

119TH CONGRESS
2^D SESSION

H. R. 8991

To amend section 2101 of title 28, United States Code, to set forth factors for stays pending appeal.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2026

Mr. RASKIN introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend section 2101 of title 28, United States Code, to set forth factors for stays pending appeal.

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 “Supreme Court Hon-
5 esty and Disclosure of Orders and Writs Act” or the
6 “SHADOW Act”.

7 **SEC. 2. REQUIREMENT TO SET FORTH FACTORS FOR STAYS**
8 **PENDING APPEAL.**

9 Section 2101(f) of title 28, United States Code, is
10 amended—

1 (1) by striking “In any case” and inserting “(1)
2 In any case”; and

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

5 “(2) In determining whether to grant or deny
6 a stay under this subsection the Supreme Court or
7 a justice thereof shall—

8 “(A) require a showing of specific, con-
9 crete, and irreparable injury that is distinct
10 from and greater than any harm resulting sole-
11 ly from the operation of the stay that is being
12 challenged;

13 “(B) ensure that the determination under
14 this section does not entail findings or conclu-
15 sions on the ultimate merits of the case or the
16 likelihood of a particular party prevailing; and

17 “(C) provide that any such stay shall not
18 be accorded precedential effect except to the ex-
19 tent necessary to resolve the dispute between
20 the parties in which the stay was entered.

21 “(3)(A) The Supreme Court or justice shall set
22 forth on the record the basis for an issuance or de-
23 nial of a stay under this section, including—

1 “(i) whether, absent such relief, the
2 applicant will suffer an injury described in
3 paragraph (2)(A);

4 “(ii) whether issuance of such relief
5 will substantially injure any other party in-
6 terested in the proceeding; and

7 “(iii) whether the determination to
8 issue or deny such stay was in the public
9 interest.

10 “(B) The basis under subparagraph (A)
11 shall be published on the public docket of the
12 Supreme Court at the time of the issuance or
13 denial of such stay.

14 “(C) The requirement under subparagraph
15 (B) shall not apply if the Supreme Court or a
16 justice thereof determines that immediate ac-
17 tion is necessary to prevent imminent or irrep-
18 arable harm. If there is such a need, the basis
19 under subparagraph (A) shall be published on
20 the public docket of the Supreme Court not
21 later than 7 days after the issuance or denial
22 of such stay.

23 “(4) For purposes of this subsection, a ‘stay’
24 includes any order of the Supreme Court or a justice
25 thereof granting or denying relief to suspend, mod-

1 ify, or preserve the effect of a lower court’s order
2 granting or denying injunctive relief.”.

3 **SEC. 3. CONFORMING AMENDMENT TO THE ALL WRITS**
4 **ACT.**

5 Section 1651 of title 28, United States Code, is
6 amended by adding at the end the following new sub-
7 section:

8 “(c)(1) The Supreme Court or a justice thereof may
9 only issue a writ enjoining any party from the conduct
10 specified in the writ, if the Court or a justice thereof deter-
11 mines that enjoining such conduct is necessary as a result
12 of a critical and exigent circumstance to protect an indis-
13 putably clear legal right that is at issue in the case.

14 “(2)(A) The Supreme Court or a justice thereof shall
15 set forth on the record the reasons for the determination
16 made under paragraph (1) including identifying, if appli-
17 cable, the legal right at issue in the case and why it is
18 indisputably clear, the motion for a writ.

19 “(B) The reasons under subparagraph (A) shall be
20 published on the public docket of the Supreme Court at
21 the time at which the motion for the writ is granted or
22 denied.

23 “(C) The requirement under subparagraph (B) shall
24 not apply if the Supreme Court or a justice thereof deter-
25 mines that immediate action is necessary to prevent immi-

1 nent or irreparable harm. If there is such a need, the basis
2 under subparagraph (A) shall be published on the public
3 docket of the Supreme Court not later than 7 days after
4 the writ is granted or denied.”.

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