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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

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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.

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## IN THE HOUSE OF REPRESENTATIVES

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

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# 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. 1104. 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.

Sec. 613. Contracts by the President, the Vice President, or a cabinet member.

Sec. 614. Forfeiture of benefits for former Presidents convicted of a felony.

##### Subtitle C—Enforcement Of The Emoluments Clauses Of The Constitution

Sec. 621. Short title.

Sec. 622. Definitions.

Sec. 623. Prohibition on acceptance of foreign emoluments.

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

Sec. 625. Prohibiting senior Federal officials from accepting foreign payments.

Sec. 626. Disclosures concerning foreign and domestic emoluments.

Sec. 627. Enforcement authority for Office of Government Ethics and financial disclosures.

Sec. 628. Jurisdiction of the Office of Special Counsel.

Sec. 629. Rulemaking for ethics requirements for legal expense funds.

Sec. 630. Limitations and disclosure of certain donations to, and disbursements by, inaugural committees.

Sec. 631. Prohibition on payments to the President of Federal or State government funds.

Sec. 632. Prohibition on payments to the President from individuals receiving government positions or grants of clemency from the President.

Sec. 633. Penalties.

Sec. 634. Exceptions.

Sec. 635. Severability.

##### Subtitle D—Investigative Integrity Protection

Sec. 641. Short title.

Sec. 642. Presidential oversight of Attorney General.

#### 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 Y—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 Z—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 AA—RESTRICTION ON LAWSUITS BY PRESIDENT

Sec. 1301. Exceptions to Federal Tort Claims Act.

TITLE BB—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’—

1           “(A) has the meaning given the term in  
2           section 1a of the Commodity Exchange Act (7  
3           U.S.C. 1a); and

4           “(B) does not include a precious metal (as  
5           defined in section 1027.100 of title 31, Code of  
6           Federal Regulations).

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

9           “(A) A Member of Congress, as defined in  
10          section 13101.

11          “(B) A dependent child (as defined in sec-  
12          tion 13101) or a spouse of a Member of Con-  
13          gress.

14          “(C) A trustee of a trust in which an indi-  
15          vidual described in subparagraph (A) or (B)  
16          has a beneficial interest in the principal or in-  
17          come of the trust as described in section  
18          1403(b)(5) of the Internal Revenue Code of  
19          1986.

20          “(D) The President, or the spouse or a de-  
21          pendent child (as defined in section 13101) of  
22          the President.

23          “(E) The Vice President, or the spouse or  
24          a dependent child (as defined in section 13101)  
25          of the Vice President.

1           “(F) The Chief Justice of the United  
2 States, or the spouse or a dependent child (as  
3 defined in section 13101) of the Chief Justice.

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

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

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

16           “(B) does not include—

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

21           “(ii) a United States Treasury bill,  
22 note, or bond;

23           “(iii) a State or municipal government  
24 bill, note, or bond;

1           “(iv) any compensation received by a  
2 spouse or a dependent child described in  
3 paragraph (2) from an employer of the  
4 spouse or dependent child;

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

12           “(vi) an interest in a limited liability  
13 company created for the sole purpose of  
14 purchasing or holding real estate that  
15 serves as the personal residences of the  
16 Member of Congress;

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

21           “(viii) any share of Settlement Com-  
22 mon Stock, as defined in section 3 of the  
23 Alaska Native Claims Settlement Act (43  
24 U.S.C. 1602).

1           “(4) DIVERSIFIED.—The term ‘diversified’,  
2           with respect to an investment fund, means such  
3           fund does not have a stated policy of concentrating  
4           its investments in any industry, business, single  
5           country other than the United States, or bonds of a  
6           single State within the United States except for the  
7           State in which the Member of Congress resides.

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

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

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

20          “(8) SUPERVISING ETHICS OFFICE.—The term  
21          ‘supervising ethics office’ has the meaning given the  
22          term in section 13101.

1 **“§ 13152. Trade and ownership of covered invest-**  
2 **ments**

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

7 “(b) COMPLIANCE.—

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

10 “(A) a covered individual may not pur-  
11 chase a covered investment; and

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

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

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

20 “(B) 90 days within the date on which an  
21 individual becomes a covered individual if such  
22 date occurs after the date of enactment of the  
23 Restore Trust in Government Act.

24 “(c) CERTIFICATES OF DIVESTITURE.—

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

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

6                   “(B) any covered individual described in  
7                   section 13151(2)(A) shall be treated as an eligi-  
8                   ble person described in section 1043(b)(1)(A) of  
9                   such Code; and

10                   “(C) any spouse or dependent child de-  
11                   scribed in section 13151(2)(B) shall be treated  
12                   as an eligible person described in section  
13                   1043(b)(1)(B) of such Code.

14           “(2) ISSUANCE OF CERTIFICATE OF DIVESTI-  
15           TURE.—

16                   “(A) IN GENERAL.—Each supervising eth-  
17                   ics office shall issue a certificate of divestiture  
18                   to each covered individual required to divest  
19                   under this subchapter upon submission of proof  
20                   of compliance by such individual with the re-  
21                   quirements to divest or any extensions granted  
22                   by the supervising ethics office.

23                   “(B) ELIGIBILITY.—Such certificate shall  
24                   include an identification of each specific prop-  
25                   erty eligible for the application of the certificate

1 of divestiture program as determined by the su-  
2 pervising ethics office.

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

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

14 “(f) TRUSTS.—

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

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

23 “(A) no covered individual—

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

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

3           “(iii) has any authority over a trustee  
4           of the family trust, including the authority  
5           to appoint, replace, or direct the actions of  
6           such a trustee; and

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

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

14          “(g) ASSETS ACQUIRED IN SPECIAL CIR-  
15          CUMSTANCES.—In the event that a covered individual ac-  
16          quires a covered investment after the date of enactment  
17          of the Restore Trust in Government Act other than by  
18          purchase (such as by marriage, inheritance, divorce settle-  
19          ment, or other circumstance), the covered individual shall  
20          have 90 days from the date on which such investment was  
21          acquired to divest such covered investment at fair market  
22          value.

23          “(h) EXTENSION.—A supervising ethics office may  
24          grant a covered individual an extension of time to comply  
25          with a divestment deadline under this subchapter if a cov-

1 ered investment cannot be divested by such deadline due  
2 to low liquidity, vesting schedules, or contractual restric-  
3 tions.

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

7 **“§ 13153. Penalties**

8 “(a) IN GENERAL.—

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

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

15 “(B) disgorge the profits of any trans-  
16 action that violates the provisions of this sub-  
17 chapter.

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

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

24 “(1) The Members’ Representational Allowance.

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

3           “(3) Any contribution (as defined in section  
4           301(8) of the Federal Election Campaign Act of  
5           1971 (52 U.S.C. 30101(8))) accepted as a can-  
6           didate, and any other donation received as support  
7           for activities of the individual as a holder of Federal  
8           office.

9           “(c) PUBLICATION.—Each supervising ethics office  
10          shall publish on a publicly available website a description  
11          of—

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

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

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

17 **TITLE II—NO PAY FOR CON-**  
18 **GRESS DURING DEFAULT OR**  
19 **GOVERNMENT SHUTDOWN**

20 **SEC. 201. SHORT TITLE.**

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

1 **SEC. 202. REQUIRING REDUCTION OF PAY OF MEMBERS OF**  
2 **CONGRESS IF PUBLIC DEBT LIMIT IS**  
3 **REACHED.**

4 (a) REDUCTION OF PAY FOR EACH DAY OF GOVERN-  
5 MENT SHUTDOWN.—

6 (1) IN GENERAL.—If on any day during a year  
7 the public debt limit is reached, the annual rate of  
8 pay applicable under section 601(a) of the Legisla-  
9 tive Reorganization Act of 1946 (2 U.S.C. 4501)  
10 with respect to each Member of Congress for the  
11 year shall be reduced by an amount equal to the  
12 product of—

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

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

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

21 (b) SPECIAL RULE FOR ONE HUNDRED NINE-  
22 TEENTH CONGRESS.—

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

1 (A) withhold from the payments otherwise  
2 required to be made with respect to a pay pe-  
3 riod for the compensation of each Member of  
4 Congress who serves in that House of Congress  
5 an amount equal to the product of—

6 (i) an amount equal to one day's  
7 worth of pay under the annual rate of pay  
8 applicable to the Member under section  
9 601(a) of the Legislative Reorganization  
10 Act of 1946 (2 U.S.C. 4501), and

11 (ii) the number of 24-hour periods  
12 during which the public debt limit is  
13 reached which occur during the pay period;  
14 and

15 (B) deposit in an escrow account all  
16 amounts withheld under subparagraph (A).

17 (2) RELEASE OF AMOUNTS AT END OF THE  
18 CONGRESS.—In order to ensure that this subsection  
19 is carried out in a manner that shall not vary the  
20 compensation of Members of Congress in violation of  
21 the twenty-seventh article of amendment to the Con-  
22 stitution of the United States, the payroll adminis-  
23 trator of a House of Congress shall release for pay-  
24 ments to Members of that House of Congress any  
25 amounts remaining in any escrow account under this

1 subsection on the last day of the One Hundred  
2 Nineteenth Congress.

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

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

15 **SEC. 203. REQUIRING REDUCTION OF PAY OF MEMBERS OF**  
16 **CONGRESS IF GOVERNMENT SHUTDOWN OC-**  
17 **CURS.**

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 a Government shutdown is in effect, the annual rate  
22 of pay applicable under section 601(a) of the Legis-  
23 lative 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 Government shutdown is in effect.

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 a  
15 Government shutdown is in effect, the payroll ad-  
16 ministrator 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 Government shutdown is  
5           in effect which occur during the pay pe-  
6           riod; 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 Senators or Representatives in vio-  
13          lation of the twenty-seventh article of amendment to  
14          the Constitution of the United States, the payroll  
15          administrator of a House of Congress shall release  
16          for payments to Members of that House of Congress  
17          any amounts remaining in any escrow account under  
18          this 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 GOVERNMENT SHUT-  
2 DOWN.—For purposes of this section, a Government shut-  
3 down shall be considered to be in effect if there is a lapse  
4 in appropriations for any Federal agency or department  
5 as a result of a failure to enact a regular appropriations  
6 bill or continuing resolution.

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

8           The Secretary of the Treasury shall provide the pay-  
9 roll administrators of the Houses of Congress with such  
10 assistance as may be necessary to enable the payroll ad-  
11 ministrators to carry out this title.

12 **SEC. 205. DEFINITIONS.**

13           (a) MEMBER OF CONGRESS.—In this title, the term  
14 “Member of Congress” means an individual serving in a  
15 position under subparagraph (A), (B), or (C) of section  
16 601(a) of the Legislative Reorganization Act of 1946 (2  
17 U.S.C. 4501).

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

20               (1) in the case of the House of Representatives,  
21           the Chief Administrative Officer of the House of  
22           Representatives, or an employee of the Office of the  
23           Chief Administrative Officer who is designated by  
24           the Chief Administrative Officer to carry out this  
25           title; and

1           (2) in the case of the Senate, the Secretary of  
2           the Senate, or an employee of the Office of the Sec-  
3           retary of the Senate who is designated by the Sec-  
4           retary to carry out this title.

5           **TITLE III—SUPREME COURT**  
6           **DURATION OF ACTIVE SERVICE**

7           **SECTION 301. SHORT TITLE.**

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

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

11          (a) IN GENERAL.—Chapter 1 of title 28, United  
12          States Code, is amended by adding at the end the fol-  
13          lowing:

14          **“§ 7. Appointment**

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

20          “(b) EXCLUSIVE METHOD OF APPOINTMENT.—The  
21          President shall not appoint any justice of the Supreme  
22          Court except as provided in this section.

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

1 “(d) SENATE CONFIRMATION.—

2 “(1) IN GENERAL.—The Senate shall exercise  
3 its authority to provide advice and consent on nomi-  
4 nations made under subsection (a) not later than 90  
5 days after the date on which the individual is nomi-  
6 nated by the President.

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

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

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

22 “(b) CURRENT JUSTICES.—Each justice who was ap-  
23 pointed before the date of enactment of this section and  
24 who is serving as a justice on the date of enactment of  
25 this section shall, notwithstanding the period of service of

1 the justice, in order of duration of service beginning with  
2 the justice who has served on the Supreme Court for the  
3 longest period of time, be deemed to have retired from reg-  
4 ular active service under section 371(b) upon the date of  
5 commission of each new justice as they are appointed  
6 under section 7.”.

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

“7. Appointment.

“8. Duration of active service.”.

10 **SEC. 303. SENIOR JUSTICES.**

11 Section 294 of title 28, United States Code, is  
12 amended—

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

16 (2) by redesignating subsection (e) as sub-  
17 section (f); and

18 (3) by inserting after subsection (d) the fol-  
19 lowing:

20 “(e) In the event that the number of justices of the  
21 Supreme Court falls below that provided in section 1 due  
22 to vacancy, disability, or disqualification, a justice of the  
23 Supreme Court who has retired from regular active service  
24 under section 371 but retained their office shall be chosen

1 by the Chief Justice through a publicly transparent and  
2 randomized process to serve as an associate justice until  
3 the number of justices who have not retired from regular  
4 active service equals that provided in section 1.”.

5 **TITLE IV—CONSTITUTIONAL**  
6 **AMENDMENT FOR CONGRES-**  
7 **SIONAL TERM LIMITS**

8 **SEC. 401. CONSTITUTIONAL AMENDMENT FOR CONGRES-**  
9 **SIONAL TERM LIMITS.**

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

16 “ARTICLE—

17 “SECTION 1. No person who has served 9 terms as  
18 a Representative shall be eligible for election to the House  
19 of Representatives. For purposes of this section, the elec-  
20 tion of a person to fill a vacancy in the House of Rep-  
21 resentatives shall be included as 1 term in determining  
22 the number of terms that such person has served as a Rep-  
23 resentative if the person fills the vacancy for more than  
24 1 year.

1           “SECTION 2. No person who has served 3 terms as  
2 a Senator shall be eligible for election or appointment to  
3 the Senate. For purposes of this section, the election or  
4 appointment of a person to fill a vacancy in the Senate  
5 shall be included as 1 term in determining the number  
6 of terms that such person has served as a Senator if the  
7 person fills the vacancy for more than 3 years.

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

12           **TITLE V—SUPREME COURT**  
13           **ETHICS REQUIREMENTS**

14   **SEC. 501. SHORT TITLE.**

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

17   **SEC. 502. ESTABLISHMENT OF THE OFFICE OF ETHICS**

18                           **COUNSEL WITHIN THE SUPREME COURT OF**

19                           **THE UNITED STATES.**

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

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

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

5 “(1) constituted by one chief ethics counsel who  
6 may employ such officers and employees, subject to  
7 the provisions of title 5, governing appointments in  
8 the competitive service, and the provisions of chapter  
9 51 and subchapter III of chapter 53 of such title re-  
10 lating to classification and General Schedule pay  
11 rates; and

12 “(2) to advise and provide guidance to justices  
13 of the Supreme Court, and their spouses, on matters  
14 of judicial ethics, including—

15 “(A) financial disclosure requirements;

16 “(B) the acceptance of gifts;

17 “(C) political activity;

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

19 “(E) the unauthorized disclosure of official  
20 Court documents.

21 “(b) ETHICS COUNSELS.—

22 “(1) STAFFING AND COMPENSATION OF COUN-  
23 SELS.—

24 “(A) CHIEF ETHICS COUNSEL.—The chief  
25 ethics counsel within the Office of Ethics Coun-  
26 sel—

1                   “(i) may not be employed by the  
2                   Court on the date of enactment of this sec-  
3                   tion;

4                   “(ii) shall be appointed by the Chief  
5                   Justice;

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

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

10                  “(B) OTHER COUNSELS.—Any counsel  
11                  other than the chief ethics counsel within the  
12                  Office of Ethics Counsel—

13                   “(i) may not be employed by the  
14                   Court on the date of enactment of this sec-  
15                   tion;

16                   “(ii) shall be appointed by the chief  
17                   ethics counsel;

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

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

22                  “(2) QUALIFICATIONS.—Each counsel of the  
23                  Office of Ethics Counsel shall—

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

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

6           “(3) EXPERTISE.—Each counsel shall be an in-  
7           dividual of exceptional public standing who is specifi-  
8           cally qualified to serve within the Office of Ethics  
9           Counsel by virtue of the individual’s education,  
10          training, and experience, as determined by the Chief  
11          Justice.

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

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

19          “(d) REPORT.—On an annual basis, the chief ethics  
20          counsel shall submit to the Committees on the Judiciary  
21          of the House of Representatives and of the Senate a report  
22          on the ethics advice given by the Office of Ethics Counsel  
23          during the previous year, including—

24                 “(1) the number of times advice was sought  
25                 and given;

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

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

7           “(4) the number and types of mitigation meas-  
8 ures that were recommended, including recusal, di-  
9 vestiture, resignation;

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

13           “(e) DEFINITIONS.—In this section:

14           “(1) The term ‘gift’ means any gratuity, favor,  
15 discount, entertainment, hospitality, loan, forbear-  
16 ance, or other item having monetary value. The term  
17 includes services as well as gifts of training, trans-  
18 portation, local travel, lodgings and meals, whether  
19 provided in-kind, by purchase of a ticket, payment in  
20 advance, or reimbursement after the expense has  
21 been incurred.

22           “(2) The term ‘political activity’ means political  
23 engagements, such as paid speaking events, fund-  
24 raisers, or donations to political parties, politicians,

1 political action groups, or endorsements of political  
2 candidates.”.

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

“678. Office of Ethics Counsel.”.

7 **SEC. 503. ESTABLISHMENT OF THE OFFICE OF INVESTIGA-**  
8 **TIVE COUNSEL WITHIN THE SUPREME COURT**  
9 **OF THE UNITED STATES.**

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

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

14 “(a) OFFICE OF INVESTIGATIVE COUNSEL.—The  
15 Chief Justice is authorized to establish an Office of Inves-  
16 tigative Counsel within the Supreme Court of the United  
17 States—

18 “(1) constituted by one Chief Investigative  
19 Counsel and at least two additional investigative  
20 counsels; and

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

24 “(b) INVESTIGATIVE COUNSELS.—

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

3           “(A) CHIEF INVESTIGATIVE COUNSEL.—  
4 The Chief Investigative Counsel—

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

7           “(ii) shall be appointed by the Chief  
8 Justice;

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

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

13           “(B) ADDITIONAL INVESTIGATIVE COUN-  
14 SELS.—The investigative counsels—

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

17           “(ii) shall be appointed by the Chief  
18 Investigative Counsel;

19           “(iii) shall serve at the pleasure of the  
20 Chief Investigative Counsel; and

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

23           “(C) QUALIFICATIONS.—Each investigative  
24 counsel of the Office of Investigative Counsel  
25 shall—

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

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

6           “(D) EXPERTISE.—Each investigative  
7           counsel and the Chief Investigative Counsel  
8           shall be an individual of exceptional public  
9           standing who is specifically qualified to serve  
10          within the Office of Investigative Counsel by  
11          virtue of the individual’s education, training,  
12          and experience.

13          “(E) TERMINATION OF COUNSELS.—The  
14          employment of the Chief Investigative Counsel  
15          may only be terminated by the Chief Justice for  
16          cause.

17          “(2) SUBPOENA POWER.—

18          “(A) IN GENERAL.—For the discharge of  
19          their duties, the Chief Investigative Counsel  
20          shall have the authority to issue subpoenas to  
21          compel witnesses to appear and testify and to  
22          produce books, papers, correspondence, memo-  
23          randa, documents, or other relevant records.  
24          The Chief Investigative Counsel may issue sub-  
25          poenas requiring the attendance and testimony

1 of witnesses and the production of any evidence  
2 relating to any matter under investigation by  
3 the Office of Investigative Counsel, which the  
4 Office is empowered to investigate by this sec-  
5 tion. The attendance of witnesses and the pro-  
6 duction of evidence may be required from any  
7 place within the United States at any des-  
8 ignated place of hearing within the United  
9 States.

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

23 “(C) SERVICE OF SUBPOENAS.—The sub-  
24 poenas of the Office of Investigative Counsel  
25 shall be served in the manner provided for sub-

1 poenas issued by a United States district court  
2 under the Federal Rules of Civil Procedure for  
3 the United States district courts.

4 “(D) SERVICE OF PROCESS.—All process  
5 of any court to which application is made under  
6 subparagraph (B) may be served in the judicial  
7 district in which the person required to be  
8 served resides or may be found.

9 “(c) ETHICS COMPLAINTS.—

10 “(1) FILING.—An ethics complaint against a  
11 justice may be filed with the Office of Investigate  
12 Counsel by—

13 “(A) the chair or ranking minority member  
14 of the Committee on the Judiciary of the House  
15 of Representatives or of the Senate;

16 “(B) the Majority Leader or Minority  
17 Leader of the Senate; or

18 “(C) the Speaker or the Minority Leader  
19 of the House of Representatives.

20 “(2) REVIEW.—Not later than 60 days after an  
21 ethics complaint is filed under paragraph (1), the  
22 Office of Investigative Counsel shall review the com-  
23 plaint and determine whether a full investigation is  
24 appropriate. In making a determination under this  
25 paragraph, the Office shall consider whether the al-

1       leged behavior of a justice violates the Code of Con-  
2       duct of the Supreme Court, the Judicial Code of  
3       Conduct, or any applicable law or regulation. Upon  
4       making a determination under this paragraph, the  
5       chief counsel shall respond to each ethics complaint  
6       filed under paragraph (1), regardless of whether the  
7       Office of Investigative Counsel determines that an  
8       investigation is appropriate.

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

13               “(4) REPORTING.—

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

1           “(B) CONTENTS.—A report under sub-  
2 paragraph (A) shall include—

3           “(i) each violation of the Code of Con-  
4 duct for the Supreme Court committed by  
5 the justice who was the subject of the in-  
6 vestigation under paragraph (3), including  
7 any such violation that arose as a result of  
8 the actions of a spouse or dependant of the  
9 justice; and

10           “(ii) substantive and actionable rec-  
11 ommendations from the Office of Inves-  
12 tigative Counsel including recusal, divest-  
13 ment and neutralization conflicts of inter-  
14 est, and other remedies.

15           “(C) PUBLICATION.—

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

1                   “(ii) AVAILABILITY TO CONGRESS.—  
2                   Not later than 10 days after completing a  
3                   report under subparagraph (A), the Office  
4                   of Investigative Counsel shall make the re-  
5                   port available to—

6                                 “(I) the Committees on the Judi-  
7                                 ciary of the House of Representatives  
8                                 and of the Senate;

9                                 “(II) the Committee on Oversight  
10                                and Government Reform of the House  
11                                of Representatives; and

12                               “(III) the Committee on Home-  
13                               land Security and Governmental Af-  
14                               fairs of the Senate.

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

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

“679. Office of Investigative Counsel.”.

1 **SEC. 504. SEVERABILITY.**

2 If any provision of this title, or any application of  
3 such provision to any person or circumstance, is held to  
4 be unconstitutional, the remainder of this title and the ap-  
5 plication of this title to any other person or circumstance  
6 shall not be affected.

7 **TITLE VI—PREVENTING ABUSES**  
8 **OF PRESIDENTIAL POWER**

9 **SEC. 600. SHORT TITLE.**

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

12 **Subtitle A—Abuse of the Pardon**  
13 **Power Prevention**

14 **SEC. 601. SHORT TITLE.**

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

17 **SEC. 602. CONGRESSIONAL OVERSIGHT RELATING TO CER-**  
18 **TAIN PARDONS.**

19 (a) SUBMISSION OF INFORMATION.—Not later than  
20 30 days after the date on which the President grants an  
21 individual a pardon for a covered offense, the Attorney  
22 General shall submit to the chair and ranking member of  
23 each appropriate congressional committee—

24 (1) all materials obtained or produced by the  
25 prosecution team, including the Attorney General  
26 and any United States Attorney, and all materials

1       obtained or prepared by any investigative agency of  
2       the Federal Government, relating to the offense for  
3       which the individual was pardoned; and

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

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

10       (c) DEFINITIONS.—In this section:

11               (1) APPROPRIATE CONGRESSIONAL COM-  
12       MITTEE.—The term “appropriate congressional com-  
13       mittee” means—

14                       (A) the Committee on the Judiciary of the  
15       Senate and the Committee on the Judiciary of  
16       the House of Representatives; and

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

22               (2) COVERED OFFENSE.—The term “covered  
23       offense” means—

1 (A) an offense against the United States  
2 that arises from an investigation in which a tar-  
3 get or subject is—

4 (i) the President;

5 (ii) a relative of the President;

6 (iii) a former President;

7 (iv) any individual who is serving or  
8 previously served as a political appointee  
9 (as defined in section 1216(f)(6) of title 5,  
10 United States Code, as added by title  
11 XXVI of this Act) under the President;

12 (v) any individual who was an em-  
13 ployee of an authorized committee (as de-  
14 fined in section 301(6) of the Federal  
15 Election Campaign Act of 1971 (52 U.S.C.  
16 30101(6))) of the President for any elec-  
17 tion to the office of President; or

18 (vi) in the case of an offense moti-  
19 vated by a direct and significant personal  
20 or pecuniary interest of any individual de-  
21 scribed in clause (i), (ii), (iii), (iv), or (v),  
22 any person or entity;

23 (B) an offense under section 102 of the  
24 Revised Statutes of the United States (2 U.S.C.  
25 192); or

1 (C) an offense under section 1001, 1505,  
2 1512, or 1621 of title 18, United States Code,  
3 if the offense occurred in relation to a congress-  
4 sional proceeding or investigation.

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

7 (4) RELATIVE.—The term “relative”, with re-  
8 spect to the President, means—

9 (A) a family member (as defined in section  
10 1635.3(a) of title 29, Code of Federal Regula-  
11 tions, or any successor regulation) of the Presi-  
12 dent who is a first-degree relative, second-de-  
13 gree relative, or third-degree relative (as those  
14 terms are defined in such section 1635.3(a) or  
15 any successor regulation) of the President; or

16 (B) a spouse of a family member described  
17 in subparagraph (A).

18 **SEC. 603. BRIBERY IN CONNECTION WITH PARDONS AND**  
19 **COMMUTATIONS.**

20 Section 201 of title 18, United States Code, is  
21 amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1), by inserting “, in-  
24 cluding the President and the Vice President of

1 the United States,” after “or an officer or em-  
2 ployee or person”; and

3 (B) in paragraph (2)—

4 (i) by striking “means any person”  
5 and inserting the following: “means—

6 “(A) any person”;

7 (ii) by striking “and” at the end; and

8 (iii) by adding at the end the fol-  
9 lowing:

10 “(B) any person who is an apparent suc-  
11 cessful candidate for the office of President, as  
12 determined under section 3(c) of the Presi-  
13 dential Transition Act of 1963 (3 U.S.C. 102  
14 note; Public Law 88–277) and has not yet as-  
15 sumed the office of President; and

16 “(C) any person who is an apparent suc-  
17 cessful candidate for the office of Vice Presi-  
18 dent, as determined under section 3(c) of the  
19 Presidential Transition Act of 1963 (3 U.S.C.  
20 102 note; Public Law 88–277) and has not yet  
21 assumed the office of Vice President; and”;

22 (2) in subsection (b)(3), by inserting “(includ-  
23 ing, for purposes of this paragraph, any pardon,  
24 commutation, or reprieve, or an offer of any such

1       pardon, commutation, or reprieve)” after “corruptly  
2       gives, offers, or promises anything of value”.

3       **SEC. 1104. PROHIBITION ON PRESIDENTIAL SELF-PARDON.**

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

8       **Subtitle B—Ensuring No President**  
9                                   **Is Above the Law**

10      **SEC. 611. SHORT TITLE.**

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

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

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

18      “(c) OFFENSES COMMITTED BY THE PRESIDENT OR  
19      VICE PRESIDENT DURING OR PRIOR TO TENURE IN OF-  
20      FICE.—In the case of any person serving in the office of  
21      President or Vice President, the duration of that person’s  
22      tenure in such office shall not be considered for purposes  
23      of any period of limitations applicable to any Federal  
24      criminal offense committed by that person (including any

1 offense committed during any period of time preceding  
2 such tenure in office).”.

3 (b) APPLICABILITY.—The amendment made by sub-  
4 section (a) shall apply to any offense committed before the  
5 date of enactment of this section, if the period of limita-  
6 tions applicable to that offense had not run as of such  
7 date.

8 (c) RULE OF CONSTRUCTION.—Nothing in this sec-  
9 tion shall be construed to preclude the indictment or pros-  
10 ecution of a person serving in the office of President or  
11 Vice President, during that person’s tenure in such office,  
12 for a violation of the criminal laws of the United States.

13 **SEC. 613. CONTRACTS BY THE PRESIDENT, THE VICE**  
14 **PRESIDENT, OR A CABINET MEMBER.**

15 (a) AMENDMENT.—Section 431 of title 18, United  
16 States Code, is amended—

17 (1) in the section heading, by inserting “**the**  
18 **President, the Vice President, a Cabinet**  
19 **Member, or a**” after “**Contracts by**”; and

20 (2) in the first undesignated paragraph, by in-  
21 sserting “the President, the Vice President, in a posi-  
22 tion at level I of the Executive Schedule under sec-  
23 tion 5312 of title 5,” after “Whoever, being”.

24 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
25 sections for chapter 23 of title 18, United States Code,

1 is amended by striking the item relating to section 431  
2 and inserting the following:

“431. Contracts by the President, the Vice President, a Cabinet Member, or a  
Member of Congress.”.

3 **SEC. 614. FORFEITURE OF BENEFITS FOR FORMER PRESI-**  
4 **DENTS CONVICTED OF A FELONY.**

5 The first section of the Act entitled “An Act to pro-  
6 vide retirement, clerical assistants, and free mailing privi-  
7 leges to former Presidents of the United States, and for  
8 other purposes”, approved August 25, 1958 (commonly  
9 known as the “Former Presidents Act of 1958”; 3 U.S.C.  
10 102 note), is amended—

11 (1) in subsection (a), by striking “Each former  
12 President” and inserting “Subject to subsection (h),  
13 each former President”;

14 (2) in subsection (f), by striking paragraph (2)  
15 and inserting:

16 “(2) who has not been impeached by the House  
17 of Representatives and convicted by the Senate pur-  
18 suant to the impeachment; and”;

19 (3) by adding at the end the following new sub-  
20 section:

21 “(h)(1) If a former President is finally convicted of  
22 a felony for which every act or omission that is needed  
23 to satisfy the elements of the felony is committed during  
24 or after the period such former President holds the office

1 of President, or was finally convicted of such a felony  
2 while holding such office—

3 “(A) no monetary allowance under subsection  
4 (a) may be provided to such former President;

5 “(B) no funds may be obligated or expended  
6 under subsection (g) with respect to such former  
7 President except to the extent necessary to maintain  
8 the security of such former President, as determined  
9 by the Director of the Secret Service; and

10 “(C) such former President shall repay any  
11 amounts received under subsection (a) during the  
12 period beginning on the date on which such former  
13 President is initially convicted of the felony and end-  
14 ing on the date such former President is finally con-  
15 victed of the felony.

16 “(2) The term ‘finally convicted’ means a convic-  
17 tion—

18 “(A) which has not been appealed and is no  
19 longer appealable because the time for taking an ap-  
20 peal has expired; or

21 “(B) which has been appealed and the appeals  
22 process for which is completed.”.

1 **Subtitle C—Enforcement Of The**  
2 **Emoluments Clauses Of The**  
3 **Constitution**

4 **SEC. 621. SHORT TITLE.**

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

7 **SEC. 622. DEFINITIONS.**

8 In this subtitle:

9 (1) **EMOLUMENT.**—The term “emolument”  
10 means any profit, gain, or advantage, including any  
11 payment that is received directly or indirectly from  
12 any government of a foreign country, the Federal  
13 Government, or any State or local government, or  
14 from any instrumentality thereof.

15 (2) **GOVERNMENT OF A FOREIGN COUNTRY.**—  
16 The term “government of a foreign country” has the  
17 meaning given the term in section 1(e) of the For-  
18 eign Agents Registration Act of 1938, as amended  
19 (22 U.S.C. 611(e)).

20 (3) **PAYMENT.**—The term “payment”—  
21 (A) means the direct or indirect provision  
22 of anything of value, including any tangible  
23 item; and

24 (B) includes any direct or indirect payment  
25 in any form arising from a commercial trans-

1           action of any kind, including any payment in-  
2           volving a Presidentially-owned entity, whether  
3           or not at fair market value.

4           (4) PERSON HOLDING ANY OFFICE OF PROFIT  
5           OR TRUST UNDER THE UNITED STATES.—The term  
6           “person holding any office of profit or trust under  
7           the United States” includes—

8                       (A) the President; and

9                       (B) the Vice President.

10          (5) PRESIDENTIALLY-OWNED ENTITY.—The  
11          term “Presidentially-owned entity” means a corpora-  
12          tion, association, partnership, limited liability com-  
13          pany, limited liability partnership, other legal entity,  
14          or sole proprietorship in which the President has an  
15          ownership stake, except that such term does not in-  
16          clude an entity in which more than 100 people have  
17          an ownership stake and the President holds no more  
18          than five percent in a beneficial ownership stake and  
19          that—

20                       (A) issues securities registered with the Se-  
21                       curities and Exchange Commission pursuant to  
22                       section 12 of the Securities Exchange Act of  
23                       1934 (15 U.S.C. 78l);

24                       (B) is an investment company registered  
25                       pursuant to section 8 of the Investment Com-

1           pany Act of 1940 (15 U.S.C. 80a–8) that does  
2           not have a stated policy of concentrating the in-  
3           vestments of the investment company in any in-  
4           dustry, business, single country other than the  
5           United States, or bonds of a single State within  
6           the United States; or

7           (C) is a unit investment trust, as defined  
8           in section 4 of the Investment Company Act of  
9           1940 (15 U.S.C. 80a–4) that—

10           (i) is a regulated investment company,  
11           as defined in section 851 of the Internal  
12           Revenue Code of 1986; and

13           (ii) does not have a stated policy of  
14           concentrating the investments of the in-  
15           vestment company in any industry, busi-  
16           ness, single country other than the United  
17           States, or bonds of a single State within  
18           the United States.

19           (6) STATE.—The term “State” means each of  
20           the several States of the United States, the District  
21           of Columbia, or any territory or possession of the  
22           United States.

23           (7) COVERED OFFICIAL.—The term “covered  
24           official” means—

1 (A) any individual (other than an indi-  
2 vidual nominated for appointment to a position  
3 as a Foreign Service Officer or a grade or rank  
4 in the uniformed services for which the pay  
5 grade prescribed by section 201 of title 37 is  
6 O-6 or below)—

7 (i) nominated by the President for a  
8 position the appointment to which requires  
9 the advice and consent of the Senate; or

10 (ii) whom the President-elect has pub-  
11 licly announced an intent to nominate to  
12 such a position; and

13 (B) any individual occupying—

14 (i) a position described under sections  
15 5312 through 5316 of title 5, United  
16 States Code (relating to the Executive  
17 Schedule);

18 (ii) a noncareer appointment in the  
19 Senior Executive Service, as defined under  
20 section 3132(a) of such title 5;

21 (iii) a position in the executive branch  
22 of the Government of a confidential or pol-  
23 icy-determining character under schedule C  
24 of subpart C of part 213 of title 5, Code  
25 of Federal Regulations; or

1 (iv) a position in the Executive Office  
2 of the President pursuant to an appoint-  
3 ment other than a career or career-condi-  
4 tional appointment.

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

7 (a) IN GENERAL.—Except as otherwise provided in  
8 section 7342 of title 5, United States Code, it shall be  
9 unlawful for any person holding any office of profit or  
10 trust under the United States to accept from a govern-  
11 ment of a foreign country, without first obtaining the con-  
12 sent of Congress, any present, emolument, payment, of-  
13 fice, or title.

14 (b) APPLICATION.—The prohibition under paragraph  
15 (1) shall apply without regard to whether the present,  
16 emolument, payment, office, or title is—

17 (1) provided directly or indirectly by the gov-  
18 ernment of a foreign country or an instrumentality  
19 thereof; or

20 (2) provided to the person holding any office of  
21 profit or trust under the United States or to any  
22 private business interest of that person.

1 **SEC. 624. CIVIL ACTIONS BY CONGRESS CONCERNING FOR-**  
2 **EIGN EMOLUMENTS.**

3 (a) CAUSE OF ACTION.—The Senate or the House  
4 of Representatives may bring a civil action against any  
5 person for a violation of section 1303(a).

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

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

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

21 (3) It shall be the duty of the Supreme Court  
22 of the United States to advance on the docket and  
23 to expedite to the greatest possible extent the dis-  
24 position of any such action and appeal.

25 (c) REMEDY.—If the court determines that a viola-  
26 tion of section 1303(a) has occurred, the court shall issue

1 an order enjoining the course of conduct found to con-  
2 stitute the violation, and such of the following as are ap-  
3 propriate:

4 (1) The disgorgement of the value of any  
5 present or emolument from the government of a for-  
6 eign country.

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

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

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

16 (5) Such other relief as the court determines  
17 appropriate.

18 (d) USE OF GOVERNMENT FUNDS PROHIBITED.—No  
19 appropriated funds, funds provided from any accounts in  
20 the United States Treasury, funds derived from the collec-  
21 tion of fees, or any other Government funds shall be used  
22 to pay any disgorgement imposed by the court pursuant  
23 to this section.

1 **SEC. 625. PROHIBITING SENIOR FEDERAL OFFICIALS FROM**  
2 **ACCEPTING FOREIGN PAYMENTS.**

3 (a) IN GENERAL.—Subchapter IV of chapter 73 of  
4 title 5, United States Code, is amended by adding after  
5 section 7342 the following:

6 **“§ 7343. Prohibiting senior Federal officials from ac-**  
7 **cepting foreign payments**

8 “(a) PROHIBITION.—

9 “(1) IN GENERAL.—It shall be unlawful for any  
10 senior Federal official to receive, accept, or retain a  
11 foreign payment, including through a business entity  
12 controlled by a senior Federal official, without first  
13 obtaining the consent of Congress pursuant to this  
14 section and section 7344.

15 “(2) TWO-YEAR POST EMPLOYMENT.—During  
16 the 2-year period beginning on the date that an indi-  
17 vidual leaves the position of a senior Federal official,  
18 it shall be unlawful for such individual to receive, ac-  
19 cept, or retain a foreign payment, including through  
20 a business entity controlled by a senior Federal offi-  
21 cial, without first obtaining the consent of Congress  
22 pursuant to this section and section 7344. Such in-  
23 dividual shall make the requisite disclosures required  
24 under subsection (b) of this section.

25 “(3) CANDIDATE REPORTS.—An individual  
26 other than an incumbent President or Vice President

1 who becomes a candidate (as defined in section 301  
2 of the Federal Election Campaign Act of 1971 (52  
3 U.S.C. 30101)) for the office of President or Vice  
4 President shall submit a report to Congress at the  
5 end of each 30-day period such individual is such a  
6 candidate listing any foreign payments such indi-  
7 vidual received during such period.

8 “(b) DISCLOSURE.—

9 “(1) NOTICE.—Any senior Federal official that  
10 wishes to receive, accept, or retain a foreign pay-  
11 ment shall submit (in writing) notice to the Director  
12 prior to receiving, accepting, or retaining any foreign  
13 payment. Such request shall include, at a min-  
14 imum—

15 “(A) the name of, and position occupied  
16 by, the senior Federal official;

17 “(B) details regarding the foreign payment  
18 the senior Federal official wishes to receive, ac-  
19 cept, and retain, including the foreign govern-  
20 ment that would provide the foreign payment,  
21 the type of payment and the financial instru-  
22 ment to be used to provide the payment, the  
23 value of the foreign payment, and whether the  
24 foreign payment would be provided through a  
25 business entity, and, if so, the business entity

1 and the specific transaction through which it  
2 would be provided; and

3 “(C) a statement confirming that the sen-  
4 ior Federal official has not requested or other-  
5 wise encouraged the tender of the foreign pay-  
6 ment.

7 “(2) NOTIFICATION TO CONGRESS.—Not later  
8 than 10 days after receiving notice under paragraph  
9 (1), the Director shall submit such notice to Con-  
10 gress.

11 “(3) MEMBERS OF CONGRESS.—For purposes  
12 of carrying out this subsection with respect to Mem-  
13 bers of Congress—

14 “(A) with respect to any such Member who  
15 is a Senator, the term ‘the Select Committee on  
16 Ethics of the Senate’ shall be substituted for  
17 ‘Director’; and

18 “(B) with respect to any such Member who  
19 is a Member of the House of Representatives,  
20 the term ‘Committee on Ethics of the House of  
21 Representatives’ shall be substituted for ‘Direc-  
22 tor’.

23 “(c) DEFINITIONS.—For purposes of this section and  
24 sections 7344 and 7345—

25 “(1) the term ‘business entity’—

1           “(A) means a for-profit corporation, asso-  
2           ciation, partnership, limited liability company,  
3           limited liability partnership, other legal entity,  
4           or sole proprietorship in which a senior Federal  
5           official has an ownership stake; and

6           “(B) does not include an entity in which  
7           more than 100 people have an ownership stake  
8           and the senior Federal official holds no more  
9           than 5 percent in a beneficial ownership stake  
10          and that—

11           “(i) issues securities registered with  
12           the Securities and Exchange Commission  
13           pursuant to section 12 of the Securities  
14           Exchange Act of 1934 (15 U.S.C. 78l);

15           “(ii) is an investment company reg-  
16           istered pursuant to section 8 of the Invest-  
17           ment Company Act of 1940 (15 U.S.C.  
18           80a-8) that does not have a stated policy  
19           of concentrating the investments of the in-  
20           vestment company in any industry, busi-  
21           ness, single country other than the United  
22           States, or bonds of a single State within  
23           the United States; or

24           “(iii) is a unit investment trust, as de-  
25           fined in section 4 of the Investment Com-

1                   pany Act of 1940 (15 U.S.C. 80a-4)  
2                   that—

3                               “(I) is a regulated investment  
4                               company, as defined in section 851 of  
5                               the Internal Revenue Code of 1986;  
6                               and

7                               “(II) does not have a stated pol-  
8                               icy of concentrating the investments  
9                               of the investment company in any in-  
10                              dustry, business, single country other  
11                              than the United States, or bonds of a  
12                              single State within the United States;

13                   “(2) the term ‘Director’ means the Director of  
14                   the Office of Government Ethics;

15                   “(3) the term ‘foreign payment’—

16                               “(A) means any direct or indirect payment  
17                               in any form, including any tangible item, aris-  
18                               ing from commercial transactions of any kind,  
19                               including any payment involving a business en-  
20                               tity, whether or not at fair market value from—

21                               “(i) any foreign government (as that  
22                               term is defined in section 7342(a));

23                               “(ii) any corporate enterprise engaged  
24                               in commercial endeavors owned 50 percent

1 or more or controlled by a foreign govern-  
2 ment; or

3 “(iii) any member of the family of a  
4 sovereign in a monarchical government;  
5 and

6 “(B) does not include any gift or decora-  
7 tion covered under section 7342; and

8 “(4) the term ‘senior Federal official’ means—

9 “(A) the President and the Vice President;

10 “(B) a Member of Congress (as that term  
11 is defined in section 2106);

12 “(C) the head of any Executive depart-  
13 ment;

14 “(D) any individual employed on the staff  
15 of the President in a position with the title of  
16 Assistant to the President, Deputy Assistant to  
17 the President, Special Assistant to the Presi-  
18 dent, Advisor to the President, or Counselor to  
19 the President; and

20 “(E) any other senior United States Gov-  
21 ernment employee designated by the Director.

22 **“§ 7344. Congressional review of request to receive,  
23 accept, and retain foreign payment**

24 “(a) IN GENERAL.—A senior Federal official may not  
25 receive, accept, or retain a foreign payment unless Con-

1 gress has, prior to such receipt, acceptance, or retention,  
2 consented through enactment of a concurrent resolution  
3 of approval as provided under this section.

4 “(b) REVIEW.—

5 “(1) IN GENERAL.—In this section, the term  
6 ‘concurrent resolution’ means only a concurrent res-  
7 olution—

8 “(A) introduced during the period begin-  
9 ning on the date Congress receives notice from  
10 the Director under section 7343(b)(2) and end-  
11 ing on the date that is 90 days thereafter; and

12 “(B) consisting only of the following text  
13 in the matter following the resolving clause:  
14 ‘That Congress hereby consents to the accept-  
15 ance by \_\_\_\_\_ of the foreign payment  
16 described as follows: \_\_\_\_\_.’, with the  
17 first blank space filled in with the name of the  
18 senior Federal official and the second blank  
19 space filled in with a detailed description of the  
20 foreign payment.

21 “(2) COMMITTEE CONSIDERATION.—A concur-  
22 rent resolution under this section shall be referred to  
23 the appropriate committee of the House of Rep-  
24 resentatives and the Senate. One such concurrent  
25 resolution shall be reported out by such committee

1 together with its recommendations within fifteen leg-  
2 islative days after the day on which such resolution  
3 is referred to such committee, unless such House  
4 shall otherwise determine by the yeas and nays.

5 “(3) CONSIDERATION.—Any concurrent resolu-  
6 tion so reported shall become the pending business  
7 of the House in question (in the case of the Senate  
8 the time for debate shall be equally divided between  
9 the proponents and the opponents) and shall be  
10 voted on within three legislative days after the day  
11 on which such resolution is reported, unless such  
12 House shall otherwise determine by yeas and nays.

13 “(4) COORDINATION.—Such a concurrent reso-  
14 lution passed by one House shall be referred to the  
15 appropriate committee of the other House and shall  
16 be reported out by such committee together with its  
17 recommendations within fifteen legislative days after  
18 the day on which such resolution is referred to such  
19 committee and shall thereupon become the pending  
20 business of such House and shall be voted upon  
21 within three legislative days after the day on which  
22 such resolution is reported, unless such House shall  
23 otherwise determine by yeas and nays.

24 “(5) CONFERENCE.—In the case of any dis-  
25 agreement between the two Houses of Congress with

1       respect to a joint resolution passed by both Houses,  
2       conferees shall be promptly appointed and the com-  
3       mittee of conference shall make and file a report  
4       with respect to such joint resolution within six legis-  
5       lative days after the day on which managers on the  
6       part of the Senate and the House have been ap-  
7       pointed. Notwithstanding any rule in either House  
8       concerning the printing of conference reports or con-  
9       cerning any delay in the consideration of such re-  
10      ports, such report shall be acted on by both Houses  
11      not later than six legislative days after the con-  
12      ference report is filed in the House in which such re-  
13      port is filed first. In the event the conferees are un-  
14      able to agree within forty-eight hours, they shall re-  
15      port back to their respective Houses in disagree-  
16      ment.

17      “(c) EXERCISE OF RULEMAKING POWERS.—This  
18      section is enacted by the Congress—

19             “(1) as an exercise of the rulemaking power of  
20      the House of Representatives and the Senate, re-  
21      spectively, and as such they shall be considered as  
22      part of the rules of each House, respectively, or of  
23      that House to which they specifically apply, and  
24      such rules shall supersede other rules only to the ex-  
25      tent that they are inconsistent therewith; and

1           “(2) with full recognition of the constitutional  
2           right of either House to change such rules (so far  
3           as relating to such House) at any time, in the same  
4           manner, and to the same extent as in the case of  
5           any other rule of such House.

6   **“§ 7345. Penalties**

7           “(a) CIVIL ACTION BY THE ATTORNEY GENERAL.—  
8           The Attorney General may bring a civil action against a  
9           senior Federal official in an appropriate United States dis-  
10          trict court for a violation of section 7343 or 7344 for—

11           “(1) a civil monetary penalty in an amount not  
12          to exceed \$5,000 more than the retail value of the  
13          foreign payment; and

14           “(2) such injunctive relief as may be appro-  
15          priate.

16          “(b) CRIMINAL PENALTY.—Whoever, being a senior  
17          Federal official, knowingly violates section 7343 or 7344  
18          shall be imprisoned for not more than one year, fined in  
19          the amount of \$50,000 or the total value of the foreign  
20          payments accepted, whichever is greater, or both.

21          “(c) FORFEITURE.—Any payment received, accepted,  
22          or retained in violation of section 7343 or 7344 shall be  
23          seized and forfeited to the United States in accordance  
24          with chapter 46 of title 18.

1           “(d) ACTIONS BY PRIVATE PERSONS.—A person may  
2 bring a civil action for a violation of section 7343 or 7344  
3 for the person and for the United States Government in  
4 the same manner as an action under section 3730(b) of  
5 title 31, except that—

6           “(1) any extension of time under section  
7 3730(b)(3) of title 31 shall not exceed 120 days;

8           “(2) section 3730(e)(2) of title 31 shall not  
9 apply; and

10           “(3) section 3730(e)(4) of title 31 shall not  
11 apply with regard to a civil action brought against  
12 the President, the Vice President, or the Attorney  
13 General.

14           “(e) SAFE HARBOR.—The penalties under this sec-  
15 tion shall not apply with respect to a foreign payment  
16 made to a senior Federal official if the official—

17           “(1) did not solicit the payment; and

18           “(2) not later than 72 hours after becoming  
19 aware of the receipt of such a payment, and in no  
20 case later than 90 days after its receipt—

21           “(A) notifies the Director (or, in the case  
22 of a Member of Congress, the Select Committee  
23 on Ethics of the Senate or the Committee on  
24 Ethics of the House of Representatives, as the  
25 case may be) of the payment; and

1           “(B) returns the payment in full to the en-  
2           tity that made the payment or remits such pay-  
3           ment to the Treasury.”.

4           (b) DESIGNATION BY OGE.—Not later than 90 days  
5 after the date of the enactment of this Act, the Director  
6 of the Office of Government Ethics shall publish, on the  
7 Office’s public website, an initial list of any individual des-  
8 ignated by the Director under section 7343(c)(4)(E) of  
9 title 5, United States Code (as added by subsection (a)  
10 of this Act). The Director shall update such list as appro-  
11 priate.

12           (c) CLERICAL.—The table of sections for subchapter  
13 IV of chapter 73 of title 5, United States Code, is amend-  
14 ed by adding after the item relating to section 7342 the  
15 following:

“7343. Prohibiting senior Federal officials from accepting foreign payments.

“7344. Congressional review of foreign payments.

“7345. Penalties.”.

16 **SEC. 626. DISCLOSURES CONCERNING FOREIGN AND DO-**  
17 **MESTIC EMOLUMENTS.**

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

21           “(9) FOREIGN EMOLUMENTS.—Any present,  
22           emolument, office, or title received from a govern-  
23           ment of a foreign country (as defined in section 1(e)  
24           of the Foreign Agents Registration Act of 1938, as

1 amended (22 U.S.C. 611(e)), including the source,  
2 date, type, and amount or value of each present or  
3 emolument accepted on or before the date of filing  
4 during the preceding calendar year.

5 “(10) BUSINESS INTERESTS RECEIVING FOR-  
6 EIGN EMOLUMENTS.—Each business interest that is  
7 reasonably expected to result in the receipt of any  
8 present or emolument from a government of a for-  
9 eign country (as defined in section 1(e) of the For-  
10 eign Agents Registration Act of 1938, as amended  
11 (22 U.S.C. 611(e))) during the current calendar  
12 year.

13 “(11) EMOLUMENTS FROM THE UNITED  
14 STATES.—In the case of the President, any emolu-  
15 ment received from the United States, or a State,  
16 other than the compensation for services of the  
17 President as President provided for by Federal law,  
18 including the source, date, type, and amount or  
19 value of each emolument accepted on or before the  
20 date of filing during the preceding calendar year.

21 “(12) BUSINESS INTERESTS RECEIVING EMOLU-  
22 MENTS FROM THE UNITED STATES.—Each business  
23 interest that is reasonably expected to result in the  
24 receipt of any emolument from the United States or  
25 a State during the current calendar year.”.

1 (b) REPORTING REQUIREMENTS RELATING TO  
2 SPOUSES AND DEPENDENT CHILDREN.—Section  
3 13104(e)(1) of title 5, United States Code, is amended—

4 (1) in the matter preceding subparagraph (A),  
5 by inserting “and paragraphs (9) through (15)”  
6 after “(5)”; and

7 (2) by inserting after subparagraph (F) the fol-  
8 lowing:

9 “(G) FOREIGN EMOLUMENTS.—In the case  
10 of items described in paragraphs (9) and (10)  
11 of subsection (a), all information required to be  
12 reported under those paragraphs.

13 “(H) EMOLUMENTS FROM UNITED  
14 STATES.—In the case of—

15 “(i) items described in paragraph  
16 (11)(A) of subsection (a), any such items  
17 received by spouse or dependent child of  
18 the President other than items related to  
19 the services of the President as President  
20 provided for by Federal law; and

21 “(ii) items described in paragraph  
22 (11)(B) of subsection (a), all information  
23 required to be reported under that para-  
24 graph.”.

1           (c) **RULE OF CONSTRUCTION.**—Nothing in the  
2 amendments made by this section shall be construed to  
3 affect the prohibition against the acceptance of presents  
4 and emoluments under section 1303.

5 **SEC. 627. ENFORCEMENT AUTHORITY FOR OFFICE OF GOV-**  
6 **ERNMENT ETHICS AND FINANCIAL DISCLO-**  
7 **SURES.**

8           (a) **ENFORCEMENT.**—

9                 (1) **IN GENERAL.**—Section 13122(a) of title 5,  
10 United States Code, is amended—

11                     (A) by striking “The Director” and insert-  
12 ing “(1) **IN GENERAL.**—The Director”; and

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

14                     “(2) **FOREIGN PAYMENTS.**—

15                         “(A) **IN GENERAL.**—The Director shall  
16 provide overall direction of executive branch  
17 policies related to compliance with sections  
18 7343 through 7345, and shall have authority  
19 to—

20                             “(i) order individuals to take correc-  
21 tive action; and

22                             “(ii) pursuant to section 7345, require  
23 disgorgement and divestiture of any for-  
24 eign payment received, accepted, or re-  
25 tained by a senior Federal official without

1           the consent of Congress to ensure compli-  
2           ance by a senior Federal official with para-  
3           graphs (16) and (17) of subsection (b) and  
4           (17), and with paragraphs (9) through  
5           (15) of section 13104(a).

6           “(B) DEFINITIONS.—In this paragraph  
7           and for purposes of subsection (b)(16), the  
8           terms ‘foreign payment’ and ‘senior Federal of-  
9           ficial’ have the meaning given those terms in  
10          section 7343(e).

11          “(3) OVERALL DIRECTION.—The Director  
12          shall—

13                 “(A) provide overall direction of executive  
14                 branch policies related to compliance with sec-  
15                 tion 1303 and 1304 of the Foreign and Domes-  
16                 tic Emoluments Enforcement Act and with  
17                 paragraphs (9) through (15) of section  
18                 13104(a); and

19                 “(B) shall have the authority, with respect  
20                 to section 1303 and 1304 of the Foreign and  
21                 Domestic Emoluments Enforcement Act and  
22                 with paragraphs (9) through (15) of section  
23                 13104(a), to—

24                         “(i) issue administrative fines to indi-  
25                         viduals for violations;

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

5                   “(iii) bring civil actions to enforce  
6                   such fines and orders.”.

7                   (2) SPECIFIC AUTHORITY.—Section 13122(b) of  
8                   title 5, United States Code, is amended—

9                   (A) in paragraph (14), by striking “and”  
10                  at the end;

11                  (B) in paragraph (15), by striking the pe-  
12                  riod at the end and inserting a semicolon; and

13                  (C) by adding after paragraph (15) the fol-  
14                  lowing:

15                  “(16) developing and promulgating rules and  
16                  regulations to ensure compliance with the require-  
17                  ments of sections 7343 through 7345, including es-  
18                  tablishing—

19                         “(A) a process for making required reports  
20                         and notifications to Congress;

21                         “(B) a process for ensuring the surrender  
22                         or requiring the disgorgement and divestiture of  
23                         a foreign payment when Congress does not con-  
24                         sent to retention of the foreign payment;

1           “(C) a process for notifying Congress of  
2 non-compliance with the requirements of section  
3 7343 and 7344 or with any disapproval of re-  
4 tention of any foreign payment by a senior Fed-  
5 eral official; and

6           “(D) such other matters as are necessary  
7 to ensure compliance with the requirements of  
8 section 7343 and 7344; and

9           “(17) developing and promulgating rules and  
10 regulations to ensure compliance with section 1303  
11 and 1304 of the Foreign and Domestic Emoluments  
12 Enforcement Act and with paragraphs (9) through  
13 (15) of section 13104(a), including establishing—

14           “(A) requirements for reporting and disclo-  
15 sure;

16           “(B) a schedule of administrative fines  
17 that may be imposed by the Director for viola-  
18 tions; and

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

22       (b) DISCLOSURES.—Section 13104(a) of title 5,  
23 United States Code, as amended by this Act, is further  
24 amended by adding at the end the following:

1           “(13) FOREIGN PAYMENTS.—Any foreign pay-  
2           ment received by a senior Federal official on or be-  
3           fore the date of filing during the preceding calendar  
4           year, including the source, date, type, amount or  
5           value, date of surrender, or the date of adoption by  
6           Congress of a concurrent resolution approving the  
7           retention of the foreign payment under section 7344.  
8           In this paragraph, the terms ‘foreign payment’ and  
9           ‘senior Federal official’ have the meaning given  
10          those terms in section 7343(c).

11          “(14) PAYMENTS TO BUSINESS INTEREST.—  
12          Each business interest of a senior Federal official  
13          that is reasonably expected to result in the receipt  
14          of any foreign payment during the current calendar  
15          year. In this paragraph, the terms ‘foreign payment’  
16          and ‘senior Federal official’ have the meaning given  
17          those terms in section 7343(c).”.

18 **SEC. 628. JURISDICTION OF THE OFFICE OF SPECIAL**  
19 **COUNSEL.**

20          Section 1216 of title 5, United States Code, is  
21 amended—

22               (1) in subsection (a)—

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

1 (B) in paragraph (5) by striking the period  
2 and inserting “; and”; and

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

4 “(6) any violation of—

5 “(A) section 1303 of the Foreign and Do-  
6 mestic Emoluments Enforcement Act;

7 “(B) paragraphs (9) through (15) of sec-  
8 tion 13104(a); or

9 “(C) subparagraph (G) and (H) of section  
10 13104(e)(1).”; and

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

12 “(d) If the Director of the Office of Government Eth-  
13 ics refers a matter for investigation pursuant to section  
14 13122, or if the Special Counsel receives a credible com-  
15 plaint of a violation described in subsection (a)(6) of this  
16 section, the Special Counsel shall complete an investiga-  
17 tion not later than 120 days thereafter. If the Special  
18 Counsel investigates any violation pursuant to subsection  
19 (a)(6), the Special Counsel shall, not later than 7 days  
20 after the completion of such investigation, report to the  
21 Director of the Office of Government Ethics and to Con-  
22 gress on the results of such investigation.”.

1 **SEC. 629. RULEMAKING FOR ETHICS REQUIREMENTS FOR**  
2 **LEGAL EXPENSE FUNDS.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, the Director of the Office  
5 of Government Ethics shall finalize a rule establishing eth-  
6 ics requirements for the establishment or operation of a  
7 legal expense fund for the benefit of the President, the  
8 Vice President, or any political appointee (as defined in  
9 section 1216(f)(6) of title 5, United States Code, as added  
10 by section 2621(a) of this Act), consistent with the re-  
11 quirements of subsection (b).

12 (b) LIMITATIONS ON ACCEPTANCE OF CERTAIN PAY-  
13 MENTS.—

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

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

20 (B) an agent of a foreign principal, as de-  
21 fined in section 1 of the Foreign Agents Reg-  
22 istration Act of 1938, as amended (22 U.S.C.  
23 611).

24 (2) APPROPRIATE REMEDIAL ACTION.—In the  
25 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), who made, or attempted to make, the  
9 contribution or other payment.

10 **SEC. 630. LIMITATIONS AND DISCLOSURE OF CERTAIN DO-**  
11 **NATIONS TO, AND DISBURSEMENTS BY, INAUG-**  
12 **URAL COMMITTEES.**

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

17 **“SEC. 325. INAUGURAL COMMITTEES.**

18 “(a) PROHIBITED DONATIONS.—

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

20 “(A) an Inaugural Committee—

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

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

1 “(B) a person—

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

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

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

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

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

22 “(A) to fulfill a commitment, obligation, or  
23 expense of a person that would exist irrespec-  
24 tive of the responsibilities of the Inaugural  
25 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) CONFIRMING 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 2029 and any succeeding  
14 year.

15 **SEC. 631. PROHIBITION ON PAYMENTS TO THE PRESIDENT**  
16 **OF FEDERAL OR STATE GOVERNMENT**  
17 **FUNDS.**

18 Section 102 of title 3, United States Code, is amend-  
19 ed—

20 (1) by striking “The President” and inserting  
21 “(a) IN GENERAL.—The President”; and

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

23 “(b) LIMITATIONS.—

24 “(1) IN GENERAL.—Except for the amounts  
25 provided by subsection (a), and except as provided in

1 paragraph (2) of this subsection and section 1314 of  
2 the Foreign and Domestic Emoluments Enforcement  
3 Act—

4 “(A) the President may not accept any  
5 payment, including any payment to any Presi-  
6 dentially-owned entity, from any Federal or  
7 State funds; and

8 “(B) no individual may cause an agency,  
9 department, or other instrumentality of the  
10 Federal Government to make such a payment.

11 “(2) APPLICATION.—Except for payments made  
12 to the President or a Presidentially-owned entity,  
13 nothing in this subsection shall be construed to limit  
14 the total amount of funds a Government entity may  
15 obligate or expend to assist in defraying expenses re-  
16 lating to or resulting from the discharge of the  
17 President’s official duties, including expenses for the  
18 security necessary for the President to discharge  
19 such duties, consistent with applicable levels of ap-  
20 propriations made available for such expenses and  
21 the requirements of the Foreign and Domestic  
22 Emoluments Enforcement Act.

23 “(3) UNOFFICIAL ACT.—The acceptance by the  
24 President of a payment prohibited by this subsection  
25 is not an official act.

1           “(4) DISGORGEMENT.—

2           “(A) NOTICE.—

3           “(i) FEDERAL AGENCIES.—Not later  
4 than 30 days after the date on which a  
5 Federal agency, department, or other in-  
6 strumentality of the Government makes a  
7 payment that is prohibited under para-  
8 graph (1), the head of such Federal agen-  
9 cy, department, or other instrumentality  
10 shall submit a notice of such payment to  
11 the President, the Committee on Oversight  
12 and Accountability of the House of Rep-  
13 resentatives, and the Committee on Home-  
14 land Security and Governmental Affairs of  
15 the Senate.

16           “(ii) THE PRESIDENT.—

17           “(I) IN GENERAL.—Not later  
18 than the earlier of 30 days after the  
19 date on which the President learns of  
20 the receipt of a payment prohibited  
21 under paragraph (1) or seven days  
22 after receiving notice under clause (i),  
23 the President shall submit a notice of  
24 such payment to the Committee on  
25 Oversight and Accountability of the

1 House of Representatives and the  
2 Committee on Homeland Security and  
3 Governmental Affairs of the Senate.

4 “(II) CONTENTS.—A notice sub-  
5 mitted under subclause (I) with re-  
6 spect to a payment prohibited under  
7 paragraph (1) shall include—

8 “(aa) the date on which the  
9 President received such payment  
10 and the value of such payment;

11 “(bb) the source of such  
12 payment; and

13 “(cc) if the President re-  
14 ceived the payment through a  
15 Presidentially-owned entity, the  
16 name of each Presidentially-  
17 owned entity through which the  
18 President received such payment.

19 “(B) RETURN OF PROHIBITED STATE AND  
20 FEDERAL PAYMENTS.—Not later than 60 days  
21 after the date on which the President learns of  
22 the receipt of a payment prohibited under para-  
23 graph (1), the President shall—

24 “(i) in the case of a payment from a  
25 State government or subdivision thereof

1 that is prohibited under paragraph (1), re-  
2 turn such payment to the State or subdivi-  
3 sion; and

4 “(ii) in the case of a payment from  
5 the Federal Government that is prohibited  
6 under such paragraph, transfer or return  
7 such payment to the Treasury.

8 “(C) CERTIFICATION OF RETURN.—

9 “(i) IN GENERAL.—Not later than 30  
10 days after the date on which the President  
11 makes a return payment to the Treasury  
12 under subparagraph (B), the President  
13 and the Secretary of the Treasury shall  
14 each submit to the Committee on Over-  
15 sight and Accountability of the House of  
16 Representatives and the Committee on  
17 Homeland Security and Governmental Af-  
18 fairs of the Senate a sworn certification of  
19 such return payment to the Treasury.

20 “(ii) CONTENTS.—A certification sub-  
21 mitted under clause (i) for a return pay-  
22 ment with respect to a payment prohibited  
23 under paragraph (1) shall include—

24 “(I) the date on which the Presi-  
25 dent received such prohibited payment

1 and the value of such prohibited pay-  
2 ment;

3 “(II) the source of such prohib-  
4 ited payment;

5 “(III) the date on which the  
6 President made such return payment;

7 “(IV) the value of such return  
8 payment;

9 “(V) each source of such return  
10 payment; and

11 “(VI) if the President received  
12 such prohibited payment through a  
13 Presidentially-owned entity, the name  
14 of each Presidentially-owned entity  
15 through which the President received  
16 such prohibited payment.

17 “(5) DEFINITIONS.—In this subsection—

18 “(A) the terms ‘Presidentially-owned enti-  
19 ty’ and ‘payment’ have the meaning given those  
20 terms in section 1302 of the Foreign and Do-  
21 mestic Emoluments Enforcement Act; and

22 “(B) the term ‘return payment’ means a  
23 payment constituting the transfer or return a  
24 payment prohibited under paragraph (1).”.

1 **SEC. 632. PROHIBITION ON PAYMENTS TO THE PRESIDENT**  
2 **FROM INDIVIDUALS RECEIVING GOVERN-**  
3 **MENT POSITIONS OR GRANTS OF CLEMENCY**  
4 **FROM THE PRESIDENT.**

5 (a) PROHIBITION ON PAYMENTS.—

6 (1) PAYMENTS MADE.—

7 (A) COVERED OFFICIALS.—A covered offi-  
8 cial may not knowingly make or cause to be  
9 made a payment to the President, including any  
10 payment to a Presidentially-owned entity.

11 (B) INDIVIDUALS GRANTED CLEMENCY.—

12 An individual granted clemency (including a  
13 pardon) by the President may not knowingly  
14 make or cause to be made a payment to the  
15 President, including any payment to a Presi-  
16 dentially-owned entity, during any period that  
17 the President that granted such clemency to  
18 such individual is the President.

19 (2) PAYMENTS RECEIVED.—The President may  
20 not accept any payment that is unlawful to make or  
21 cause to be made under paragraph (1).

22 (3) DE MINIMIS PAYMENTS.—Paragraphs (1)  
23 and (2) shall not apply with respect to a payment  
24 that is less than or equal to than \$50.

1           (4) UNOFFICIAL ACT.—The acceptance by the  
2           President of a payment prohibited by this section is  
3           not an official act.

4           (b) REQUIRED DISCLOSURES TO CONGRESS.—

5           (1) ADVICE AND CONSENT POSITIONS.—On the  
6           date that the President transmits to the Senate the  
7           nomination of an individual to a position the ap-  
8           pointment to which requires the advice and consent  
9           of the Senate, the President shall submit with such  
10          transmittal a report, to the applicable committee of  
11          the Senate that will consider the nomination, listing  
12          any payment made by such individual to the Presi-  
13          dent, including any payment to a Presidentially-  
14          owned entity, during the period beginning on the  
15          date on which the President became a candidate (as  
16          such term is defined in section 301 of the Federal  
17          Election Campaign Act of 1971 (52 U.S.C. 30101))  
18          for the office of the President and ending on the  
19          date of such transmittal.

20          (2) OTHER POSITIONS.—On the date any indi-  
21          vidual is appointed to a position described in section  
22          1302(7)(B), the President shall submit, to the Com-  
23          mittee on Oversight and Accountability of the House  
24          of Representatives and the Committee of Homeland  
25          Security and Governmental Affairs of the Senate, a

1 report listing any payment made by such individual  
2 to the President, including any payment to a Presi-  
3 dentially-owned entity, during the period beginning  
4 on the date on which the President became a can-  
5 didate (as such term is defined in section 301 of the  
6 Federal Election Campaign Act of 1971 (52 U.S.C.  
7 30101)) for the office of the President and ending  
8 on the date of the submission of such report.

9 (3) CLEMENCY.—On the date the President  
10 issues clemency, including a pardon, to any indi-  
11 vidual, the President shall submit, to the Committee  
12 on the Judiciary of the House of Representatives,  
13 the Committee on Oversight and Accountability of  
14 the House of Representatives, the Committee on the  
15 Judiciary of the Senate, and the Committee of  
16 Homeland Security and Governmental Affairs of the  
17 Senate, a report listing any payment made by such  
18 individual to the President, including any payment  
19 to a Presidentially-owned entity, during the period  
20 beginning on the date on which the President be-  
21 came a candidate (as such term is defined in section  
22 301 of the Federal Election Campaign Act of 1971  
23 (52 U.S.C. 30101)) for the office of the President  
24 and ending on the date of the submission of such re-  
25 port.

1 (c) RETURN OF FUNDS.—

2 (1) IN GENERAL.—Not later than 60 days after  
3 the date of the transmittal of a report under para-  
4 graph (1), (2), or (3) of subsection (b), any payment  
5 listed in any such report shall be transferred or re-  
6 turned to the general fund of the Treasury.

7 (2) REPORT.—Not later than 30 days after the  
8 date any payment has been deposited in the general  
9 fund of the Treasury pursuant to paragraph (1), the  
10 President shall submit a report, to the Committee on  
11 Oversight and Accountability of the House of Rep-  
12 resentatives and the Committee on Homeland Secu-  
13 rity and Governmental Affairs of the Senate, listing  
14 the name of the individual who made such payment  
15 or caused such payment to be made.

16 (d) FINANCIAL DISCLOSURES.—Section 13104 of  
17 title 5, United States Code, is amended—

18 (1) in subsection (a), by adding at the end the  
19 following new paragraph:

20 “(15) PAYMENTS TO PRESIDENT.—

21 “(A) IN GENERAL.—Any payment, includ-  
22 ing any payments to a Presidentially-owned en-  
23 tity, received by the President during a cal-  
24 endar year from any covered official, or from  
25 any individual granted clemency (including a

1           pardon) by the President, including the source,  
2           date, type, amount or value of the payment,  
3           and, if accepted through a Presidentially-owned  
4           entity, the name of the business through which  
5           it was accepted.

6           “(B) APPLICATION.—The disclosure re-  
7           quired under this paragraph shall only apply to  
8           reports filed pursuant to section 13103(d) and  
9           (e) by the President.

10          “(C) DEFINITIONS.—In this paragraph,  
11          terms ‘Presidentially-owned entity’, ‘covered of-  
12          ficial’, and ‘payment’ have the meaning given  
13          those terms in section 1302 of the Foreign and  
14          Domestic Emoluments Enforcement Act.”; and  
15          (2) in subsection (b)—

16                 (A) by redesignating paragraph (2) as  
17                 paragraph (3); and

18                 (B) by inserting after paragraph (1) the  
19                 following:

20                 “(2) NEW APPOINTEE PAYMENTS TO THE  
21                 PRESIDENT.—

22                 “(A) NEW APPOINTEES.—With respect to  
23                 any report filed under paragraph (1) pursuant  
24                 to subsections (a) or (b) of section 13103 by an  
25                 individual nominated or appointed (as the case

1           may be) by the President to be a covered offi-  
2           cial, such report shall include—

3                   “(i) any payment made by the indi-  
4                   vidual to the President, including a pay-  
5                   ment to a Presidentially-owned entity, dur-  
6                   ing the period beginning on the date on  
7                   which the President became a candidate  
8                   (as such term is defined in section 301 of  
9                   the Federal Election Campaign Act of  
10                  1971 (52 U.S.C. 30101)) for the office of  
11                  the President before being elected as Presi-  
12                  dent and ending on the date on which such  
13                  individual files such report;

14                  “(ii) the date of nomination or ap-  
15                  pointment;

16                  “(iii) the date, type, and amount or  
17                  value of the payment; and

18                  “(iv) for any payment made to a  
19                  Presidentially-owned entity, the name of  
20                  the entity to which the payment was made.

21                  “(B) DEFINITIONS.—In this paragraph,  
22                  terms ‘covered official’, ‘Presidentially-owned  
23                  entity’, and ‘payment’ have the meaning given  
24                  those terms in section 1302 of the Foreign and  
25                  Domestic Emoluments Enforcement Act.”.

1 **SEC. 633. PENALTIES.**

2 (a) ATTORNEY GENERAL.—The Attorney General  
3 may bring a civil action against any person in an appro-  
4 priate United States district court for receiving, accepting,  
5 making, or causing to be made a payment in violation of  
6 section 1313(a) or section 102(b) of title 3, United States  
7 Code, as added by section 1312 of this Act, for—

8 (1) a civil monetary penalty in an amount not  
9 to exceed \$5,000 more than the value of such pay-  
10 ment; and

11 (2) such injunctive relief as may be appropriate.

12 (b) PRIVATE ACTION.—A person may bring a civil  
13 action for a violation of subsections (a) and (c) of section  
14 1313 or section 102(b) of title 3, United States Code, as  
15 added by section 1312 of this Act, for the person and for  
16 the United States Government in the same manner as an  
17 action under subsection (b) of section 3730 of title 31,  
18 United States Code, except that—

19 (1) any extension of time under paragraph (3)  
20 of such subsection shall not exceed 120 days; and

21 (2) subsection (e) of such section, other than  
22 paragraph (3) of such subsection, shall not apply.

23 (c) STATUTE OF LIMITATION TOLLED.—Any statute  
24 of limitations applicable to an action for a payment in vio-  
25 lation of section 1313(a) or section 102(b) of title 3,

1 United States Code, as added by section 1312 of this Act,  
2 shall be tolled for each period of time during which—

3 (1) in the case of a payment to an individual  
4 holding the office of President, such individual holds  
5 the office of President; or

6 (2) in the case of a payment to a Presidentially-  
7 owned entity, the individual holding the office of  
8 President at the time of such payment holds the of-  
9 fice of the President.

10 **SEC. 634. EXCEPTIONS.**

11 This subtitle, and the provisions of section 510 of  
12 title 36, United States Code, section 325 of the Federal  
13 Election Campaign Act of 1971, and section 7343 of title  
14 5, United States Code, do not apply in the case of the  
15 following:

16 (1) Payment of compensation of the President  
17 under section 102 of title 3, United States Code.

18 (2) Any other payment derived from Federal or  
19 State funds, or from any covered official, that is re-  
20 quired under Federal or State law, including Gov-  
21 ernment contributions for health care, pension pay-  
22 ments, or any other authorized benefit.

23 (3) Any payment from the Federal Government  
24 or a State to the President or a Presidentially-owned  
25 entity under a program that is available to the pub-

1       lic and which is made without regard to the owner-  
2       ship of such entity by an individual holding the of-  
3       fice of the President.

4   **SEC. 635. SEVERABILITY.**

5       If any provision of this subtitle or amendment made  
6   by this subtitle, or the application of a provision or amend-  
7   ment to any person or circumstance, is held to be uncon-  
8   stitutional, the remainder of this subtitle and amendments  
9   made by this subtitle, and the application of the provisions  
10  and amendment to any person or circumstance, shall not  
11  be affected by the holding.

12   **Subtitle D—Investigative Integrity**  
13                                   **Protection**

14   **SEC. 641. SHORT TITLE.**

15       This subtitle may be cited as the “Investigative Integ-  
16  rity Protection Act”.

17   **SEC. 642. PRESIDENTIAL OVERSIGHT OF ATTORNEY GEN-**  
18                                   **ERAL.**

19       (a) **IN GENERAL.**—Chapter 31 of title 28, United  
20  States Code, is amended by adding at the end the fol-  
21  lowing:

22   **“§ 530E. Presidential oversight of Attorney General**

23       “(a) **CERTIFICATION.**—In the case of any criminal  
24  prosecution against the President or a President-elect, ir-  
25  respective of when the prosecution was initiated, if the

1 Government seeks dismissal of such prosecution, the court  
2 shall require the Attorney General to submit a sworn  
3 statement under penalty of perjury attesting as to whether  
4 the dismissal was ordered by the President or President-  
5 elect, as applicable, or anyone acting pursuant to the di-  
6 rection of the President or President-elect, as applicable.

7 “(b) CONSIDERATIONS.—

8 “(1) IN GENERAL.—The court shall only grant  
9 dismissal under this section if the court determines  
10 such dismissal is appropriate and in the interest of  
11 justice after having duly considered—

12 “(A) the circumstances of the case;

13 “(B) the sworn statement required by sub-  
14 section (a);

15 “(C) any evidence in the record or ex  
16 curia, which shall be reflected in the order of  
17 the court, to support an inference that the deci-  
18 sion to seek dismissal of the prosecution is mo-  
19 tivated by bad faith or is a pretext to enable the  
20 President or President-elect, as applicable, to  
21 act outside of the legal and constitutional au-  
22 thority of the Presidency; and

23 “(D) any other factor the court determines  
24 is appropriate.

1           “(2) EVIDENTIARY CONSIDERATIONS.—Evi-  
2           dence considered under paragraph (1)(C) may in-  
3           clude—

4                   “(A) whether the dismissal was suggested,  
5                   encouraged, requested, or ordered by the Presi-  
6                   dent or President-elect, as applicable; or

7                   “(B) whether the Attorney General was, in  
8                   the opinion of the court, appointed in whole or  
9                   in part for the willingness of the Attorney Gen-  
10                  eral to dismiss the prosecution or any other  
11                  criminal prosecution against the President or  
12                  President-elect, as applicable.

13           “(c) THREE-JUDGE COURT.—Any action seeking dis-  
14           missal under this section shall be heard by a three-judge  
15           court convened pursuant to section 2284.

16           “(d) SANCTIONS.—If the court, in making a deter-  
17           mination under subsection (b), additionally determines  
18           that the motion to dismiss was made without good cause,  
19           the court may impose sanctions as appropriate.

20           “(e) INSPECTOR GENERAL RESPONSIBILITIES.—The  
21           Inspector General of the Department of Justice, upon hav-  
22           ing a good-faith basis to conclude that a motion to dismiss  
23           a prosecution against the President or President-elect, as  
24           applicable, was brought at the direction of the President  
25           or President-elect, as applicable, or anyone acting pursu-

1 ant to the direction of the President or President-elect,  
2 as applicable, shall immediately report such findings to  
3 Congress.

4 “(f) PRESERVATION AND SUBMISSION OF MATE-  
5 RIALS.—If a court grants a dismissal under this section,  
6 the Attorney General shall—

7 “(1) preserve any materials obtained or pre-  
8 pared by the Department of Justice until the date  
9 on which the applicable limitations period expires;  
10 and

11 “(2) submit to the Inspector General of the De-  
12 partment of Justice and to Congress the materials  
13 described in paragraph (1).”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
15 The table of sections for chapter 31 of title 28, United  
16 States Code, is amended by adding at the end the fol-  
17 lowing:

“530E. Presidential oversight of Attorney General.”.

18 **TITLE VII—CONSTITUTIONAL**  
19 **AMENDMENT TO OVERTURN**  
20 **CITIZENS UNITED**

21 **SEC. 701. CONSTITUTIONAL AMENDMENT TO OVERTURN**  
22 **CITIZENS UNITED.**

23 The following article is proposed as an amendment  
24 to the Constitution of the United States, which shall be  
25 valid to all intents and purposes as part of the Constitu-

1 tion when ratified by the legislatures of three-fourths of  
2 the several States within seven years after the date of its  
3 submission for ratification:

4 “ARTICLE—

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

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

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

21 “SECTION 4. Nothing in this article shall be con-  
22 strued to grant Congress or the States the power to  
23 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 Y—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 Z—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 AA—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 BB—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.