CONGRESS.—

13 (1) HOLDING SALARIES IN ESCROW.—If on any
14 day during the One Hundred Nineteenth Congress
15 the public debt limit is reached, the payroll adminis-
16 trator of that House of Congress shall—

17 (A) withhold from the payments otherwise
18 required to be made with respect to a pay pe-
19 riod for the compensation of each Member of
20 Congress who serves in that House of Congress
21 an amount equal to the product of—

22 (i) an amount equal to one day's
23 worth of pay under the annual rate of pay
24 applicable to the Member under section

1 601(a) of the Legislative Reorganization
2 Act of 1946 (2 U.S.C. 4501), and

3 (ii) the number of 24-hour periods
4 during which the public debt limit is
5 reached which occur during the pay period;
6 and

7 (B) deposit in an escrow account all
8 amounts withheld under subparagraph (A).

9 (2) RELEASE OF AMOUNTS AT END OF THE
10 CONGRESS.—In order to ensure that this subsection
11 is carried out in a manner that shall not vary the
12 compensation of Members of Congress in violation of
13 the twenty-seventh article of amendment to the Con-
14 stitution of the United States, the payroll adminis-
15 trator of a House of Congress shall release for pay-
16 ments to Members of that House of Congress any
17 amounts remaining in any escrow account under this
18 subsection on the last day of the One Hundred
19 Nineteenth Congress.

20 (3) EXCEPTION FOR DAYS OCCURRING AFTER
21 GENERAL ELECTION.—This subsection does not
22 apply with respect to any day during the One Hun-
23 dred Nineteenth Congress which occurs after the
24 date of the regularly scheduled general election for
25 Federal office held in November 2026.

1 (c) DETERMINATION OF REACHING OF PUBLIC DEBT
2 LIMIT.—For purposes of this section, the public debt limit
3 shall be considered to be reached if the Federal Govern-
4 ment is unable to make payments or meet obligations be-
5 cause the public debt limit under section 3101 of title 31,
6 United States Code, has been reached.

7 **SEC. 203. REQUIRING REDUCTION OF PAY OF MEMBERS OF**
8 **CONGRESS IF GOVERNMENT SHUTDOWN OC-**
9 **CURS.**

10 (a) REDUCTION OF PAY FOR EACH DAY OF GOVERN-
11 MENT SHUTDOWN.—

12 (1) IN GENERAL.—If on any day during a year
13 a Government shutdown is in effect, the annual rate
14 of pay applicable under section 601(a) of the Legis-
15 lative Reorganization Act of 1946 (2 U.S.C. 4501)
16 with respect to each Member of Congress for the
17 year shall be reduced by an amount equal to the
18 product of—

19 (A) an amount equal to one day's worth of
20 pay under such annual rate; and

21 (B) the number of 24-hour periods during
22 which the Government shutdown is in effect.

23 (2) EFFECTIVE DATE.—This subsection shall
24 apply with respect to days occurring after the date

1 of the regularly scheduled general election for Fed-
2 eral office held in November 2026.

3 (b) SPECIAL RULE FOR ONE HUNDRED NINE-
4 TEENTH CONGRESS.—

5 (1) HOLDING SALARIES IN ESCROW.—If on any
6 day during the One Hundred Nineteenth Congress a
7 Government shutdown is in effect, the payroll ad-
8 ministrator of that House of Congress shall—

9 (A) withhold from the payments otherwise
10 required to be made with respect to a pay pe-
11 riod for the compensation of each Member of
12 Congress who serves in that House of Congress
13 an amount equal to the product of—

14 (i) an amount equal to one day's
15 worth of pay under the annual rate of pay
16 applicable to the Member under section
17 601(a) of the Legislative Reorganization
18 Act of 1946 (2 U.S.C. 4501); and

19 (ii) the number of 24-hour periods
20 during which the Government shutdown is
21 in effect which occur during the pay pe-
22 riod; and

23 (B) deposit in an escrow account all
24 amounts withheld under subparagraph (A).

1 (2) RELEASE OF AMOUNTS AT END OF THE
2 CONGRESS.—In order to ensure that this subsection
3 is carried out in a manner that shall not vary the
4 compensation of Senators or Representatives in vio-
5 lation of the twenty-seventh article of amendment to
6 the Constitution of the United States, the payroll
7 administrator of a House of Congress shall release
8 for payments to Members of that House of Congress
9 any amounts remaining in any escrow account under
10 this subsection on the last day of the One Hundred
11 Nineteenth Congress.

12 (3) EXCEPTION FOR DAYS OCCURRING AFTER
13 GENERAL ELECTION.—This subsection does not
14 apply with respect to any day during the One Hun-
15 dred Nineteenth Congress which occurs after the
16 date of the regularly scheduled general election for
17 Federal office held in November 2026.

18 (c) DETERMINATION OF GOVERNMENT SHUT-
19 DOWN.—For purposes of this section, a Government shut-
20 down shall be considered to be in effect if there is a lapse
21 in appropriations for any Federal agency or department
22 as a result of a failure to enact a regular appropriations
23 bill or continuing resolution.

1 **SEC. 204. ROLE OF SECRETARY OF THE TREASURY.**

2 The Secretary of the Treasury shall provide the pay-
3 roll administrators of the Houses of Congress with such
4 assistance as may be necessary to enable the payroll ad-
5 ministrators to carry out this title.

6 **SEC. 205. DEFINITIONS.**

7 (a) MEMBER OF CONGRESS.—In this title, the term
8 “Member of Congress” means an individual serving in a
9 position under subparagraph (A), (B), or (C) of section
10 601(a) of the Legislative Reorganization Act of 1946 (2
11 U.S.C. 4501).

12 (b) PAYROLL ADMINISTRATOR.—In this title, the
13 “payroll administrator” of a House of Congress means—

14 (1) in the case of the House of Representatives,
15 the Chief Administrative Officer of the House of
16 Representatives, or an employee of the Office of the
17 Chief Administrative Officer who is designated by
18 the Chief Administrative Officer to carry out this
19 title; and

20 (2) in the case of the Senate, the Secretary of
21 the Senate, or an employee of the Office of the Sec-
22 retary of the Senate who is designated by the Sec-
23 retary to carry out this title.

1 **TITLE III—SUPREME COURT**
2 **DURATION OF ACTIVE SERVICE**

3 **SECTION 301. SHORT TITLE.**

4 This title may be cited as the “Supreme Court Ten-
5 ure Establishment and Retirement Modernization Act”.

6 **SEC. 302. SUPREME COURT TERMS OF OFFICE.**

7 (a) **IN GENERAL.**—Chapter 1 of title 28, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 **“§ 7. Appointment**

11 “(a) **REGULAR APPOINTMENT OF JUSTICES.**—The
12 President shall, during the first and third years after a
13 year in which there is a Presidential election, nominate,
14 and by and with the advice and consent of the Senate,
15 appoint one justice of the Supreme Court.

16 “(b) **EXCLUSIVE METHOD OF APPOINTMENT.**—The
17 President shall not appoint any justice of the Supreme
18 Court except as provided in this section.

19 “(c) **LIMITATION ON REPEAT APPOINTMENTS.**—An
20 individual, once confirmed by the Senate, may only serve
21 one 18-year term as a Supreme Court Justice.

22 “(d) **SENATE CONFIRMATION.**—

23 “(1) **IN GENERAL.**—The Senate shall exercise
24 its authority to provide advice and consent on nomi-
25 nations made under subsection (a) not later than 90

1 days after the date on which the individual is nomi-
2 nated by the President.

3 “(2) WITHDRAWAL OR DISAPPROVAL.—If the
4 President withdraws a nomination under subsection
5 (a) or the Senate disapproves such a nomination, the
6 President shall make another nomination under sub-
7 section (a). The Senate shall exercise its authority to
8 provide advice and consent on such a subsequent
9 nomination not later than 120 days after the date
10 on which the individual is nominated by the Presi-
11 dent.

12 **“§ 8. Duration of active service**

13 “(a) NEW JUSTICES.—Each justice shall serve in
14 regular active service for 18 years beginning on the date
15 on which the justice is sworn in, after which the justice
16 shall be deemed to have retired from regular active service
17 under section 371.

18 “(b) CURRENT JUSTICES.—Each justice who was ap-
19 pointed before the date of enactment of this section and
20 who is serving as a justice on the date of enactment of
21 this section shall, notwithstanding the period of service of
22 the justice, in order of duration of service beginning with
23 the justice who has served on the Supreme Court for the
24 longest period of time, be deemed to have retired from reg-
25 ular active service under section 371(b) upon the date of

1 commission of each new justice as they are appointed
2 under section 7.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for chapter 1 of title 28, United States Code, is amended
5 by adding at the end the following:

“7. Appointment.

“8. Duration of active service.”.

6 **SEC. 303. SENIOR JUSTICES.**

7 Section 294 of title 28, United States Code, is
8 amended—

9 (1) in subsection (d), by striking the period at
10 the end and inserting “except as provided by sub-
11 section (e).”;

12 (2) by redesignating subsection (e) as sub-
13 section (f); and

14 (3) by inserting after subsection (d) the fol-
15 lowing:

16 “(e) In the event that the number of justices of the
17 Supreme Court falls below that provided in section 1 due
18 to vacancy, disability, or disqualification, a justice of the
19 Supreme Court who has retired from regular active service
20 under section 371 but retained their office shall be chosen
21 by the Chief Justice through a publicly transparent and
22 randomized process to serve as an associate justice until
23 the number of justices who have not retired from regular
24 active service equals that provided in section 1.”.

1 **TITLE IV—CONSTITUTIONAL**
2 **AMENDMENT FOR CONGRES-**
3 **SIONAL TERM LIMITS**

4 **SEC. 401. CONSTITUTIONAL AMENDMENT FOR CONGRES-**
5 **SIONAL TERM LIMITS.**

6 The following article is proposed as an amendment
7 to the Constitution of the United States, which shall be
8 valid to all intents and purposes as part of the Constitu-
9 tion when ratified by the legislatures of three-fourths of
10 the several States within seven years after the date of its
11 submission for ratification:

12 “ARTICLE—

13 “SECTION 1. No person who has served 9 terms as
14 a Representative shall be eligible for election to the House
15 of Representatives. For purposes of this section, the elec-
16 tion of a person to fill a vacancy in the House of Rep-
17 resentatives shall be included as 1 term in determining
18 the number of terms that such person has served as a Rep-
19 resentative if the person fills the vacancy for more than
20 1 year.

21 “SECTION 2. No person who has served 3 terms as
22 a Senator shall be eligible for election or appointment to
23 the Senate. For purposes of this section, the election or
24 appointment of a person to fill a vacancy in the Senate
25 shall be included as 1 term in determining the number

1 of terms that such person has served as a Senator if the
2 person fills the vacancy for more than 3 years.

3 “SECTION 3. No term beginning before the date of
4 the ratification of this article shall be taken into account
5 in determining eligibility for election or appointment under
6 this article.”.

7 **TITLE V—SUPREME COURT**
8 **ETHICS REQUIREMENTS**

9 **SEC. 501. SHORT TITLE.**

10 This title may be cited as the “Supreme Court Ethics
11 and Investigations Act”.

12 **SEC. 502. ESTABLISHMENT OF THE OFFICE OF ETHICS**
13 **COUNSEL WITHIN THE SUPREME COURT OF**
14 **THE UNITED STATES.**

15 (a) IN GENERAL.—Chapter 45 of title 28, United
16 States Code, is amended by adding at the end the fol-
17 lowing:

18 **“§ 678. Office of Ethics Counsel**

19 “(a) THE OFFICE OF ETHICS COUNSEL.—The Chief
20 Justice is authorized to establish an Office of Ethics
21 Counsel within the Supreme Court of the United States—

22 “(1) constituted by one chief ethics counsel who
23 may employ such officers and employees, subject to
24 the provisions of title 5, governing appointments in
25 the competitive service, and the provisions of chapter

1 51 and subchapter III of chapter 53 of such title re-
2 lating to classification and General Schedule pay
3 rates; and

4 “(2) to advise and provide guidance to justices
5 of the Supreme Court, and their spouses, on matters
6 of judicial ethics, including—

7 “(A) financial disclosure requirements;

8 “(B) the acceptance of gifts;

9 “(C) political activity;

10 “(D) conflicts of interest and recusal; and

11 “(E) the unauthorized disclosure of official

12 Court documents.

13 “(b) ETHICS COUNSELS.—

14 “(1) STAFFING AND COMPENSATION OF COUN-
15 SELS.—

16 “(A) CHIEF ETHICS COUNSEL.—The chief
17 ethics counsel within the Office of Ethics Coun-
18 sel—

19 “(i) may not be employed by the
20 Court on the date of enactment of this sec-
21 tion;

22 “(ii) shall be appointed by the Chief
23 Justice;

24 “(iii) shall serve not more than two 6-
25 year terms; and

1 “(iv) shall receive an annual rate of
2 pay of at least \$225,000.

3 “(B) OTHER COUNSELS.—Any counsel
4 other than the chief ethics counsel within the
5 Office of Ethics Counsel—

6 “(i) may not be employed by the
7 Court on the date of enactment of this sec-
8 tion;

9 “(ii) shall be appointed by the chief
10 ethics counsel;

11 “(iii) shall serve not more than two 6-
12 year terms; and

13 “(iv) shall receive an annual rate of
14 pay of at least \$180,000.

15 “(2) QUALIFICATIONS.—Each counsel of the
16 Office of Ethics Counsel shall—

17 “(A) be licensed to practice law in a State
18 or territory of the United States and a member
19 of the bar in good standing; and

20 “(B) possess at least 5 years of experience
21 as a practicing attorney.

22 “(3) EXPERTISE.—Each counsel shall be an in-
23 dividual of exceptional public standing who is specifi-
24 cally qualified to serve within the Office of Ethics
25 Counsel by virtue of the individual’s education,

1 training, and experience, as determined by the Chief
2 Justice.

3 “(4) TERMINATION OF COUNSELS.—The em-
4 ployment of a counsel may only be terminated by the
5 Chief Justice for cause.

6 “(c) TRAINING.—On a biannual basis, the Office of
7 Ethics Counsel shall provide, and each justice shall take,
8 a training course on the judicial ethics matters described
9 in subsection (a)(2).

10 “(d) REPORT.—On an annual basis, the chief ethics
11 counsel shall submit to the Committees on the Judiciary
12 of the House of Representatives and of the Senate a report
13 on the ethics advice given by the Office of Ethics Counsel
14 during the previous year, including—

15 “(1) the number of times advice was sought
16 and given;

17 “(2) whether the advice was sought by judicial
18 officers or by judicial employees;

19 “(3) information about the topics covered by
20 the advice given, including the number of questions
21 related to gifts, financial disclosures, nonpublic in-
22 formation, and political activity;

23 “(4) the number and types of mitigation meas-
24 ures that were recommended, including recusal, di-
25 vestiture, resignation;

1 “(5) the number of times advice described in
2 this subsection was not followed by the individual to
3 whom it was given, if known by the Office.

4 “(e) DEFINITIONS.—In this section:

5 “(1) The term ‘gift’ means any gratuity, favor,
6 discount, entertainment, hospitality, loan, forbear-
7 ance, or other item having monetary value. The term
8 includes services as well as gifts of training, trans-
9 portation, local travel, lodgings and meals, whether
10 provided in-kind, by purchase of a ticket, payment in
11 advance, or reimbursement after the expense has
12 been incurred.

13 “(2) The term ‘political activity’ means political
14 engagements, such as paid speaking events, fund-
15 raisers, or donations to political parties, politicians,
16 political action groups, or endorsements of political
17 candidates.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 of chapter 45 of title 28, United States Code, is amended
20 by inserting after the item relating to section 678 the fol-
21 lowing:

 “678. Office of Ethics Counsel.”.

1 **SEC. 503. ESTABLISHMENT OF THE OFFICE OF INVESTIGA-**
2 **TIVE COUNSEL WITHIN THE SUPREME COURT**
3 **OF THE UNITED STATES.**

4 (a) IN GENERAL.—Chapter 45 of title 28, United
5 States Code, as amended by section 502, is further amend-
6 ed by adding at the end the following:

7 **“§ 679. Office of Investigative Counsel**

8 “(a) OFFICE OF INVESTIGATIVE COUNSEL.—The
9 Chief Justice is authorized to establish an Office of Inves-
10 tigative Counsel within the Supreme Court of the United
11 States—

12 “(1) constituted by one Chief Investigative
13 Counsel and at least two additional investigative
14 counsels; and

15 “(2) to review and investigate ethics complaints
16 against justices arising from their actions or the ac-
17 tions of their spouses and dependents.

18 “(b) INVESTIGATIVE COUNSELS.—

19 “(1) STAFFING AND COMPENSATION OF COUN-
20 SELS.—

21 “(A) CHIEF INVESTIGATIVE COUNSEL.—
22 The Chief Investigative Counsel—

23 “(i) may not be employed by the court
24 on the date of enactment of this section;

25 “(ii) shall be appointed by the Chief
26 Justice;

1 “(iii) shall serve not more than one 6-
2 year term; and

3 “(iv) shall receive an annual rate of
4 pay of at least \$225,000.

5 “(B) ADDITIONAL INVESTIGATIVE COUN-
6 SELS.—The investigative counsels—

7 “(i) may not be employed by the court
8 on the date of enactment of this section;

9 “(ii) shall be appointed by the Chief
10 Investigative Counsel;

11 “(iii) shall serve at the pleasure of the
12 Chief Investigative Counsel; and

13 “(iv) shall receive an annual rate of
14 pay of at least \$180,000.

15 “(C) QUALIFICATIONS.—Each investigative
16 counsel of the Office of Investigative Counsel
17 shall—

18 “(i) be licensed to practice law in a
19 State or territory of the United States and
20 a member of the bar in good standing; and

21 “(ii) possess at least 7 years of experi-
22 ence as a practicing attorney.

23 “(D) EXPERTISE.—Each investigative
24 counsel and the Chief Investigative Counsel
25 shall be an individual of exceptional public

1 standing who is specifically qualified to serve
2 within the Office of Investigative Counsel by
3 virtue of the individual's education, training,
4 and experience.

5 “(E) TERMINATION OF COUNSELS.—The
6 employment of the Chief Investigative Counsel
7 may only be terminated by the Chief Justice for
8 cause.

9 “(2) SUBPOENA POWER.—

10 “(A) IN GENERAL.—For the discharge of
11 their duties, the Chief Investigative Counsel
12 shall have the authority to issue subpoenas to
13 compel witnesses to appear and testify and to
14 produce books, papers, correspondence, memo-
15 randa, documents, or other relevant records.
16 The Chief Investigative Counsel may issue sub-
17 poenas requiring the attendance and testimony
18 of witnesses and the production of any evidence
19 relating to any matter under investigation by
20 the Office of Investigative Counsel, which the
21 Office is empowered to investigate by this sec-
22 tion. The attendance of witnesses and the pro-
23 duction of evidence may be required from any
24 place within the United States at any des-

1 ignated place of hearing within the United
2 States.

3 “(B) FAILURE TO OBEY A SUBPOENA.—If
4 a person refuses to obey a subpoena issued
5 under subparagraph (A), the Chief Investigative
6 Counsel may apply to a United States district
7 court for an order requiring that person to ap-
8 pear before the Office of Investigative Counsel
9 to give testimony, produce evidence, or both, re-
10 lating to the matter under investigation. The
11 application may be made within the judicial dis-
12 trict where the hearing is conducted or where
13 that person is found, resides, or transacts busi-
14 ness. Any failure to obey the order of the court
15 shall be punishable by contempt of court.

16 “(C) SERVICE OF SUBPOENAS.—The sub-
17 poenas of the Office of Investigative Counsel
18 shall be served in the manner provided for sub-
19 poenas issued by a United States district court
20 under the Federal Rules of Civil Procedure for
21 the United States district courts.

22 “(D) SERVICE OF PROCESS.—All process
23 of any court to which application is made under
24 subparagraph (B) may be served in the judicial

1 district in which the person required to be
2 served resides or may be found.

3 “(c) ETHICS COMPLAINTS.—

4 “(1) FILING.—An ethics complaint against a
5 justice may be filed with the Office of Investigate
6 Counsel by—

7 “(A) the chair or ranking minority member
8 of the Committee on the Judiciary of the House
9 of Representatives or of the Senate;

10 “(B) the Majority Leader or Minority
11 Leader of the Senate; or

12 “(C) the Speaker or the Minority Leader
13 of the House of Representatives.

14 “(2) REVIEW.—Not later than 60 days after an
15 ethics complaint is filed under paragraph (1), the
16 Office of Investigative Counsel shall review the com-
17 plaint and determine whether a full investigation is
18 appropriate. In making a determination under this
19 paragraph, the Office shall consider whether the al-
20 leged behavior of a justice violates the Code of Con-
21 duct of the Supreme Court, the Judicial Code of
22 Conduct, or any applicable law or regulation. Upon
23 making a determination under this paragraph, the
24 chief counsel shall respond to each ethics complaint
25 filed under paragraph (1), regardless of whether the

1 Office of Investigative Counsel determines that an
2 investigation is appropriate.

3 “(3) INVESTIGATION.—If the Office determines
4 that a full investigation is appropriate, it shall open
5 the investigation not later than 15 days after mak-
6 ing such determination.

7 “(4) REPORTING.—

8 “(A) IN GENERAL.—The Office of Inves-
9 tigative Counsel shall submit to the Chief Jus-
10 tice a report containing its findings and rec-
11 ommendations about an ethics complaint filed
12 under paragraph (2) (including in the case of a
13 complaint with respect to which the Office de-
14 termines that no violation has occurred), except
15 that in the case of an ethics complaint with re-
16 spect to which the Chief Justice is the subject,
17 the Office shall deliver such report to the most
18 senior associate justice.

19 “(B) CONTENTS.—A report under sub-
20 paragraph (A) shall include—

21 “(i) each violation of the Code of Con-
22 duct for the Supreme Court committed by
23 the justice who was the subject of the in-
24 vestigation under paragraph (3), including
25 any such violation that arose as a result of

1 the actions of a spouse or dependant of the
2 justice; and

3 “(ii) substantive and actionable rec-
4 ommendations from the Office of Inves-
5 tigative Counsel including recusal, divest-
6 ment and neutralization conflicts of inter-
7 est, and other remedies.

8 “(C) PUBLICATION.—

9 “(i) CHIEF JUSTICE.—The Chief Jus-
10 tice may, in his sole discretion, release to
11 the public a report received under subpara-
12 graph (A), but may not alter such a report
13 in any way, except to redact any classified
14 or personally identifiable information. In
15 the case of an ethics complaint with re-
16 spect to which the Chief Justice is the sub-
17 ject, the most senior associate justice is
18 authorized to carry out this clause.

19 “(ii) AVAILABILITY TO CONGRESS.—
20 Not later than 10 days after completing a
21 report under subparagraph (A), the Office
22 of Investigative Counsel shall make the re-
23 port available to—

1 “(I) the Committees on the Judi-
2 ciary of the House of Representatives
3 and of the Senate;

4 “(II) the Committee on Oversight
5 and Government Reform of the House
6 of Representatives; and

7 “(III) the Committee on Home-
8 land Security and Governmental Af-
9 fairs of the Senate.

10 “(iii) DUTY TO INFORM THE ATTOR-
11 NEY GENERAL.—In carrying out the duties
12 of the Office, the Investigative Counsel
13 shall report expeditiously to the Attorney
14 General whenever the Investigative Counsel
15 has reasonable grounds to believe there has
16 been a violation of Federal criminal law.”.

17 (b) CLERICAL AMENDMENT.—The table of contents
18 of chapter 45 of title 28, United States Code, is amended
19 by inserting after the item relating to section 678, as
20 added by section 2, the following:

“679. Office of Investigative Counsel.”.

21 **SEC. 504. SEVERABILITY.**

22 If any provision of this title, or any application of
23 such provision to any person or circumstance, is held to
24 be unconstitutional, the remainder of this title and the ap-

1 plication of this title to any other person or circumstance
2 shall not be affected.

3 **TITLE VI—PREVENTING ABUSES**
4 **OF PRESIDENTIAL POWER**

5 **SEC. 600. SHORT TITLE.**

6 This title may be cited as the “Division A of the Pro-
7 tecting Our Democracy Act”.

8 **Subtitle A—Abuse of the Pardon**
9 **Power Prevention**

10 **SEC. 601. SHORT TITLE.**

11 This subtitle may be cited as the “Abuse of the Par-
12 don Power Prevention Act”.

13 **SEC. 602. CONGRESSIONAL OVERSIGHT RELATING TO CER-**
14 **TAIN PARDONS.**

15 (a) SUBMISSION OF INFORMATION.—Not later than
16 30 days after the date on which the President grants an
17 individual a pardon for a covered offense, the Attorney
18 General shall submit to the chair and ranking member of
19 each appropriate congressional committee—

20 (1) all materials obtained or produced by the
21 prosecution team, including the Attorney General
22 and any United States Attorney, and all materials
23 obtained or prepared by any investigative agency of
24 the Federal Government, relating to the offense for
25 which the individual was pardoned; and

1 (2) all materials obtained or produced by the
2 Department of Justice in relation to the pardon.

3 (b) TREATMENT OF INFORMATION.—Rule 6(e) of the
4 Federal Rules of Criminal Procedure may not be con-
5 strued to prohibit the disclosure of information required
6 by subsection (a) of this section.

7 (c) DEFINITIONS.—In this section:

8 (1) APPROPRIATE CONGRESSIONAL COM-
9 MITTEE.—The term “appropriate congressional com-
10 mittee” means—

11 (A) the Committee on the Judiciary of the
12 Senate and the Committee on the Judiciary of
13 the House of Representatives; and

14 (B) if an investigation relates to intel-
15 ligence or counterintelligence matters, the Se-
16 lect Committee on Intelligence of the Senate
17 and the Permanent Select Committee on Intel-
18 ligence of the House of Representatives.

19 (2) COVERED OFFENSE.—The term “covered
20 offense” means—

21 (A) an offense against the United States
22 that arises from an investigation in which a tar-
23 get or subject is—

24 (i) the President;

25 (ii) a relative of the President;

1 (iii) any individual who is serving or
2 previously served as a political appointee
3 under the President;

4 (iv) any individual who was an em-
5 ployee of an authorized committee (as de-
6 fined in section 301(6) of the Federal
7 Election Campaign Act of 1971 (52 U.S.C.
8 30101(6))) of the President for any elec-
9 tion to the office of President; or

10 (v) in the case of an offense motivated
11 by a direct and significant personal or pe-
12 cuniary interest of any individual described
13 in clause (i), (ii), (iii), or (iv), any person
14 or entity;

15 (B) an offense under section 102 of the
16 Revised Statutes of the United States (2 U.S.C.
17 192); or

18 (C) an offense under section 1001, 1505,
19 1512, or 1621 of title 18, United States Code,
20 if the offense occurred in relation to a congres-
21 sional proceeding or investigation.

22 (3) PARDON.—The term “pardon” includes a
23 commutation of sentence.

24 (4) POLITICAL APPOINTEE.—The term “polit-
25 ical appointee” means any individual, other than the

1 President or the Vice President, employed or holding
2 office—

3 (A) in the Executive Office of the Presi-
4 dent, the Office of the Vice President, or any
5 other office of the White House, but not includ-
6 ing any career employee; or

7 (B) in a confidential, policy-making, policy-
8 determining, or policy-advocating position ap-
9 pointed by the President, by and with the ad-
10 vice and consent of the Senate (other than an
11 individual in the Foreign Service).

12 (5) RELATIVE.—The term “relative”, with re-
13 spect to the President, means—

14 (A) a family member (as defined in section
15 1635.3(a) of title 29, Code of Federal Regula-
16 tions, or any successor regulation) of the Presi-
17 dent who is a first-degree relative, second-de-
18 gree relative, or third-degree relative (as those
19 terms are defined in such section 1635.3(a) or
20 any successor regulation) of the President; or

21 (B) a spouse of a family member described
22 in subparagraph (A).

1 **SEC. 603. BRIBERY IN CONNECTION WITH PARDONS AND**
2 **COMMUTATIONS.**

3 Section 201 of title 18, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1), by inserting “, in-
7 cluding the President and the Vice President of
8 the United States,” after “or an officer or em-
9 ployee or person”; and

10 (B) in paragraph (3), by inserting before
11 the period at the end the following: “, including
12 any pardon, commutation, or reprieve, or an
13 offer of any such pardon, commutation, or re-
14 prieve”; and

15 (2) in subsection (b)(3), by inserting “(includ-
16 ing, for purposes of this paragraph, any pardon,
17 commutation, or reprieve, or an offer of any such
18 pardon, commutation, or reprieve)” after “corruptly
19 gives, offers, or promises anything of value”.

20 **SEC. 604. PROHIBITION ON PRESIDENTIAL SELF-PARDON.**

21 The President’s grant of a pardon to himself or her-
22 self is void and of no effect, and shall not deprive the
23 courts of jurisdiction, or operate to confer on the Presi-
24 dent any legal immunity from investigation or prosecution.

1 **Subtitle B—Ensuring No President**
2 **Is Above the Law**

3 **SEC. 611. SHORT TITLE.**

4 This subtitle may be cited as the “No President is
5 Above the Law Act”.

6 **SEC. 612. TOLLING OF STATUTE OF LIMITATIONS.**

7 (a) OFFENSES COMMITTED BY THE PRESIDENT OR
8 VICE PRESIDENT DURING OR PRIOR TO TENURE IN OF-
9 FICE.—Section 3282 of title 18, United States Code, is
10 amended by adding at the end the following:

11 “(c) OFFENSES COMMITTED BY THE PRESIDENT OR
12 VICE PRESIDENT DURING OR PRIOR TO TENURE IN OF-
13 FICE.—In the case of any person serving as President or
14 Vice President of the United States, the duration of that
15 person’s tenure in office shall not be considered for pur-
16 poses of any statute of limitations applicable to any Fed-
17 eral criminal offense committed by that person (including
18 any offenses committed during any period of time pre-
19 ceding such tenure in office).”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a) shall apply to any offense committed before the
22 date of enactment of this section, if the statute of limita-
23 tions applicable to that offense had not run as of such
24 date.

1 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to preclude the indictment or pros-
3 ecution of a President or Vice President, during that
4 President or Vice President’s tenure in office, for viola-
5 tions of the criminal laws of the United States.

6 **Subtitle C—Enforcement of the**
7 **Foreign and Domestic Emolu-**
8 **ments Clauses of the Constitu-**
9 **tion**

10 **SEC. 621. SHORT TITLE.**

11 This subtitle may be cited as the “Foreign and Do-
12 mestic Emoluments Enforcement Act”.

13 **SEC. 622. DEFINITIONS.**

14 In this subtitle:

15 (1) The term “emolument” means any profit,
16 gain, or advantage that is received directly or indi-
17 rectly from any government of a foreign country, the
18 Federal government, or any State or local govern-
19 ment, or from any instrumentality thereof, including
20 payments arising from commercial transactions at
21 fair market value.

22 (2) The term “person holding any office of
23 profit or trust under the United States” includes the
24 President of the United States and the Vice-Presi-
25 dent of the United States.

1 (3) The term “government of a foreign coun-
2 try” has the meaning given such term in section 1(e)
3 of the Foreign Agents Registration Act (22 U.S.C.
4 611(e)).

5 **SEC. 623. PROHIBITION ON ACCEPTANCE OF FOREIGN AND**
6 **DOMESTIC EMOLUMENTS.**

7 (a) FOREIGN.—Except as otherwise provided in sec-
8 tion 7342 of title 5, United States Code, it shall be unlaw-
9 ful for any person holding an office of profit or trust under
10 the United States to accept from a government of a for-
11 eign country, without first obtaining the consent of Con-
12 gress, any present or emolument, or any office or title.
13 The prohibition under this subsection applies without re-
14 gard to whether the present, emolument, office, or title
15 is—

16 (1) provided directly or indirectly by that gov-
17 ernment of a foreign country; or

18 (2) provided to that person or to any private
19 business interest of that person.

20 (b) DOMESTIC.—It shall be unlawful for the Presi-
21 dent to accept from the United States, or any of them,
22 any emolument other than the compensation for his or her
23 services as President provided for by Federal law. The
24 prohibition under this subsection applies without regard
25 to whether the emolument is provided directly or indi-

1 rectly, and without regard to whether the emolument is
2 provided to the President or to any private business inter-
3 est of the President.

4 **SEC. 624. CIVIL ACTIONS BY CONGRESS CONCERNING FOR-**
5 **EIGN EMOLUMENTS.**

6 (a) CAUSE OF ACTION.—The House of Representa-
7 tives or the Senate may bring a civil action against any
8 person for a violation of subsection (a) of section 623.

9 (b) SPECIAL RULES.—In any civil action described
10 in subsection (a), the following rules shall apply:

11 (1) The action shall be filed before the United
12 States District Court for the District of Columbia.

13 (2) The action shall be heard by a three-judge
14 court convened pursuant to section 2284 of title 28,
15 United States Code. It shall be the duty of such
16 court to advance on the docket and to expedite to
17 the greatest possible extent the disposition of any
18 such action. Such action shall be reviewable only by
19 appeal directly to the Supreme Court of the United
20 States. Such appeal shall be taken by the filing of
21 a notice of appeal within 10 days, and the filing of
22 a jurisdictional statement within 30 days, of the
23 entry of the final decision.

24 (3) It shall be the duty of the Supreme Court
25 of the United States to advance on the docket and

1 to expedite to the greatest possible extent the dis-
2 position of any such action and appeal.

3 (c) REMEDY.—If the court determines that a viola-
4 tion of subsection (a) of section 623 has occurred, the
5 court shall issue an order enjoining the course of conduct
6 found to constitute the violation, and such of the following
7 as are appropriate:

8 (1) The disgorgement of the value of any for-
9 eign present or emolument.

10 (2) The surrender of the physical present or
11 emolument to the Department of State, which shall,
12 if practicable, dispose of the present or emolument
13 and deposit the proceeds into the United States
14 Treasury.

15 (3) The renunciation of any office or title ac-
16 cepted in violation of such subsection.

17 (4) A prohibition on the use or holding of such
18 an office or title.

19 (5) Such other relief as the court determines
20 appropriate.

21 (d) USE OF GOVERNMENT FUNDS PROHIBITED.—No
22 appropriated funds, funds provided from any accounts in
23 the United States Treasury, funds derived from the collec-
24 tion of fees, or any other Government funds shall be used

1 to pay any disgorgement imposed by the court pursuant
2 to this section.

3 **SEC. 625. DISCLOSURES CONCERNING FOREIGN AND DO-**
4 **MESTIC EMOLUMENTS.**

5 (a) DISCLOSURES.—Section 13104(a) of title 5,
6 United States Code, is amended by adding at the end the
7 following:

8 “(9) FOREIGN EMOLUMENTS.—Any present,
9 emolument, office, or title received from a govern-
10 ment of a foreign country, including the source,
11 date, type, and amount or value of each present or
12 emolument accepted on or before the date of filing
13 during the preceding calendar year.

14 “(10) BUSINESS INTERESTS RECEIVING FOR-
15 EIGN EMOLUMENTS.—Each business interest that is
16 reasonably expected to result in the receipt of any
17 present or emolument from a government of a for-
18 eign country during the current calendar year.

19 “(11) EMOLUMENTS FROM UNITED STATES.—
20 In addition, the President shall report—

21 “(A) any emolument received from the
22 United States, or any of them, other than the
23 compensation for his or her services as Presi-
24 dent provided for by Federal law; and

1 “(B) any business interest that is reason-
2 ably expected to result in the receipt of any
3 emolument from the United States, or any of
4 them.”.

5 (b) REPORTING REQUIREMENTS RELATED TO
6 SPOUSES AND DEPENDENT CHILDREN.—Section
7 13104(e)(1) of title 5, United States Code, is amended—
8 (1) in the matter preceding subparagraph (A),
9 by inserting “and paragraphs (9) through (11)” after
10 “(5)”; and

11 (2) by inserting after subparagraph (F) the fol-
12 lowing:

13 “(G) FOREIGN EMOLUMENTS.—In the case
14 of items described in paragraphs (9) and (10)
15 of subsection (a), all information required to be
16 reported under these paragraphs.

17 “(H) EMOLUMENTS FROM UNITED
18 STATES.—In the case of—

19 “(i) items described in paragraph
20 (11)(A) of subsection (a), any such items
21 received by spouse or dependent child of
22 the President other than items related to
23 the President’s services as President pro-
24 vided for by Federal law; and

1 “(ii) in the case of items described in
2 paragraph (11)(B) of subsection (a), all in-
3 formation required to be reported under
4 that paragraph.”.

5 (c) **RULE OF CONSTRUCTION.**—Nothing in the
6 amendments made by this section shall be construed to
7 affect the prohibition against the acceptance of presents
8 and emoluments under section 623.

9 **SEC. 626. ENFORCEMENT AUTHORITY OF THE DIRECTOR**
10 **OF THE OFFICE OF GOVERNMENT ETHICS.**

11 (a) **GENERAL AUTHORITY.**—Section 13122(a) of title
12 5, United States Code, is amended—

13 (1) by striking “The Director” and inserting
14 the following:

15 “(1) **IN GENERAL.**—The Director”; and

16 (2) by adding at the end the following:

17 “(2) **OVERALL DIRECTION.**—The Director
18 shall—

19 “(A) provide overall direction of executive
20 branch policies related to compliance with the
21 Foreign and Domestic Emoluments Enforce-
22 ment Act, and the amendments made by that
23 Act; and

24 “(B) shall have the authority to—

1 “(i) issue administrative fines to indi-
2 viduals for violations;

3 “(ii) order individuals to take correc-
4 tive action, including disgorgement, divesti-
5 ture, and recusal, as the Director deems
6 necessary; and

7 “(iii) bring civil actions to enforce
8 such fines and orders.”.

9 (b) SPECIFIC AUTHORITIES.—Section 13122(b) of
10 title 5, United States Code, is amended—

11 (1) in paragraph (14), by striking “and” at the
12 end;

13 (2) in paragraph (15), by striking the period at
14 the end and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(16) developing and promulgating rules and
17 regulations to ensure compliance with the Foreign
18 and Domestic Emoluments Enforcement Act, and
19 the amendments made by that Act, including estab-
20 lishing—

21 “(A) requirements for reporting and disclo-
22 sure;

23 “(B) a schedule of administrative fines
24 that may be imposed by the Director for viola-
25 tions; and

1 “(C) a process for referral of matters to
2 the Office of Special Counsel for investigation
3 in compliance with section 1216(d).”.

4 **SEC. 627. JURISDICTION OF THE OFFICE OF SPECIAL**
5 **COUNSEL.**

6 Section 1216 of title 5, United States Code, is
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (4), by striking “and” at
10 the end;

11 (B) in paragraph (5) by striking the period
12 and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(6) any violation of section 303 of the Foreign
15 and Domestic Emoluments Enforcement Act or of
16 the amendments made by section 305 of such Act.”;
17 and

18 (2) by adding at the end the following:

19 “(d) If the Director of the Office of Government Eth-
20 ics refers a matter for investigation pursuant to section
21 13122, or if the Special Counsel receives a credible com-
22 plaint of a violation referred to in subsection (a)(6), the
23 Special Counsel shall complete an investigation not later
24 than 120 days thereafter. If the Special Counsel inves-
25 tigates any violation pursuant to subsection (a)(6), the

1 Special Counsel shall report not later than 7 days after
2 the completion of such investigation to the Director of the
3 Office of Government Ethics and to Congress on the re-
4 sults of such investigation.”.

5 **SEC. 628. RULEMAKING FOR ETHICS REQUIREMENTS FOR**
6 **LEGAL EXPENSE FUNDS.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, the Director of the Office
9 of Government Ethics shall finalize a rule establishing eth-
10 ics requirements for the establishment or operation of a
11 legal expense fund for the benefit of the President, the
12 Vice President, or any political appointee, consistent with
13 the requirements of subsection (b).

14 (b) LIMITATIONS ON ACCEPTANCE OF CERTAIN PAY-
15 MENTS.—

16 (1) IN GENERAL.—A legal expense fund de-
17 scribed in subsection (a) may not accept any con-
18 tribution or other payment made by—

19 (A) an individual who is a registered lob-
20 byist under the Lobbying Disclosure Act of
21 1995 (2 U.S.C. 1601 et seq.); or

22 (B) an agent of a foreign principal.

23 (2) APPROPRIATE REMEDIAL ACTION.—In the
24 case of a contribution described in paragraph (1)—

1 (A) the legal expense fund shall take ap-
2 propriate remedial action; and

3 (B) the Director of the Office of Govern-
4 ment Ethics may assess a fine against the indi-
5 vidual or agent of a foreign principal, as de-
6 fined in section 1 of the Foreign Agents Reg-
7 istration Act of 1938, as amended (22 U.S.C.
8 611).

9 **SEC. 629. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**
10 **NATIONS TO, AND DISBURSEMENTS BY, INAUG-**
11 **URAL COMMITTEES.**

12 (a) REQUIREMENTS FOR INAUGURAL COMMIT-
13 TEES.—Title III of the Federal Election Campaign Act
14 of 1971 (52 U.S.C. 30101 et seq.) is amended by adding
15 at the end the following new section:

16 **“SEC. 325. INAUGURAL COMMITTEES.**

17 **“(a) PROHIBITED DONATIONS.—**

18 **“(1) IN GENERAL.—It shall be unlawful for—**

19 **“(A) an Inaugural Committee—**

20 **“(i) to solicit, accept, or receive a do-**
21 **nation from a person that is not an indi-**
22 **vidual; or**

23 **“(ii) to solicit, accept, or receive a do-**
24 **nation from a foreign national;**

25 **“(B) a person—**

1 “(i) to make a donation to an Inau-
2 gural Committee in the name of another
3 person, or to knowingly authorize his or
4 her name to be used to effect such a dona-
5 tion;

6 “(ii) to knowingly accept a donation
7 to an Inaugural Committee made by a per-
8 son in the name of another person; or

9 “(iii) to convert a donation to an In-
10 augural Committee to personal use as de-
11 scribed in paragraph (2); or

12 “(C) a foreign national to, directly or indi-
13 rectly, make a donation, or make an express or
14 implied promise to make a donation, to an In-
15 augural Committee.

16 “(2) CONVERSION OF DONATION TO PERSONAL
17 USE.—For purposes of paragraph (1)(B)(iii), a do-
18 nation shall be considered to be converted to per-
19 sonal use if any part of the donated amount is
20 used—

21 “(A) to fulfill a commitment, obligation, or
22 expense of a person that would exist irrespec-
23 tive of the responsibilities of the Inaugural
24 Committee; or

1 “(B) to benefit the personal business ven-
2 ture of the President or Vice President of the
3 United States, the Inaugural Committee, or an
4 immediate family member of such individuals.

5 “(3) NO EFFECT ON DISBURSEMENT OF UN-
6 USED FUNDS TO NONPROFIT ORGANIZATIONS.—
7 Nothing in this subsection may be construed to pro-
8 hibit an Inaugural Committee from disbursing un-
9 used funds to an organization which is described in
10 section 501(c)(3) of the Internal Revenue Code of
11 1986 and is exempt from taxation under section
12 501(a) of such Code.

13 “(b) LIMITATION ON DONATIONS.—

14 “(1) IN GENERAL.—It shall be unlawful for an
15 individual to make donations to an Inaugural Com-
16 mittee which, in the aggregate, exceed \$50,000.

17 “(2) INDEXING.—At the beginning of each
18 Presidential election year (beginning with 2028), the
19 amount described in paragraph (1) shall be in-
20 creased by the cumulative percent difference deter-
21 mined in section 315(c)(1)(A) since the previous
22 Presidential election year. If any amount after such
23 increase is not a multiple of \$1,000, such amount
24 shall be rounded to the nearest multiple of \$1,000.

1 “(c) DISCLOSURE OF CERTAIN DONATIONS AND DIS-
2 BURSEMENTS.—

3 “(1) DONATIONS OVER \$1,000.—

4 “(A) IN GENERAL.—An Inaugural Com-
5 mittee shall file with the Commission a report
6 disclosing any donation by an individual to the
7 committee in an amount of \$1,000 or more not
8 later than 24 hours after the receipt of such do-
9 nation.

10 “(B) CONTENTS OF REPORT.—A report
11 filed under subparagraph (A) shall contain—

12 “(i) the amount of the donation;

13 “(ii) the date the donation is received;

14 and

15 “(iii) the name and address of the in-
16 dividual making the donation.

17 “(2) FINAL REPORT.—Not later than the date
18 that is 90 days after the date of the Presidential in-
19 augural ceremony, the Inaugural Committee shall
20 file with the Commission a report containing the fol-
21 lowing information:

22 “(A) For each donation of money or any-
23 thing of value made to the committee in an ag-
24 gregate amount equal to or greater than
25 \$200—

1 “(i) the amount of the donation;

2 “(ii) the date the donation is received;

3 and

4 “(iii) the name and address of the in-
5 dividual making the donation.

6 “(B) The total amount of all disburse-
7 ments, and all disbursements in the following
8 categories:

9 “(i) Disbursements made to meet
10 committee operating expenses.

11 “(ii) Repayment of all loans.

12 “(iii) Donation refunds and other off-
13 sets to donations.

14 “(iv) Any other disbursements.

15 “(C) The name and address of each per-
16 son—

17 “(i) to whom a disbursement in an ag-
18 gregate amount or value in excess of \$200
19 is made by the committee to meet a com-
20 mittee operating expense, together with
21 date, amount, and purpose of such oper-
22 ating expense;

23 “(ii) who receives a loan repayment
24 from the committee, together with the date
25 and amount of such loan repayment;

1 “(iii) who receives a donation refund
2 or other offset to donations from the com-
3 mittee, together with the date and amount
4 of such disbursement; and

5 “(iv) to whom any other disbursement
6 in an aggregate amount or value in excess
7 of \$200 is made by the committee, to-
8 gether with the date and amount of such
9 disbursement.

10 “(d) DEFINITIONS.—For purposes of this section:

11 “(1) DONATION.—

12 “(A) IN GENERAL.—The term ‘donation’
13 includes—

14 “(i) any gift, subscription, loan, ad-
15 vance, or deposit of money or anything of
16 value made by any person to the com-
17 mittee; or

18 “(ii) the payment by any person of
19 compensation for the personal services of
20 another person which are rendered to the
21 committee without charge for any purpose.

22 “(B) EXCEPTION.—The term ‘donation’
23 does not include the value of services provided
24 without compensation by any individual who
25 volunteers on behalf of the committee.

1 “(2) FOREIGN NATIONAL.—The term ‘foreign
2 national’ has the meaning given that term by section
3 319(b).

4 “(3) IMMEDIATE FAMILY MEMBER.—The term
5 ‘immediate family member’ means a parent, parent-
6 in-law, spouse, adult child, or sibling.

7 “(4) INAUGURAL COMMITTEE.—The term ‘In-
8 augural Committee’ has the meaning given that
9 term by section 501 of title 36, United States Code.

10 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to limit the authority of a Federal
12 agency to enforce a Federal law with respect to an Inau-
13 gural Committee.”.

14 (b) CONFORMING AMENDMENTS RELATED TO RE-
15 PORTING REQUIREMENTS.—

16 (1) Section 304 of the Federal Election Cam-
17 paign Act of 1971 (52 U.S.C. 30104) is amended—

18 (A) by striking subsection (h); and

19 (B) by redesignating subsection (i) as sub-
20 section (h).

21 (2) Section 309(a)(4)(C)(iv)(I) is amended by
22 striking “or (i)” and inserting “or (h)”.

23 (3) Section 313(e)(4) is amended by striking
24 “section 304(i)(8)(B)” and inserting “section
25 304(h)(8)(B)”.

1 (c) CONFORMING AMENDMENT RELATED TO STATUS
2 OF COMMITTEE.—Section 510 of title 36, United States
3 Code, is amended to read as follows:

4 **“§ 510. Disclosure of and prohibition on certain dona-**
5 **tions**

6 “A committee shall not be considered to be the Inau-
7 gural Committee for purposes of this chapter unless the
8 committee agrees to, and meets, the requirements of sec-
9 tion 325 of the Federal Election Campaign Act of 1971.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply with respect to Inaugural Commit-
12 tees established under chapter 5 of title 36, United States
13 Code, for inaugurations held in 2025 and any succeeding
14 year.

15 **TITLE VII—CONSTITUTIONAL**
16 **AMENDMENT TO OVERTURN**
17 **CITIZENS UNITED**

18 **SEC. 701. CONSTITUTIONAL AMENDMENT TO OVERTURN**
19 **CITIZENS UNITED.**

20 The following article is proposed as an amendment
21 to the Constitution of the United States, which shall be
22 valid to all intents and purposes as part of the Constitu-
23 tion when ratified by the legislatures of three-fourths of
24 the several States within seven years after the date of its
25 submission for ratification:

1 “ARTICLE—

2 “SECTION 1. Congress and the States may regulate
3 and impose reasonable viewpoint-neutral limitations on the
4 raising and spending of money by candidates and others
5 to influence elections.

6 “SECTION 2. Congress and the States may regulate
7 and enact systems of public campaign financing, including
8 those designed to restrict the influence of private wealth
9 by offsetting the raising and spending of money by can-
10 didates and others to influence elections with increased
11 public funding.

12 “SECTION 3. Congress and the States shall have
13 power to implement and enforce this article by appropriate
14 legislation, and may distinguish between natural persons
15 and corporations or other artificial entities created by law,
16 including by prohibiting such entities from spending
17 money to influence elections.

18 “SECTION 4. Nothing in this article shall be con-
19 strued to grant Congress or the States the power to
20 abridge the freedom of the press.”

1 **TITLE VIII—REPORTING OF CAM-**
2 **PAIGN-RELATED DISBURSE-**
3 **MENTS**

4 **SEC. 801. SHORT TITLE.**

5 This title may be cited as the “Title II of the DIS-
6 CLOSE Act”.

7 **SEC. 802. REPORTING OF CAMPAIGN-RELATED DISBURSE-**
8 **MENTS.**

9 (a) IN GENERAL.—Section 324 of the Federal Elec-
10 tion Campaign Act of 1971 (52 U.S.C. 30126) is amended
11 to read as follows:

12 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
13 **MENTS BY COVERED ORGANIZATIONS.**

14 “(a) DISCLOSURE STATEMENT.—

15 “(1) IN GENERAL.—Any covered organization
16 that makes campaign-related disbursements aggregating more than \$10,000 in an election reporting
17 cycle shall, not later than 24 hours after each disclosure date, file a statement with the Commission
18 made under penalty of perjury that contains the information described in paragraph (2)—

19 “(A) in the case of the first statement filed
20 under this subsection, for the period beginning
21 on the first day of the election reporting cycle
22 (or, if earlier, the period beginning one year be-
23
24
25

1 fore the first such disclosure date) and ending
2 on the first such disclosure date; and

3 “(B) in the case of any subsequent state-
4 ment filed under this subsection, for the period
5 beginning on the previous disclosure date and
6 ending on such disclosure date.

7 “(2) INFORMATION DESCRIBED.—The informa-
8 tion described in this paragraph is as follows:

9 “(A) The name of the covered organization
10 and the principal place of business of such or-
11 ganization and, in the case of a covered organi-
12 zation that is a corporation (other than a busi-
13 ness concern that is an issuer of a class of secu-
14 rities registered under section 12 of the Securi-
15 ties Exchange Act of 1934 (15 U.S.C. 78l) or
16 that is required to file reports under section
17 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
18 tity described in subsection (e)(2), a list of the
19 beneficial owners (as defined in paragraph
20 (4)(A)) of the entity that—

21 “(i) identifies each beneficial owner by
22 name and current residential or business
23 street address; and

24 “(ii) if any beneficial owner exercises
25 control over the entity through another

1 legal entity, such as a corporation, partner-
2 ship, limited liability company, or trust,
3 identifies each such other legal entity and
4 each such beneficial owner who will use
5 that other entity to exercise control over
6 the entity.

7 “(B) The amount of each campaign-related
8 disbursement made by such organization during
9 the period covered by the statement of more
10 than \$1,000, and the name and address of the
11 person to whom the disbursement was made.

12 “(C) In the case of a campaign-related dis-
13 bursement that is not a covered transfer, the
14 election to which the campaign-related disburse-
15 ment pertains and if the disbursement is made
16 for a public communication, the name of any
17 candidate identified in such communication and
18 if such communication is in support of or in op-
19 position to the identified candidate.

20 “(D) A certification by the chief executive
21 officer or person who is the head of the covered
22 organization that the campaign-related dis-
23 bursement is not made in cooperation, consulta-
24 tion, or concert with or at the request or sug-
25 gestion of a candidate, authorized committee, or

1 agent of a candidate, political party, or agent of
2 a political party.

3 “(E)(i) If the covered organization makes
4 campaign-related disbursements using exclu-
5 sively funds in a campaign-related disbursement
6 segregated fund, for each payment made to the
7 account by a person other than the covered or-
8 ganization—

9 “(I) the name and address of each
10 person who made such payment to the ac-
11 count during the period covered by the
12 statement;

13 “(II) the date and amount of such
14 payment; and

15 “(III) the aggregate amount of all
16 such payments made by the person during
17 the period beginning on the first day of the
18 election reporting cycle (or, if earlier, the
19 period beginning one year before the dis-
20 closure date) and ending on the disclosure
21 date,

22 but only if such payment was made by a person
23 who made payments to the account in an aggre-
24 gate amount of \$10,000 or more during the pe-
25 riod beginning on the first day of the election

1 reporting cycle (or, if earlier, the period begin-
2 ning one year before the disclosure date) and
3 ending on the disclosure date.

4 “(ii) In any calendar year after 2027, sec-
5 tion 315(e)(1)(B) shall apply to the amount de-
6 scribed in clause (i) in the same manner as
7 such section applies to the limitations estab-
8 lished under subsections (a)(1)(A), (a)(1)(B),
9 (a)(3), and (h) of such section, except that for
10 purposes of applying such section to the
11 amounts described in subsection (b), the ‘base
12 period’ shall be calendar year 2027.

13 “(F)(i) If the covered organization makes
14 campaign-related disbursements using funds
15 other than funds in a campaign-related dis-
16 bursement segregated fund, for each payment
17 to the covered organization—

18 “(I) the name and address of each
19 person who made such payment during the
20 period covered by the statement;

21 “(II) the date and amount of such
22 payment; and

23 “(III) the aggregate amount of all
24 such payments made by the person during
25 the period beginning on the first day of the

1 election reporting cycle (or, if earlier, the
2 period beginning one year before the dis-
3 closure date) and ending on the disclosure
4 date,

5 but only if such payment was made by a person
6 who made payments to the covered organization
7 in an aggregate amount of \$10,000 or more
8 during the period beginning on the first day of
9 the election reporting cycle (or, if earlier, the
10 period beginning one year before the disclosure
11 date) and ending on the disclosure date.

12 “(ii) In any calendar year after 2027, sec-
13 tion 315(e)(1)(B) shall apply to the amount de-
14 scribed in clause (i) in the same manner as
15 such section applies to the limitations estab-
16 lished under subsections (a)(1)(A), (a)(1)(B),
17 (a)(3), and (h) of such section, except that for
18 purposes of applying such section to the
19 amounts described in subsection (b), the ‘base
20 period’ shall be calendar year 2027.

21 “(G) Such other information as required in
22 rules established by the Commission to promote
23 the purposes of this section.

24 “(3) EXCEPTIONS.—

1 “(A) AMOUNTS RECEIVED IN ORDINARY
2 COURSE OF BUSINESS.—The requirement to in-
3 clude in a statement filed under paragraph (1)
4 the information described in paragraph (2)
5 shall not apply to amounts received by the cov-
6 ered organization in commercial transactions in
7 the ordinary course of any trade or business
8 conducted by the covered organization or in the
9 form of investments (other than investments by
10 the principal shareholder in a limited liability
11 corporation) in the covered organization. For
12 purposes of this subparagraph, amounts re-
13 ceived by a covered organization as remittances
14 from an employee to the employee’s collective
15 bargaining representative shall be treated as
16 amounts received in commercial transactions in
17 the ordinary course of the business conducted
18 by the covered organization.

19 “(B) DONOR RESTRICTION ON USE OF
20 FUNDS.—The requirement to include in a state-
21 ment submitted under paragraph (1) the infor-
22 mation described in subparagraph (F) of para-
23 graph (2) shall not apply if—

24 “(i) the person described in such sub-
25 paragraph prohibited, in writing, the use of

1 the payment made by such person for cam-
2 paign-related disbursements; and

3 “(ii) the covered organization agreed
4 to follow the prohibition and deposited the
5 payment in an account which is segregated
6 from a campaign-related disbursement seg-
7 regated fund and any other account used
8 to make campaign-related disbursements.

9 “(C) THREAT OF HARASSMENT OR RE-
10 PRISAL.—The requirement to include any infor-
11 mation relating to the name or address of any
12 person (other than a candidate) in a statement
13 submitted under paragraph (1) shall not apply
14 if the inclusion of the information would subject
15 the person to serious threats, harassment, or
16 reprisals.

17 “(4) OTHER DEFINITIONS.—For purposes of
18 this section:

19 “(A) BENEFICIAL OWNER DEFINED.—

20 “(i) IN GENERAL.—Except as pro-
21 vided in clause (ii), the term ‘beneficial
22 owner’ means, with respect to any entity,
23 a natural person who, directly or indi-
24 rectly—

1 “(I) exercises substantial control
2 over an entity through ownership, vot-
3 ing rights, agreement, or otherwise; or

4 “(II) has a substantial interest in
5 or receives substantial economic bene-
6 fits from the assets of an entity.

7 “(ii) EXCEPTIONS.—The term ‘bene-
8 ficial owner’ shall not include—

9 “(I) a minor child;

10 “(II) a person acting as a nomi-
11 nee, intermediary, custodian, or agent
12 on behalf of another person;

13 “(III) a person acting solely as
14 an employee of an entity and whose
15 control over or economic benefits from
16 the entity derives solely from the em-
17 ployment status of the person;

18 “(IV) a person whose only inter-
19 est in an entity is through a right of
20 inheritance, unless the person also
21 meets the requirements of clause (i);
22 or

23 “(V) a creditor of an entity, un-
24 less the creditor also meets the re-
25 quirements of clause (i).

1 “(iii) ANTI-ABUSE RULE.—The excep-
2 tions under clause (ii) shall not apply if
3 used for the purpose of evading, circum-
4 venting, or abusing the provisions of clause
5 (i) or paragraph (2)(A).

6 “(B) CAMPAIGN-RELATED DISBURSEMENT
7 SEGREGATED FUND.—The term ‘campaign-re-
8 lated disbursement segregated fund’ means a
9 segregated bank account consisting of funds
10 that were paid directly to such account by per-
11 sons other than the covered organization that
12 controls the account.

13 “(C) DISCLOSURE DATE.—The term ‘dis-
14 closure date’ means—

15 “(i) the first date during any election
16 reporting cycle by which a person has
17 made campaign-related disbursements ag-
18 gregating more than \$10,000; and

19 “(ii) any other date during such elec-
20 tion reporting cycle by which a person has
21 made campaign-related disbursements ag-
22 gregating more than \$10,000 since the
23 most recent disclosure date for such elec-
24 tion reporting cycle.

1 “(D) ELECTION REPORTING CYCLE.—The
2 term ‘election reporting cycle’ means the 2-year
3 period beginning on the date of the most recent
4 general election for Federal office.

5 “(E) PAYMENT.—The term ‘payment’ in-
6 cludes any contribution, donation, transfer, pay-
7 ment of dues, or other payment.

8 “(b) COORDINATION WITH OTHER PROVISIONS.—

9 “(1) OTHER REPORTS FILED WITH THE COM-
10 MISSION.—Information included in a statement filed
11 under this section may be excluded from statements
12 and reports filed under section 304.

13 “(2) TREATMENT AS SEPARATE SEGREGATED
14 FUND.—A campaign-related disbursement seg-
15 regated fund may be treated as a separate seg-
16 regated fund for purposes of section 527(f)(3) of the
17 Internal Revenue Code of 1986.

18 “(c) FILING.—Statements required to be filed under
19 subsection (a) shall be subject to the requirements of sec-
20 tion 304(d) to the same extent and in the same manner
21 as if such reports had been required under subsection (c)
22 or (g) of section 304.

23 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
24 FINED.—

1 “(1) IN GENERAL.—In this section, the term
2 ‘campaign-related disbursement’ means a disburse-
3 ment by a covered organization for any of the fol-
4 lowing:

5 “(A) An independent expenditure which ex-
6 pressly advocates the election or defeat of a
7 clearly identified candidate for election for Fed-
8 eral office, or is the functional equivalent of ex-
9 press advocacy because, when taken as a whole,
10 it can be interpreted by a reasonable person
11 only as advocating the election or defeat of a
12 candidate for election for Federal office.

13 “(B) An applicable public communication.

14 “(C) An electioneering communication, as
15 defined in section 304(f)(3).

16 “(D) A covered transfer.

17 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

18 “(A) IN GENERAL.—The term ‘applicable
19 public communication’ means any public com-
20 munication that refers to a clearly identified
21 candidate for election for Federal office and
22 which promotes or supports the election of a
23 candidate for that office, or attacks or opposes
24 the election of a candidate for that office, with-
25 out regard to whether the communication ex-

1 pressly advocates a vote for or against a can-
2 didate for that office.

3 “(B) EXCEPTION.—Such term shall not in-
4 clude any news story, commentary, or editorial
5 distributed through the facilities of any broad-
6 casting station or any print, online, or digital
7 newspaper, magazine, publication, or periodical,
8 unless such facilities are owned or controlled by
9 any political party, political committee, or can-
10 didate.

11 “(e) COVERED ORGANIZATION DEFINED.—In this
12 section, the term ‘covered organization’ means any of the
13 following:

14 “(1) A corporation (other than an organization
15 described in section 501(c)(3) of the Internal Rev-
16 enue Code of 1986).

17 “(2) A limited liability corporation that is not
18 otherwise treated as a corporation for purposes of
19 this Act (other than an organization described in
20 section 501(c)(3) of the Internal Revenue Code of
21 1986).

22 “(3) An organization described in section
23 501(c) of such Code and exempt from taxation
24 under section 501(a) of such Code (other than an

1 organization described in section 501(c)(3) of such
2 Code).

3 “(4) A labor organization (as defined in section
4 316(b)).

5 “(5) Any political organization under section
6 527 of the Internal Revenue Code of 1986, other
7 than a political committee under this Act (except as
8 provided in paragraph (6)).

9 “(6) A political committee with an account that
10 accepts donations or contributions that do not com-
11 ply with the contribution limits or source prohibi-
12 tions under this Act, but only with respect to such
13 accounts.

14 “(f) COVERED TRANSFER DEFINED.—

15 “(1) IN GENERAL.—In this section, the term
16 ‘covered transfer’ means any transfer or payment of
17 funds by a covered organization to another person if
18 the covered organization—

19 “(A) designates, requests, or suggests that
20 the amounts be used for—

21 “(i) campaign-related disbursements
22 (other than covered transfers); or

23 “(ii) making a transfer to another
24 person for the purpose of making or pay-

1 ing for such campaign-related disburse-
2 ments;

3 “(B) made such transfer or payment in re-
4 sponse to a solicitation or other request for a
5 donation or payment for—

6 “(i) the making of or paying for cam-
7 paign-related disbursements (other than
8 covered transfers); or

9 “(ii) making a transfer to another
10 person for the purpose of making or pay-
11 ing for such campaign-related disburse-
12 ments;

13 “(C) engaged in discussions with the re-
14 cipient of the transfer or payment regarding—

15 “(i) the making of or paying for cam-
16 paign-related disbursements (other than
17 covered transfers); or

18 “(ii) donating or transferring any
19 amount of such transfer or payment to an-
20 other person for the purpose of making or
21 paying for such campaign-related disburse-
22 ments; or

23 “(D) knew or had reason to know that the
24 person receiving the transfer or payment would
25 make campaign-related disbursements in an ag-

1 gregate amount of \$50,000 or more during the
2 2-year period beginning on the date of the
3 transfer or payment.

4 “(2) EXCLUSIONS.—The term ‘covered transfer’
5 does not include any of the following:

6 “(A) A disbursement made by a covered
7 organization in a commercial transaction in the
8 ordinary course of any trade or business con-
9 ducted by the covered organization or in the
10 form of investments made by the covered orga-
11 nization.

12 “(B) A disbursement made by a covered
13 organization if—

14 “(i) the covered organization prohib-
15 ited, in writing, the use of such disburse-
16 ment for campaign-related disbursements;
17 and

18 “(ii) the recipient of the disbursement
19 agreed to follow the prohibition and depos-
20 ited the disbursement in an account which
21 is segregated from a campaign-related dis-
22 bursement segregated fund and any other
23 account used to make campaign-related
24 disbursements.

1 “(3) SPECIAL RULE REGARDING TRANSFERS
2 AMONG AFFILIATES.—

3 “(A) SPECIAL RULE.—A transfer of an
4 amount by one covered organization to another
5 covered organization which is treated as a
6 transfer between affiliates under subparagraph
7 (C) shall be considered a covered transfer by
8 the covered organization which transfers the
9 amount only if the aggregate amount trans-
10 ferred during the year by such covered organi-
11 zation to that same covered organization is
12 equal to or greater than \$50,000.

13 “(B) DETERMINATION OF AMOUNT OF
14 CERTAIN PAYMENTS AMONG AFFILIATES.—In
15 determining the amount of a transfer between
16 affiliates for purposes of subparagraph (A), to
17 the extent that the transfer consists of funds
18 attributable to dues, fees, or assessments which
19 are paid by individuals on a regular, periodic
20 basis in accordance with a per-individual cal-
21 culation which is made on a regular basis, the
22 transfer shall be attributed to the individuals
23 paying the dues, fees, or assessments and shall
24 not be attributed to the covered organization.

1 “(C) DESCRIPTION OF TRANSFERS BE-
2 TWEEN AFFILIATES.—A transfer of amounts
3 from one covered organization to another cov-
4 ered organization shall be treated as a transfer
5 between affiliates if—

6 “(i) one of the organizations is an af-
7 filiate of the other organization; or

8 “(ii) each of the organizations is an
9 affiliate of the same organization,
10 except that the transfer shall not be treated as
11 a transfer between affiliates if one of the orga-
12 nizations is established for the purpose of mak-
13 ing campaign-related disbursements.

14 “(D) DETERMINATION OF AFFILIATE STA-
15 TUS.—For purposes of subparagraph (C), a
16 covered organization is an affiliate of another
17 covered organization if—

18 “(i) the governing instrument of the
19 organization requires it to be bound by de-
20 cisions of the other organization;

21 “(ii) the governing board of the orga-
22 nization includes persons who are specifi-
23 cally designated representatives of the
24 other organization or are members of the
25 governing board, officers, or paid executive

1 staff members of the other organization, or
2 whose service on the governing board is
3 contingent upon the approval of the other
4 organization; or

5 “(iii) the organization is chartered by
6 the other organization.

7 “(E) COVERAGE OF TRANSFERS TO AF-
8 FILIATED SECTION 501(c)(3) ORGANIZA-
9 TIONS.—This paragraph shall apply with re-
10 spect to an amount transferred by a covered or-
11 ganization to an organization described in para-
12 graph (3) of section 501(c) of the Internal Rev-
13 enue Code of 1986 and exempt from tax under
14 section 501(a) of such Code in the same man-
15 ner as this paragraph applies to an amount
16 transferred by a covered organization to an-
17 other covered organization.

18 “(g) NO EFFECT ON OTHER REPORTING REQUIRE-
19 MENTS.—Except as provided in subsection (b)(1), nothing
20 in this section shall be construed to waive or otherwise
21 affect any other requirement of this Act which relates to
22 the reporting of campaign-related disbursements.”.

23 (b) CONFORMING AMENDMENT.—Section 304(f)(6)
24 of such Act (52 U.S.C. 30104) is amended by striking

1 “Any requirement” and inserting “Except as provided in
2 section 324(b), any requirement”.

3 (c) REGULATIONS.—Not later than 6 months after
4 the date of the enactment of this Act, the Federal Election
5 Commission shall promulgate regulations relating the ap-
6 plication of the exemption under section 324(a)(3)(C) of
7 the Federal Election Campaign Act of 1971 (as added by
8 subsection (a)). Such regulations—

9 (1) shall require that the legal burden of estab-
10 lishing eligibility for such exemption is upon the or-
11 ganization required to make the report required
12 under section 324(a)(1) of such Act (as added by
13 subsection (a)), and

14 (2) shall be consistent with the principles ap-
15 plied in *Citizens United v. Federal Election Commis-*
16 *sion*, 558 U.S. 310 (2010).

17 **SEC. 803. REPORTING OF FEDERAL JUDICIAL NOMINATION**
18 **DISBURSEMENTS.**

19 (a) FINDINGS.—Congress makes the following find-
20 ings:

21 (1) A fair and impartial judiciary is critical for
22 our democracy and crucial to maintain the faith of
23 the people of the United States in the justice sys-
24 tem. As the Supreme Court held in *Caperton v.*
25 *Massey*, “there is a serious risk of actual bias—

1 based on objective and reasonable perceptions—
2 when a person with a personal stake in a particular
3 case had a significant and disproportionate influence
4 in placing the judge on the case.” (Caperton v. A.
5 T. Massey Coal Co., 556 U.S. 868, 884 (2009)).

6 (2) Public trust in government is at a historic
7 low. According to polling, most Americans believe
8 that corporations have too much power and influence
9 in politics and the courts.

10 (3) The prevalence and pervasiveness of dark
11 money drives public concern about corruption in pol-
12 itics and the courts. Dark money is funding for or-
13 ganizations and political activities that cannot be
14 traced to actual donors. It is made possible by loop-
15 holes in our tax laws and regulations, weak oversight
16 by the Internal Revenue Service, and donor-friendly
17 court decisions.

18 (4) Under current law, “social welfare” organi-
19 zations and business leagues can use funds to influ-
20 ence elections so long as political activity is not their
21 “primary” activity. Super PACs can accept and
22 spend unlimited contributions from any non-foreign
23 source. These groups can spend tens of millions of
24 dollars on political activities. Such dark money

1 groups spent an estimated \$1,050,000,000 in the
2 2020 election cycle.

3 (5) Dark money is used to shape judicial deci-
4 sion-making. This can take many forms, akin to
5 agency capture: influencing judicial selection by con-
6 trolling who gets nominated and funding candidate
7 advertisements; creating public relations campaigns
8 aimed at mobilizing the judiciary around particular
9 issues; and drafting law review articles, amicus
10 briefs, and other products which tell judges how to
11 decide a given case and provide ready-made argu-
12 ments for willing judges to adopt.

13 (6) Over the past decade, nonprofit organiza-
14 tions that do not disclose their donors have spent
15 hundreds of millions of dollars to influence the nomi-
16 nation and confirmation process for Federal judges.
17 One organization alone has spent nearly
18 \$40,000,000 on advertisements supporting or oppos-
19 ing Supreme Court nominees since 2016.

20 (7) Anonymous money spent on judicial nomi-
21 nations is not subject to any disclosure require-
22 ments. Federal election laws only regulate contribu-
23 tions and expenditures relating to electoral politics;
24 thus, expenditures, contributions, and advocacy ef-
25 forts for Federal judgeships are not covered under

1 the Federal Election Campaign Act of 1971. With-
2 out more disclosure, the public has no way of know-
3 ing whether the people spending money supporting
4 or opposing judicial nominations have business be-
5 fore the courts.

6 (8) Congress and the American people have a
7 compelling interest in knowing who is funding these
8 campaigns to select and confirm judges to lifetime
9 appointments on the Federal bench.

10 (b) REPORTING.—Section 324 of the Federal Elec-
11 tion Campaign Act of 1971 (52 U.S.C. 30126), as amend-
12 ed by section 802, is amended by redesignating subsection
13 (g) as subsection (h) and by inserting after subsection (f)
14 the following new subsection:

15 “(g) APPLICATION TO FEDERAL JUDICIAL NOMINA-
16 TIONS.—

17 “(1) IN GENERAL.—For purposes of this sec-
18 tion—

19 “(A) a disbursement by a covered organi-
20 zation for a Federal judicial nomination com-
21 munication shall be treated as a campaign-re-
22 lated disbursement; and

23 “(B) in the case of campaign-related dis-
24 bursements which are for Federal judicial nomi-
25 nation communications—

1 “(i) the dollar amounts in paragraphs
2 (1) and (2) of subsection (a) shall be ap-
3 plied separately with respect to such dis-
4 bursements and other campaign-related
5 disbursements;

6 “(ii) the election reporting cycle shall
7 be the calendar year in which the disburse-
8 ment for the Federal judicial nomination
9 communication is made;

10 “(iii) references to a candidate in sub-
11 sections (a)(2)(C), (a)(2)(D), and
12 (a)(3)(C) shall be treated as references to
13 a nominee for a Federal judge or justice;
14 and

15 “(iv) the reference to an election in
16 subsection (a)(2)(C) shall be treated as a
17 reference to the nomination of such nomi-
18 nee.

19 “(2) FEDERAL JUDICIAL NOMINATION COMMU-
20 NICATION.—

21 “(A) IN GENERAL.—The term ‘Federal ju-
22 dicial nomination communication’ means any
23 communication—

24 “(i) that is by means of any broad-
25 cast, cable, or satellite, paid internet, or

1 paid digital communication, paid pro-
2 motion, newspaper, magazine, outdoor ad-
3 vertising facility, mass mailing, telephone
4 bank, telephone messaging effort of more
5 than 500 substantially similar calls or elec-
6 tronic messages within a 30-day period, or
7 any other form of general public political
8 advertising; and

9 “(ii) which promotes, supports, at-
10 tacks, or opposes the nomination or Senate
11 confirmation of an individual as a Federal
12 judge or justice.

13 “(B) EXCEPTION.—Such term shall not in-
14 clude any news story, commentary, or editorial
15 distributed through the facilities of any broad-
16 casting station or any print, online, or digital
17 newspaper, magazine, publication, or periodical,
18 unless such facilities are owned or controlled by
19 any political party, political committee, or can-
20 didate.

21 “(C) INTENT NOT REQUIRED.—A disburse-
22 ment for an item described in subparagraph (A)
23 shall be treated as a disbursement for a Federal
24 judicial nomination communication regardless

1 of the intent of the person making the disburse-
2 ment.”.

3 **SEC. 804. COORDINATION WITH FINCEN.**

4 (a) IN GENERAL.—The Director of the Financial
5 Crimes Enforcement Network of the Department of the
6 Treasury shall provide the Federal Election Commission
7 with such information as necessary to assist in admin-
8 istering and enforcing section 324 of the Federal Election
9 Campaign Act of 1971, as amended by this title.

10 (b) REPORT.—Not later than 6 months after the date
11 of the enactment of this Act, the Chairman of the Federal
12 Election Commission, in consultation with the Director of
13 the Financial Crimes Enforcement Network of the De-
14 partment of the Treasury, shall submit to Congress a re-
15 port with recommendations for providing further legisla-
16 tive authority to assist in the administration and enforce-
17 ment of such section 324.

18 **SEC. 805. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
19 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
20 **BURSEMENTS CONSISTING OF COVERED**
21 **TRANSFERS.**

22 Section 319(b)(2) of the Federal Election Campaign
23 Act of 1971 (52 U.S.C. 30121(a)(1)(A)), as amended by
24 section 802, is amended—

1 (1) by striking “includes any disbursement”
2 and inserting “includes—

3 “(A) any disbursement”;

4 (2) by striking the period at the end and insert-
5 ing “; and”, and

6 (3) by adding at the end the following new sub-
7 paragraph:

8 “(B) any disbursement, other than a dis-
9 bursement described in section 324(a)(3)(A), to
10 another person who made a campaign-related
11 disbursement consisting of a covered transfer
12 (as described in section 324) during the 2-year
13 period ending on the date of the disburse-
14 ment.”.

15 **SEC. 806. SENSE OF CONGRESS REGARDING IMPLEMENTA-**
16 **TION.**

17 It is the sense of Congress that the Federal Election
18 Commission should simplify the process for filing any dis-
19 closure required under the provisions of, and amendments
20 made by, this title in order to ensure that such process
21 is as easy and accessible as possible.

22 **SEC. 807. EFFECTIVE DATE.**

23 The amendments made by this title shall apply with
24 respect to disbursements made on or after January 1,
25 2027, and shall take effect without regard to whether or

1 not the Federal Election Commission has promulgated
2 regulations to carry out such amendments.

3 **TITLE IX—BAN CORPORATE**
4 **PACS ACT**

5 **SECTION 901. SHORT TITLE.**

6 This title may be cited as the “Ban Corporate PACs
7 Act”.

8 **SEC. 902. LIMITING AUTHORITY OF CORPORATIONS TO ES-**
9 **TABLISH OR OPERATE SEPARATE SEG-**
10 **REGATED FUNDS FOR POLITICAL PURPOSES**
11 **TO NONPROFIT CORPORATIONS.**

12 (a) LIMITATION.—

13 (1) IN GENERAL.—Section 316(b)(2)(C) of the
14 Federal Election Campaign Act of 1971 (52 U.S.C.
15 30118(b)(2)(C)) is amended by striking “a corpora-
16 tion” and inserting “a nonprofit corporation”.

17 (2) DEFINITION.—Section 316(b) of such Act
18 (52 U.S.C. 30118(b)) is amended by adding at the
19 end the following new paragraph:

20 “(8) For purposes of this section, the term ‘nonprofit
21 corporation’ means a corporation described in section
22 501(c) of the Internal Revenue Code of 1986 and exempt
23 from taxation under section 501(a) of such Code, other
24 than a corporation which is ineligible to be exempt from

1 taxation under section 501(a) of such Code if it establishes
2 a separate segregated fund under this subsection.”.

3 (b) PERMITTING SOLICITATION OF CONTRIBUTIONS
4 ONLY FROM EXECUTIVE AND ADMINISTRATIVE PER-
5 SONNEL.—Section 316(b) of such Act (52 U.S.C.
6 30118(b)) is amended—

7 (1) in paragraph (4)(A)(i), by striking “its
8 stockholders and their families and”;

9 (2) in paragraph (4)(B)—

10 (A) by striking “a corporation” the first
11 place it appears and inserting “a nonprofit cor-
12 poration”;

13 (B) by striking “any stockholder, executive
14 or administrative personnel,” and inserting
15 “any executive or administrative personnel”;
16 and

17 (C) by striking “stockholders, executive or
18 administrative personnel,” and inserting “exec-
19 utive or administrative personnel”;

20 (3) in paragraph (4)(D)—

21 (A) by striking “stockholders and”;

22 (B) by striking “such stockholders or per-
23 sonnel” and inserting “such personnel”; and

24 (C) by striking “such stockholders and
25 personnel” and inserting “such personnel”; and

1 (4) in paragraph (5), by striking “stockholders
2 and”.

3 (c) TREATMENT OF GOVERNMENT CONTRACTORS.—
4 Section 317(b) of such Act (52 U.S.C. 30119(b)) is
5 amended—

6 (1) by striking “any corporation” and inserting
7 “any nonprofit corporation”; and

8 (2) by striking “a corporation” and inserting “a
9 nonprofit corporation”.

10 **SEC. 903. EFFECTIVE DATE; TRANSITION FOR EXISTING**
11 **FUNDS AND COMMITTEES.**

12 (a) EFFECTIVE DATE.—The amendments made by
13 this title shall take effect on the date of the enactment
14 of this Act.

15 (b) TRANSITION FOR EXISTING FUNDS AND COMMIT-
16 TEES.—In the case of a separate segregate fund estab-
17 lished and operating under section 316(b)(2)(C) of the
18 Federal Election Campaign Act of 1971 (52 U.S.C.
19 30118(b)(2)(C)) as of the date of the enactment of this
20 Act which is not a fund of a nonprofit corporation as de-
21 fined in section 316(b)(8) of such Act (as added by section
22 2(a)(2)), the fund shall terminate and disburse its entire
23 balance not later than 1 year after the date of the enact-
24 ment of this Act.

1 **TITLE X—NONPARTISAN**
2 **REDISTRICTING REFORM**

3 **SEC. 1001. SHORT TITLE.**

4 This title may be cited as the “Title V of the Free-
5 dom to Vote Act”.

6 **SEC. 1002. FINDING OF CONSTITUTIONAL AUTHORITY.**

7 Congress finds that it has the authority to establish
8 the terms and conditions States must follow in carrying
9 out congressional redistricting after an apportionment of
10 Members of the House of Representatives because—

11 (1) the authority granted to Congress under ar-
12 ticle I, section 4 of the Constitution of the United
13 States gives Congress the power to enact laws gov-
14 erning the time, place, and manner of elections for
15 Members of the House of Representatives;

16 (2) the authority granted to Congress under
17 section 5 of the Fourteenth Amendment to the Con-
18 stitution gives Congress the power to enact laws to
19 enforce section 2 of such amendment, which requires
20 Representatives to be apportioned among the several
21 States according to their number;

22 (3) the authority granted to Congress under
23 section 5 of the Fourteenth Amendment to the Con-
24 stitution gives Congress the power to enact laws to
25 enforce section 1 of such amendment, including pro-

1 tections against excessive partisan gerrymandering
2 that Federal courts have not enforced because they
3 understand such enforcement to be committed to
4 Congress by the Constitution;

5 (4) of the authority granted to Congress to en-
6 force article IV, section 4, of the Constitution, and
7 the guarantee of a Republican Form of Government
8 to every State, which Federal courts have not en-
9 forced because they understand such enforcement to
10 be committed to Congress by the Constitution;

11 (5) requiring States to use uniform redistricting
12 criteria is an appropriate and important exercise of
13 such authority; and

14 (6) partisan gerrymandering dilutes citizens'
15 votes because partisan gerrymandering injures vot-
16 ers and political parties by infringing on their First
17 Amendment right to associate freely and their Four-
18 teenth Amendment right to equal protection of the
19 laws.

20 **SEC. 1003. BAN ON MID-DECADE REDISTRICTING.**

21 A State that has been redistricted in accordance with
22 this title may not be redistricted again until after the next
23 apportionment of Representatives under section 22(a) of
24 the Act entitled “An Act to provide for the fifteenth and
25 subsequent decennial censuses and to provide for an ap-

1 portionment of Representatives in Congress”, approved
2 June 18, 1929 (2 U.S.C. 2a), unless a court requires the
3 State to conduct such subsequent redistricting to comply
4 with the Constitution of the United States, the Voting
5 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the terms
6 or conditions of this title, or applicable State law.

7 **SEC. 1004. CRITERIA FOR REDISTRICTING.**

8 (a) **REQUIRING PLANS TO MEET CRITERIA.**—A
9 State may not use a congressional redistricting plan en-
10 acted following the notice of apportionment transmitted
11 to the President on April 26, 2021, or any subsequent no-
12 tice of apportionment, if such plan is not in compliance
13 with this section, without regard to whether or not the
14 plan was enacted by the State before, on, or after the ef-
15 fective date of this title.

16 (b) **RANKED CRITERIA.**—Under the redistricting plan
17 of a State, there shall be established single-member con-
18 gressional districts using the following criteria as set forth
19 in the following order of priority:

20 (1) Districts shall comply with the United
21 States Constitution, including the requirement that
22 they substantially equalize total population, without
23 regard to age, citizenship status, or immigration sta-
24 tus.

1 (2) Districts shall comply with the Voting
2 Rights Act of 1965 (52 U.S.C. 10301 et seq.), in-
3 cluding by creating any districts where, if based
4 upon the totality of the circumstances, 2 or more po-
5 litically cohesive groups protected by such Act are
6 able to elect representatives of choice in coalition
7 with one another, and all applicable Federal laws.

8 (3)(A) Districts shall be drawn, to the extent
9 that the totality of the circumstances warrant, to en-
10 sure the practical ability of a group protected under
11 the Voting Rights Act of 1965 (52 U.S.C. 10301 et
12 seq.) to participate in the political process and to
13 nominate candidates and to elect representatives of
14 choice is not diluted or diminished, regardless of
15 whether or not such protected group constitutes a
16 majority of a district's population, voting age popu-
17 lation, or citizen voting age population.

18 (B) For purposes of subparagraph (A), the as-
19 sessment of whether a protected group has the prac-
20 tical ability to nominate candidates and to elect rep-
21 resentatives of choice shall require the consideration
22 of the following factors:

23 (i) Whether the group is politically cohe-
24 sive.

1 (ii) Whether there is racially polarized vot-
2 ing in the relevant geographic region.

3 (iii) If there is racially polarized voting in
4 the relevant geographic region, whether the pre-
5 ferred candidates of the group nevertheless re-
6 ceive a sufficient amount of consistent crossover
7 support from other voters such that the group
8 is a functional majority with the ability to both
9 nominate candidates and elect representatives
10 of choice.

11 (4)(A) Districts shall be drawn to represent
12 communities of interest and neighborhoods to the
13 extent practicable after compliance with the require-
14 ments of paragraphs (1) through (3). A community
15 of interest is defined as an area for which the record
16 before the entity responsible for developing and
17 adopting the redistricting plan demonstrates the ex-
18 istence of broadly shared interests and representa-
19 tional needs, including shared interests and rep-
20 resentational needs rooted in common ethnic, racial,
21 economic, Indian, social, cultural, geographic, or his-
22 toric identities, or arising from similar socioeconomic
23 conditions. The term communities of interest may, if
24 the record warrants, include political subdivisions
25 such as counties, municipalities, Indian lands, or

1 school districts, but shall not include common rela-
2 tionships with political parties or political can-
3 didates.

4 (B) For purposes of subparagraph (A), in con-
5 sidering the needs of multiple, overlapping commu-
6 nities of interest, the entity responsible for devel-
7 oping and adopting the redistricting plan shall give
8 greater weight to those communities of interest
9 whose representational needs would most benefit
10 from the community's inclusion in a single congress-
11 sional district.

12 (c) NO FAVORING OR DISFAVORING OF POLITICAL
13 PARTIES.—

14 (1) PROHIBITION.—A State may not use a re-
15 districting plan to conduct an election if the plan's
16 congressional districts, when considered cumulatively
17 on a statewide basis, have been drawn with the in-
18 tent or have the effect of materially favoring or
19 disfavoring any political party.

20 (2) DETERMINATION OF EFFECT.—The deter-
21 mination of whether a redistricting plan has the ef-
22 fect of materially favoring or disfavoring a political
23 party shall be based on an evaluation of the totality
24 of circumstances which, at a minimum, shall involve
25 consideration of each of the following factors:

1 (A) Computer modeling based on relevant
2 statewide general elections for Federal office
3 held over the 8 years preceding the adoption of
4 the redistricting plan setting forth the probable
5 electoral outcomes for the plan under a range
6 of reasonably foreseeable conditions.

7 (B) An analysis of whether the redistricting
8 plan is statistically likely to result in
9 partisan advantage or disadvantage on a state-
10 wide basis, the degree of any such advantage or
11 disadvantage, and whether such advantage or
12 disadvantage is likely to be present under a
13 range of reasonably foreseeable electoral condi-
14 tions.

15 (C) A comparison of the modeled electoral
16 outcomes for the redistricting plan to the mod-
17 eled electoral outcomes for alternative plans
18 that demonstrably comply with the require-
19 ments of paragraphs (1), (2), and (3) of sub-
20 section (b) in order to determine whether rea-
21 sonable alternatives exist that would result in
22 materially lower levels of partisan advantage or
23 disadvantage on a statewide basis. For purposes
24 of this subparagraph, alternative plans consid-
25 ered may include both actual plans proposed

1 during the redistricting process and other plans
2 prepared for purposes of comparison.

3 (D) Any other relevant information, includ-
4 ing how broad support for the redistricting plan
5 was among members of the entity responsible
6 for developing and adopting the plan and
7 whether the processes leading to the develop-
8 ment and adoption of the plan were transparent
9 and equally open to all members of the entity
10 and to the public.

11 (3) REBUTTABLE PRESUMPTION.—

12 (A) TRIGGER.—In any civil action brought
13 under section 1006 in which a party asserts a
14 claim that a State has enacted a redistricting
15 plan which is in violation of this subsection, a
16 party may file a motion not later than 30 days
17 after the enactment of the plan (or, in the case
18 of a plan enacted before the effective date of
19 this Act, not later than 30 days after the effec-
20 tive date of this Act) requesting that the court
21 determine whether a presumption of such a vio-
22 lation exists. If such a motion is timely filed,
23 the court shall hold a hearing not later than 15
24 days after the date the motion is filed to assess

1 whether a presumption of such a violation ex-
2 ists.

3 (B) ASSESSMENT.—To conduct the assess-
4 ment required under subparagraph (A), the
5 court shall do the following:

6 (i) Determine the number of congres-
7 sional districts under the plan that would
8 have been carried by each political party’s
9 candidates for the office of President and
10 the office of Senator in the 2 most recent
11 general elections for the office of President
12 and the 2 most recent general elections for
13 the office of Senator (other than special
14 general elections) immediately preceding
15 the enactment of the plan, except that if a
16 State conducts a primary election for the
17 office of Senator which is open to can-
18 didates of all political parties, the primary
19 election shall be used instead of the gen-
20 eral election and the number of districts
21 carried by a party’s candidates for the of-
22 fice of Senator shall be determined on the
23 basis of the combined vote share of all can-
24 didates in the election who are affiliated
25 with such party.

1 (ii) Determine, for each of the 4 elec-
2 tions assessed under clause (i), whether
3 the number of districts that would have
4 been carried by any party's candidate as
5 determined under clause (i) results in par-
6 tisan advantage or disadvantage in excess
7 of the applicable threshold described in
8 subparagraph (C). The degree of partisan
9 advantage or disadvantage shall be deter-
10 mined by one or more standard quan-
11 titative measures of partisan fairness
12 that—

13 (I) use a party's share of the
14 statewide vote to calculate a cor-
15 responding benchmark share of seats;
16 and

17 (II) measure the amount by
18 which the share of seats the party's
19 candidate would have won in the elec-
20 tion involved exceeds the benchmark
21 share of seats.

22 (C) APPLICABLE THRESHOLD DE-
23 SCRIBED.—The applicable threshold described
24 in this subparagraph is, with respect to a State
25 and a number of seats, the greater of—

1 (i) an amount equal to 7 percent of
2 the number of congressional districts in
3 the State; or

4 (ii) one congressional district.

5 (D) DESCRIPTION OF QUANTITATIVE
6 MEASURES; PROHIBITING ROUNDING.—In car-
7 rying out this subsection—

8 (i) the standard quantitative measures
9 of partisan fairness used by the court may
10 include the simplified efficiency gap but
11 may not include strict proportionality; and

12 (ii) the court may not round any num-
13 ber.

14 (E) PRESUMPTION OF VIOLATION.—A plan
15 is presumed to violate paragraph (1) if, on the
16 basis of at least one standard quantitative
17 measure of partisan fairness, it exceeds the ap-
18 plicable threshold described in subparagraph
19 (C) with respect to 2 or more of the 4 elections
20 assessed under subparagraph (B).

21 (F) STAY OF USE OF PLAN.—Notwith-
22 standing any other provision of this title, in any
23 action under this paragraph, the following rules
24 shall apply:

1 (i) Upon filing of a motion under sub-
2 paragraph (A), a State's use of the plan
3 which is the subject of the motion shall be
4 automatically stayed pending resolution of
5 such motion.

6 (ii) If after considering the motion,
7 the court rules that the plan is presumed
8 under subparagraph (E) to violate para-
9 graph (1), a State may not use such plan
10 until and unless the court which is car-
11 rying out the determination of the effect of
12 the plan under paragraph (2) determines
13 that, notwithstanding the presumptive vio-
14 lation, the plan does not violate paragraph
15 (1).

16 (G) NO EFFECT ON OTHER ASSESS-
17 MENTS.—The absence of a presumption of a
18 violation with respect to a redistricting plan as
19 determined under this paragraph shall not af-
20 fect the determination of the effect or intent of
21 the plan under this section.

22 (4) DETERMINATION OF INTENT.—A court may
23 rely on all available evidence when determining
24 whether a redistricting plan was drawn with the in-
25 tent to materially favor or disfavor a political party,

1 including evidence of the partisan effects of a plan,
2 the degree of support the plan received from mem-
3 bers of the entity responsible for developing and
4 adopting the plan, and whether the processes leading
5 to development and adoption of the plan were trans-
6 parent and equally open to all members of the entity
7 and to the public.

8 (5) NO VIOLATION BASED ON CERTAIN CRI-
9 TERIA.—No redistricting plan shall be found to be
10 in violation of paragraph (1) because of the proper
11 application of the criteria set forth in paragraphs
12 (1), (2), or (3) of subsection (b), unless one or more
13 alternative plans could have complied with such
14 paragraphs without having the effect of materially
15 favoring or disfavoring a political party.

16 (d) FACTORS PROHIBITED FROM CONSIDERATION.—
17 In developing the redistricting plan for the State, the
18 State may not take into consideration any of the following
19 factors, except as necessary to comply with the criteria
20 described in paragraphs (1) through (3) of subsection (b),
21 to achieve partisan fairness and comply with subsection
22 (b), and to enable the redistricting plan to be measured
23 against the external metrics described in section 1004(c):

24 (1) The residence of any Member of the House
25 of Representatives or candidate.

1 (2) The political party affiliation or voting his-
2 tory of the population of a district.

3 (e) **ADDITIONAL CRITERIA.**—A State may not rely
4 upon criteria, districting principles, or other policies of the
5 State which are not set forth in this section to justify non-
6 compliance with the requirements of this section.

7 (f) **APPLICABILITY.**—

8 (1) **IN GENERAL.**—This section applies to any
9 authority, whether appointed, elected, judicial, or
10 otherwise, responsible for enacting the congressional
11 redistricting plan of a State.

12 (2) **DATE OF ENACTMENT.**—This section ap-
13 plies to any congressional redistricting plan enacted
14 following the notice of apportionment transmitted to
15 the President on April 26, 2021, regardless of the
16 date of enactment by the State of the congressional
17 redistricting plan.

18 (g) **SEVERABILITY OF CRITERIA.**—If any provision of
19 this section, or the application of any such provision to
20 any person or circumstance, is held to be unconstitutional,
21 the remainder of this section, and the application of such
22 provision to any other person or circumstance, shall not
23 be affected by the holding.

24 **SEC. 1005. DEVELOPMENT OF PLAN.**

25 (a) **PUBLIC NOTICE AND INPUT.**—

1 (1) USE OF OPEN AND TRANSPARENT PROC-
2 ESS.—The entity responsible for developing and
3 adopting the congressional redistricting plan of a
4 State shall solicit and take into consideration com-
5 ments from the public throughout the process of de-
6 veloping the plan, and shall carry out its duties in
7 an open and transparent manner which provides for
8 the widest public dissemination reasonably possible
9 of its proposed and final redistricting plans.

10 (2) WEBSITE.—

11 (A) FEATURES.—The entity shall maintain
12 a public internet site which is not affiliated with
13 or maintained by the office of any elected offi-
14 cial and which includes the following features:

15 (i) All proposed redistricting plans
16 and the final redistricting plan, including
17 the accompanying written evaluation under
18 subsection (c).

19 (ii) All comments received from the
20 public submitted under paragraph (1).

21 (iii) Access in an easily usable format
22 to the demographic and other data used by
23 the entity to develop and analyze the pro-
24 posed redistricting plans, together with any
25 reports analyzing and evaluating such

1 plans and access to software that members
2 of the public may use to draw maps of pro-
3 posed districts.

4 (iv) A method by which members of
5 the public may submit comments directly
6 to the entity.

7 (B) SEARCHABLE FORMAT.—The entity
8 shall ensure that all information posted and
9 maintained on the site under this paragraph,
10 including information and proposed maps sub-
11 mitted by the public, shall be maintained in an
12 easily searchable format.

13 (3) MULTIPLE LANGUAGE REQUIREMENTS FOR
14 ALL NOTICES.—The entity responsible for developing
15 and adopting the plan shall make each notice which
16 is required to be posted and published under this
17 section available in any language in which the State
18 (or any jurisdiction in the State) is required to pro-
19 vide election materials under section 203 of the Vot-
20 ing Rights Act of 1965 (52 U.S.C. 10503).

21 (b) DEVELOPMENT OF PLAN.—

22 (1) HEARINGS.—The entity responsible for de-
23 veloping and adopting the congressional redistricting
24 plan shall hold hearings both before and after releas-

1 ing proposed plans in order to solicit public input on
2 the content of such plans. These hearings shall—

3 (A) be held in different regions of the
4 State and streamed live on the public internet
5 site maintained under subsection (a)(2);

6 (B) be sufficient in number, scheduled at
7 times and places, and noticed and conducted in
8 a manner to ensure that all members of the
9 public, including members of racial, ethnic, and
10 language minorities protected under the Voting
11 Rights Act of 1965, have a meaningful oppor-
12 tunity to attend and provide input both before
13 and after the entity releases proposed plans.

14 (2) POSTING OF MAPS.—The entity responsible
15 for developing and adopting the congressional redis-
16 tricting plan shall make proposed plans, amend-
17 ments to proposed plans, and the data needed to
18 analyze such plans for compliance with the criteria
19 of this title available for public review, including on
20 the public internet site required under subsection
21 (a)(2), for a period of not less than 5 days before
22 any vote or hearing is held on any such plan or any
23 amendment to such a plan.

24 (c) RELEASE OF WRITTEN EVALUATION OF PLAN
25 AGAINST EXTERNAL METRICS REQUIRED PRIOR TO

1 VOTE.—The entity responsible for developing and adopt-
2 ing the congressional redistricting plan for a State may
3 not hold a vote on a proposed redistricting plan, including
4 a vote in a committee, unless at least 48 hours prior to
5 holding the vote the State has released a written evalua-
6 tion that measures each such plan against external metrics
7 which cover the criteria set forth in section 1003(b), in-
8 cluding the impact of the plan on the ability of members
9 of a class of citizens protected by the Voting Rights Act
10 of 1965 (52 U.S.C. 10301 et seq.) to elect candidates of
11 choice, the degree to which the plan preserves or divides
12 communities of interest, and any analysis used by the
13 State to assess compliance with the requirements of sec-
14 tion 1003(b) and (c).

15 (d) PUBLIC INPUT AND COMMENTS.—The entity re-
16 sponsible for developing and adopting the congressional
17 redistricting plan for a State shall make all public com-
18 ments received about potential plans, including alternative
19 plans, available to the public on the internet site required
20 under subsection (a)(2), at no cost, not later than 24
21 hours prior to holding a vote on final adoption of a plan.

22 **SEC. 1006. FAILURE BY STATE TO ENACT PLAN.**

23 (a) DEADLINE FOR ENACTMENT OF PLAN.—

24 (1) IN GENERAL.—Except as provided in para-
25 graph (2), each State shall enact a final congress-

1 sional redistricting plan following transmission of a
2 notice of apportionment to the President by the ear-
3 liest of—

4 (A) the deadline set forth in State law, in-
5 cluding any extension to the deadline provided
6 in accordance with State law;

7 (B) February 15 of the year in which reg-
8 ularly scheduled general elections for Federal
9 office are held in the State; or

10 (C) 90 days before the date of the next
11 regularly scheduled primary election for Federal
12 office held in the State.

13 (2) SPECIAL RULE FOR PLANS ENACTED PRIOR
14 TO EFFECTIVE DATE OF TITLE.—If a State enacted
15 a final congressional redistricting plan prior to the
16 effective date of this title and the plan is not in com-
17 pliance with the requirements of this title, the State
18 shall enact a final redistricting plan which is in com-
19 pliance with the requirements of this title not later
20 than 45 days after the effective date of this title.

21 (b) DEVELOPMENT OF PLAN BY COURT IN CASE OF
22 MISSED DEADLINE.—If a State has not enacted a final
23 congressional redistricting plan by the applicable deadline
24 under subsection (a), or it appears reasonably likely that

1 a State will fail to enact a final congressional redistricting
2 plan by such deadline—

3 (1) any citizen of the State may file an action
4 in the United States district court for the applicable
5 venue asking the district court to assume jurisdic-
6 tion;

7 (2) the United States district court for the ap-
8 plicable venue, acting through a 3-judge court con-
9 vened pursuant to section 2284 of title 28, United
10 States Code, shall have the exclusive authority to de-
11 velop and publish the congressional redistricting
12 plan for the State; and

13 (3) the final congressional redistricting plan de-
14 veloped and published by the court under this sec-
15 tion shall be deemed to be enacted on the date on
16 which the court publishes the final congressional re-
17 districting plan, as described in subsection (e).

18 (c) APPLICABLE VENUE.—For purposes of this sec-
19 tion, the “applicable venue” with respect to a State is the
20 District of Columbia or the judicial district in which the
21 capital of the State is located, as selected by the first party
22 to file with the court sufficient evidence that a State has
23 failed to, or is reasonably likely to fail to, enact a final
24 redistricting plan for the State prior to the expiration of
25 the applicable deadline set forth in subsection (a).

1 (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

2 (1) CRITERIA.—In developing a redistricting
3 plan for a State under this section, the court shall
4 adhere to the same terms and conditions that ap-
5 plied (or that would have applied, as the case may
6 be) to the development of a plan by the State under
7 section 1003.

8 (2) ACCESS TO INFORMATION AND RECORDS.—

9 The court shall have access to any information,
10 data, software, or other records and material that
11 was used (or that would have been used, as the case
12 may be) by the State in carrying out its duties
13 under this title.

14 (3) HEARING; PUBLIC PARTICIPATION.—In de-
15 veloping a redistricting plan for a State, the court
16 shall—

17 (A) hold one or more evidentiary hearings
18 at which interested members of the public may
19 appear and be heard and present testimony, in-
20 cluding expert testimony, in accordance with
21 the rules of the court; and

22 (B) consider other submissions and com-
23 ments by the public, including proposals for re-
24 districting plans to cover the entire State or
25 any portion of the State.

1 (4) USE OF SPECIAL MASTER.—To assist in the
2 development and publication of a redistricting plan
3 for a State under this section, the court may appoint
4 a special master to make recommendations to the
5 court on possible plans for the State.

6 (e) PUBLICATION OF PLAN.—

7 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
8 Upon completing the development of one or more
9 initial redistricting plans, the court shall make the
10 plans available to the public at no cost, and shall
11 also make available the underlying data used to de-
12 velop the plans and a written evaluation of the plans
13 against external metrics (as described in section
14 1004(e)).

15 (2) PUBLICATION OF FINAL PLAN.—At any
16 time after the expiration of the 14-day period which
17 begins on the date the court makes the plans avail-
18 able to the public under paragraph (1), and taking
19 into consideration any submissions and comments by
20 the public which are received during such period, the
21 court shall develop and publish the final redistricting
22 plan for the State.

23 (f) USE OF INTERIM PLAN.—In the event that the
24 court is not able to develop and publish a final redis-
25 tricting plan for the State with sufficient time for an up-

1 coming election to proceed, the court may develop and
2 publish an interim redistricting plan which shall serve as
3 the redistricting plan for the State until the court develops
4 and publishes a final plan in accordance with this section.
5 Nothing in this subsection may be construed to limit or
6 otherwise affect the authority or discretion of the court
7 to develop and publish the final redistricting plan, includ-
8 ing the discretion to make any changes the court deems
9 necessary to an interim redistricting plan.

10 (g) APPEALS.—Review on appeal of any final or in-
11 terim plan adopted by the court in accordance with this
12 section shall be governed by the appellate process in sec-
13 tion 1006.

14 (h) STAY OF STATE PROCEEDINGS.—The filing of an
15 action under this section shall act as a stay of any pro-
16 ceedings in State court with respect to the State’s congres-
17 sional redistricting plan unless otherwise ordered by the
18 court.

19 **SEC. 1007. CIVIL ENFORCEMENT.**

20 (a) CIVIL ENFORCEMENT.—

21 (1) ACTIONS BY ATTORNEY GENERAL.—The At-
22 torney General may bring a civil action for such re-
23 lief as may be appropriate to carry out this title.

24 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
25 TION.—

1 (A) IN GENERAL.—Any person residing or
2 domiciled in a State who is aggrieved by the
3 failure of the State to meet the requirements of
4 the Constitution or Federal law, including this
5 title, with respect to the State’s congressional
6 redistricting, may bring a civil action in the
7 United States district court for the applicable
8 venue for such relief as may be appropriate to
9 remedy the failure.

10 (B) SPECIAL RULE FOR CLAIMS RELATING
11 TO PARTISAN ADVANTAGE.—For purposes of
12 subparagraph (A), a person who is aggrieved by
13 the failure of a State to meet the requirements
14 of section 1003(c) may include—

15 (i) any political party or committee in
16 the State; and

17 (ii) any registered voter in the State
18 who resides in a congressional district that
19 the voter alleges was drawn in a manner
20 that contributes to a violation of such sec-
21 tion.

22 (C) NO AWARDING OF DAMAGES TO PRE-
23 VAILING PARTY.—Except for an award of attor-
24 ney’s fees under subsection (d), a court in a
25 civil action under this section shall not award

1 the prevailing party any monetary damages,
2 compensatory, punitive, or otherwise.

3 (3) DELIVERY OF COMPLAINT TO HOUSE AND
4 SENATE.—In any action brought under this section,
5 a copy of the complaint shall be delivered promptly
6 to the Clerk of the House of Representatives and the
7 Secretary of the Senate.

8 (4) EXCLUSIVE JURISDICTION AND APPLICABLE
9 VENUE.—The district courts of the United States
10 shall have exclusive jurisdiction to hear and deter-
11 mine claims asserting that a congressional redistricting
12 plan violates the requirements of the Con-
13 stitution or Federal law, including this title. The ap-
14 plicable venue for such an action shall be the United
15 States District Court for the District of Columbia or
16 for the judicial district in which the capital of the
17 State is located, as selected by the person bringing
18 the action. In a civil action that includes a claim
19 that a redistricting plan is in violation of subsection
20 (b) or (c) of section 1003, the United States District
21 Court for the District of Columbia shall have juris-
22 diction over any defendant who has been served in
23 any United States judicial district in which the de-
24 fendant resides, is found, or has an agent, or in the
25 United States judicial district in which the capital of

1 the State is located. Process may be served in any
2 United States judicial district where a defendant re-
3 sides, is found, or has an agent, or in the United
4 States judicial district in which the capital of the
5 State is located.

6 (5) USE OF 3-JUDGE COURT.—If an action
7 under this section raises statewide claims under the
8 Constitution or this title, the action shall be heard
9 by a 3-judge court convened pursuant to section
10 2284 of title 28, United States Code.

11 (6) REVIEW OF FINAL DECISION.—A final deci-
12 sion in an action brought under this section shall be
13 reviewable on appeal by the United States Court of
14 Appeals for the District of Columbia Circuit, which
15 shall hear the matter sitting en banc. There shall be
16 no right of appeal in such proceedings to any other
17 court of appeals. Such appeal shall be taken by the
18 filing of a notice of appeal within 10 days of the
19 entry of the final decision. A final decision by the
20 Court of Appeals may be reviewed by the Supreme
21 Court of the United States by writ of certiorari.

22 (b) EXPEDITED CONSIDERATION.—In any action
23 brought under this section, it shall be the duty of the dis-
24 trict court, the United States Court of Appeals for the
25 District of Columbia Circuit, and the Supreme Court of

1 the United States (if it chooses to hear the action) to ad-
2 vance on the docket and to expedite to the greatest pos-
3 sible extent the disposition of the action and appeal.

4 (c) REMEDIES.—

5 (1) ADOPTION OF REPLACEMENT PLAN.—

6 (A) IN GENERAL.—If the district court in
7 an action under this section finds that the con-
8 gressional redistricting plan of a State violates,
9 in whole or in part, the requirements of this
10 title—

11 (i) the court shall adopt a replacement
12 congressional redistricting plan for the
13 State in accordance with the process set
14 forth in section 1005; or

15 (ii) if circumstances warrant and no
16 delay to an upcoming regularly scheduled
17 election for the House of Representatives
18 in the State would result, the district
19 court, in its discretion, may allow a State
20 to develop and propose a remedial congres-
21 sional redistricting plan for review by the
22 court to determine whether the plan is in
23 compliance with this title, except that—

24 (I) the State may not develop
25 and propose a remedial plan under

1 this clause if the court determines
2 that the congressional redistricting
3 plan of the State was enacted with
4 discriminatory intent in violation of
5 the Constitution or section 1003(b);
6 and

7 (II) nothing in this clause may be
8 construed to permit a State to use
9 such a remedial plan which has not
10 been approved by the court.

11 (B) PROHIBITING USE OF PLANS IN VIOLA-
12 TION OF REQUIREMENTS.—No court shall order
13 a State to use a congressional redistricting plan
14 which violates, in whole or in part, the require-
15 ments of this title, or to conduct an election
16 under terms and conditions which violate, in
17 whole or in part, the requirements of this title.

18 (C) SPECIAL RULE IN CASE FINAL ADJU-
19 DICATION NOT EXPECTED WITHIN 3 MONTHS
20 OF ELECTION.—

21 (i) DUTY OF COURT.—If final adju-
22 dication of an action under this section is
23 not reasonably expected to be completed at
24 least 3 months prior to the next regularly
25 scheduled primary election for the House

1 of Representatives in the State, the district
2 court shall—

3 (I) develop, adopt, and order the
4 use of an interim congressional redistricting plan in accordance with section 1005(f) to address any claims
5 under this title for which a party
6 seeking relief has demonstrated a substantial likelihood of success; or
7

8 (II) order adjustments to the
9 timing of primary elections for the
10 House of Representatives and other
11 related deadlines, as needed, to allow
12 sufficient opportunity for adjudication
13 of the matter and adoption of a remedial or replacement plan for use in the
14 next regularly scheduled general elections for the House of Representatives.
15
16
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19

20 (ii) PROHIBITING FAILURE TO ACT ON
21 GROUNDS OF PENDENCY OF ELECTION.—

22 The court may not refuse to take any action described in clause (i) on the grounds
23 of the pendency of the next election held in
24 the State or the potential for disruption,
25

1 confusion, or additional burdens with re-
2 spect to the administration of the election
3 in the State.

4 (2) NO STAY PENDING APPEAL.—Notwith-
5 standing the appeal of an order finding that a con-
6 gressional redistricting plan of a State violates, in
7 whole or in part, the requirements of this title, no
8 stay shall issue which shall bar the development or
9 adoption of a replacement or remedial plan under
10 this subsection, as may be directed by the district
11 court, pending such appeal. If such a replacement or
12 remedial plan has been adopted, no appellate court
13 may stay or otherwise enjoin the use of such plan
14 during the pendency of an appeal, except upon an
15 order holding, based on the record, that adoption of
16 such plan was an abuse of discretion.

17 (3) SPECIAL AUTHORITY OF COURT OF AP-
18 PEALS.—

19 (A) ORDERING OF NEW REMEDIAL
20 PLAN.—If, upon consideration of an appeal
21 under this title, the Court of Appeals deter-
22 mines that a plan does not comply with the re-
23 quirements of this title, it shall direct that the
24 District Court promptly develop a new remedial

1 plan with assistance of a special master for con-
2 sideration by the Court of Appeals.

3 (B) FAILURE OF DISTRICT COURT TO
4 TAKE TIMELY ACTION.—If, at any point during
5 the pendency of an action under this section,
6 the District Court fails to take action necessary
7 to permit resolution of the case prior to the
8 next regularly scheduled election for the House
9 of Representatives in the State or fails to grant
10 the relief described in paragraph (1)(C), any
11 party may seek a writ of mandamus from the
12 Court of Appeals for the District of Columbia
13 Circuit. The Court of Appeals shall have juris-
14 diction over the motion for a writ of mandamus
15 and shall establish an expedited briefing and
16 hearing schedule for resolution of the motion. If
17 the Court of Appeals determines that a writ
18 should be granted, the Court of Appeals shall
19 take any action necessary, including developing
20 a congressional redistricting plan with assist-
21 ance of a special master to ensure that a reme-
22 dial plan is adopted in time for use in the next
23 regularly scheduled election for the House of
24 Representatives in the State.

1 (4) EFFECT OF ENACTMENT OF REPLACEMENT
2 PLAN.—A State’s enactment of a redistricting plan
3 which replaces a plan which is the subject of an ac-
4 tion under this section shall not be construed to
5 limit or otherwise affect the authority of the court
6 to adjudicate or grant relief with respect to any
7 claims or issues not addressed by the replacement
8 plan, including claims that the plan which is the
9 subject of the action was enacted, in whole or in
10 part, with discriminatory intent, or claims to con-
11 sider whether relief should be granted under section
12 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
13 10302(c)) based on the plan which is the subject of
14 the action.

15 (d) ATTORNEY’S FEES.—In a civil action under this
16 section, the court may allow the prevailing party (other
17 than the United States) reasonable attorney fees, includ-
18 ing litigation expenses, and costs.

19 (e) RELATION TO OTHER LAWS.—

20 (1) RIGHTS AND REMEDIES ADDITIONAL TO
21 OTHER RIGHTS AND REMEDIES.—The rights and
22 remedies established by this section are in addition
23 to all other rights and remedies provided by law, and
24 neither the rights and remedies established by this
25 section nor any other provision of this title shall su-

1 persede, restrict, or limit the application of the Vot-
2 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

3 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
4 this title authorizes or requires conduct that is pro-
5 hibited by the Voting Rights Act of 1965 (52 U.S.C.
6 10301 et seq.).

7 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
8 ture, or State may claim legislative privilege under either
9 State or Federal law in a civil action brought under this
10 section or in any other legal challenge, under either State
11 or Federal law, to a redistricting plan enacted under this
12 title.

13 (g) REMOVAL.—

14 (1) IN GENERAL.—At any time, a civil action
15 brought in a State court which asserts a claim for
16 which the district courts of the United States have
17 exclusive jurisdiction under this title may be re-
18 moved by any party in the case, including an inter-
19 venor, by filing, in the district court for an applica-
20 ble venue under this section, a notice of removal
21 signed pursuant to Rule 11 of the Federal Rules of
22 Civil Procedure containing a short and plain state-
23 ment of the grounds for removal. Consent of parties
24 shall not be required for removal.

1 (2) CLAIMS NOT WITHIN THE ORIGINAL OR
2 SUPPLEMENTAL JURISDICTION.—If a civil action re-
3 moved in accordance with paragraph (1) contains
4 claims not within the original or supplemental juris-
5 diction of the district court, the district court shall
6 sever all such claims and remand them to the State
7 court from which the action was removed.

8 **SEC. 1008. NO EFFECT ON ELECTIONS FOR STATE AND**
9 **LOCAL OFFICE.**

10 Nothing in this title or in any amendment made by
11 this title may be construed to affect the manner in which
12 a State carries out elections for State or local office, in-
13 cluding the process by which a State establishes the dis-
14 tricts used in such elections.

15 **SEC. 1009. EFFECTIVE DATE.**

16 (a) IN GENERAL.—This title and the amendments
17 made by this title shall apply on the date of enactment
18 of this title.

19 (b) APPLICATION TO CONGRESSIONAL REDIS-
20 TRICTING PLANS RESULTING FROM 2020 DECENNIAL
21 CENSUS.—Notwithstanding subsection (a), this title and
22 the amendments made by this title, other than section
23 1004, shall apply with respect to each congressional redis-
24 tricting plan enacted pursuant to the notice of appor-
25 tionment transmitted to the President on April 26, 2021,

1 without regard to whether or not a State enacted such
2 a plan prior to the date of the enactment of this Act.

3 **TITLE XI—JOHN R. LEWIS VOT-**
4 **ING RIGHTS ADVANCEMENT**
5 **ACT**

6 **SECTION 1101. SHORT TITLE.**

7 This title may be cited as the “John R. Lewis Voting
8 Rights Advancement Act of 2025”.

9 **SEC. 1102. VOTE DILUTION, DENIAL, AND ABRIDGMENT**
10 **CLAIMS.**

11 (a) IN GENERAL.—Section 2(a) of the Voting Rights
12 Act of 1965 (52 U.S.C. 10301(a)) is amended—

13 (1) by inserting after “applied by any State or
14 political subdivision” the following: “for the purpose
15 of, or”; and

16 (2) by striking “as provided in subsection (b)”
17 and inserting “as provided in subsection (b), (c), (d),
18 or (f)”.

19 (b) VOTE DILUTION.—Section 2(b) of such Act (52
20 U.S.C. 10301(b)) is amended—

21 (1) by inserting after “A violation of subsection
22 (a)” the following: “for vote dilution”;

23 (2) by inserting after the period at the end the
24 following: “For the purposes of this subsection.”;

1 (3) by adding at the end the following new
2 paragraphs:

3 “(1) To prevail in demonstrating that a rep-
4 resentational, districting, or apportionment scheme
5 results in vote dilution, a plaintiff shall, as a thresh-
6 old matter, establish that—

7 “(A) the members of the protected class
8 are sufficiently numerous and geographically
9 compact to constitute a majority in a single-
10 member district;

11 “(B) the members of the protected class
12 are politically cohesive; and

13 “(C) the residents of that district who are
14 not the members of the protected class usually
15 vote sufficiently as a bloc to enable them to de-
16 feat the preferred candidates of the members of
17 the protected class.

18 “(2) Upon a plaintiff establishing the required
19 threshold showing under paragraph (1), a court shall
20 conduct a totality of the circumstances analysis with
21 respect to a claim of vote dilution to determine
22 whether there was a violation of subsection (a),
23 which shall include the following factors:

24 “(A) The extent of any history of official
25 voting discrimination in the State or political

1 subdivision that affected the right of members
2 of the protected class to register, to vote, or
3 otherwise to participate in the political process.

4 “(B) The extent to which voting in the
5 elections of the State or political subdivision is
6 racially polarized.

7 “(C) The extent to which the State or po-
8 litical subdivision has used voting practices or
9 procedures that tend to enhance the oppor-
10 tunity for discrimination against the members
11 of the protected class, such as unusually large
12 election districts, majority vote requirements,
13 anti-single shot provisions, or other qualifica-
14 tions, prerequisites, standards, practices, or
15 procedures that may enhance the opportunity
16 for discrimination against the members of the
17 protected class.

18 “(D) If there is a candidate slating proc-
19 ess, whether the members of the protected class
20 have been denied access to that process.

21 “(E) The extent to which members of the
22 protected class in the State or political subdivi-
23 sion bear the effects of discrimination, both
24 public or private, in such areas as education,
25 employment, health, housing, and transpor-

1 tation, which hinder their ability to participate
2 effectively in the political process.

3 “(F) Whether political campaigns have
4 been characterized by overt or subtle racial ap-
5 peals.

6 “(G) The extent to which members of the
7 protected class have been elected to public office
8 in the jurisdiction.

9 “(3) In conducting a totality of the cir-
10 cumstances analysis under paragraph (2), a court
11 may consider such other factors as the court may
12 determine to be relevant, including—

13 “(A) whether there is a significant lack of
14 responsiveness on the part of elected officials to
15 the particularized needs of the members of the
16 protected class, including a lack of concern for
17 or responsiveness to the requests and proposals
18 of the members of the protected class, except
19 that compliance with a court order may not be
20 considered evidence of responsiveness on the
21 part of the jurisdiction; and

22 “(B) whether the policy underlying the
23 State or political subdivision’s use of such vot-
24 ing qualification, prerequisite to voting, or
25 standard, practice or procedure is tenuous.

1 In making this determination, a court shall consider
2 whether the qualification, prerequisite, standard,
3 practice, or procedure in question was designed to
4 advance and materially advances a valid and sub-
5 stantiated State interest.

6 “(4) A class of citizens protected by subsection
7 (a) may include a cohesive coalition of members of
8 different racial or language minority groups.”; and

9 (4) VOTE DENIAL OR ABRIDGEMENT.—Section
10 2 of such Act (52 U.S.C. 10301), as amended by
11 subsections (a) and (b), is further amended by add-
12 ing at the end the following:

13 “(c)(1) A violation of subsection (a) resulting in vote
14 denial or abridgment is established if the challenged quali-
15 fication, prerequisite, standard, practice, or procedure—

16 “(A) results or will result in members of a pro-
17 tected class facing greater costs or burdens in par-
18 ticipating in the political process than other voters;
19 and

20 “(B) the greater costs or burdens are, at least
21 in part, caused by or linked to social and historical
22 conditions that have produced or produce on the
23 date of such challenge discrimination against mem-
24 bers of the protected class.

1 In determining the existence of a burden for pur-
2 poses of subparagraph (A), the absolute number or
3 the percent of voters affected or the presence of vot-
4 ers who are not members of a protected class in the
5 affected area shall not be dispositive, and the af-
6 fected area may be smaller than the jurisdiction to
7 which the qualification, prerequisite, standard, prac-
8 tice, or procedure applies.

9 “(2) The challenged qualification, prerequisite, stand-
10 ard, practice, or procedure need only be a but-for cause
11 of the discriminatory result described in paragraph (1) or
12 perpetuate a pre-existing burdens or costs.

13 “(3)(A) The factors that are relevant to a totality of
14 the circumstances analysis with respect to a claim of vote
15 denial or abridgement pursuant to this subsection include
16 the following:

17 “(i) The extent of any history of official voting-
18 related discrimination in the State or political sub-
19 division that affected the right of members of the
20 protected class to register, to vote, or otherwise to
21 participate in the political process.

22 “(ii) The extent to which voting in the elections
23 of the State or political subdivision is racially polar-
24 ized.

1 “(iii) The extent to which the State or political
2 subdivision has used photographic voter identifica-
3 tion requirements, documentary proof of citizenship
4 requirements, documentary proof of residence re-
5 quirements, or other voting practices or procedures,
6 beyond those required by Federal law, that impair
7 the ability of members of the minority group to par-
8 ticipate fully in the political process.

9 “(iv) The extent to which minority group mem-
10 bers bear the effects of discrimination, both public
11 or private, in areas such as education, employment,
12 health, housing, and transportation, which hinder
13 their ability to participate effectively in the political
14 process.

15 “(v) The use of overt or subtle racial appeals ei-
16 ther in political campaigns or surrounding adoption
17 or maintenance of the challenged practice.

18 “(vi) The extent to which members of the mi-
19 nority group have been elected to public office in the
20 jurisdiction, provided that the fact that the minority
21 group is too small to elect candidates of its choice
22 shall not defeat a claim of vote denial or abridgment.

23 “(vii) Whether there is a lack of responsiveness
24 on the part of elected officials to the particularized
25 needs of minority group members, including a lack

1 of concern for or responsiveness to the requests and
2 proposals of the group, except that compliance with
3 a court order may not be considered evidence of re-
4 sponsiveness on the part of the jurisdiction.

5 “(viii) Whether the policy underlying the State
6 or political subdivision’s use of the challenged quali-
7 fication, prerequisite, standard, practice, or proce-
8 dure is tenuous. In making a determination under
9 this clause, a court shall consider whether the quali-
10 fication, prerequisite, standard, practice, or proce-
11 dure in question was designed to advance and mate-
12 rially advances a valid and substantiated State inter-
13 est.

14 “(ix) Subject to paragraph (4), such other fac-
15 tors as the court may determine to be relevant.

16 “(B) The factors described in subparagraph (A), indi-
17 vidually and collectively, shall be considered as a means
18 of establishing that a voting practice amplifies the effects
19 of past or present discrimination in violation in subsection
20 (a).

21 “(C) A plaintiff need not show any particular com-
22 bination or number of factors to establish a violation of
23 subsection (a).

1 “(4) The factors that are relevant to a totality of the
2 circumstances analysis with respect to a claim of vote de-
3 nial or abridgement do not include the following:

4 “(A) The degree to which the challenged quali-
5 fication, prerequisite, standard, practice, or proce-
6 dure has a long pedigree or was in widespread use
7 at some earlier date.

8 “(B) The use of an identical or similar quali-
9 fication, prerequisite, standard, practice, or proce-
10 dure in other States or jurisdictions.

11 “(C) The availability of other forms of voting
12 unimpacted by the challenged qualification, pre-
13 requisite, standard, practice, or procedure to all
14 members of the electorate, including members of the
15 protected class, unless the jurisdiction is simulta-
16 neously expanding such other practices to eliminate
17 any disproportionate burden imposed by the chal-
18 lenged qualification, prerequisite, standard, practice,
19 or procedure.

20 “(D) Unsubstantiated defenses that the quali-
21 fication, prerequisite, standard, practice, or proce-
22 dure is necessary to address criminal activity.

23 “(d)(1) A violation of subsection (a) for the purpose
24 of vote denial or abridgement is established if the chal-
25 lenged qualification, prerequisite, standard, practice, or

1 procedure is intended, at least in part, to dilute minority
2 voting strength or to deny or abridge the right of any cit-
3 izen of the United States to vote on account of race, color,
4 or in contravention of the guarantees set forth in section
5 4(f)(2).

6 “(2) Discrimination on account of race, color, or in
7 contravention of the guarantees set forth in section 4(f)(2)
8 need only be one purpose of a qualification, prerequisite,
9 standard, practice, or procedure to demonstrate a violation
10 of subsection (a).

11 “(3) A qualification, prerequisite, standard, practice,
12 or procedure intended to dilute minority voting strength
13 or to make it more difficult for minority voters to cast
14 a ballot that will be counted violates this subsection even
15 if an additional purpose of the qualification, prerequisite,
16 standard, practice, or procedure is to benefit a particular
17 political party or group.

18 “(4) The context for the adoption of the challenged
19 qualification, prerequisite, standard, practice, or proce-
20 dure, including actions by official decisionmakers before
21 the challenged qualification, prerequisite, standard, prac-
22 tice, or procedure, may be relevant to a violation of this
23 subsection.

1 “(5) Claims under this subsection require proof of a
2 discriminatory impact but do not require proof of a viola-
3 tion pursuant to subsection (b) or (c).

4 “(e) For purposes of this section, the term ‘affected
5 area’ means any geographic area, in which members of
6 a protected class are affected by a qualification, pre-
7 requisite, standard, practice, or procedure allegedly in vio-
8 lation of this section, within a State (including any Indian
9 lands).”.

10 **SEC. 1103. RETROGRESSION.**

11 Section 2 of the Voting Rights Act of 1965 (52
12 U.S.C. 10301 et seq.), as amended by section 1102 of this
13 subtitle, is further amended by adding at the end the fol-
14 lowing:

15 “(f) A violation of subsection (a) is established when
16 a State or political subdivision enacts or seeks to admin-
17 ister any qualification or prerequisite to voting or stand-
18 ard, practice, or procedure with respect to voting in any
19 election that has the purpose of or will have the effect
20 of diminishing the ability of any citizens of the United
21 States on account of race or color, or in contravention of
22 the guarantees set forth in section 4(f)(2), to participate
23 in the electoral process or elect their preferred candidates
24 of choice. This subsection applies to any action taken on
25 or after January 1, 2021, by a State or political subdivi-

1 sion to enact or seek to administer any such qualification
2 or prerequisite to voting or standard, practice or proce-
3 dure.

4 “(g) Notwithstanding the provisions of subsection (f),
5 final decisions of the United States District Court of the
6 District of Columbia on applications or petitions by States
7 or political subdivisions for preclearance under section 5
8 of any changes in voting prerequisites, standards, prac-
9 tices, or procedures, supersede the provisions of subsection
10 (f).”.

11 **SEC. 1104. VIOLATIONS TRIGGERING AUTHORITY OF**
12 **COURT TO RETAIN JURISDICTION.**

13 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
14 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
15 by striking “violations of the fourteenth or fifteenth
16 amendment” and inserting “violations of the 14th or 15th
17 Amendment, violations of this Act, or violations of any
18 Federal law that prohibits discrimination in voting on the
19 basis of race, color, or membership in a language minority
20 group,”.

21 (b) CONFORMING AMENDMENT.—Section 3(a) of
22 such Act (52 U.S.C. 10302(a)) is amended by striking
23 “violations of the fourteenth or fifteenth amendment” and
24 inserting “violations of the 14th or 15th Amendment, vio-
25 lations of this Act, or violations of any Federal law that

1 prohibits discrimination in voting on the basis of race,
2 color, or membership in a language minority group.”

3 **SEC. 1105. CRITERIA FOR COVERAGE OF STATES AND PO-**
4 **LITICAL SUBDIVISIONS.**

5 (a) DETERMINATION OF STATES AND POLITICAL
6 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

7 (1) IN GENERAL.—Section 4(b) of the Voting
8 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-
9 ed to read as follows:

10 “(b) DETERMINATION OF STATES AND POLITICAL
11 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

12 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
13 TIONS DURING PREVIOUS 25 YEARS.—

14 “(A) STATEWIDE APPLICATION.—Sub-
15 section (a) applies with respect to a State and
16 all political subdivisions within the State during
17 a calendar year if—

18 “(i) fifteen or more voting rights vio-
19 lations occurred in the State during the
20 previous 25 calendar years;

21 “(ii) ten or more voting rights viola-
22 tions occurred in the State during the pre-
23 vious 25 calendar years, at least one of
24 which was committed by the State itself

1 (as opposed to a political subdivision with-
2 in the State); or

3 “(iii) three or more voting rights vio-
4 lations occurred in the State during the
5 previous 25 calendar years and the State
6 itself administers the elections in the State
7 or political subdivisions in which the voting
8 rights violations occurred.

9 “(B) APPLICATION TO SPECIFIC POLITICAL
10 SUBDIVISIONS.—Subsection (a) applies with re-
11 spect to a political subdivision as a separate
12 unit during a calendar year if three or more
13 voting rights violations occurred in the subdivi-
14 sion during the previous 25 calendar years.

15 “(2) PERIOD OF APPLICATION.—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), if, pursuant to paragraph
18 (1), subsection (a) applies with respect to a
19 State or political subdivision during a calendar
20 year, subsection (a) shall apply with respect to
21 such State or political subdivision for the pe-
22 riod—

23 “(i) that begins on January 1 of the
24 year in which subsection (a) applies; and

1 “(ii) that ends on the date which is 10
2 years after the date described in clause (i).

3 “(B) NO FURTHER APPLICATION AFTER
4 DECLARATORY JUDGMENT.—

5 “(i) STATES.—If a State obtains a de-
6 claratory judgment under subsection (a),
7 and the judgment remains in effect, sub-
8 section (a) shall no longer apply to such
9 State pursuant to paragraph (1)(A) unless,
10 after the issuance of the declaratory judg-
11 ment, paragraph (1)(A) applies to the
12 State solely on the basis of voting rights
13 violations occurring after the issuance of
14 the declaratory judgment.

15 “(ii) POLITICAL SUBDIVISIONS.—If a
16 political subdivision obtains a declaratory
17 judgment under subsection (a), and the
18 judgment remains in effect, subsection (a)
19 shall no longer apply to such political sub-
20 division pursuant to paragraph (1), includ-
21 ing pursuant to paragraph (1)(A) (relating
22 to the statewide application of subsection
23 (a)), unless, after the issuance of the de-
24 claratory judgment, paragraph (1)(B) ap-
25 plies to the political subdivision solely on

1 the basis of voting rights violations occur-
2 ring after the issuance of the declaratory
3 judgment.

4 “(3) DETERMINATION OF VOTING RIGHTS VIO-
5 LATION.—For purposes of paragraph (1), a voting
6 rights violation occurred in a State or political sub-
7 division if any of the following applies:

8 “(A) JUDICIAL RELIEF; VIOLATION OF
9 THE 14TH OR 15TH AMENDMENT.—Any final
10 judgment, or any preliminary, temporary, or de-
11 claratory relief (that was not reversed on ap-
12 peal), in which the plaintiff prevailed or a court
13 of the United States found that the plaintiff
14 demonstrated a likelihood of success on the
15 merits or raised a serious question with regard
16 to race discrimination, in which any court of
17 the United States determined that a denial or
18 abridgement of the right of any citizen of the
19 United States to vote on account of race, color,
20 or membership in a language minority group
21 occurred, or that a voting qualification or pre-
22 requisite to voting or standard, practice, or pro-
23 cedure with respect to voting created an undue
24 burden on the right to vote in connection with
25 a claim that the law unduly burdened voters of

1 a particular race, color, or language minority
2 group, in violation of the 14th or 15th Amend-
3 ment, anywhere within the State or subdivision.

4 “(B) JUDICIAL RELIEF; VIOLATIONS OF
5 THIS ACT.—Any final judgment, or any prelimi-
6 nary, temporary, or declaratory relief (that was
7 not reversed on appeal) in which the plaintiff
8 prevailed or a court of the United States found
9 that the plaintiff demonstrated a likelihood of
10 success on the merits or raised a serious ques-
11 tion with regard to race discrimination, in
12 which any court of the United States deter-
13 mined that a voting qualification or prerequisite
14 to voting or standard, practice, or procedure
15 with respect to voting was imposed or applied
16 or would have been imposed or applied any-
17 where within the State or subdivision in a man-
18 ner that resulted or would have resulted in a
19 denial or abridgement of the right of any citizen
20 of the United States to vote on account of race,
21 color, or membership in a language minority
22 group, in violation of subsection 4(e) or 4(f) or
23 section 2, 201, or 203 of this Act.

24 “(C) FINAL JUDGMENT; DENIAL OF DE-
25 CLARATORY JUDGMENT.—In a final judgment

1 (that was not been reversed on appeal), any
2 court of the United States has denied the re-
3 quest of the State or subdivision for a declara-
4 tory judgment under section 3(c) or section 5,
5 and thereby prevented a voting qualification or
6 prerequisite to voting or standard, practice, or
7 procedure with respect to voting from being en-
8 forced anywhere within the State or subdivision.

9 “(D) OBJECTION BY THE ATTORNEY GEN-
10 ERAL.—The Attorney General has interposed
11 an objection under section 3(c) or section 5,
12 and thereby prevented a voting qualification or
13 prerequisite to voting or standard, practice, or
14 procedure with respect to voting from being en-
15 forced anywhere within the State or subdivision.
16 A violation per this subsection has not occurred
17 where an objection has been withdrawn by the
18 Attorney General, unless the withdrawal was in
19 response to a change in the law or practice that
20 served as the basis of the objection. A violation
21 under this subsection has not occurred where
22 the objection is based solely on a State or polit-
23 ical subdivision’s failure to comply with a proce-
24 dural process that would not otherwise con-
25 stitute an independent violation of this Act.

1 “(E) CONSENT DECREE, SETTLEMENT, OR
2 OTHER AGREEMENT.—A consent decree, settle-
3 ment, or other agreement was adopted or en-
4 tered by a court of the United States or con-
5 tained an admission of liability by the defend-
6 ants, which resulted in the alteration or aban-
7 donment of a voting practice anywhere in the
8 territory of such State or subdivision that was
9 challenged on the ground that the practice de-
10 nied or abridged the right of any citizen of the
11 United States to vote on account of race, color,
12 or membership in a language minority group in
13 violation of subsection 4(e) or 4(f) or section 2,
14 201, or 203 of this Act, or the 14th or 15th
15 Amendment. An extension or modification of an
16 agreement as defined by this subsection that
17 has been in place for ten years or longer shall
18 count as an independent violation. If a court of
19 the United States finds that an agreement itself
20 as defined by this subsection denied or abridged
21 the right of any citizen of the United States to
22 vote on account of race, color, or membership in
23 a language minority group, violated subsection
24 4(e) or 4(f) or section 2, 201, or 203 of this
25 Act, or created an undue burden on the right

1 to vote in connection with a claim that the con-
2 sent decree, settlement, or other agreement un-
3 duly burdened voters of a particular race, color,
4 or language minority group, that finding shall
5 count as an independent violation.

6 “(F) MULTIPLE VIOLATIONS.—Each vot-
7 ing qualification or prerequisite to voting or
8 standard, practice, or procedure with respect to
9 voting, including each redistricting plan, found
10 to be a violation by a court of the United States
11 pursuant to subsection (a) or (b), or prevented
12 from enforcement pursuant to subsection (c) or
13 (d), or altered or abandoned pursuant to sub-
14 section (e) shall count as an independent viola-
15 tion. Within a redistricting plan, each violation
16 found to discriminate against any group of vot-
17 ers based on race, color, or language minority
18 group shall count as an independent violation.

19 “(4) TIMING OF DETERMINATIONS.—

20 “(A) DETERMINATIONS OF VOTING RIGHTS
21 VIOLATIONS.—As early as practicable during
22 each calendar year, the Attorney General shall
23 make the determinations required by this sub-
24 section, including updating the list of voting
25 rights violations occurring in each State and po-

1 litical subdivision for the previous calendar
2 year.

3 “(B) EFFECTIVE UPON PUBLICATION IN
4 FEDERAL REGISTER.—A determination or cer-
5 tification of the Attorney General under this
6 section or under section 8 or 13 shall be effec-
7 tive upon publication in the Federal Register.”.

8 (2) CONFORMING AMENDMENTS.—Section 4(a)
9 of such Act (52 U.S.C. 10303(a)) is amended—

10 (A) in paragraph (1), in the first sentence
11 of the matter preceding subparagraph (A), by
12 striking “any State with respect to which” and
13 all that follows through “unless” and inserting
14 “any State to which this subsection applies dur-
15 ing a calendar year pursuant to determinations
16 made under subsection (b), or in any political
17 subdivision of such State (as such subdivision
18 existed on the date such determinations were
19 made with respect to such State), though such
20 determinations were not made with respect to
21 such subdivision as a separate unit, or in any
22 political subdivision with respect to which this
23 subsection applies during a calendar year pur-
24 suant to determinations made with respect to

1 such subdivision as a separate unit under sub-
2 section (b), unless”;

3 (B) in paragraph (1) in the matter pre-
4 ceding subparagraph (A), by striking the second
5 sentence;

6 (C) in paragraph (1)(A), by striking “(in
7 the case of a State or subdivision seeking a de-
8 claratory judgment under the second sentence
9 of this subsection)”;

10 (D) in paragraph (1)(B), by striking “(in
11 the case of a State or subdivision seeking a de-
12 claratory judgment under the second sentence
13 of this subsection)”;

14 (E) in paragraph (3), by striking “(in the
15 case of a State or subdivision seeking a declara-
16 tory judgment under the second sentence of this
17 subsection)”;

18 (F) in paragraph (5), by striking “(in the
19 case of a State or subdivision which sought a
20 declaratory judgment under the second sentence
21 of this subsection)”;

22 (G) by striking paragraphs (7) and (8);
23 and

24 (H) by redesignating paragraph (9) as
25 paragraph (7).

1 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
2 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such
3 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race
4 or color,” and inserting “race, color, or in contravention
5 of the guarantees of subsection (f)(2),”.

6 (c) ADMINISTRATIVE BAILOUT.—

7 (1) IN GENERAL.—Section 4 of the Voting
8 Rights Act of 1965 (52 U.S.C. 10303) is amended
9 by adding at the end the following:

10 “(g) ADMINISTRATIVE BAILOUT.—

11 “(1) DETERMINATION OF ELIGIBILITY.—

12 “(A) IN GENERAL.—After making a deter-
13 mination under subsection (b)(1)(A) that the
14 provisions of subsection (a) apply with respect
15 to a State and all political subdivisions within
16 the State, the Attorney General shall determine
17 if any political subdivision of the State is eligi-
18 ble for an exemption under this subsection, and
19 shall publish, in the Federal Register, a list of
20 all such political subdivisions. Any political sub-
21 division included on such list is not subject to
22 any requirement under section 5 until the date
23 on which any application under this section has
24 been finally disposed of or no such application
25 may be made.

1 “(B) RULE OF CONSTRUCTION.—Nothing
2 in this subsection may be construed to pro-
3 vide—

4 “(i) that the determinations made
5 pursuant to the creation of the list shall
6 have any binding or preclusive effect; or

7 “(ii) that inclusion on the list—

8 “(I) constitutes a final deter-
9 mination by the Attorney General that
10 the listee is eligible for an exemption
11 pursuant to this subsection or that, in
12 the case of the listee, the provisions of
13 subparagraphs (A) through (F) of
14 subsection (a)(1) are satisfied; or

15 “(II) entitles the listee to any ex-
16 emption pursuant to this subsection.

17 “(2) ELIGIBILITY.—A political subdivision that
18 submits an application under paragraph (3) shall be
19 eligible for an exemption under this subsection only
20 if, during the ten years preceding the filing of the
21 application, and during the pendency of such appli-
22 cation—

23 “(A) no test or device referred to in sub-
24 section (a)(1) has been used within such polit-
25 ical subdivision for the purpose or with the ef-

1 fect of denying or abridging the right to vote on
2 account of race or color or in contravention of
3 the guarantees of subsection (f)(2);

4 “(B) no final judgment of any court of the
5 United States, other than the denial of declara-
6 tory judgment under this section, has deter-
7 mined that denials or abridgements of the right
8 to vote on account of race or color have oc-
9 curred anywhere in the territory of such polit-
10 ical subdivision or that denials or abridgements
11 of the right to vote in contravention of the
12 guarantees of subsection (f)(2) have occurred
13 anywhere in the territory of such subdivision
14 and no consent decree, settlement, or agreement
15 has been entered into resulting in any abandon-
16 ment of a voting practice challenged on such
17 grounds; and no declaratory judgment under
18 this section shall be entered during the pend-
19 ency of an action commenced before the filing
20 of an action under this section and alleging
21 such denials or abridgements of the right to
22 vote;

23 “(C) no Federal examiners or observers
24 under this Act have been assigned to such polit-
25 ical subdivision;

1 “(D) such political subdivision and all gov-
2 ernmental units within its territory have com-
3 plied with section 5 of this Act, including com-
4 pliance with the requirement that no change
5 covered by section 5 has been enforced without
6 preclearance under section 5, and have repealed
7 all changes covered by section 5 to which the
8 Attorney General has successfully objected or as
9 to which the United States District Court for
10 the District of Columbia has denied a declara-
11 tory judgment;

12 “(E) the Attorney General has not inter-
13 posed any objection (that has not been over-
14 turned by a final judgment of a court) and no
15 declaratory judgment has been denied under
16 section 5, with respect to any submission by or
17 on behalf of the plaintiff or any governmental
18 unit within its territory under section 5, and no
19 such submissions or declaratory judgment ac-
20 tions are pending; and

21 “(F) such political subdivision and all gov-
22 ernmental units within its territory—

23 “(i) have eliminated voting procedures
24 and methods of election which inhibit or
25 dilute equal access to the electoral process;

1 “(ii) have engaged in constructive ef-
2 forts to eliminate intimidation and harass-
3 ment of persons exercising rights protected
4 under this Act; and

5 “(iii) have engaged in other construc-
6 tive efforts, such as expanded opportunity
7 for convenient registration and voting for
8 every person of voting age and the appoint-
9 ment of minority persons as election offi-
10 cials throughout the jurisdiction and at all
11 stages of the election and registration
12 process.

13 “(3) APPLICATION PERIOD.—Not later than 90
14 days after the publication of the list under para-
15 graph (1), a political subdivision included on such
16 list may submit an application, containing such in-
17 formation as the Attorney General may require, for
18 an exemption under this subsection. The Attorney
19 General shall provide notice in the Federal Register
20 of such application.

21 “(4) COMMENT PERIOD.—During the 90-day
22 period beginning on the date that notice is published
23 under paragraph (3), the Attorney General shall give
24 interested persons an opportunity to submit objec-
25 tions to the issuance of an exemption under this

1 subsection to a political subdivision on the basis that
2 the political subdivision is not eligible under para-
3 graph (2) to the Attorney General. During the 1
4 year period beginning on the effective date of this
5 subsection, such 90-day period shall be extended by
6 an additional 30 days. The Attorney General shall
7 notify the political subdivision of each objection sub-
8 mitted and afford the political subdivision an oppor-
9 tunity to respond.

10 “(5) DETERMINATION AS TO OBJECTIONS.—In
11 the case of a political subdivision with respect to
12 which an objection has been submitted under para-
13 graph (4), the following shall apply:

14 “(A) CONSIDERATION OF OBJECTIONS.—
15 The Attorney General shall consider and re-
16 spond to each such objection (and any response
17 of the political subdivision thereto) during the
18 60-day period beginning on the day after the
19 comment period under paragraph (4) concludes.

20 “(B) JUSTIFIED OBJECTIONS.—If the At-
21 torney General determines that any such objec-
22 tion is justified, the Attorney General shall pub-
23 lish notice in the Federal Register denying the
24 application for an exemption under this sub-
25 section.

1 “(C) UNJUSTIFIED OBJECTIONS.—If the
2 Attorney General determines that no objection
3 submitted is justified, each person that sub-
4 mitted such an objection may, not later than 90
5 days after the end of the period established
6 under subparagraph (A), file, in the District
7 Court of the District of Columbia, an action for
8 judicial review of such determination in accord-
9 ance with chapter 7 of title 5, United States
10 Code.

11 “(6) EXEMPTION.—The Attorney General may
12 issue an exemption, by publication in the Federal
13 Register, from the application of the provisions of
14 subsection (a) with respect to a political subdivision
15 that—

16 “(A) is eligible under paragraph (2); and

17 “(B) with respect to which no objection
18 under was submitted under paragraph (4) or
19 determined to be justified under paragraph (5).

20 “(7) JUDICIAL REVIEW.—Except as otherwise
21 explicitly provided in this subsection, no determina-
22 tion under this subsection shall be subject to review
23 by any court, and all determinations under this sub-
24 section are committed to the discretion of the Attor-
25 ney General.

1 “(8) SAVINGS CLAUSE.—If a political subdivi-
2 sion was not subject to the application of the provi-
3 sions of subsection (a) by reason of a declaratory
4 judgment entered prior to the effective date of this
5 subsection, and such political subdivision has not
6 violated any eligibility requirement set forth in para-
7 graph (2) at any time thereafter, then that political
8 subdivision shall not be subject to the requirements
9 of subsection (a).”.

10 (2) CONFORMING AMENDMENT.—

11 (A) IN GENERAL.—Section 4(a)(1) of the
12 Voting Rights Act of 1965 (52 U.S.C.
13 10303(a)(1)), as amended by this subtitle, is
14 further amended by inserting after “the United
15 States District Court for the District of Colum-
16 bia issues a declaratory judgment under this
17 section” the following: “, or, in the case of a
18 political subdivision, the Attorney General
19 issues an exemption under subsection (g)”.

20 (B) EXPIRATION OF TIME LIMIT.—On the
21 date that is 1 year after the effective date of
22 this subsection, section 4(g)(3) of the Voting
23 Rights Act of 1965 (52 U.S.C. 10303(g)(3)) is
24 amended by striking “During the 1 year period
25 beginning on the effective date of this sub-

1 section, such 90-day period shall be extended by
2 an additional 30 days.”. For purposes of any
3 periods under such section commenced as of
4 such date, the 90-day period shall remain ex-
5 tended by an additional 30 days.

6 **SEC. 1106. DETERMINATION OF STATES AND POLITICAL**
7 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
8 **FOR COVERED PRACTICES.**

9 The Voting Rights Act of 1965 (52 U.S.C. 10301 et
10 seq.) is further amended by inserting after section 4 the
11 following:

12 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**
13 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
14 **FOR COVERED PRACTICES.**

15 “(a) PRACTICE-BASED PRECLEARANCE.—

16 “(1) IN GENERAL.—Each State and each polit-
17 ical subdivision shall—

18 “(A) identify any newly enacted or adopted
19 law, regulation, or policy that includes a voting
20 qualification or prerequisite to voting, or a
21 standard, practice, or procedure with respect to
22 voting, that is a covered practice described in
23 subsection (b); and

24 “(B) ensure that no such covered practice
25 is implemented unless or until the State or po-

1 litical subdivision, as the case may be, complies
2 with subsection (c).

3 “(2) DETERMINATIONS OF CHARACTERISTICS
4 OF VOTING-AGE POPULATION.—

5 “(A) IN GENERAL.—As early as prac-
6 ticable during each calendar year, the Attorney
7 General, in consultation with the Director of
8 the Bureau of the Census and the heads of
9 other relevant offices of the government, shall
10 make the determinations required by this sec-
11 tion regarding voting-age populations and the
12 characteristics of such populations, and shall
13 publish a list of the States and political subdivi-
14 sions to which a voting-age population char-
15 acteristic described in subsection (b) applies.

16 “(B) PUBLICATION IN THE FEDERAL REG-
17 ISTER.—A determination or certification of the
18 Attorney General under this paragraph shall be
19 effective upon publication in the Federal Reg-
20 ister.

21 “(b) COVERED PRACTICES.—To assure that the right
22 of citizens of the United States to vote is not denied or
23 abridged on account of race, color, or membership in a
24 language minority group as a result of the implementation
25 of certain qualifications or prerequisites to voting, or

1 standards, practices, or procedures with respect to voting
2 newly adopted in a State or political subdivision, the fol-
3 lowing shall be covered practices subject to the require-
4 ments described in subsection (a):

5 “(1) CHANGES TO METHOD OF ELECTION.—

6 Any change to the method of election—

7 “(A) to add seats elected at-large in a
8 State or political subdivision where—

9 “(i) two or more racial groups or lan-
10 guage minority groups each represent 20
11 percent or more of the political subdivi-
12 sion’s voting-age population; or

13 “(ii) a single language minority group
14 represents 20 percent or more of the vot-
15 ing-age population on Indian lands located
16 in whole or in part in the political subdivi-
17 sion; or

18 “(B) to convert one or more seats elected
19 from a single-member district to one or more
20 at-large seats or seats from a multi-member
21 district in a State or political subdivision
22 where—

23 “(i) two or more racial groups or lan-
24 guage minority groups each represent 20

1 percent or more of the political subdivi-
2 sion's voting-age population; or

3 “(ii) a single language minority group
4 represents 20 percent or more of the vot-
5 ing-age population on Indian lands located
6 in whole or in part in the political subdivi-
7 sion.

8 “(2) CHANGES TO JURISDICTION BOUND-
9 ARIES.—Any change or series of changes within a
10 year to the boundaries of a jurisdiction that reduces
11 by 3 or more percentage points the proportion of the
12 jurisdiction's voting-age population that is comprised
13 of members of a single racial group or language mi-
14 nority group in a State or political subdivision
15 where—

16 “(A) two or more racial groups or lan-
17 guage minority groups each represent 20 per-
18 cent or more of the political subdivision's vot-
19 ing-age population; or

20 “(B) a single language minority group rep-
21 resents 20 percent or more of the voting-age
22 population on Indian lands located in whole or
23 in part in the political subdivision.

24 “(3) CHANGES THROUGH REDISTRICTING.—
25 Any change to the boundaries of election districts in

1 a State or political subdivision where any racial
2 group or language minority group that is not the
3 largest racial group or language minority group in
4 the jurisdiction and that represents 15 percent or
5 more of the State or political subdivision's voting-
6 age population experiences a population increase of
7 at least 20 percent of its voting-age population, over
8 the preceding decade (as calculated by the Bureau
9 of the Census under the most recent decennial cen-
10 sus), in the jurisdiction.

11 “(4) CHANGES IN DOCUMENTATION OR QUALI-
12 FICATIONS TO VOTE.—Any change to requirements
13 for documentation or proof of identity to vote or reg-
14 ister to vote that will exceed or be more stringent
15 than such requirements under State law on the day
16 before the date of enactment of the John R. Lewis
17 Voting Rights Advancement Act of 2025; and fur-
18 ther, if a State has in effect a requirement that an
19 individual present identification as a condition of re-
20 ceiving and casting a ballot in an election for Fed-
21 eral office, if the State does not permit the indi-
22 vidual to meet the requirement and cast a ballot in
23 the election in the same manner as an individual
24 who presents identification—

1 “(A) in the case of an individual who de-
2 sires to vote in person, by presenting the appro-
3 priate State or local election official with a
4 sworn written statement, signed by the indi-
5 vidual under penalty of perjury, attesting to the
6 individual’s identity and attesting that the indi-
7 vidual is eligible to vote in the election; and

8 “(B) in the case of an individual who de-
9 sires to vote by mail, by submitting with the
10 ballot the statement described in subparagraph
11 (A).

12 “(5) CHANGES TO MULTILINGUAL VOTING MA-
13 TERIALS.—Any change that reduces multilingual
14 voting materials or alters the manner in which such
15 materials are provided or distributed, where no simi-
16 lar reduction or alteration occurs in materials pro-
17 vided in English for such election.

18 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
19 OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-
20 ING OPPORTUNITIES.—Any change that reduces,
21 consolidates, or relocates voting locations, including
22 early, absentee, and election-day voting locations, or
23 reduces days or hours of in-person voting on any
24 Sunday during a period occurring prior to the date
25 of an election during which voters may cast ballots

1 in such election, or prohibits the provision of food or
2 non-alcoholic drink to persons waiting to vote in an
3 election except where the provision would violate
4 prohibitions on expenditures to influence voting—

5 “(A) in one or more census tracts wherein
6 two or more language minority groups or racial
7 groups each represent 20 percent or more of
8 the voting-age population of the political sub-
9 division; or

10 “(B) on Indian lands wherein at least 20
11 percent of the voting-age population belongs to
12 a single language minority group.

13 “(7) NEW LIST MAINTENANCE PROCESS.—Any
14 change to the maintenance of voter registration lists
15 that adds a new basis for removal from the list of
16 active registered voters or that incorporates new
17 sources of information in determining a voter’s eligi-
18 bility to vote, wherein such a change would have a
19 statistically significant disparate impact on the re-
20 moval from voter rolls of members of racial groups
21 or language minority groups that constitute greater
22 than 5 percent of the voting-age population—

23 “(A) in the case of a political subdivision
24 imposing such change if—

1 “(i) two or more racial groups or lan-
2 guage minority groups each represent 20
3 percent or more of the voting-age popu-
4 lation of the political subdivision; or

5 “(ii) a single language minority group
6 represents 20 percent or more of the vot-
7 ing-age population on Indian lands located
8 in whole or in part in the political subdivi-
9 sion; or

10 “(B) in the case of a State imposing such
11 change, if two or more racial groups or lan-
12 guage minority groups each represent 20 per-
13 cent or more of the voting-age population of—

14 “(i) the State; or

15 “(ii) a political subdivision in the
16 State, except that the requirements under
17 subsections (a) and (c) shall apply only
18 with respect to each such political subdivi-
19 sion.

20 “(c) PRECLEARANCE.—

21 “(1) IN GENERAL.—Whenever a State or polit-
22 ical subdivision with respect to which the require-
23 ments set forth in subsection (a) are in effect shall
24 enact, adopt, or seek to implement any covered prac-
25 tice described under subsection (b), such State or

1 subdivision may institute an action in the United
2 States District Court for the District of Columbia
3 for a declaratory judgment that such covered prac-
4 tice neither has the purpose nor will have the effect
5 of denying or abridging the right to vote on account
6 of race, color, or membership in a language minority
7 group, and unless and until the court enters such
8 judgment such covered practice shall not be imple-
9 mented. Notwithstanding the previous sentence, such
10 covered practice may be implemented without such
11 proceeding if the covered practice has been sub-
12 mitted by the chief legal officer or other appropriate
13 official of such State or subdivision to the Attorney
14 General and the Attorney General has not inter-
15 posed an objection within 60 days after such submis-
16 sion, or upon good cause shown, to facilitate an ex-
17 pedited approval within 60 days after such submis-
18 sion, the Attorney General has affirmatively indi-
19 cated that such objection will not be made. Neither
20 an affirmative indication by the Attorney General
21 that no objection will be made, nor the Attorney
22 General's failure to object, nor a declaratory judg-
23 ment entered under this section shall bar a subse-
24 quent action to enjoin implementation of such cov-
25 ered practice. In the event the Attorney General af-

1 firmatively indicates that no objection will be made
2 within the 60-day period following receipt of a sub-
3 mission, the Attorney General may reserve the right
4 to reexamine the submission if additional informa-
5 tion comes to the Attorney General’s attention dur-
6 ing the remainder of the 60-day period which would
7 otherwise require objection in accordance with this
8 section. Any action under this section shall be heard
9 and determined by a court of three judges in accord-
10 ance with the provisions of section 2284 of title 28,
11 United States Code, and any appeal shall lie to the
12 Supreme Court.

13 “(2) DENYING OR ABRIDGING THE RIGHT TO
14 VOTE.—Any covered practice described in subsection
15 (b) that has the purpose of or will have the effect
16 of diminishing the ability of any citizens of the
17 United States on account of race, color, or member-
18 ship in a language minority group, to elect their pre-
19 ferred candidates of choice denies or abridges the
20 right to vote within the meaning of paragraph (1) of
21 this subsection.

22 “(3) PURPOSE DEFINED.—The term ‘purpose’
23 in paragraphs (1) and (2) of this subsection shall in-
24 clude any discriminatory purpose.

1 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
2 pose of paragraph (2) of this subsection is to protect
3 the ability of such citizens to elect their preferred
4 candidates of choice.

5 “(d) ENFORCEMENT.—The Attorney General or any
6 aggrieved citizen may file an action in a Federal district
7 court to compel any State or political subdivision to satisfy
8 the obligations set forth in this section. Such actions shall
9 be heard and determined by a court of three judges under
10 section 2284 of title 28, United States Code. In any such
11 action, the court shall provide as a remedy that any voting
12 qualification or prerequisite to voting, or standard, prac-
13 tice, or procedure with respect to voting, that is the sub-
14 ject of the action under this subsection be enjoined unless
15 the court determines that—

16 “(1) the voting qualification or prerequisite to
17 voting, or standard, practice, or procedure with re-
18 spect to voting, is not a covered practice described
19 in subsection (b); or

20 “(2) the State or political subdivision has com-
21 plied with subsection (c) with respect to the covered
22 practice at issue.

23 “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE
24 MINORITY GROUPS.—For purposes of this section, the cal-
25 culation of the population of a racial group or a language

1 minority group shall be carried out using the methodology
2 in the guidance promulgated in the Federal Register on
3 February 9, 2011 (76 Fed. Reg. 7470).

4 “(f) SPECIAL RULE.—For purposes of determina-
5 tions under this section, any data provided by the Bureau
6 of the Census, whether based on estimation from sample
7 or actual enumeration, shall not be subject to challenge
8 or review in any court.

9 “(g) MULTILINGUAL VOTING MATERIALS.—In this
10 section, the term ‘multilingual voting materials’ means
11 registration or voting notices, forms, instructions, assist-
12 ance, or other materials or information relating to the
13 electoral process, including ballots, provided in the lan-
14 guage or languages of one or more language minority
15 groups.”.

16 **SEC. 1107. PROMOTING TRANSPARENCY TO ENFORCE THE**
17 **VOTING RIGHTS ACT.**

18 (a) TRANSPARENCY.—

19 (1) IN GENERAL.—The Voting Rights Act of
20 1965 (52 U.S.C. 10301 et seq.) is amended by in-
21 serting after section 5 the following new section:

22 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
23 **TECT VOTING RIGHTS.**

24 “(a) NOTICE OF ENACTED CHANGES.—

1 “(1) NOTICE OF CHANGES.—If a State or polit-
2 ical subdivision makes any change in any qualifica-
3 tion or prerequisite to voting or standard, practice,
4 or procedure with respect to voting in any election
5 for Federal office that will result in the qualification
6 or prerequisite, standard, practice, or procedure
7 being different from that which was in effect as of
8 180 days before the date of the election for Federal
9 office, the State or political subdivision shall provide
10 reasonable public notice in such State or political
11 subdivision and on the website of the State or polit-
12 ical subdivision, of a concise description of the
13 change, including the difference between the
14 changed qualification or prerequisite, standard, prac-
15 tice, or procedure and the prerequisite, standard,
16 practice, or procedure which was previously in effect.
17 The public notice described in this paragraph, in
18 such State or political subdivision and on the website
19 of a State or political subdivision, shall be in a for-
20 mat that is reasonably convenient and accessible to
21 persons with disabilities who are eligible to vote, in-
22 cluding persons who have low vision or are blind.

23 “(2) DEADLINE FOR NOTICE.—A State or polit-
24 ical subdivision shall provide the public notice re-

1 quired under paragraph (1) not later than 48 hours
2 after making the change involved.

3 “(b) TRANSPARENCY REGARDING POLLING PLACE
4 RESOURCES.—

5 “(1) IN GENERAL.—In order to identify any
6 changes that may impact the right to vote of any
7 person, prior to the 30th day before the date of an
8 election for Federal office, each State or political
9 subdivision with responsibility for allocating reg-
10 istered voters, voting machines, and official poll
11 workers to particular precincts and polling places
12 shall provide reasonable public notice in such State
13 or political subdivision and on the website of a State
14 or political subdivision, of the information described
15 in paragraph (2) for precincts and polling places
16 within such State or political subdivision. The public
17 notice described in this paragraph, in such State or
18 political subdivision and on the website of a State or
19 political subdivision, shall be in a format that is rea-
20 sonably convenient and accessible to persons with
21 disabilities who are eligible to vote, including persons
22 who have low vision or are blind.

23 “(2) INFORMATION DESCRIBED.—The informa-
24 tion described in this paragraph with respect to a
25 precinct or polling place is each of the following:

1 “(A) The name or number.

2 “(B) In the case of a polling place, the lo-
3 cation, including the street address, and wheth-
4 er such polling place is accessible to persons
5 with disabilities.

6 “(C) The voting-age population of the area
7 served by the precinct or polling place, broken
8 down by demographic group if such breakdown
9 is reasonably available to such State or political
10 subdivision.

11 “(D) The number of registered voters as-
12 signed to the precinct or polling place, broken
13 down by demographic group if such breakdown
14 is reasonably available to such State or political
15 subdivision.

16 “(E) The number of voting machines as-
17 signed, including the number of voting ma-
18 chines accessible to persons with disabilities
19 who are eligible to vote, including persons who
20 have low vision or are blind.

21 “(F) The number of official paid poll
22 workers assigned.

23 “(G) The number of official volunteer poll
24 workers assigned.

1 “(H) In the case of a polling place, the
2 dates and hours of operation.

3 “(3) UPDATES IN INFORMATION REPORTED.—

4 If a State or political subdivision makes any change
5 in any of the information described in paragraph
6 (2), the State or political subdivision shall provide
7 reasonable public notice in such State or political
8 subdivision and on the website of a State or political
9 subdivision, of the change in the information not
10 later than 48 hours after the change occurs or, if
11 the change occurs fewer than 48 hours before the
12 date of the election for Federal office, as soon as
13 practicable after the change occurs. The public no-
14 tice described in this paragraph and published on
15 the website of a State or political subdivision shall
16 be in a format that is reasonably convenient and ac-
17 cessible to persons with disabilities who are eligible
18 to vote, including persons who have low vision or are
19 blind.

20 “(c) TRANSPARENCY OF CHANGES RELATING TO DE-
21 MOGRAPHICS AND ELECTORAL DISTRICTS.—

22 “(1) REQUIRING PUBLIC NOTICE OF
23 CHANGES.—Not later than 10 days after making
24 any change in the constituency that will participate
25 in an election for Federal, State, or local office or

1 the boundaries of a voting unit or electoral district
2 in an election for Federal, State, or local office (in-
3 cluding through redistricting, reapportionment,
4 changing from at-large elections to district-based
5 elections, or changing from district-based elections
6 to at-large elections), a State or political subdivision
7 shall provide reasonable public notice in such State
8 or political subdivision and on the website of a State
9 or political subdivision, of the demographic and elec-
10 toral data described in paragraph (3) for each of the
11 geographic areas described in paragraph (2).

12 “(2) GEOGRAPHIC AREAS DESCRIBED.—The ge-
13 ographic areas described in this paragraph are as
14 follows:

15 “(A) The State as a whole, if the change
16 applies statewide, or the political subdivision as
17 a whole, if the change applies across the entire
18 political subdivision.

19 “(B) If the change includes a plan to re-
20 place or eliminate voting units or electoral dis-
21 tricts, each voting unit or electoral district that
22 will be replaced or eliminated.

23 “(C) If the change includes a plan to es-
24 tablish new voting units or electoral districts,
25 each such new voting unit or electoral district.

1 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—

2 The demographic and electoral data described in this
3 paragraph with respect to a geographic area de-
4 scribed in paragraph (2) are each of the following:

5 “(A) The voting-age population, broken
6 down by demographic group.

7 “(B) If it is reasonably available to the
8 State or political subdivision involved, an esti-
9 mate of the population of the area which con-
10 sists of citizens of the United States who are 18
11 years of age or older, broken down by demo-
12 graphic group.

13 “(C) The number of registered voters, bro-
14 ken down by demographic group if such break-
15 down is reasonably available to the State or po-
16 litical subdivision involved.

17 “(D)(i) If the change applies to a State,
18 the actual number of votes, or (if it is not rea-
19 sonably practicable for the State to ascertain
20 the actual number of votes) the estimated num-
21 ber of votes received by each candidate in each
22 statewide election held during the 5-year period
23 which ends on the date the change involved is
24 made; and

1 “(ii) if the change applies to only one polit-
2 ical subdivision, the actual number of votes, or
3 (if it is not reasonably practicable for the polit-
4 ical subdivision to ascertain the actual number
5 of votes) in each subdivision-wide election held
6 during the 5-year period which ends on the date
7 the change involved is made.

8 “(4) VOLUNTARY COMPLIANCE BY SMALLER JU-
9 RISDICTIONS.—Compliance with this subsection shall
10 be voluntary for a political subdivision of a State un-
11 less the subdivision is one of the following:

12 “(A) A county or parish.

13 “(B) A municipality with a population
14 greater than 10,000, as determined by the Bu-
15 reau of the Census under the most recent de-
16 cennial census.

17 “(C) A school district with a population
18 greater than 10,000, as determined by the Bu-
19 reau of the Census under the most recent de-
20 cennial census. For purposes of this subpara-
21 graph, the term ‘school district’ means the geo-
22 graphic area under the jurisdiction of a local
23 educational agency (as defined in section 9101
24 of the Elementary and Secondary Education
25 Act of 1965).

1 “(d) RULES REGARDING FORMAT OF INFORMA-
2 TION.—The Attorney General may issue rules specifying
3 a reasonably convenient and accessible format that States
4 and political subdivisions shall use to provide public notice
5 of information under this section.

6 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
7 vote of any person shall not be denied or abridged because
8 the person failed to comply with any change made by a
9 State or political subdivision to a voting qualification, pre-
10 requisite, standard, practice, or procedure if the State or
11 political subdivision involved did not meet the applicable
12 requirements of this section with respect to the change.

13 “(f) DEFINITIONS.—In this section—

14 “(1) the term ‘demographic group’ means each
15 group which section 2 protects from the denial or
16 abridgement of the right to vote on account of race
17 or color, or in contravention of the guarantees set
18 forth in section 4(f)(2);

19 “(2) the term ‘election for Federal office’ means
20 any general, special, primary, or runoff election held
21 solely or in part for the purpose of electing any can-
22 didate for the office of President, Vice President,
23 Presidential elector, Senator, Member of the House
24 of Representatives, or Delegate or Resident Commis-
25 sioner to the Congress; and

1 “(3) the term ‘persons with disabilities’, means
2 individuals with a disability, as defined in section 3
3 of the Americans with Disabilities Act of 1990.”.

4 (2) CONFORMING AMENDMENT.—Section 3(a)
5 of such Act (52 U.S.C. 10302(a)) is amended by
6 striking “in accordance with section 6”.

7 (b) EFFECTIVE DATE.—The amendment made by
8 subsection (a)(1) shall apply with respect to changes which
9 are made on or after the expiration of the 60-day period
10 which begins on the date of the enactment of this Act.

11 **SEC. 1108. AUTHORITY TO ASSIGN OBSERVERS.**

12 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
13 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
14 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
15 10305(a)(2)(B)) is amended to read as follows:

16 “(B) in the Attorney General’s judgment,
17 the assignment of observers is otherwise nec-
18 essary to enforce the guarantees of the 14th or
19 15th Amendment or any provision of this Act
20 or any other Federal law protecting the right of
21 citizens of the United States to vote; or”.

22 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-
23 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of
24 such Act (52 U.S.C. 10305(a)) is amended—

1 (1) by striking “or” at the end of paragraph
2 (1);

3 (2) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) the Attorney General certifies with respect
6 to a political subdivision that—

7 “(A) the Attorney General has received
8 written meritorious complaints from residents,
9 elected officials, or civic participation organiza-
10 tions that efforts to violate section 203 are like-
11 ly to occur; or

12 “(B) in the Attorney General’s judgment,
13 the assignment of observers is necessary to en-
14 force the guarantees of section 203;” and

15 (3) by moving the margin for the continuation
16 text following paragraph (3), as added by paragraph
17 (2) of this subsection, 2 ems to the left.

18 (c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS
19 TO THE ATTORNEY GENERAL.—

20 (1) ENFORCEMENT PROCEEDINGS.—Section
21 3(a) of the Voting Rights Act of 1965 (52 U.S.C.
22 10302(a)) is amended by striking “United States
23 Civil Service Commission in accordance with section
24 6” and inserting “Attorney General in accordance
25 with section 8”.

1 (2) OBSERVERS; APPOINTMENT AND COM-
2 PENSATION.—Section 8 of the Voting Rights Act of
3 1965 (52 U.S.C. 10305) is amended—

4 (A) in subsection (a)(2), in the matter fol-
5 lowing subparagraph (B), by striking “Director
6 of the Office of Personnel Management shall as-
7 sign as many observers for such subdivision as
8 the Director” and inserting “Attorney General
9 shall assign as many observers for such subdivi-
10 sion as the Attorney General”; and

11 (B) in subsection (c), by striking “Director
12 of the Office of Personnel Management” and
13 inserting “Attorney General”.

14 (3) TERMINATION OF CERTAIN APPOINTMENTS
15 OF OBSERVERS.—Section 13(a)(1) of the Voting
16 Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is
17 amended by striking “notifies the Director of the Of-
18 fice of Personnel Management,” and inserting “de-
19 termines,”.

20 **SEC. 1109. CLARIFICATION OF AUTHORITY TO SEEK RE-**
21 **LIEF.**

22 (a) POLL TAX.—Section 10(b) of the Voting Rights
23 Act of 1965 (52 U.S.C. 10306(b)) is amended by striking
24 “the Attorney General is authorized and directed to insti-
25 tute forthwith in the name of the United States such ac-

1 tions” and inserting “an aggrieved person or (in the name
2 of the United States) the Attorney General may institute
3 such actions”.

4 (b) CAUSE OF ACTION.—Section 12(d) of the Voting
5 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended—

6 (1) by striking “Whenever any person has en-
7 gaged” and all that follows through “in the name of
8 the United States” and inserting “(1) Whenever
9 there are reasonable grounds to believe that any per-
10 son has implemented or will implement any voting
11 qualification or prerequisite to voting or standard,
12 practice, or procedure that would (A) deny any cit-
13 izen the right to vote in violation of the 14th, 15th,
14 19th, 24th, or 26th Amendments, or (B) would vio-
15 late this Act (except for section 4A) or any other
16 Federal law that prohibits discrimination on the
17 basis of race, color, or membership in a language
18 minority group in the voting process, an aggrieved
19 person or (in the name of the United States) the At-
20 torney General may institute”; and

21 (2) by striking “, and including an order di-
22 rected to the State and State or local election offi-
23 cials to require them (1) to permit persons listed
24 under chapters 103 to 107 of this title to vote and
25 (2) to count such votes”.

1 (c) JUDICIAL RELIEF.—Section 204 of the Voting
2 Rights Act of 1965 (52 U.S.C. 10504) is amended by
3 striking “Whenever the Attorney General has reason to
4 believe” and all that follows through “as he deems appro-
5 priate” and inserting “Whenever there are reasonable
6 grounds to believe that a State or political subdivision has
7 engaged or is about to engage in any act or practice pro-
8 hibited by a provision of title II, an aggrieved person or
9 (in the name of the United States) the Attorney General
10 may institute an action in a district court of the United
11 States, for a restraining order, a preliminary or perma-
12 nent injunction, or such other order as may be appro-
13 priate”.

14 (d) ENFORCEMENT OF TWENTY-SIXTH AMEND-
15 MENT.—Section 301(a)(1) of the Voting Rights Act of
16 1965 (52 U.S.C. 10701) is amended by striking “The At-
17 torney General is directed to institute” and all that follows
18 through “Constitution of the United States” and inserting
19 “An aggrieved person or (in the name of the United
20 States) the Attorney General may institute an action in
21 a district court of the United States, for a restraining
22 order, a preliminary or permanent injunction, or such
23 other order as may be appropriate to implement the twen-
24 ty-sixth amendment to the Constitution of the United
25 States”.

1 **SEC. 1110. PREVENTIVE RELIEF.**

2 Section 12(d) of the Voting Rights Act of 1965 (52
3 U.S.C. 10308(d)), as amended by section 1109, is further
4 amended by adding at the end the following:

5 “(2)(A) In considering any motion for preliminary re-
6 lief in any action for preventive relief described in this sub-
7 section, the court shall grant the relief if the court deter-
8 mines that the complainant has raised a serious question
9 as to whether the challenged voting qualification or pre-
10 requisite to voting or standard, practice, or procedure vio-
11 lates this Act or the Constitution and, on balance, the
12 hardship imposed on the defendant by the grant of the
13 relief will be less than the hardship which would be im-
14 posed on the plaintiff if the relief were not granted.

15 “(B) In making its determination under this para-
16 graph with respect to a change in any voting qualification,
17 prerequisite to voting, or standard, practice, or procedure
18 with respect to voting, the court shall consider all relevant
19 factors and give due weight to the following factors, if they
20 are present:

21 “(i) Whether the qualification, prerequisite,
22 standard, practice, or procedure in effect prior to the
23 change was adopted as a remedy for a Federal court
24 judgment, consent decree, or admission regarding—

1 “(I) discrimination on the basis of race or
2 color in violation of the 14th or 15th Amend-
3 ment;

4 “(II) a violation of the 19th, 24th, or 26th
5 Amendments;

6 “(III) a violation of this Act; or

7 “(IV) voting discrimination on the basis of
8 race, color, or membership in a language minor-
9 ity group in violation of any other Federal or
10 State law.

11 “(ii) Whether the qualification, prerequisite,
12 standard, practice, or procedure in effect prior to the
13 change served as a ground for the dismissal or set-
14 tlement of a claim alleging—

15 “(I) discrimination on the basis of race or
16 color in violation of the 14th or 15th Amend-
17 ment;

18 “(II) a violation of the 19th, 24th, or 26th
19 Amendment;

20 “(III) a violation of this Act; or

21 “(IV) voting discrimination on the basis of
22 race, color, or membership in a language minor-
23 ity group in violation of any other Federal or
24 State law.

1 “(iii) Whether the change was adopted fewer
2 than 180 days before the date of the election with
3 respect to which the change is to take or takes ef-
4 fect.

5 “(iv) Whether the defendant has failed to pro-
6 vide timely or complete notice of the adoption of the
7 change as required by applicable Federal or State
8 law.

9 “(3) A jurisdiction’s inability to enforce its voting or
10 election laws, regulations, policies, or redistricting plans,
11 standing alone, shall not be deemed to constitute irrep-
12 arable harm to the public interest or to the interests of
13 a defendant in an action arising under the Constitution
14 or any Federal law that prohibits discrimination on the
15 basis of race, color, or membership in a language minority
16 group in the voting process, for the purposes of deter-
17 mining whether a stay of a court’s order or an interlocu-
18 tory appeal under section 1253 of title 28, United States
19 Code, is warranted.”.

20 **SEC. 1111. RELIEF FOR VIOLATIONS OF VOTING RIGHTS**
21 **LAWS.**

22 (a) IN GENERAL.—

23 (1) RELIEF FOR VIOLATIONS OF VOTING
24 RIGHTS LAWS.—In this section, the term “prohibited
25 act or practice” means—

1 (A) any act or practice—

2 (i) that creates an undue burden on
3 the fundamental right to vote in violation
4 of the 14th Amendment to the Constitu-
5 tion of the United States or violates the
6 Equal Protection Clause of the 14th
7 Amendment to the Constitution of the
8 United States; or

9 (ii) that is prohibited by the 15th,
10 19th, 24th, or 26th Amendment to the
11 Constitution of the United States, section
12 2004 of the Revised Statutes (52 U.S.C.
13 10101), the Voting Rights Act of 1965 (52
14 U.S.C. 10301 et seq.), the National Voter
15 Registration Act of 1993 (52 U.S.C.
16 20501 et seq.), the Uniformed and Over-
17 seas Citizens Absentee Voting Act (52
18 U.S.C. 20301 et seq.), the Help America
19 Vote Act of 2002 (52 U.S.C. 20901 et
20 seq.), the Voting Accessibility for the El-
21 derly and Handicapped Act (52 U.S.C.
22 20101 et seq.), or section 2003 of the Re-
23 vised Statutes (52 U.S.C. 10102); and

24 (B) any act or practice in violation of any
25 Federal law that prohibits discrimination with

1 respect to voting, including the Americans with
2 Disabilities Act of 1990 (42 U.S.C. 12101 et
3 seq.).

4 (2) RULE OF CONSTRUCTION.—Nothing in this
5 section shall be construed to diminish the authority
6 or scope of authority of any person to bring an ac-
7 tion under any Federal law.

8 (3) ATTORNEY’S FEES.—Section 722(b) of the
9 Revised Statutes (42 U.S.C. 1988(b)) is amended by
10 inserting “a provision described in section 2(a) of
11 the John R. Lewis Voting Rights Advancement Act
12 of 2025,” after “title VI of the Civil Rights Act of
13 1964,”.

14 (b) GROUNDS FOR EQUITABLE RELIEF.—In any ac-
15 tion for equitable relief pursuant to a law listed under sub-
16 section (a), proximity of the action to an election shall not
17 be a valid reason to deny such relief, or stay the operation
18 of or vacate the issuance of such relief, unless the party
19 opposing the issuance or continued operation of relief
20 meets the burden of proving by clear and convincing evi-
21 dence that the issuance of the relief would be so close in
22 time to the election as to cause irreparable harm to the
23 public interest or that compliance with such relief would
24 impose serious burdens on the party opposing relief.

1 (1) IN GENERAL.—In considering whether to
2 grant, deny, stay, or vacate any order of equitable
3 relief, the court shall give substantial weight to the
4 public’s interest in expanding access to the right to
5 vote. A State’s generalized interest in enforcing its
6 enacted laws shall not be a relevant consideration in
7 determining whether equitable relief is warranted.

8 (2) PRESUMPTIVE SAFE HARBOR.—Where equi-
9 table relief is sought either within 30 days of the
10 adoption or reasonable public notice of the chal-
11 lenged policy or practice, or more than 45 days be-
12 fore the date of an election to which the relief being
13 sought will apply, proximity to the election will be
14 presumed not to constitute a harm to the public in-
15 terest or a burden on the party opposing relief.

16 (c) GROUNDS FOR STAY OR VACATUR IN FEDERAL
17 CLAIMS INVOLVING VOTING RIGHTS.—

18 (1) PROSPECTIVE EFFECT.—In reviewing an
19 application for a stay or vacatur of equitable relief
20 granted pursuant to a law listed in subsection (a),
21 a court shall give substantial weight to the reliance
22 interests of citizens who acted pursuant to such
23 order under review. In fashioning a stay or vacatur,
24 a reviewing court shall not order relief that has the

1 effect of denying or abridging the right to vote of
2 any citizen who has acted in reliance on the order.

3 (2) WRITTEN EXPLANATION.—No stay or
4 vacatur under this subsection shall issue unless the
5 reviewing court makes specific findings that the pub-
6 lic interest, including the public’s interest in expand-
7 ing access to the ballot, will be harmed by the con-
8 tinuing operation of the equitable relief or that com-
9 pliance with such relief will impose serious burdens
10 on the party seeking such a stay or vacatur such
11 that those burdens substantially outweigh the bene-
12 fits to the public interest. In reviewing an applica-
13 tion for a stay or vacatur of equitable relief, findings
14 of fact made in issuing the order under review shall
15 not be set aside unless clearly erroneous.

16 **SEC. 1112. ENFORCEMENT OF VOTING RIGHTS BY ATTOR-**
17 **NEY GENERAL.**

18 Section 12 of the Voting Rights Act (52 U.S.C.
19 10308), as amended by this subtitle, is further amended
20 by adding at the end the following:

21 “(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY
22 GENERAL.—

23 “(1) IN GENERAL.—In order to fulfill the At-
24 torney General’s responsibility to enforce the Voting
25 Rights Act and other Federal civil rights statutes

1 that protect the right to vote, the Attorney General
2 (or upon designation by the Attorney General, the
3 Assistant Attorney General for Civil Rights) is au-
4 thORIZED, before commencing a civil action, to issue
5 a demand for inspection and information in writing
6 to any State or political subdivision, or other govern-
7 mental representative or agent, with respect to any
8 relevant documentary material that he has reason to
9 believe is within their possession, custody, or control.
10 A demand by the Attorney General under this sec-
11 tion may require—

12 “(A) the production of such documentary
13 material for inspection and copying;

14 “(B) answers in writing to written ques-
15 tions with respect to such documentary mate-
16 rial; or

17 “(C) both.

18 “(2) CONTENTS OF AN ATTORNEY GENERAL
19 DEMAND.—

20 “(A) IN GENERAL.—Any demand issued
21 under paragraph (1), shall include a sworn cer-
22 tificate to identify the voting qualification or
23 prerequisite to voting or standard, practice, or
24 procedure with respect to voting, or other vot-
25 ing related matter or issue, whose lawfulness

1 the Attorney General is investigating and to
2 identify the civil provisions of the Federal civil
3 rights statute that protects the right to vote
4 under which the investigation is being con-
5 ducted. The demand shall be reasonably cal-
6 culated to lead to the discovery of documentary
7 material and information relevant to such civil
8 rights investigation. Documentary material in-
9 cludes any material upon which relevant infor-
10 mation is recorded, and includes written or
11 printed materials, photographs, tapes, or mate-
12 rials upon which information is electronically or
13 magnetically recorded. Such demands are aimed
14 at the Attorney General having the ability to in-
15 spect and obtain copies of relevant materials (as
16 well as obtain information) related to voting
17 and are not aimed at the Attorney General tak-
18 ing possession of original records, particularly
19 those that are required to be retained by State
20 and local election officials under Federal or
21 State law.

22 “(B) NO REQUIREMENT FOR PRODUC-
23 TION.—Any demand issued under paragraph
24 (1) may not require the production of any docu-
25 mentary material or the submission of any an-

1 swers in writing to written questions if such
2 material or answers would be protected from
3 disclosure under the standards applicable to
4 discovery requests under the Federal Rules of
5 Civil Procedure in an action in which the Attor-
6 ney General or the United States is a party.

7 “(C) DOCUMENTARY MATERIAL.—If the
8 demand issued under paragraph (1) requires
9 the production of documentary material, it
10 shall—

11 “(i) identify the class of documentary
12 material to be produced with such definite-
13 ness and certainty as to permit such mate-
14 rial to be fairly identified; and

15 “(ii) prescribe a return date for pro-
16 duction of the documentary material at
17 least twenty days after issuance of the de-
18 mand to give the State or political subdivi-
19 sion, or other governmental representative
20 or agent, a reasonable period of time for
21 assembling the documentary material and
22 making it available for inspection and
23 copying.

24 “(D) ANSWERS TO WRITTEN QUES-
25 TIONS.—If the demand issued under paragraph

1 (1) requires answers in writing to written ques-
2 tions, it shall—

3 “(i) set forth with specificity the writ-
4 ten question to be answered; and

5 “(ii) prescribe a date at least twenty
6 days after the issuance of the demand for
7 submitting answers in writing to the writ-
8 ten questions.

9 “(E) SERVICE.—A demand issued under
10 paragraph (1) may be served by a United
11 States marshal or a deputy marshal, or by cer-
12 tified mail, at any place within the territorial
13 jurisdiction of any court of the United States.

14 “(3) RESPONSES TO AN ATTORNEY GENERAL
15 DEMAND.—A State or political subdivision, or other
16 governmental representative or agent, must, with re-
17 spect to any documentary material or any answer in
18 writing produced under this subsection, provide a
19 sworn certificate, in such form as the demand issued
20 under paragraph (1) designates, by a person having
21 knowledge of the facts and circumstances relating to
22 such production or written answer, authorized to act
23 on behalf of the State or political subdivision, or
24 other governmental representative or agent, upon
25 which the demand was served. The certificate—

1 “(A) shall state that—

2 “(i) all of the documentary material
3 required by the demand and in the posses-
4 sion, custody, or control of the State or po-
5 litical subdivision, or other governmental
6 representative or agent, has been produced;

7 “(ii) that with respect to every answer
8 in writing to a written question, all infor-
9 mation required by the question and in the
10 possession, custody, control, or knowledge
11 of the State or political subdivision, or
12 other governmental representative or
13 agent, has been submitted; or

14 “(iii) both; or

15 “(B) provide the basis for any objection to
16 producing the documentary material or answer-
17 ing the written question.

18 To the extent that any information is not furnished,
19 the information shall be identified and reasons set
20 forth with particularity regarding the reasons why
21 the information was not furnished.

22 “(4) JUDICIAL PROCEEDINGS.—

23 “(A) PETITION FOR ENFORCEMENT.—

24 Whenever any State or political subdivision, or
25 other governmental representative or agent,

1 fails to comply with demand issued by the At-
2 torney General under paragraph (1), the Attor-
3 ney General may file, in a district court of the
4 United States in which the State or political
5 subdivision, or other governmental representa-
6 tive or agent, is located, a petition for a judicial
7 order enforcing the Attorney General demand
8 issued under paragraph (1).

9 “(B) PETITION TO MODIFY.—

10 “(i) IN GENERAL.—Any State or po-
11 litical subdivision, or other governmental
12 representative or agent, that is served with
13 a demand issued by the Attorney General
14 under paragraph (1) may file in the United
15 States District Court for the District of
16 Columbia a petition for an order of the
17 court to modify or set aside the demand of
18 the Attorney General.

19 “(ii) PETITION TO MODIFY.—Any pe-
20 tition to modify or set aside a demand of
21 the Attorney General issued under para-
22 graph (1) must be filed within 20 days
23 after the date of service of the Attorney
24 General’s demand or at any time before
25 the return date specified in the Attorney

1 General's demand, whichever date is ear-
2 lier.

3 “(iii) CONTENTS OF PETITION.—The
4 petition shall specify each ground upon
5 which the petitioner relies in seeking relief
6 under clause (i), and may be based upon
7 any failure of the Attorney General's de-
8 mand to comply with the provisions of this
9 section or upon any constitutional or other
10 legal right or privilege of the State or po-
11 litical subdivision, or other governmental
12 representative or agent. During the pend-
13 ency of the petition in the court, the court
14 may stay, as it deems proper, the running
15 of the time allowed for compliance with the
16 Attorney General's demand, in whole or in
17 part, except that the State or political sub-
18 division, or other governmental representa-
19 tive or agent, filing the petition shall com-
20 ply with any portions of the Attorney Gen-
21 eral's demand not sought to be modified or
22 set aside.”.

23 **SEC. 1113. DEFINITIONS.**

24 Title I of the Voting Rights Act of 1965 (52 U.S.C.
25 10301) is amended by adding at the end the following:

1 **“SEC. 21. DEFINITIONS.**

2 “In this Act:

3 “(1) INDIAN.—The term ‘Indian’ has the mean-
4 ing given the term in section 4 of the Indian Self-
5 Determination and Education Assistance Act.

6 “(2) INDIAN LANDS.—The term ‘Indian lands’
7 means—

8 “(A) any Indian country of an Indian
9 tribe, as such term is defined in section 1151
10 of title 18, United States Code;

11 “(B) any land in Alaska that is owned,
12 pursuant to the Alaska Native Claims Settle-
13 ment Act, by an Indian tribe that is a Native
14 village (as such term is defined in section 3 of
15 such Act), or by a Village Corporation that is
16 associated with the Indian tribe (as such term
17 is defined in section 3 of such Act);

18 “(C) any land on which the seat of govern-
19 ment of the Indian tribe is located; and

20 “(D) any land that is part or all of a tribal
21 designated statistical area associated with the
22 Indian tribe, or is part or all of an Alaska Na-
23 tive village statistical area associated with the
24 tribe, as defined by the Bureau of the Census
25 for the purposes of the most recent decennial
26 census.

1 “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or
2 ‘tribe’ has the meaning given the term ‘Indian tribe’
3 in section 4 of the Indian Self-Determination and
4 Education Assistance Act.

5 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
6 Government’ means the recognized governing body
7 of an Indian Tribe.

8 “(5) VOTING-AGE POPULATION.—The term
9 ‘voting-age population’ means the numerical size of
10 the population within a State, within a political sub-
11 division, or within a political subdivision that con-
12 tains Indian lands, as the case may be, that consists
13 of persons age 18 or older, as calculated by the Bu-
14 reau of the Census under the most recent decennial
15 census.”.

16 **SEC. 1114. ATTORNEYS’ FEES.**

17 Section 14(c) of the Voting Rights Act of 1965 (52
18 U.S.C. 10310(c)) is amended by adding at the end the
19 following:

20 “(4) The term ‘prevailing party’ means a party to an
21 action that receives at least some of the benefit sought
22 by such action, states a colorable claim, and can establish
23 that the action was a significant cause of a change to the
24 status quo.”.

1 **SEC. 1115. OTHER TECHNICAL AND CONFORMING AMEND-**
2 **MENTS.**

3 (a) ACTIONS COVERED UNDER SECTION 3.—Section
4 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
5 10302(c)) is amended—

6 (1) by striking “any proceeding instituted by
7 the Attorney General or an aggrieved person under
8 any statute to enforce” and inserting “any action
9 under any statute in which a party (including the
10 Attorney General) seeks to enforce”; and

11 (2) by striking “at the time the proceeding was
12 commenced” and inserting “at the time the action
13 was commenced”.

14 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
15 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
16 (52 U.S.C. 10303(f)) is amended—

17 (1) in paragraph (1), by striking the second
18 sentence; and

19 (2) by striking paragraphs (3) and (4).

20 (c) PERIOD DURING WHICH CHANGES IN VOTING
21 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
22 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
23 is amended—

24 (1) in subsection (a), by striking “based upon
25 determinations made under the first sentence of sec-

1 tion 4(b) are in effect” and inserting “are in effect
2 during a calendar year”;

3 (2) in subsection (a), by striking “November 1,
4 1964” and all that follows through “November 1,
5 1972” and inserting “the applicable date of cov-
6 erage”; and

7 (3) by adding at the end the following new sub-
8 section:

9 “(e) The term ‘applicable date of coverage’ means,
10 with respect to a State or political subdivision—

11 “(1) June 25, 2013, if the most recent deter-
12 mination for such State or subdivision under section
13 4(b) was made on or before December 31, 2025; or

14 “(2) the date on which the most recent deter-
15 mination for such State or subdivision under section
16 4(b) was made, if such determination was made
17 after December 31, 2025.”.

18 **SEC. 1116. SEVERABILITY.**

19 If any provision of this subtitle or any amendment
20 made by this subtitle, or the application of such a provi-
21 sion or amendment to any person or circumstance, is held
22 to be unconstitutional or is otherwise enjoined or unen-
23 forceable, the remainder of this subtitle and amendments
24 made by this subtitle, and the application of the provisions
25 and amendment to any person or circumstance, and any

1 remaining provision of the Voting Rights Act of 1965,
2 shall not be affected by the holding.

3 **SEC. 1117. GRANTS TO ASSIST WITH NOTICE REQUIRE-**
4 **MENTS UNDER THE VOTING RIGHTS ACT OF**
5 **1965.**

6 (a) IN GENERAL.—The Attorney General shall make
7 grants each fiscal year to small jurisdictions who submit
8 applications under subsection (b) for purposes of assisting
9 such small jurisdictions with compliance with the require-
10 ments of the Voting Rights Act of 1965 to submit or pub-
11 lish notice of any change to a qualification, prerequisite,
12 standard, practice or procedure affecting voting.

13 (b) APPLICATION.—To be eligible for a grant under
14 this section, a small jurisdiction shall submit an applica-
15 tion to the Attorney General in such form and containing
16 such information as the Attorney General may require re-
17 garding the compliance of such small jurisdiction with the
18 provisions of the Voting Rights Act of 1965.

19 (c) SMALL JURISDICTION DEFINED.—For purposes
20 of this section, the term “small jurisdiction” means any
21 political subdivision of a State with a population of 10,000
22 or less.

1 **TITLE XII—RESTRICTIONS ON**
2 **GOVERNMENT PENSIONS FOR**
3 **FELONY CONVICTIONS**

4 **SEC. 1201. FEDERAL RETIREMENT BENEFITS FORFEITURE**
5 **FOR MEMBERS OF CONGRESS AND CABINET**
6 **MEMBERS CONVICTED OF CERTAIN CRIMES.**

7 (a) IN GENERAL.—Section 8312 of title 5, United
8 States Code, is amended—

9 (1) in subsection (a)—

10 (A) by striking “or” at the end of para-
11 graph (1);

12 (B) by striking the period at the end of the
13 first sentence and inserting “; or”; and

14 (C) by inserting before the matter fol-
15 lowing paragraph (2) the following:

16 “(3) was finally convicted of an offense de-
17 scribed in subsection (e) of this section after the
18 date of enactment of such subsection, to the extent
19 provided by that subsection.”;

20 (2) by redesignating subsection (d) as sub-
21 section (e); and

22 (3) by inserting after subsection (c) the fol-
23 lowing:

24 “(d)(1) Subsection (a) shall apply to any individual
25 finally convicted of an offense described in paragraph (2).

1 “(2) An offense described in this paragraph is an of-
2 fense for which the following apply:

3 “(A) Every act or omission of the individual
4 that is needed to satisfy the elements of the offense
5 occurs while the individual—

6 “(i) is a Member of Congress or former
7 Member of Congress; or

8 “(ii) is a member of the President’s cabi-
9 net or a former member of the President’s cabi-
10 net.

11 “(B) The offense—

12 “(i) is committed after the date of enact-
13 ment of this subsection; and

14 “(ii) is a felony under Federal law or
15 under the law of the State in which it was com-
16 mitted.

17 “(3) For purposes of this subsection—

18 “(A) the term ‘finally convicted’ has the mean-
19 ing given that term in section 8332(o)(6); and

20 “(B) the term ‘Member of Congress’ means a
21 Senator or Representative in, or Delegate or Resi-
22 dent Commissioner to, the Congress.”.

23 (b) ABSENCE FROM UNITED STATES TO AVOID
24 PROSECUTION.—Section 8313(a)(1) of title 5, United
25 States Code, is amended by striking “or” at the end of

1 subparagraph (A), by striking “‘and” at the end of sub-
2 paragraph (B) and inserting “or”, and by adding at the
3 end the following:

4 “(C) after the date of the enactment of this
5 subparagraph, for an offense described in section
6 8312(d)(2); and”.

7 **SEC. 1202. FORFEITURE OF BENEFITS FOR FORMER PRESI-**
8 **DENTS CONVICTED OF A FELONY.**

9 The Act entitled “An Act to provide retirement, cler-
10 ical assistants, and free mailing privileges to former Presi-
11 dents of the United States, and for other purposes”, ap-
12 proved August 25, 1958 (commonly known as the
13 “Former Presidents Act of 1958”; 3 U.S.C. 102 note),
14 is amended—

15 (1) in subsection (a), by striking “Each former
16 President” and inserting “Subject to subsection (h),
17 each former President”;

18 (2) in subsection (f), by striking paragraph (2)
19 and inserting:

20 “(2) who has not been impeached by the House
21 of Representatives and convicted by the Senate pur-
22 suant to the impeachment.”; and

23 (3) by adding at the end the following new sub-
24 section:

1 “(h)(1) If a former President is finally convicted of
2 a felony for which every act or omission that is needed
3 to satisfy the elements of the felony is committed during
4 or after the period such former President holds the office
5 of President of the United States of America, or was fi-
6 nally convicted of such a felony while holding such office—

7 “(A) no monetary allowance under subsection
8 (a) may be provided to such former President;

9 “(B) no funds may be obligated or expended
10 under subsection (g) with respect to such former
11 President except to the extent necessary to maintain
12 the security of such former President, as determined
13 by the Director of the Secret Service; and

14 “(C) such former President shall repay any
15 amounts received under subsection (a) during the
16 period beginning on the date on which such former
17 President is initially convicted of the felony and end-
18 ing on the date such former President is finally con-
19 victed of the felony.

20 “(2) The term ‘finally convicted’ means a convic-
21 tion—

22 “(A) which has not been appealed and is no
23 longer appealable because the time for taking an ap-
24 peal has expired; or

1 “(B) which has been appealed and the appeals
2 process for which is completed.”.

3 **TITLE XIII—RESTRICTION ON**
4 **LAWSUITS BY PRESIDENT**

5 **SEC. 1301. EXCEPTIONS TO FEDERAL TORT CLAIMS ACT.**

6 (a) IN GENERAL.—Section 2680 of title 28, United
7 States Code, is amended by adding at the end the fol-
8 lowing:

9 “(o) Any claim, without regard to when the act or
10 omission giving rise to the claim occurred, brought by—

11 “(1) the President;

12 “(2) the spouse, parent, child, grandparent,
13 grandchild, or sibling or the President; or

14 “(3) any entity or organization in which the
15 President has an ownership interest.”.

16 (b) FORMER PRESIDENTS.—Section 2680 of title 28,
17 United States Code, as amended by subsection (a), is fur-
18 ther amended by adding at the end the following:

19 “(p) Any claim, without regard to when the act or
20 omission giving rise to the claim occurred, brought by a
21 former President, unless an ad hoc committee of Congress
22 established with respect to such claim and composed of
23 12 Members of the House of Representatives and the Sen-
24 ate, with an equal number from each major political party
25 appointed by the Minority and Majority leaders of each

1 party, approve the claim by a vote of at least 8 members
2 of the committee.”.

3 (c) APPLICABILITY.—The amendment made by sub-
4 sections (a) and (b) shall apply to any claim pending on,
5 or brought on or after, the date of enactment of this Act.

6 **TITLE XIV—PROHIBITION ON**
7 **PREDICTION MARKET PAR-**
8 **TICIPATION**

9 **SEC. 1401. SHORT TITLE.**

10 This title may be cited as the “PREDICT Act”.

11 **SEC. 1402. RESTRICTIONS ON TRADING ON PREDICTION**
12 **MARKETS.**

13 (a) RESTRICTIONS.—Chapter 131 of title 5, United
14 States Code, as amended by section 102(b), is further
15 amended by adding at the end a new subchapter:

16 “SUBCHAPTER V—RESTRICTIONS ON TRADING
17 ON PREDICTION MARKETS

18 “§ 13161. Definitions

19 “In this subchapter:

20 “(1) COVERED INDIVIDUAL.—The term ‘cov-
21 ered individual’ means any of the following:

22 “(A) A Member of Congress as defined in
23 section 13101 of this title.

1 “(B) A dependent child as defined in such
2 section 13101 or a spouse of a Member of Con-
3 gress.

4 “(C) An individual or entity with fiduciary
5 duties and the authority to enter into or offer
6 to enter into an agreement, contract, or trans-
7 action with respect to prediction markets for
8 any individual described in subparagraphs (A)
9 or (B).

10 “(D) An officer or employee of the Con-
11 gress.

12 “(E) The President.

13 “(F) The Vice President.

14 “(G) A political appointee.

15 “(H) Each officer or employee in the execu-
16 tive branch, including a special Government
17 employee, as defined in section 202 of title 18,
18 and any officer or employee of an independent
19 agency, who occupies a position classified above
20 GS–15 of the General Schedule or, in the case
21 of positions not under the General Schedule, for
22 which the rate of basic pay is equal to or great-
23 er than 120 percent of the minimum rate of
24 basic pay payable for GS–15 of the General
25 Schedule; each member of a uniformed service

1 whose pay grade is at or in excess of O-7 under
2 section 201 of title 37; and each officer or em-
3 ployee in any other position determined by the
4 Director of the Office of Government Ethics to
5 be of equal classification.

6 “(I) A judicial officer as defined in section
7 13101 of this title.

8 “(J) A judicial employee as defined in sec-
9 tion 13101 of this title.

10 “(2) INDEPENDENT AGENCY.—The term ‘inde-
11 pendent agency’ has the meaning given the term
12 ‘independent establishment’ as defined in section
13 104 of this title.

14 “(3) POLITICAL APPOINTEE.—The term ‘polit-
15 ical appointee’ means an individual—

16 “(A) occupying a position described under
17 sections 5312 through 5316 of this title (relat-
18 ing to the Executive Schedule);

19 “(B) serving under a noncareer appoint-
20 ment in the Senior Executive Service, as de-
21 fined under paragraph (7) of section 3132(a) of
22 this title; or

23 “(C) occupying a position in the executive
24 branch of the Government of a confidential or
25 policy-determining character under schedule C

1 of subpart C of part 213 of title 5, Code of
2 Federal Regulations.

3 “(4) SUPERVISING ETHICS OFFICE.—The term
4 ‘supervising ethics office’—

5 “(A) has the meaning given the term in
6 section 13101 of this title; and

7 “(B) in the case of an independent agency,
8 means the Office of Government Ethics.

9 **“§ 13162. Trading on prediction markets**

10 “(a) CONDUCT DURING FEDERAL SERVICE.—No
11 covered individual may enter into, or offer to enter into
12 an agreement, contract, or transaction that provides for
13 any purchase, sale, payment, or delivery that is dependent
14 on the occurrence, nonoccurrence, or the extent of the oc-
15 currence of a specific political event.

16 “(b) INTERPRETATIVE GUIDANCE.—The supervising
17 ethics office shall issue interpretive guidance on any rel-
18 evant term not defined in this subchapter.

19 **“§ 13163. Penalties**

20 “(a) IN GENERAL.—

21 “(1) PENALTIES.—Any covered individual who
22 violates the restrictions in section 13152 of this title
23 shall, at the direction of the supervising ethics of-
24 fice—

1 “(A) pay a fee equal to ten percent of the
2 value of the agreement, contract, or transaction
3 in violation; and

4 “(B) disgorge the profits of any agree-
5 ment, contract, or transaction that violates the
6 provisions of such section 13152.

7 “(2) PAYMENT OF PENALTY TO TREASURY.—A
8 penalty imposed under paragraph (1)(B) shall be
9 payable into the Treasury.

10 “(b) PAYMENT RESTRICTIONS.—A covered individual
11 may not pay any of the penalties under this section from
12 the following sources:

13 “(1) The Members’ Representational Allowance.

14 “(2) The Senators’ Official Personnel and Of-
15 fice Expense Account.

16 “(3) Any contribution (as defined in section
17 301(8) of the Federal Election Campaign Act of
18 1971 (52 U.S.C. 30101(8))) accepted as a can-
19 didate, and any other donation received as support
20 for activities of the individual as a holder of Federal
21 office.

22 “(4) Any other source of funds, other than a
23 salary, available to such individual through employ-
24 ment or service in the Federal Government.

1 “(c) PUBLICATION.—Each supervising ethics office
2 shall publish on a publicly available website a description
3 of—

4 “(1) each fine assessed by the supervising eth-
5 ics office pursuant to this section;

6 “(2) the reason why each such fine was as-
7 sessed; and

8 “(3) the result of each assessment.”.

9 (b) TABLE OF CONTENTS.—The table of contents for
10 chapter 131 of title 5, United States Code, as amended
11 by section 102(a), is further amended by adding at the
12 end the following:

SUBCHAPTER V. RESTRICTIONS ON TRADING ON PREDICTION MARKETS

13161. Definitions.

13162. Trading on prediction markets.

13163. Penalties.