

119TH CONGRESS
2D SESSION

H. R. 9222

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2026

Mr. LANDSMAN (for himself and Mr. RILEY of New York) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Government Reform, House Administration, Ways and Means, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To ban stock trading and prediction market participation for the President, Vice President, and Members of Congress, suspend pay for Members of Congress during shutdowns, establish term limits for Congress, establish term limits and ethics rules for the Supreme Court, reform the presidential pardon power, revoke the statute of limitations for the President and Vice President, strengthen

the foreign and domestic emoluments clauses, overturn Citizens United, ban dark money, corporate PACs, and partisan gerrymandering, end voter suppression, and restrict government pensions for felony convictions and lawsuits by the President, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drain the Swamp
 5 Act”.

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

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

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—RESTORE TRUST IN GOVERNMENT ACT

Sec. 101. Short title.

Sec. 102. Restrictions on trade and ownership of covered investments.

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

Sec. 201. Short title.

Sec. 202. Requiring reduction of pay of Members of Congress if public debt
limit is reached.

Sec. 203. Requiring reduction of pay of Members of Congress if Government
shutdown occurs.

Sec. 204. Role of Secretary of the Treasury.

Sec. 205. Definitions.

TITLE III—SUPREME COURT DURATION OF ACTIVE SERVICE

Sec. 301. Short title.

Sec. 302. Supreme Court terms of office.

Sec. 303. Senior justices.

**TITLE IV—CONSTITUTIONAL AMENDMENT FOR CONGRESSIONAL
TERM LIMITS**

Sec. 401. Constitutional amendment for congressional term limits.

TITLE V—SUPREME COURT ETHICS REQUIREMENTS

Sec. 501. Short title.

- Sec. 502. Establishment of the Office of Ethics Counsel within the Supreme Court of the United States.
- Sec. 503. Establishment of the Office of Investigative Counsel within the Supreme Court of the United States.
- Sec. 504. Severability.

TITLE VI—PREVENTING ABUSES OF PRESIDENTIAL POWER

- Sec. 600. Short title.

Subtitle A—Abuse of the Pardon Power Prevention

- Sec. 601. Short title.
- Sec. 602. Congressional oversight relating to certain pardons.
- Sec. 603. Bribery in connection with pardons and commutations.
- Sec. 604. Prohibition on presidential self-pardon.

Subtitle B—Ensuring No President Is Above the Law

- Sec. 611. Short title.
- Sec. 612. Tolling of statute of limitations.
- 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 XI—JOHN R. LEWIS VOTING RIGHTS ADVANCEMENT ACT

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

TITLE XII—RESTRICTIONS ON GOVERNMENT PENSIONS FOR FELONY CONVICTIONS

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

TITLE XIII—RESTRICTION ON LAWSUITS BY PRESIDENT

Sec. 1301. Exceptions to Federal Tort Claims Act.

TITLE XIV—PROHIBITION ON PREDICTION MARKET PARTICIPATION

Sec. 1401. Short title.

Sec. 1402. Restrictions on trading on prediction markets.

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

3 **SECTION 101. SHORT TITLE.**

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

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

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

SUBCHAPTER IV. RESTRICTIONS ON TRADE AND OWNERSHIP OF COVERED INVESTMENTS

13151. Definitions.

13152. Trade and ownership of covered investments.

13153. Penalties.

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

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

16 “§ 13151. Definitions

17 “In this subchapter:

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

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, and resignation; and

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 Investigative
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 dependent 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 congres-
 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”; 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. 604. 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 serting “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”; 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 Con-**
3 **stitution**

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-

pany Act of 1940 (15 U.S.C. 80a–8) that does not have a stated policy of concentrating the investments of the investment company in any industry, business, single country other than the United States, or bonds of a single State within the United States; or

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

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

(ii) does not have a stated policy of concentrating the investments of the investment company in any industry, business, single country other than the United States, or bonds of a single State within the United States.

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

(7) COVERED OFFICIAL.—The term “covered 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-

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

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

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

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

“(3) the term ‘foreign payment’—

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

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

“(ii) any corporate enterprise engaged
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(c).

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 Government Reform of the House of
13 Representatives, and the Committee on
14 Homeland Security and Governmental Af-
15 fairs of 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 Government Reform of

1 the 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 Government Reform of the
16 House of Representatives and the Com-
17 mittee on Homeland Security and Govern-
18 mental Affairs of the Senate a sworn cer-
19 tification of such return payment to the
20 Treasury.

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

1 “(I) the date on which the Presi-
2 dent received such prohibited payment
3 and the value of such prohibited pay-
4 ment;

5 “(II) the source of such prohib-
6 ited payment;

7 “(III) the date on which the
8 President made such return payment;

9 “(IV) the value of such return
10 payment;

11 “(V) each source of such return
12 payment; and

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

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

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

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

4 **SEC. 632. PROHIBITION ON PAYMENTS TO THE PRESIDENT**
5 **FROM INDIVIDUALS RECEIVING GOVERN-**
6 **MENT POSITIONS OR GRANTS OF CLEMENCY**
7 **FROM THE PRESIDENT.**

8 (a) PROHIBITION ON PAYMENTS.—

9 (1) PAYMENTS MADE.—

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

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

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

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

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

7 (b) REQUIRED DISCLOSURES TO CONGRESS.—

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

23 (2) OTHER POSITIONS.—On the date any indi-
24 vidual is appointed to a position described in section
25 1302(7)(B), the President shall submit, to the Com-

1 mittee on Oversight and Government Reform of the
2 House of Representatives and the Committee on
3 Homeland Security and Governmental Affairs of the
4 Senate, a report listing any payment made by such
5 individual to the President, including any payment
6 to a Presidentially-owned entity, during the period
7 beginning on the date on which the President be-
8 came a candidate (as such term is defined in section
9 301 of the Federal Election Campaign Act of 1971
10 (52 U.S.C. 30101)) for the office of the President
11 and ending on the date of the submission of such re-
12 port.

13 (3) CLEMENCY.—On the date the President
14 issues clemency, including a pardon, to any indi-
15 vidual, the President shall submit, to the Committee
16 on the Judiciary of the House of Representatives,
17 the Committee on Oversight and Government Re-
18 form of the House of Representatives, the Com-
19 mittee on the Judiciary of the Senate, and(1) the
20 Committee on Homeland Security and Governmental
21 Affairs of the Senate, a report listing any payment
22 made by such individual to the President, including
23 any payment to a Presidentially-owned entity, dur-
24 ing the period beginning on the date on which the
25 President became a candidate (as such term is de-

1 fined in section 301 of the Federal Election Cam-
2 paign Act of 1971 (52 U.S.C. 30101)) for the office
3 of the President and ending on the date of the sub-
4 mission of such report.

5 (c) RETURN OF FUNDS.—

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

11 (2) REPORT.—Not later than 30 days after the
12 date any payment has been deposited in the general
13 fund of the Treasury pursuant to paragraph (1), the
14 President shall submit a report, to the Committee on
15 Oversight and Government Reform of the House of
16 Representatives and the Committee on Homeland
17 Security and Governmental Affairs of the Senate,
18 listing the name of the individual who made such
19 payment or caused such payment to be made.

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

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

24 “(15) PAYMENTS TO PRESIDENT.—

1 “(A) IN GENERAL.—Any payment, includ-
2 ing any payments to a Presidentially-owned en-
3 tity, received by the President during a cal-
4 endar year from any covered official, or from
5 any individual granted clemency (including a
6 pardon) by the President, including the source,
7 date, type, amount or value of the payment,
8 and, if accepted through a Presidentially-owned
9 entity, the name of the business through which
10 it was accepted.

11 “(B) APPLICATION.—The disclosure re-
12 quired under this paragraph shall only apply to
13 reports filed pursuant to section 13103(d) and
14 (e) by the President.

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

21 (A) by redesignating paragraph (2) as
22 paragraph (3); and

23 (B) by inserting after paragraph (1) the
24 following:

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

3 “(A) NEW APPOINTEES.—With respect to
4 any report filed under paragraph (1) pursuant
5 to subsections (a) or (b) of section 13103 by an
6 individual nominated or appointed (as the case
7 may be) by the President to be a covered offi-
8 cial, such report shall include—

9 “(i) any payment made by the indi-
10 vidual to the President, including a pay-
11 ment to a Presidentially-owned entity, dur-
12 ing the period beginning on the date on
13 which the President became a candidate
14 (as such term is defined in section 301 of
15 the Federal Election Campaign Act of
16 1971 (52 U.S.C. 30101)) for the office of
17 the President before being elected as Presi-
18 dent and ending on the date on which such
19 individual files such report;

20 “(ii) the date of nomination or ap-
21 pointment;

22 “(iii) the date, type, and amount or
23 value of the payment; and

1 “(iv) for any payment made to a
2 Presidentially-owned entity, the name of
3 the entity to which the payment was made.

4 “(B) DEFINITIONS.—In this paragraph,
5 terms ‘covered official’, ‘Presidentially-owned
6 entity’, and ‘payment’ have the meaning given
7 those terms in section 1302 of the Foreign and
8 Domestic Emoluments Enforcement Act.”.

9 **SEC. 633. PENALTIES.**

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

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

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

20 (b) PRIVATE ACTION.—A person may bring a civil
21 action for a violation of subsections (a) and (c) of section
22 1313 or section 102(b) of title 3, United States Code, as
23 added by section 1312 of this Act, for the person and for
24 the United States Government in the same manner as an

1 action under subsection (b) of section 3730 of title 31,
2 United States Code, except that—

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

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

7 (c) **STATUTE OF LIMITATION TOLLED.**—Any statute
8 of limitations applicable to an action for a payment in vio-
9 lation of section 1313(a) or section 102(b) of title 3,
10 United States Code, as added by section 1312 of this Act,
11 shall be tolled for each period of time during which—

12 (1) in the case of a payment to an individual
13 holding the office of President, such individual holds
14 the office of President; or

15 (2) in the case of a payment to a Presidentially-
16 owned entity, the individual holding the office of
17 President at the time of such payment holds the of-
18 fice of the President.

19 **SEC. 634. EXCEPTIONS.**

20 This subtitle, and the provisions of section 510 of
21 title 36, United States Code, section 325 of the Federal
22 Election Campaign Act of 1971, and section 7343 of title
23 5, United States Code, do not apply in the case of the
24 following:

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

3 (2) Any other payment derived from Federal or
4 State funds, or from any covered official, that is re-
5 quired under Federal or State law, including Gov-
6 ernment contributions for health care, pension pay-
7 ments, or any other authorized benefit.

8 (3) Any payment from the Federal Government
9 or a State to the President or a Presidentially-owned
10 entity under a program that is available to the pub-
11 lic and which is made without regard to the owner-
12 ship of such entity by an individual holding the of-
13 fice of the President.

14 **SEC. 635. SEVERABILITY.**

15 If any provision of this subtitle or amendment made
16 by this subtitle, or the application of a provision or amend-
17 ment to any person or circumstance, is held to be uncon-
18 stitutional, the remainder of this subtitle and amendments
19 made by this subtitle, and the application of the provisions
20 and amendment to any person or circumstance, shall not
21 be affected by the holding.

1 **Subtitle D—Investigative Integrity**
2 **Protection**

3 **SEC. 641. SHORT TITLE.**

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

6 **SEC. 642. PRESIDENTIAL OVERSIGHT OF ATTORNEY GEN-**
7 **ERAL.**

8 (a) IN GENERAL.—Chapter 31 of title 28, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 530E. Presidential oversight of Attorney General**

12 “(a) CERTIFICATION.—In the case of any criminal
13 prosecution against the President or a President-elect, ir-
14 respective of when the prosecution was initiated, if the
15 Government seeks dismissal of such prosecution, the court
16 shall require the Attorney General to submit a sworn
17 statement under penalty of perjury attesting as to whether
18 the dismissal was ordered by the President or President-
19 elect, as applicable, or anyone acting pursuant to the di-
20 rection of the President or President-elect, as applicable.

21 “(b) CONSIDERATIONS.—

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

1 “(A) the circumstances of the case;

2 “(B) the sworn statement required by sub-
3 section (a);

4 “(C) any evidence in the record or ex
5 curia, which shall be reflected in the order of
6 the court, to support an inference that the deci-
7 sion to seek dismissal of the prosecution is mo-
8 tivated by bad faith or is a pretext to enable the
9 President or President-elect, as applicable, to
10 act outside of the legal and constitutional au-
11 thority of the Presidency; and

12 “(D) any other factor the court determines
13 is appropriate.

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

17 “(A) whether the dismissal was suggested,
18 encouraged, requested, or ordered by the Presi-
19 dent or President-elect, as applicable; or

20 “(B) whether the Attorney General was, in
21 the opinion of the court, appointed in whole or
22 in part for the willingness of the Attorney Gen-
23 eral to dismiss the prosecution or any other
24 criminal prosecution against the President or
25 President-elect, as applicable.

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

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

8 “(e) INSPECTOR GENERAL RESPONSIBILITIES.—The
9 Inspector General of the Department of Justice, upon hav-
10 ing a good-faith basis to conclude that a motion to dismiss
11 a prosecution against the President or President-elect, as
12 applicable, was brought at the direction of the President
13 or President-elect, as applicable, or anyone acting pursu-
14 ant to the direction of the President or President-elect,
15 as applicable, shall immediately report such findings to
16 Congress.

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

20 “(1) preserve any materials obtained or pre-
21 pared by the Department of Justice until the date
22 on which the applicable limitations period expires;
23 and

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

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

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

8 **TITLE VII—CONSTITUTIONAL**
 9 **AMENDMENT TO OVERTURN**
 10 **CITIZENS UNITED**

11 **SEC. 701. CONSTITUTIONAL AMENDMENT TO OVERTURN**
 12 **CITIZENS UNITED.**

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

19 “ARTICLE—

20 “SECTION 1. Congress and the States may regulate
 21 and impose reasonable viewpoint-neutral limitations on the
 22 raising and spending of money by candidates and others
 23 to influence elections.

24 “SECTION 2. Congress and the States may regulate
 25 and enact systems of public campaign financing, including

1 those designed to restrict the influence of private wealth
 2 by offsetting the raising and spending of money by can-
 3 didates and others to influence elections with increased
 4 public funding.

5 “SECTION 3. Congress and the States shall have
 6 power to implement and enforce this article by appropriate
 7 legislation, and may distinguish between natural persons
 8 and corporations or other artificial entities created by law,
 9 including by prohibiting such entities from spending
 10 money to influence elections.

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

14 **TITLE VIII—REPORTING OF CAM-** 15 **PAIGN-RELATED DISBURSE-** 16 **MENTS**

17 **SEC. 801. SHORT TITLE.**

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

20 **SEC. 802. REPORTING OF CAMPAIGN-RELATED DISBURSE-** 21 **MENTS.**

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

1 **“SEC. 324. DISCLOSURE OF CAMPAIGN-RELATED DISBURSE-**
2 **MENTS BY COVERED ORGANIZATIONS.**

3 “(a) DISCLOSURE STATEMENT.—

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

11 “(A) in the case of the first statement filed
12 under this subsection, for the period beginning
13 on the first day of the election reporting cycle
14 (or, if earlier, the period beginning one year before the first such disclosure date) and ending
15 on the first such disclosure date; and

17 “(B) in the case of any subsequent statement filed under this subsection, for the period
18 beginning on the previous disclosure date and
19 ending on such disclosure date.

21 “(2) INFORMATION DESCRIBED.—The information described in this paragraph is as follows:

23 “(A) The name of the covered organization
24 and the principal place of business of such organization and, in the case of a covered organization that is a corporation (other than a busi-

1 ness concern that is an issuer of a class of secu-
2 rities registered under section 12 of the Securi-
3 ties Exchange Act of 1934 (15 U.S.C. 78l) or
4 that is required to file reports under section
5 15(d) of that Act (15 U.S.C. 78o(d))) or an en-
6 tity described in subsection (e)(2), a list of the
7 beneficial owners (as defined in paragraph
8 (4)(A)) of the entity that—

9 “(i) identifies each beneficial owner by
10 name and current residential or business
11 street address; and

12 “(ii) if any beneficial owner exercises
13 control over the entity through another
14 legal entity, such as a corporation, partner-
15 ship, limited liability company, or trust,
16 identifies each such other legal entity and
17 each such beneficial owner who will use
18 that other entity to exercise control over
19 the entity.

20 “(B) The amount of each campaign-related
21 disbursement made by such organization during
22 the period covered by the statement of more
23 than \$1,000, and the name and address of the
24 person to whom the disbursement was made.

1 “(C) In the case of a campaign-related dis-
2 bursement that is not a covered transfer, the
3 election to which the campaign-related disburse-
4 ment pertains and if the disbursement is made
5 for a public communication, the name of any
6 candidate identified in such communication and
7 if such communication is in support of or in op-
8 position to the identified candidate.

9 “(D) A certification by the chief executive
10 officer or person who is the head of the covered
11 organization that the campaign-related dis-
12 bursement is not made in cooperation, consulta-
13 tion, or concert with or at the request or sug-
14 gestion of a candidate, authorized committee, or
15 agent of a candidate, political party, or agent of
16 a political party.

17 “(E)(i) If the covered organization makes
18 campaign-related disbursements using exclu-
19 sively funds in a campaign-related disbursement
20 segregated fund, for each payment made to the
21 account by a person other than the covered or-
22 ganization—

23 “(I) the name and address of each
24 person who made such payment to the ac-

1 count during the period covered by the
2 statement;

3 “(II) the date and amount of such
4 payment; and

5 “(III) the aggregate amount of all
6 such payments made by the person during
7 the period beginning on the first day of the
8 election reporting cycle (or, if earlier, the
9 period beginning one year before the dis-
10 closure date) and ending on the disclosure
11 date,

12 but only if such payment was made by a person
13 who made payments to the account in an aggre-
14 gate amount of \$10,000 or more during the pe-
15 riod beginning on the first day of the election
16 reporting cycle (or, if earlier, the period begin-
17 ning one year before the disclosure date) and
18 ending on the disclosure date.

19 “(ii) In any calendar year after 2027, sec-
20 tion 315(c)(1)(B) shall apply to the amount de-
21 scribed in clause (i) in the same manner as
22 such section applies to the limitations estab-
23 lished under subsections (a)(1)(A), (a)(1)(B),
24 (a)(3), and (h) of such section, except that for
25 purposes of applying such section to the

1 amounts described in subsection (b), the ‘base
2 period’ shall be calendar year 2027.

3 “(F)(i) If the covered organization makes
4 campaign-related disbursements using funds
5 other than funds in a campaign-related dis-
6 bursement segregated fund, for each payment
7 to the covered organization—

8 “(I) the name and address of each
9 person who made such payment during the
10 period covered by the statement;

11 “(II) the date and amount of such
12 payment; and

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

20 but only if such payment was made by a person
21 who made payments to the covered organization
22 in an aggregate amount of \$10,000 or more
23 during the period beginning on the first day of
24 the election reporting cycle (or, if earlier, the

1 period beginning one year before the disclosure
2 date) and ending on the disclosure date.

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

12 “(G) Such other information as required in
13 rules established by the Commission to promote
14 the purposes of this section.

15 “(3) EXCEPTIONS.—

16 “(A) AMOUNTS RECEIVED IN ORDINARY
17 COURSE OF BUSINESS.—The requirement to in-
18 clude in a statement filed under paragraph (1)
19 the information described in paragraph (2)
20 shall not apply to amounts received by the cov-
21 ered organization in commercial transactions in
22 the ordinary course of any trade or business
23 conducted by the covered organization or in the
24 form of investments (other than investments by
25 the principal shareholder in a limited liability

1 corporation) in the covered organization. For
2 purposes of this subparagraph, amounts re-
3 ceived by a covered organization as remittances
4 from an employee to the employee's collective
5 bargaining representative shall be treated as
6 amounts received in commercial transactions in
7 the ordinary course of the business conducted
8 by the covered organization.

9 “(B) DONOR RESTRICTION ON USE OF
10 FUNDS.—The requirement to include in a state-
11 ment submitted under paragraph (1) the infor-
12 mation described in subparagraph (F) of para-
13 graph (2) shall not apply if—

14 “(i) the person described in such sub-
15 paragraph prohibited, in writing, the use of
16 the payment made by such person for cam-
17 paign-related disbursements; and

18 “(ii) the covered organization agreed
19 to follow the prohibition and deposited the
20 payment in an account which is segregated
21 from a campaign-related disbursement seg-
22 regated fund and any other account used
23 to make campaign-related disbursements.

24 “(C) THREAT OF HARASSMENT OR RE-
25 PRISAL.—The requirement to include any infor-

1 mation relating to the name or address of any
2 person (other than a candidate) in a statement
3 submitted under paragraph (1) shall not apply
4 if the inclusion of the information would subject
5 the person to serious threats, harassment, or
6 reprisals.

7 “(4) OTHER DEFINITIONS.—For purposes of
8 this section:

9 “(A) BENEFICIAL OWNER DEFINED.—

10 “(i) IN GENERAL.—Except as pro-
11 vided in clause (ii), the term ‘beneficial
12 owner’ means, with respect to any entity,
13 a natural person who, directly or indi-
14 rectly—

15 “(I) exercises substantial control
16 over an entity through ownership, vot-
17 ing rights, agreement, or otherwise; or

18 “(II) has a substantial interest in
19 or receives substantial economic bene-
20 fits from the assets of an entity.

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

23 “(I) a minor child;

1 “(II) a person acting as a nomi-
2 nee, intermediary, custodian, or agent
3 on behalf of another person;

4 “(III) a person acting solely as
5 an employee of an entity and whose
6 control over or economic benefits from
7 the entity derives solely from the em-
8 ployment status of the person;

9 “(IV) a person whose only inter-
10 est in an entity is through a right of
11 inheritance, unless the person also
12 meets the requirements of clause (i);
13 or

14 “(V) a creditor of an entity, un-
15 less the creditor also meets the re-
16 quirements of clause (i).

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

22 “(B) CAMPAIGN-RELATED DISBURSEMENT
23 SEGREGATED FUND.—The term ‘campaign-re-
24 lated disbursement segregated fund’ means a
25 segregated bank account consisting of funds

1 that were paid directly to such account by per-
2 sons other than the covered organization that
3 controls the account.

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

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

10 “(ii) any other date during such elec-
11 tion reporting cycle by which a person has
12 made campaign-related disbursements ag-
13 gregating more than \$10,000 since the
14 most recent disclosure date for such elec-
15 tion reporting cycle.

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

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

23 “(b) COORDINATION WITH OTHER PROVISIONS.—

24 “(1) OTHER REPORTS FILED WITH THE COM-
25 MISSION.—Information included in a statement filed

1 under this section may be excluded from statements
2 and reports filed under section 304.

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

8 “(c) FILING.—Statements required to be filed under
9 subsection (a) shall be subject to the requirements of sec-
10 tion 304(d) to the same extent and in the same manner
11 as if such reports had been required under subsection (c)
12 or (g) of section 304.

13 “(d) CAMPAIGN-RELATED DISBURSEMENT DE-
14 FINED.—

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

19 “(A) An independent expenditure which ex-
20 pressly advocates the election or defeat of a
21 clearly identified candidate for election for Fed-
22 eral office, or is the functional equivalent of ex-
23 press advocacy because, when taken as a whole,
24 it can be interpreted by a reasonable person

1 only as advocating the election or defeat of a
2 candidate for election for Federal office.

3 “(B) An applicable public communication.

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

6 “(D) A covered transfer.

7 “(2) APPLICABLE PUBLIC COMMUNICATIONS.—

8 “(A) IN GENERAL.—The term ‘applicable
9 public communication’ means any public com-
10 munication that refers to a clearly identified
11 candidate for election for Federal office and
12 which promotes or supports the election of a
13 candidate for that office, or attacks or opposes
14 the election of a candidate for that office, with-
15 out regard to whether the communication ex-
16 pressly advocates a vote for or against a can-
17 didate for that office.

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

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

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

7 “(2) A limited liability corporation that is not
8 otherwise treated as a corporation for purposes of
9 this Act (other than an organization described in
10 section 501(c)(3) of the Internal Revenue Code of
11 1986).

12 “(3) An organization described in section
13 501(c) of such Code and exempt from taxation
14 under section 501(a) of such Code (other than an
15 organization described in section 501(c)(3) of such
16 Code).

17 “(4) A labor organization (as defined in section
18 316(b)).

19 “(5) Any political organization under section
20 527 of the Internal Revenue Code of 1986, other
21 than a political committee under this Act (except as
22 provided in paragraph (6)).

23 “(6) A political committee with an account that
24 accepts donations or contributions that do not com-
25 ply with the contribution limits or source prohibi-

1 tions under this Act, but only with respect to such
2 accounts.

3 “(f) COVERED TRANSFER DEFINED.—

4 “(1) IN GENERAL.—In this section, the term
5 ‘covered transfer’ means any transfer or payment of
6 funds by a covered organization to another person if
7 the covered organization—

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

10 “(i) campaign-related disbursements
11 (other than covered transfers); or

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

16 “(B) made such transfer or payment in re-
17 sponse to a solicitation or other request for a
18 donation or payment for—

19 “(i) the making of or paying for cam-
20 paign-related disbursements (other than
21 covered transfers); or

22 “(ii) making a transfer to another
23 person for the purpose of making or pay-
24 ing for such campaign-related disburse-
25 ments;

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

3 “(i) the making of or paying for cam-
4 paign-related disbursements (other than
5 covered transfers); or

6 “(ii) donating or transferring any
7 amount of such transfer or payment to an-
8 other person for the purpose of making or
9 paying for such campaign-related disburse-
10 ments; or

11 “(D) knew or had reason to know that the
12 person receiving the transfer or payment would
13 make campaign-related disbursements in an ag-
14 gregate amount of \$50,000 or more during the
15 2-year period beginning on the date of the
16 transfer or payment.

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

19 “(A) A disbursement made by a covered
20 organization in a commercial transaction in the
21 ordinary course of any trade or business con-
22 ducted by the covered organization or in the
23 form of investments made by the covered orga-
24 nization.

1 “(B) A disbursement made by a covered
2 organization if—

3 “(i) the covered organization prohib-
4 ited, in writing, the use of such disburse-
5 ment for campaign-related disbursements;
6 and

7 “(ii) the recipient of the disbursement
8 agreed to follow the prohibition and depos-
9 ited the disbursement in an account which
10 is segregated from a campaign-related dis-
11 bursement segregated fund and any other
12 account used to make campaign-related
13 disbursements.

14 “(3) SPECIAL RULE REGARDING TRANSFERS
15 AMONG AFFILIATES.—

16 “(A) SPECIAL RULE.—A transfer of an
17 amount by one covered organization to another
18 covered organization which is treated as a
19 transfer between affiliates under subparagraph
20 (C) shall be considered a covered transfer by
21 the covered organization which transfers the
22 amount only if the aggregate amount trans-
23 ferred during the year by such covered organi-
24 zation to that same covered organization is
25 equal to or greater than \$50,000.

1 “(B) DETERMINATION OF AMOUNT OF
2 CERTAIN PAYMENTS AMONG AFFILIATES.—In
3 determining the amount of a transfer between
4 affiliates for purposes of subparagraph (A), to
5 the extent that the transfer consists of funds
6 attributable to dues, fees, or assessments which
7 are paid by individuals on a regular, periodic
8 basis in accordance with a per-individual cal-
9 culation which is made on a regular basis, the
10 transfer shall be attributed to the individuals
11 paying the dues, fees, or assessments and shall
12 not be attributed to the covered organization.

13 “(C) DESCRIPTION OF TRANSFERS BE-
14 TWEEN AFFILIATES.—A transfer of amounts
15 from one covered organization to another cov-
16 ered organization shall be treated as a transfer
17 between affiliates if—

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

20 “(ii) each of the organizations is an
21 affiliate of the same organization,

22 except that the transfer shall not be treated as
23 a transfer between affiliates if one of the orga-
24 nizations is established for the purpose of mak-
25 ing campaign-related disbursements.

1 “(D) DETERMINATION OF AFFILIATE STA-
2 TUS.—For purposes of subparagraph (C), a
3 covered organization is an affiliate of another
4 covered organization if—

5 “(i) the governing instrument of the
6 organization requires it to be bound by de-
7 cisions of the other organization;

8 “(ii) the governing board of the orga-
9 nization includes persons who are specifi-
10 cally designated representatives of the
11 other organization or are members of the
12 governing board, officers, or paid executive
13 staff members of the other organization, or
14 whose service on the governing board is
15 contingent upon the approval of the other
16 organization; or

17 “(iii) the organization is chartered by
18 the other organization.

19 “(E) COVERAGE OF TRANSFERS TO AF-
20 FILATED SECTION 501(c)(3) ORGANIZA-
21 TIONS.—This paragraph shall apply with re-
22 spect to an amount transferred by a covered or-
23 ganization to an organization described in para-
24 graph (3) of section 501(c) of the Internal Rev-
25 enue Code of 1986 and exempt from tax under

1 section 501(a) of such Code in the same man-
2 ner as this paragraph applies to an amount
3 transferred by a covered organization to an-
4 other covered organization.

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

10 (b) CONFORMING AMENDMENT.—Section 304(f)(6)
11 of such Act (52 U.S.C. 30104) is amended by striking
12 “Any requirement” and inserting “Except as provided in
13 section 324(b), any requirement”.

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

20 (1) shall require that the legal burden of estab-
21 lishing eligibility for such exemption is upon the or-
22 ganization required to make the report required
23 under section 324(a)(1) of such Act (as added by
24 subsection (a)), and

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

4 **SEC. 803. REPORTING OF FEDERAL JUDICIAL NOMINATION**
5 **DISBURSEMENTS.**

6 (a) FINDINGS.—Congress makes the following find-
7 ings:

8 (1) A fair and impartial judiciary is critical for
9 our democracy and crucial to maintain the faith of
10 the people of the United States in the justice sys-
11 tem. As the Supreme Court held in *Caperton v.*
12 *Massey*, “there is a serious risk of actual bias—
13 based on objective and reasonable perceptions—
14 when a person with a personal stake in a particular
15 case had a significant and disproportionate influence
16 in placing the judge on the case.” (*Caperton v. A.T.*
17 *Massey Coal Co.*, 556 U.S. 868, 884 (2009)).

18 (2) Public trust in government is at a historic
19 low. According to polling, most Americans believe
20 that corporations have too much power and influence
21 in politics and the courts.

22 (3) The prevalence and pervasiveness of dark
23 money drives public concern about corruption in pol-
24 itics and the courts. Dark money is funding for or-
25 ganizations and political activities that cannot be

1 traced to actual donors. It is made possible by loop-
2 holes in our tax laws and regulations, weak oversight
3 by the Internal Revenue Service, and donor-friendly
4 court decisions.

5 (4) Under current law, “social welfare” organi-
6 zations and business leagues can use funds to influ-
7 ence elections so long as political activity is not their
8 “primary” activity. Super PACs can accept and
9 spend unlimited contributions from any non-foreign
10 source. These groups can spend tens of millions of
11 dollars on political activities. Such dark money
12 groups spent an estimated \$1,050,000,000 in the
13 2020 election cycle.

14 (5) Dark money is used to shape judicial deci-
15 sion making. This can take many forms, akin to
16 agency capture: influencing judicial selection by con-
17 trolling who gets nominated and funding candidate
18 advertisements; creating public relations campaigns
19 aimed at mobilizing the judiciary around particular
20 issues; and drafting law review articles, amicus
21 briefs, and other products which tell judges how to
22 decide a given case and provide ready-made argu-
23 ments for willing judges to adopt.

24 (6) Over the past decade, nonprofit organiza-
25 tions that do not disclose their donors have spent

1 hundreds of millions of dollars to influence the nomi-
2 nation and confirmation process for Federal judges.
3 One organization alone has spent nearly
4 \$40,000,000 on advertisements supporting or oppos-
5 ing Supreme Court nominees since 2016.

6 (7) Anonymous money spent on judicial nomi-
7 nations is not subject to any disclosure require-
8 ments. Federal election laws only regulate contribu-
9 tions and expenditures relating to electoral politics;
10 thus, expenditures, contributions, and advocacy ef-
11 forts for Federal judgeships are not covered under
12 the Federal Election Campaign Act of 1971. With-
13 out more disclosure, the public has no way of know-
14 ing whether the people spending money supporting
15 or opposing judicial nominations have business be-
16 fore the courts.

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

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

1 “(g) APPLICATION TO FEDERAL JUDICIAL NOMINA-
2 TIONS.—

3 “(1) IN GENERAL.—For purposes of this sec-
4 tion—

5 “(A) a disbursement by a covered organi-
6 zation for a Federal judicial nomination com-
7 munication shall be treated as a campaign-re-
8 lated disbursement; and

9 “(B) in the case of campaign-related dis-
10 bursements which are for Federal judicial nomi-
11 nation communications—

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

17 “(ii) the election reporting cycle shall
18 be the calendar year in which the disburse-
19 ment for the Federal judicial nomination
20 communication is made;

21 “(iii) references to a candidate in sub-
22 sections (a)(2)(C), (a)(2)(D), and
23 (a)(3)(C) shall be treated as references to
24 a nominee for a Federal judge or justice;
25 and

1 “(iv) the reference to an election in
2 subsection (a)(2)(C) shall be treated as a
3 reference to the nomination of such nomi-
4 nee.

5 “(2) FEDERAL JUDICIAL NOMINATION COMMU-
6 NICATION.—

7 “(A) IN GENERAL.—The term ‘Federal ju-
8 dicial nomination communication’ means any
9 communication—

10 “(i) that is by means of any broad-
11 cast, cable, or satellite, paid internet, or
12 paid digital communication, paid pro-
13 motion, newspaper, magazine, outdoor ad-
14 vertising facility, mass mailing, telephone
15 bank, telephone messaging effort of more
16 than 500 substantially similar calls or elec-
17 tronic messages within a 30-day period, or
18 any other form of general public political
19 advertising; and

20 “(ii) which promotes, supports, at-
21 tacks, or opposes the nomination or Senate
22 confirmation of an individual as a Federal
23 judge or justice.

24 “(B) EXCEPTION.—Such term shall not in-
25 clude any news story, commentary, or editorial

1 distributed through the facilities of any broad-
2 casting station or any print, online, or digital
3 newspaper, magazine, publication, or periodical,
4 unless such facilities are owned or controlled by
5 any political party, political committee, or can-
6 didate.

7 “(C) INTENT NOT REQUIRED.—A disburse-
8 ment for an item described in subparagraph (A)
9 shall be treated as a disbursement for a Federal
10 judicial nomination communication regardless
11 of the intent of the person making the disburse-
12 ment.”.

13 **SEC. 804. COORDINATION WITH FINCEN.**

14 (a) IN GENERAL.—The Director of the Financial
15 Crimes Enforcement Network of the Department of the
16 Treasury shall provide the Federal Election Commission
17 with such information as necessary to assist in admin-
18 istering and enforcing section 324 of the Federal Election
19 Campaign Act of 1971, as amended by this title.

20 (b) REPORT.—Not later than 6 months after the date
21 of the enactment of this Act, the Chairman of the Federal
22 Election Commission, in consultation with the Director of
23 the Financial Crimes Enforcement Network of the De-
24 partment of the Treasury, shall submit to Congress a re-
25 port with recommendations for providing further legisla-

1 tive authority to assist in the administration and enforce-
 2 ment of such section 324.

3 **SEC. 805. APPLICATION OF FOREIGN MONEY BAN TO DIS-**
 4 **BURSEMENTS FOR CAMPAIGN-RELATED DIS-**
 5 **BURSEMENTS CONSISTING OF COVERED**
 6 **TRANSFERS.**

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

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

12 “(A) any disbursement”;

13 (2) by striking the period at the end and insert-
 14 ing “; and”; and

15 (3) by adding at the end the following new sub-
 16 paragraph:

17 “(B) any disbursement, other than a dis-
 18 bursement described in section 324(a)(3)(A), to
 19 another person who made a campaign-related
 20 disbursement consisting of a covered transfer
 21 (as described in section 324) during the 2-year
 22 period ending on the date of the disburse-
 23 ment.”.

1 **SEC. 806. SENSE OF CONGRESS REGARDING IMPLEMENTA-**
 2 **TION.**

3 It is the sense of Congress that the Federal Election
 4 Commission should simplify the process for filing any dis-
 5 closure required under the provisions of, and amendments
 6 made by, this title in order to ensure that such process
 7 is as easy and accessible as possible.

8 **SEC. 807. EFFECTIVE DATE.**

9 The amendments made by this title shall apply with
 10 respect to disbursements made on or after January 1,
 11 2027, and shall take effect without regard to whether or
 12 not the Federal Election Commission has promulgated
 13 regulations to carry out such amendments.

14 **TITLE IX—BAN CORPORATE**
 15 **PACS ACT**

16 **SECTION 901. SHORT TITLE.**

17 This title may be cited as the “Ban Corporate PACs
 18 Act”.

19 **SEC. 902. LIMITING AUTHORITY OF CORPORATIONS TO ES-**
 20 **TABLISH OR OPERATE SEPARATE SEG-**
 21 **REGATED FUNDS FOR POLITICAL PURPOSES**
 22 **TO NONPROFIT CORPORATIONS.**

23 (a) LIMITATION.—

24 (1) IN GENERAL.—Section 316(b)(2)(C) of the
 25 Federal Election Campaign Act of 1971 (52 U.S.C.

1 30118(b)(2)(C)) is amended by striking “a corpora-
2 tion” and inserting “a nonprofit corporation”.

3 (2) DEFINITION.—Section 316(b) of such Act
4 (52 U.S.C. 30118(b)) is amended by adding at the
5 end the following new paragraph:

6 “(8) For purposes of this section, the term ‘nonprofit
7 corporation’ means a corporation described in section
8 501(c) of the Internal Revenue Code of 1986 and exempt
9 from taxation under section 501(a) of such Code, other
10 than a corporation which is ineligible to be exempt from
11 taxation under section 501(a) of such Code if it establishes
12 a separate segregated fund under this subsection.”.

13 (b) PERMITTING SOLICITATION OF CONTRIBUTIONS
14 ONLY FROM EXECUTIVE AND ADMINISTRATIVE PER-
15 SONNEL.—Section 316(b) of such Act (52 U.S.C.
16 30118(b)) is amended—

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

19 (2) in paragraph (4)(B)—

20 (A) by striking “a corporation” the first
21 place it appears and inserting “a nonprofit cor-
22 poration”;

23 (B) by striking “any stockholder, executive
24 or administrative personnel,” and inserting

1 “any executive or administrative personnel”;
 2 and

3 (C) by striking “stockholders, executive or
 4 administrative personnel,” and inserting “exec-
 5 utive or administrative personnel”;

6 (3) in paragraph (4)(D)—

7 (A) by striking “stockholders and”;

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

10 (C) by striking “such stockholders and
 11 personnel” and inserting “such personnel”; and

12 (4) in paragraph (5), by striking “stockholders
 13 and”.

14 (c) TREATMENT OF GOVERNMENT CONTRACTORS.—
 15 Section 317(b) of such Act (52 U.S.C. 30119(b)) is
 16 amended—

17 (1) by striking “any corporation” and inserting
 18 “any nonprofit corporation”; and

19 (2) by striking “a corporation” and inserting “a
 20 nonprofit corporation”.

21 **SEC. 903. EFFECTIVE DATE; TRANSITION FOR EXISTING**
 22 **FUNDS AND COMMITTEES.**

23 (a) EFFECTIVE DATE.—The amendments made by
 24 this title shall take effect on the date of the enactment
 25 of this Act.

1 (b) TRANSITION FOR EXISTING FUNDS AND COMMIT-
 2 TEES.—In the case of a separate segregate fund estab-
 3 lished and operating under section 316(b)(2)(C) of the
 4 Federal Election Campaign Act of 1971 (52 U.S.C.
 5 30118(b)(2)(C)) as of the date of the enactment of this
 6 Act which is not a fund of a nonprofit corporation as de-
 7 fined in section 316(b)(8) of such Act (as added by section
 8 2(a)(2)), the fund shall terminate and disburse its entire
 9 balance not later than 1 year after the date of the enact-
 10 ment of this Act.

11 **TITLE X—NONPARTISAN** 12 **REDISTRICTING REFORM**

13 **SEC. 1001. SHORT TITLE.**

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

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

17 Congress finds that it has the authority to establish
 18 the terms and conditions States must follow in carrying
 19 out congressional redistricting after an apportionment of
 20 Members of the House of Representatives because—

21 (1) the authority granted to Congress under ar-
 22 ticle I, section 4 of the Constitution of the United
 23 States gives Congress the power to enact laws gov-
 24 erning the time, place, and manner of elections for
 25 Members of the House of Representatives;

1 (2) the authority granted to Congress under
2 section 5 of the Fourteenth Amendment to the Con-
3 stitution gives Congress the power to enact laws to
4 enforce section 2 of such amendment, which requires
5 Representatives to be apportioned among the several
6 States according to their number;

7 (3) the authority granted to Congress under
8 section 5 of the Fourteenth Amendment to the Con-
9 stitution gives Congress the power to enact laws to
10 enforce section 1 of such amendment, including pro-
11 tections against excessive partisan gerrymandering
12 that Federal courts have not enforced because they
13 understand such enforcement to be committed to
14 Congress by the Constitution;

15 (4) of the authority granted to Congress to en-
16 force article IV, section 4, of the Constitution, and
17 the guarantee of a Republican Form of Government
18 to every State, which Federal courts have not en-
19 forced because they understand such enforcement to
20 be committed to Congress by the Constitution;

21 (5) requiring States to use uniform redistricting
22 criteria is an appropriate and important exercise of
23 such authority; and

24 (6) partisan gerrymandering dilutes citizens'
25 votes because partisan gerrymandering injures vot-

1 ers and political parties by infringing on their First
2 Amendment right to associate freely and their Four-
3 teenth Amendment right to equal protection of the
4 laws.

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

6 A State that has been redistricted in accordance with
7 this title may not be redistricted again until after the next
8 apportionment of Representatives under section 22(a) of
9 the Act entitled “An Act to provide for the fifteenth and
10 subsequent decennial censuses and to provide for an ap-
11 portionment of Representatives in Congress”, approved
12 June 18, 1929 (2 U.S.C. 2a), unless a court requires the
13 State to conduct such subsequent redistricting to comply
14 with the Constitution of the United States, the Voting
15 Rights Act of 1965 (52 U.S.C. 10301 et seq.), the terms
16 or conditions of this title, or applicable State law.

17 **SEC. 1004. CRITERIA FOR REDISTRICTING.**

18 (a) **REQUIRING PLANS TO MEET CRITERIA.**—A
19 State may not use a congressional redistricting plan en-
20 acted following the notice of apportionment transmitted
21 to the President on April 26, 2021, or any subsequent no-
22 tice of apportionment, if such plan is not in compliance
23 with this section, without regard to whether or not the
24 plan was enacted by the State before, on, or after the ef-
25 fective date of this title.

1 (b) RANKED CRITERIA.—Under the redistricting plan
2 of a State, there shall be established single-member con-
3 gressional districts using the following criteria as set forth
4 in the following order of priority:

5 (1) Districts shall comply with the United
6 States Constitution, including the requirement that
7 they substantially equalize total population, without
8 regard to age, citizenship status, or immigration sta-
9 tus.

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

17 (3)(A) Districts shall be drawn, to the extent
18 that the totality of the circumstances warrant, to en-
19 sure the practical ability of a group protected under
20 the Voting Rights Act of 1965 (52 U.S.C. 10301 et
21 seq.) to participate in the political process and to
22 nominate candidates and to elect representatives of
23 choice is not diluted or diminished, regardless of
24 whether or not such protected group constitutes a

1 majority of a district's population, voting age popu-
2 lation, or citizen voting age population.

3 (B) For purposes of subparagraph (A), the as-
4 sessment of whether a protected group has the prac-
5 tical ability to nominate candidates and to elect rep-
6 resentatives of choice shall require the consideration
7 of the following factors:

8 (i) Whether the group is politically cohe-
9 sive.

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

12 (iii) If there is racially polarized voting in
13 the relevant geographic region, whether the pre-
14 ferred candidates of the group nevertheless re-
15 ceive a sufficient amount of consistent crossover
16 support from other voters such that the group
17 is a functional majority with the ability to both
18 nominate candidates and elect representatives
19 of choice.

20 (4)(A) Districts shall be drawn to represent
21 communities of interest and neighborhoods to the
22 extent practicable after compliance with the require-
23 ments of paragraphs (1) through (3). A community
24 of interest is defined as an area for which the record
25 before the entity responsible for developing and

1 adopting the redistricting plan demonstrates the ex-
2 istence of broadly shared interests and representa-
3 tional needs, including shared interests and rep-
4 resentational needs rooted in common ethnic, racial,
5 economic, Indian, social, cultural, geographic, or his-
6 toric identities, or arising from similar socioeconomic
7 conditions. The term communities of interest may, if
8 the record warrants, include political subdivisions
9 such as counties, municipalities, Indian lands, or
10 school districts, but shall not include common rela-
11 tionships with political parties or political can-
12 didates.

13 (B) For purposes of subparagraph (A), in con-
14 sidering the needs of multiple, overlapping commu-
15 nities of interest, the entity responsible for devel-
16 oping and adopting the redistricting plan shall give
17 greater weight to those communities of interest
18 whose representational needs would most benefit
19 from the community's inclusion in a single congres-
20 sional district.

21 (c) NO FAVORING OR DISFAVORING OF POLITICAL
22 PARTIES.—

23 (1) PROHIBITION.—A State may not use a re-
24 districting plan to conduct an election if the plan's
25 congressional districts, when considered cumulatively

1 on a statewide basis, have been drawn with the in-
2 tent or have the effect of materially favoring or
3 disfavoring any political party.

4 (2) DETERMINATION OF EFFECT.—The deter-
5 mination of whether a redistricting plan has the ef-
6 fect of materially favoring or disfavoring a political
7 party shall be based on an evaluation of the totality
8 of circumstances which, at a minimum, shall involve
9 consideration of each of the following factors:

10 (A) Computer modeling based on relevant
11 statewide general elections for Federal office
12 held over the 8 years preceding the adoption of
13 the redistricting plan setting forth the probable
14 electoral outcomes for the plan under a range
15 of reasonably foreseeable conditions.

16 (B) An analysis of whether the redis-
17 tricting plan is statistically likely to result in
18 partisan advantage or disadvantage on a state-
19 wide basis, the degree of any such advantage or
20 disadvantage, and whether such advantage or
21 disadvantage is likely to be present under a
22 range of reasonably foreseeable electoral condi-
23 tions.

24 (C) A comparison of the modeled electoral
25 outcomes for the redistricting plan to the mod-

1 eled electoral outcomes for alternative plans
2 that demonstrably comply with the require-
3 ments of paragraphs (1), (2), and (3) of sub-
4 section (b) in order to determine whether rea-
5 sonable alternatives exist that would result in
6 materially lower levels of partisan advantage or
7 disadvantage on a statewide basis. For purposes
8 of this subparagraph, alternative plans consid-
9 ered may include both actual plans proposed
10 during the redistricting process and other plans
11 prepared for purposes of comparison.

12 (D) Any other relevant information, includ-
13 ing how broad support for the redistricting plan
14 was among members of the entity responsible
15 for developing and adopting the plan and
16 whether the processes leading to the develop-
17 ment and adoption of the plan were transparent
18 and equally open to all members of the entity
19 and to the public.

20 (3) REBUTTABLE PRESUMPTION.—

21 (A) TRIGGER.—In any civil action brought
22 under section 1006 in which a party asserts a
23 claim that a State has enacted a redistricting
24 plan which is in violation of this subsection, a
25 party may file a motion not later than 30 days

1 after the enactment of the plan (or, in the case
2 of a plan enacted before the effective date of
3 this Act, not later than 30 days after the effective
4 date of this Act) requesting that the court
5 determine whether a presumption of such a violation
6 exists. If such a motion is timely filed,
7 the court shall hold a hearing not later than 15
8 days after the date the motion is filed to assess
9 whether a presumption of such a violation exists.
10

11 (B) ASSESSMENT.—To conduct the assessment
12 required under subparagraph (A), the
13 court shall do the following:

14 (i) Determine the number of congressional
15 districts under the plan that would
16 have been carried by each political party's
17 candidates for the office of President and
18 the office of Senator in the 2 most recent
19 general elections for the office of President
20 and the 2 most recent general elections for
21 the office of Senator (other than special
22 general elections) immediately preceding
23 the enactment of the plan, except that if a
24 State conducts a primary election for the
25 office of Senator which is open to can-

1 candidates of all political parties, the primary
2 election shall be used instead of the gen-
3 eral election and the number of districts
4 carried by a party's candidates for the of-
5 fice of Senator shall be determined on the
6 basis of the combined vote share of all can-
7 didates in the election who are affiliated
8 with such party.

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

21 (I) use a party's share of the
22 statewide vote to calculate a cor-
23 responding benchmark share of seats;
24 and

1 (II) measure the amount by
2 which the share of seats the party's
3 candidate would have won in the elec-
4 tion involved exceeds the benchmark
5 share of seats.

6 (C) APPLICABLE THRESHOLD DE-
7 SCRIBED.—The applicable threshold described
8 in this subparagraph is, with respect to a State
9 and a number of seats, the greater of—

10 (i) an amount equal to 7 percent of
11 the number of congressional districts in
12 the State; or

13 (ii) one congressional district.

14 (D) DESCRIPTION OF QUANTITATIVE
15 MEASURES; PROHIBITING ROUNDING.—In car-
16 rying out this subsection—

17 (i) the standard quantitative measures
18 of partisan fairness used by the court may
19 include the simplified efficiency gap but
20 may not include strict proportionality; and

21 (ii) the court may not round any num-
22 ber.

23 (E) PRESUMPTION OF VIOLATION.—A plan
24 is presumed to violate paragraph (1) if, on the
25 basis of at least one standard quantitative

1 measure of partisan fairness, it exceeds the ap-
2 plicable threshold described in subparagraph
3 (C) with respect to 2 or more of the 4 elections
4 assessed under subparagraph (B).

5 (F) STAY OF USE OF PLAN.—Notwith-
6 standing any other provision of this title, in any
7 action under this paragraph, the following rules
8 shall apply:

9 (i) Upon filing of a motion under sub-
10 paragraph (A), a State’s use of the plan
11 which is the subject of the motion shall be
12 automatically stayed pending resolution of
13 such motion.

14 (ii) If after considering the motion,
15 the court rules that the plan is presumed
16 under subparagraph (E) to violate para-
17 graph (1), a State may not use such plan
18 until and unless the court which is car-
19 rying out the determination of the effect of
20 the plan under paragraph (2) determines
21 that, notwithstanding the presumptive vio-
22 lation, the plan does not violate paragraph
23 (1).

24 (G) NO EFFECT ON OTHER ASSESS-
25 MENTS.—The absence of a presumption of a

1 violation with respect to a redistricting plan as
2 determined under this paragraph shall not af-
3 fect the determination of the effect or intent of
4 the plan under this section.

5 (4) DETERMINATION OF INTENT.—A court may
6 rely on all available evidence when determining
7 whether a redistricting plan was drawn with the in-
8 tent to materially favor or disfavor a political party,
9 including evidence of the partisan effects of a plan,
10 the degree of support the plan received from mem-
11 bers of the entity responsible for developing and
12 adopting the plan, and whether the processes leading
13 to development and adoption of the plan were trans-
14 parent and equally open to all members of the entity
15 and to the public.

16 (5) NO VIOLATION BASED ON CERTAIN CRI-
17 TERIA.—No redistricting plan shall be found to be
18 in violation of paragraph (1) because of the proper
19 application of the criteria set forth in paragraphs
20 (1), (2), or (3) of subsection (b), unless one or more
21 alternative plans could have complied with such
22 paragraphs without having the effect of materially
23 favoring or disfavoring a political party.

24 (d) FACTORS PROHIBITED FROM CONSIDERATION.—
25 In developing the redistricting plan for the State, the

1 State may not take into consideration any of the following
2 factors, except as necessary to comply with the criteria
3 described in paragraphs (1) through (3) of subsection (b),
4 to achieve partisan fairness and comply with subsection
5 (b), and to enable the redistricting plan to be measured
6 against the external metrics described in section 1004(c):

7 (1) The residence of any Member of the House
8 of Representatives or candidate.

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

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

15 (f) APPLICABILITY.—

16 (1) IN GENERAL.—This section applies to any
17 authority, whether appointed, elected, judicial, or
18 otherwise, responsible for enacting the congressional
19 redistricting plan of a State.

20 (2) DATE OF ENACTMENT.—This section ap-
21 plies to any congressional redistricting plan enacted
22 following the notice of apportionment transmitted to
23 the President on April 26, 2021, regardless of the
24 date of enactment by the State of the congressional
25 redistricting plan.

1 (g) SEVERABILITY OF CRITERIA.—If any provision of
2 this section, or the application of any such provision to
3 any person or circumstance, is held to be unconstitutional,
4 the remainder of this section, and the application of such
5 provision to any other person or circumstance, shall not
6 be affected by the holding.

7 **SEC. 1005. DEVELOPMENT OF PLAN.**

8 (a) PUBLIC NOTICE AND INPUT.—

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

18 (2) WEBSITE.—

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

23 (i) All proposed redistricting plans
24 and the final redistricting plan, including

1 the accompanying written evaluation under
2 subsection (c).

3 (ii) All comments received from the
4 public submitted under paragraph (1).

5 (iii) Access in an easily usable format
6 to the demographic and other data used by
7 the entity to develop and analyze the pro-
8 posed redistricting plans, together with any
9 reports analyzing and evaluating such
10 plans and access to software that members
11 of the public may use to draw maps of pro-
12 posed districts.

13 (iv) A method by which members of
14 the public may submit comments directly
15 to the entity.

16 (B) SEARCHABLE FORMAT.—The entity
17 shall ensure that all information posted and
18 maintained on the site under this paragraph,
19 including information and proposed maps sub-
20 mitted by the public, shall be maintained in an
21 easily searchable format.

22 (3) MULTIPLE LANGUAGE REQUIREMENTS FOR
23 ALL NOTICES.—The entity responsible for developing
24 and adopting the plan shall make each notice which
25 is required to be posted and published under this

1 section available in any language in which the State
2 (or any jurisdiction in the State) is required to pro-
3 vide election materials under section 203 of the Vot-
4 ing Rights Act of 1965 (52 U.S.C. 10503).

5 (b) DEVELOPMENT OF PLAN.—

6 (1) HEARINGS.—The entity responsible for de-
7 veloping and adopting the congressional redistricting
8 plan shall hold hearings both before and after releas-
9 ing proposed plans in order to solicit public input on
10 the content of such plans. These hearings shall—

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

14 (B) be sufficient in number, scheduled at
15 times and places, and noticed and conducted in
16 a manner to ensure that all members of the
17 public, including members of racial, ethnic, and
18 language minorities protected under the Voting
19 Rights Act of 1965, have a meaningful oppor-
20 tunity to attend and provide input both before
21 and after the entity releases proposed plans.

22 (2) POSTING OF MAPS.—The entity responsible
23 for developing and adopting the congressional redis-
24 tricting plan shall make proposed plans, amend-
25 ments to proposed plans, and the data needed to

1 analyze such plans for compliance with the criteria
2 of this title available for public review, including on
3 the public internet site required under subsection
4 (a)(2), for a period of not less than 5 days before
5 any vote or hearing is held on any such plan or any
6 amendment to such a plan.

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

23 (d) PUBLIC INPUT AND COMMENTS.—The entity re-
24 sponsible for developing and adopting the congressional
25 redistricting plan for a State shall make all public com-

1 ments received about potential plans, including alternative
2 plans, available to the public on the internet site required
3 under subsection (a)(2), at no cost, not later than 24
4 hours prior to holding a vote on final adoption of a plan.

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

6 (a) DEADLINE FOR ENACTMENT OF PLAN.—

7 (1) IN GENERAL.—Except as provided in para-
8 graph (2), each State shall enact a final congres-
9 sional redistricting plan following transmission of a
10 notice of apportionment to the President by the ear-
11 liest of—

12 (A) the deadline set forth in State law, in-
13 cluding any extension to the deadline provided
14 in accordance with State law;

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

18 (C) 90 days before the date of the next
19 regularly scheduled primary election for Federal
20 office held in the State.

21 (2) SPECIAL RULE FOR PLANS ENACTED PRIOR
22 TO EFFECTIVE DATE OF TITLE.—If a State enacted
23 a final congressional redistricting plan prior to the
24 effective date of this title and the plan is not in com-
25 pliance with the requirements of this title, the State

1 shall enact a final redistricting plan which is in com-
2 pliance with the requirements of this title not later
3 than 45 days after the effective date of this title.

4 (b) DEVELOPMENT OF PLAN BY COURT IN CASE OF
5 MISSED DEADLINE.—If a State has not enacted a final
6 congressional redistricting plan by the applicable deadline
7 under subsection (a), or it appears reasonably likely that
8 a State will fail to enact a final congressional redistricting
9 plan by such deadline—

10 (1) any citizen of the State may file an action
11 in the United States district court for the applicable
12 venue asking the district court to assume jurisdic-
13 tion;

14 (2) the United States district court for the ap-
15 plicable venue, acting through a 3-judge court con-
16 vened pursuant to section 2284 of title 28, United
17 States Code, shall have the exclusive authority to de-
18 velop and publish the congressional redistricting
19 plan for the State; and

20 (3) the final congressional redistricting plan de-
21 veloped and published by the court under this sec-
22 tion shall be deemed to be enacted on the date on
23 which the court publishes the final congressional re-
24 districting plan, as described in subsection (e).

1 (c) APPLICABLE VENUE.—For purposes of this sec-
2 tion, the “applicable venue” with respect to a State is the
3 District of Columbia or the judicial district in which the
4 capital of the State is located, as selected by the first party
5 to file with the court sufficient evidence that a State has
6 failed to, or is reasonably likely to fail to, enact a final
7 redistricting plan for the State prior to the expiration of
8 the applicable deadline set forth in subsection (a).

9 (d) PROCEDURES FOR DEVELOPMENT OF PLAN.—

10 (1) CRITERIA.—In developing a redistricting
11 plan for a State under this section, the court shall
12 adhere to the same terms and conditions that ap-
13 plied (or that would have applied, as the case may
14 be) to the development of a plan by the State under
15 section 1003.

16 (2) ACCESS TO INFORMATION AND RECORDS.—
17 The court shall have access to any information,
18 data, software, or other records and material that
19 was used (or that would have been used, as the case
20 may be) by the State in carrying out its duties
21 under this title.

22 (3) HEARING; PUBLIC PARTICIPATION.—In de-
23 veloping a redistricting plan for a State, the court
24 shall—

1 (A) hold one or more evidentiary hearings
2 at which interested members of the public may
3 appear and be heard and present testimony, in-
4 cluding expert testimony, in accordance with
5 the rules of the court; and

6 (B) consider other submissions and com-
7 ments by the public, including proposals for re-
8 districting plans to cover the entire State or
9 any portion of the State.

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

15 (e) PUBLICATION OF PLAN.—

16 (1) PUBLIC AVAILABILITY OF INITIAL PLAN.—
17 Upon completing the development of one or more
18 initial redistricting plans, the court shall make the
19 plans available to the public at no cost, and shall
20 also make available the underlying data used to de-
21 velop the plans and a written evaluation of the plans
22 against external metrics (as described in section
23 1004(c)).

24 (2) PUBLICATION OF FINAL PLAN.—At any
25 time after the expiration of the 14-day period which

1 begins on the date the court makes the plans avail-
2 able to the public under paragraph (1), and taking
3 into consideration any submissions and comments by
4 the public which are received during such period, the
5 court shall develop and publish the final redistricting
6 plan for the State.

7 (f) USE OF INTERIM PLAN.—In the event that the
8 court is not able to develop and publish a final redis-
9 tricting plan for the State with sufficient time for an up-
10 coming election to proceed, the court may develop and
11 publish an interim redistricting plan which shall serve as
12 the redistricting plan for the State until the court develops
13 and publishes a final plan in accordance with this section.
14 Nothing in this subsection may be construed to limit or
15 otherwise affect the authority or discretion of the court
16 to develop and publish the final redistricting plan, includ-
17 ing the discretion to make any changes the court deems
18 necessary to an interim redistricting plan.

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

23 (h) STAY OF STATE PROCEEDINGS.—The filing of an
24 action under this section shall act as a stay of any pro-
25 ceedings in State court with respect to the State's congres-

1 sional redistricting plan unless otherwise ordered by the
2 court.

3 **SEC. 1007. CIVIL ENFORCEMENT.**

4 (a) CIVIL ENFORCEMENT.—

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

8 (2) AVAILABILITY OF PRIVATE RIGHT OF AC-
9 TION.—

10 (A) IN GENERAL.—Any person residing or
11 domiciled in a State who is aggrieved by the
12 failure of the State to meet the requirements of
13 the Constitution or Federal law, including this
14 title, with respect to the State's congressional
15 redistricting, may bring a civil action in the
16 United States district court for the applicable
17 venue for such relief as may be appropriate to
18 remedy the failure.

19 (B) SPECIAL RULE FOR CLAIMS RELATING
20 TO PARTISAN ADVANTAGE.—For purposes of
21 subparagraph (A), a person who is aggrieved by
22 the failure of a State to meet the requirements
23 of section 1003(c) may include—

24 (i) any political party or committee in
25 the State; and

1 (ii) any registered voter in the State
2 who resides in a congressional district that
3 the voter alleges was drawn in a manner
4 that contributes to a violation of such sec-
5 tion.

6 (C) NO AWARDING OF DAMAGES TO PRE-
7 VAILING PARTY.—Except for an award of attor-
8 ney’s fees under subsection (d), a court in a
9 civil action under this section shall not award
10 the prevailing party any monetary damages,
11 compensatory, punitive, or otherwise.

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

17 (4) EXCLUSIVE JURISDICTION AND APPLICABLE
18 VENUE.—The district courts of the United States
19 shall have exclusive jurisdiction to hear and deter-
20 mine claims asserting that a congressional redis-
21 tricting plan violates the requirements of the Con-
22 stitution or Federal law, including this title. The ap-
23 plicable venue for such an action shall be the United
24 States District Court for the District of Columbia or
25 for the judicial district in which the capital of the

1 State is located, as selected by the person bringing
2 the action. In a civil action that includes a claim
3 that a redistricting plan is in violation of subsection
4 (b) or (c) of section 1003, the United States District
5 Court for the District of Columbia shall have juris-
6 diction over any defendant who has been served in
7 any United States judicial district in which the de-
8 fendant resides, is found, or has an agent, or in the
9 United States judicial district in which the capital of
10 the State is located. Process may be served in any
11 United States judicial district where a defendant re-
12 sides, is found, or has an agent, or in the United
13 States judicial district in which the capital of the
14 State is located.

15 (5) USE OF 3-JUDGE COURT.—If an action
16 under this section raises statewide claims under the
17 Constitution or this title, the action shall be heard
18 by a 3-judge court convened pursuant to section
19 2284 of title 28, United States Code.

20 (6) REVIEW OF FINAL DECISION.—A final deci-
21 sion in an action brought under this section shall be
22 reviewable on appeal by the United States Court of
23 Appeals for the District of Columbia Circuit, which
24 shall hear the matter sitting en banc. There shall be
25 no right of appeal in such proceedings to any other

1 court of appeals. Such appeal shall be taken by the
2 filing of a notice of appeal within 10 days of the
3 entry of the final decision. A final decision by the
4 Court of Appeals may be reviewed by the Supreme
5 Court of the United States by writ of certiorari.

6 (b) EXPEDITED CONSIDERATION.—In any action
7 brought under this section, it shall be the duty of the dis-
8 trict court, the United States Court of Appeals for the
9 District of Columbia Circuit, and the Supreme Court of
10 the United States (if it chooses to hear the action) to ad-
11 vance on the docket and to expedite to the greatest pos-
12 sible extent the disposition of the action and appeal.

13 (c) REMEDIES.—

14 (1) ADOPTION OF REPLACEMENT PLAN.—

15 (A) IN GENERAL.—If the district court in
16 an action under this section finds that the con-
17 gressional redistricting plan of a State violates,
18 in whole or in part, the requirements of this
19 title—

20 (i) the court shall adopt a replacement
21 congressional redistricting plan for the
22 State in accordance with the process set
23 forth in section 1005; or

24 (ii) if circumstances warrant and no
25 delay to an upcoming regularly scheduled

1 election for the House of Representatives
2 in the State would result, the district
3 court, in its discretion, may allow a State
4 to develop and propose a remedial congressional
5 redistricting plan for review by the
6 court to determine whether the plan is in
7 compliance with this title, except that—

8 (I) the State may not develop
9 and propose a remedial plan under
10 this clause if the court determines
11 that the congressional redistricting
12 plan of the State was enacted with
13 discriminatory intent in violation of
14 the Constitution or section 1003(b);
15 and

16 (II) nothing in this clause may be
17 construed to permit a State to use
18 such a remedial plan which has not
19 been approved by the court.

20 (B) PROHIBITING USE OF PLANS IN VIOLA-
21 TION OF REQUIREMENTS.—No court shall order
22 a State to use a congressional redistricting plan
23 which violates, in whole or in part, the require-
24 ments of this title, or to conduct an election

1 under terms and conditions which violate, in
2 whole or in part, the requirements of this title.

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

6 (i) DUTY OF COURT.—If final adju-
7 dication of an action under this section is
8 not reasonably expected to be completed at
9 least 3 months prior to the next regularly
10 scheduled primary election for the House
11 of Representatives in the State, the district
12 court shall—

13 (I) develop, adopt, and order the
14 use of an interim congressional redis-
15 tricting plan in accordance with sec-
16 tion 1005(f) to address any claims
17 under this title for which a party
18 seeking relief has demonstrated a sub-
19 stantial likelihood of success; or

20 (II) order adjustments to the
21 timing of primary elections for the
22 House of Representatives and other
23 related deadlines, as needed, to allow
24 sufficient opportunity for adjudication
25 of the matter and adoption of a reme-

1 dial or replacement plan for use in the
2 next regularly scheduled general elec-
3 tions for the House of Representa-
4 tives.

5 (ii) PROHIBITING FAILURE TO ACT ON
6 GROUNDS OF PENDENCY OF ELECTION.—
7 The court may not refuse to take any ac-
8 tion described in clause (i) on the grounds
9 of the pendency of the next election held in
10 the State or the potential for disruption,
11 confusion, or additional burdens with re-
12 spect to the administration of the election
13 in the State.

14 (2) NO STAY PENDING APPEAL.—Notwith-
15 standing the appeal of an order finding that a con-
16 gressional redistricting plan of a State violates, in
17 whole or in part, the requirements of this title, no
18 stay shall issue which shall bar the development or
19 adoption of a replacement or remedial plan under
20 this subsection, as may be directed by the district
21 court, pending such appeal. If such a replacement or
22 remedial plan has been adopted, no appellate court
23 may stay or otherwise enjoin the use of such plan
24 during the pendency of an appeal, except upon an

1 order holding, based on the record, that adoption of
2 such plan was an abuse of discretion.

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

5 (A) ORDERING OF NEW REMEDIAL
6 PLAN.—If, upon consideration of an appeal
7 under this title, the Court of Appeals deter-
8 mines that a plan does not comply with the re-
9 quirements of this title, it shall direct that the
10 District Court promptly develop a new remedial
11 plan with assistance of a special master for con-
12 sideration by the Court of Appeals.

13 (B) FAILURE OF DISTRICT COURT TO
14 TAKE TIMELY ACTION.—If, at any point during
15 the pendency of an action under this section,
16 the District Court fails to take action necessary
17 to permit resolution of the case prior to the
18 next regularly scheduled election for the House
19 of Representatives in the State or fails to grant
20 the relief described in paragraph (1)(C), any
21 party may seek a writ of mandamus from the
22 Court of Appeals for the District of Columbia
23 Circuit. The Court of Appeals shall have juris-
24 diction over the motion for a writ of mandamus
25 and shall establish an expedited briefing and

1 hearing schedule for resolution of the motion. If
2 the Court of Appeals determines that a writ
3 should be granted, the Court of Appeals shall
4 take any action necessary, including developing
5 a congressional redistricting plan with assist-
6 ance of a special master to ensure that a reme-
7 dial plan is adopted in time for use in the next
8 regularly scheduled election for the House of
9 Representatives in the State.

10 (4) EFFECT OF ENACTMENT OF REPLACEMENT
11 PLAN.—A State’s enactment of a redistricting plan
12 which replaces a plan which is the subject of an ac-
13 tion under this section shall not be construed to
14 limit or otherwise affect the authority of the court
15 to adjudicate or grant relief with respect to any
16 claims or issues not addressed by the replacement
17 plan, including claims that the plan which is the
18 subject of the action was enacted, in whole or in
19 part, with discriminatory intent, or claims to con-
20 sider whether relief should be granted under section
21 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
22 10302(c)) based on the plan which is the subject of
23 the action.

24 (d) ATTORNEY’S FEES.—In a civil action under this
25 section, the court may allow the prevailing party (other

1 than the United States) reasonable attorney fees, includ-
2 ing litigation expenses, and costs.

3 (e) RELATION TO OTHER LAWS.—

4 (1) RIGHTS AND REMEDIES ADDITIONAL TO
5 OTHER RIGHTS AND REMEDIES.—The rights and
6 remedies established by this section are in addition
7 to all other rights and remedies provided by law, and
8 neither the rights and remedies established by this
9 section nor any other provision of this title shall su-
10 persede, restrict, or limit the application of the Vot-
11 ing Rights Act of 1965 (52 U.S.C. 10301 et seq.).

12 (2) VOTING RIGHTS ACT OF 1965.—Nothing in
13 this title authorizes or requires conduct that is pro-
14 hibited by the Voting Rights Act of 1965 (52 U.S.C.
15 10301 et seq.).

16 (f) LEGISLATIVE PRIVILEGE.—No person, legisla-
17 ture, or State may claim legislative privilege under either
18 State or Federal law in a civil action brought under this
19 section or in any other legal challenge, under either State
20 or Federal law, to a redistricting plan enacted under this
21 title.

22 (g) REMOVAL.—

23 (1) IN GENERAL.—At any time, a civil action
24 brought in a State court which asserts a claim for
25 which the district courts of the United States have

1 exclusive jurisdiction under this title may be re-
2 moved by any party in the case, including an inter-
3 venor, by filing, in the district court for an applica-
4 ble venue under this section, a notice of removal
5 signed pursuant to Rule 11 of the Federal Rules of
6 Civil Procedure containing a short and plain state-
7 ment of the grounds for removal. Consent of parties
8 shall not be required for removal.

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

16 **SEC. 1008. NO EFFECT ON ELECTIONS FOR STATE AND**
17 **LOCAL OFFICE.**

18 Nothing in this title or in any amendment made by
19 this title may be construed to affect the manner in which
20 a State carries out elections for State or local office, in-
21 cluding the process by which a State establishes the dis-
22 tricts used in such elections.

1 **SEC. 1009. EFFECTIVE DATE.**

2 (a) IN GENERAL.—This title and the amendments
3 made by this title shall apply on the date of enactment
4 of this title.

5 (b) APPLICATION TO CONGRESSIONAL REDIS-
6 TRICTING PLANS RESULTING FROM 2020 DECENNIAL
7 CENSUS.—Notwithstanding subsection (a), this title and
8 the amendments made by this title, other than section
9 1004, shall apply with respect to each congressional redis-
10 tricting plan enacted pursuant to the notice of apporportion-
11 ment transmitted to the President on April 26, 2021,
12 without regard to whether or not a State enacted such
13 a plan prior to the date of the enactment of this Act.

14 **TITLE XI—JOHN R. LEWIS VOT-**
15 **ING RIGHTS ADVANCEMENT**
16 **ACT**

17 **SECTION 1101. SHORT TITLE.**

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

20 **SEC. 1102. VOTE DILUTION, DENIAL, AND ABRIDGMENT**
21 **CLAIMS.**

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

24 (1) by inserting after “applied by any State or
25 political subdivision” the following: “for the purpose
26 of, or”; and

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

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

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

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

10 (3) by adding at the end the following new
11 paragraphs:

12 “(1) To prevail in demonstrating that a rep-
13 resentational, districting, or apportionment scheme
14 results in vote dilution, a plaintiff shall, as a thresh-
15 old matter, establish that—

16 “(A) the members of the protected class
17 are sufficiently numerous and geographically
18 compact to constitute a majority in a single-
19 member district;

20 “(B) the members of the protected class
21 are politically cohesive; and

22 “(C) the residents of that district who are
23 not the members of the protected class usually
24 vote sufficiently as a bloc to enable them to de-

1 feat the preferred candidates of the members of
2 the protected class.

3 “(2) Upon a plaintiff establishing the required
4 threshold showing under paragraph (1), a court shall
5 conduct a totality of the circumstances analysis with
6 respect to a claim of vote dilution to determine
7 whether there was a violation of subsection (a),
8 which shall include the following factors:

9 “(A) The extent of any history of official
10 voting discrimination in the State or political
11 subdivision that affected the right of members
12 of the protected class to register, to vote, or
13 otherwise to participate in the political process.

14 “(B) The extent to which voting in the
15 elections of the State or political subdivision is
16 racially polarized.

17 “(C) The extent to which the State or po-
18 litical subdivision has used voting practices or
19 procedures that tend to enhance the oppor-
20 tunity for discrimination against the members
21 of the protected class, such as unusually large
22 election districts, majority vote requirements,
23 anti-single shot provisions, or other qualifica-
24 tions, prerequisites, standards, practices, or
25 procedures that may enhance the opportunity

1 for discrimination against the members of the
2 protected class.

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

6 “(E) The extent to which members of the
7 protected class in the State or political subdivi-
8 sion bear the effects of discrimination, both
9 public or private, in such areas as education,
10 employment, health, housing, and transpor-
11 tation, which hinder their ability to participate
12 effectively in the political process.

13 “(F) Whether political campaigns have
14 been characterized by overt or subtle racial ap-
15 peals.

16 “(G) The extent to which members of the
17 protected class have been elected to public office
18 in the jurisdiction.

19 “(3) In conducting a totality of the cir-
20 cumstances analysis under paragraph (2), a court
21 may consider such other factors as the court may
22 determine to be relevant, including—

23 “(A) whether there is a significant lack of
24 responsiveness on the part of elected officials to
25 the particularized needs of the members of the

1 protected class, including a lack of concern for
2 or responsiveness to the requests and proposals
3 of the members of the protected class, except
4 that compliance with a court order may not be
5 considered evidence of responsiveness on the
6 part of the jurisdiction; and

7 “(B) whether the policy underlying the
8 State or political subdivision’s use of such vot-
9 ing qualification, prerequisite to voting, or
10 standard, practice or procedure is tenuous.

11 In making this determination, a court shall consider
12 whether the qualification, prerequisite, standard,
13 practice, or procedure in question was designed to
14 advance and materially advances a valid and sub-
15 stantiated State interest.

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

19 (4) VOTE DENIAL OR ABRIDGEMENT.—Section
20 2 of such Act (52 U.S.C. 10301), as amended by
21 subsections (a) and (b), is further amended by add-
22 ing at the end the following:

23 “(c)(1) A violation of subsection (a) resulting in vote
24 denial or abridgment is established if the challenged quali-
25 fication, prerequisite, standard, practice, or procedure—

1 “(A) results or will result in members of a pro-
2 tected class facing greater costs or burdens in par-
3 ticipating in the political process than other voters;
4 and

5 “(B) the greater costs or burdens are, at least
6 in part, caused by or linked to social and historical
7 conditions that have produced or produce on the
8 date of such challenge discrimination against mem-
9 bers of the protected class.

10 In determining the existence of a burden for pur-
11 poses of subparagraph (A), the absolute number or
12 the percent of voters affected or the presence of vot-
13 ers who are not members of a protected class in the
14 affected area shall not be dispositive, and the af-
15 fected area may be smaller than the jurisdiction to
16 which the qualification, prerequisite, standard, prac-
17 tice, or procedure applies.

18 “(2) The challenged qualification, prerequisite, stand-
19 ard, practice, or procedure need only be a but-for cause
20 of the discriminatory result described in paragraph (1) or
21 perpetuate pre-existing burdens or costs.

22 “(3)(A) The factors that are relevant to a totality of
23 the circumstances analysis with respect to a claim of vote
24 denial or abridgement pursuant to this subsection include
25 the following:

1 “(i) The extent of any history of official voting-
2 related discrimination in the State or political sub-
3 division that affected the right of members of the
4 protected class to register, to vote, or otherwise to
5 participate in the political process.

6 “(ii) The extent to which voting in the elections
7 of the State or political subdivision is racially polar-
8 ized.

9 “(iii) The extent to which the State or political
10 subdivision has used photographic voter identifica-
11 tion requirements, documentary proof of citizenship
12 requirements, documentary proof of residence re-
13 quirements, or other voting practices or procedures,
14 beyond those required by Federal law, that impair
15 the ability of members of the minority group to par-
16 ticipate fully in the political process.

17 “(iv) The extent to which minority group mem-
18 bers bear the effects of discrimination, both public
19 or private, in areas such as education, employment,
20 health, housing, and transportation, which hinder
21 their ability to participate effectively in the political
22 process.

23 “(v) The use of overt or subtle racial appeals ei-
24 ther in political campaigns or surrounding adoption
25 or maintenance of the challenged practice.

1 “(vi) The extent to which members of the mi-
2 nority group have been elected to public office in the
3 jurisdiction, provided that the fact that the minority
4 group is too small to elect candidates of its choice
5 shall not defeat a claim of vote denial or abridgment.

6 “(vii) Whether there is a lack of responsiveness
7 on the part of elected officials to the particularized
8 needs of minority group members, including a lack
9 of concern for or responsiveness to the requests and
10 proposals of the group, except that compliance with
11 a court order may not be considered evidence of re-
12 sponsiveness on the part of the jurisdiction.

13 “(viii) Whether the policy underlying the State
14 or political subdivision’s use of the challenged quali-
15 fication, prerequisite, standard, practice, or proce-
16 dure is tenuous. In making a determination under
17 this clause, a court shall consider whether the quali-
18 fication, prerequisite, standard, practice, or proce-
19 dure in question was designed to advance and mate-
20 rially advances a valid and substantiated State inter-
21 est.

22 “(ix) Subject to paragraph (4), such other fac-
23 tors as the court may determine to be relevant.

24 “(B) The factors described in subparagraph (A), indi-
25 vidually and collectively, shall be considered as a means

1 of establishing that a voting practice amplifies the effects
2 of past or present discrimination in violation in subsection
3 (a).

4 “(C) A plaintiff need not show any particular com-
5 bination or number of factors to establish a violation of
6 subsection (a).

7 “(4) The factors that are relevant to a totality of the
8 circumstances analysis with respect to a claim of vote de-
9 nial or abridgement do not include the following:

10 “(A) The degree to which the challenged quali-
11 fication, prerequisite, standard, practice, or proce-
12 dure has a long pedigree or was in widespread use
13 at some earlier date.

14 “(B) The use of an identical or similar quali-
15 fication, prerequisite, standard, practice, or proce-
16 dure in other States or jurisdictions.

17 “(C) The availability of other forms of voting
18 unimpacted by the challenged qualification, pre-
19 requisite, standard, practice, or procedure to all
20 members of the electorate, including members of the
21 protected class, unless the jurisdiction is simulta-
22 neously expanding such other practices to eliminate
23 any disproportionate burden imposed by the chal-
24 lenged qualification, prerequisite, standard, practice,
25 or procedure.

1 “(D) Unsubstantiated defenses that the quali-
2 fication, prerequisite, standard, practice, or proce-
3 dure is necessary to address criminal activity.

4 “(d)(1) A violation of subsection (a) for the purpose
5 of vote denial or abridgement is established if the chal-
6 lenged qualification, prerequisite, standard, practice, or
7 procedure is intended, at least in part, to dilute minority
8 voting strength or to deny or abridge the right of any cit-
9 izen of the United States to vote on account of race, color,
10 or in contravention of the guarantees set forth in section
11 4(f)(2).

12 “(2) Discrimination on account of race, color, or in
13 contravention of the guarantees set forth in section 4(f)(2)
14 need only be one purpose of a qualification, prerequisite,
15 standard, practice, or procedure to demonstrate a violation
16 of subsection (a).

17 “(3) A qualification, prerequisite, standard, practice,
18 or procedure intended to dilute minority voting strength
19 or to make it more difficult for minority voters to cast
20 a ballot that will be counted violates this subsection even
21 if an additional purpose of the qualification, prerequisite,
22 standard, practice, or procedure is to benefit a particular
23 political party or group.

24 “(4) The context for the adoption of the challenged
25 qualification, prerequisite, standard, practice, or proce-

1 dure, including actions by official decisionmakers before
 2 the challenged qualification, prerequisite, standard, prac-
 3 tice, or procedure, may be relevant to a violation of this
 4 subsection.

5 “(5) Claims under this subsection require proof of a
 6 discriminatory impact but do not require proof of a viola-
 7 tion pursuant to subsection (b) or (c).

8 “(e) For purposes of this section, the term ‘affected
 9 area’ means any geographic area, in which members of
 10 a protected class are affected by a qualification, pre-
 11 requisite, standard, practice, or procedure allegedly in vio-
 12 lation of this section, within a State (including any Indian
 13 lands).”.

14 **SEC. 1103. RETROGRESSION.**

15 Section 2 of the Voting Rights Act of 1965 (52
 16 U.S.C. 10301 et seq.), as amended by section 1102 of this
 17 subtitle, is further amended by adding at the end the fol-
 18 lowing:

19 “(f) A violation of subsection (a) is established when
 20 a State or political subdivision enacts or seeks to admin-
 21 ister any qualification or prerequisite to voting or stand-
 22 ard, practice, or procedure with respect to voting in any
 23 election that has the purpose of or will have the effect
 24 of diminishing the ability of any citizens of the United
 25 States on account of race or color, or in contravention of

1 the guarantees set forth in section 4(f)(2), to participate
2 in the electoral process or elect their preferred candidates
3 of choice. This subsection applies to any action taken on
4 or after January 1, 2021, by a State or political subdivi-
5 sion to enact or seek to administer any such qualification
6 or prerequisite to voting or standard, practice or proce-
7 dure.

8 “(g) Notwithstanding the provisions of subsection (f),
9 final decisions of the United States District Court of the
10 District of Columbia on applications or petitions by States
11 or political subdivisions for preclearance under section 5
12 of any changes in voting prerequisites, standards, prac-
13 tices, or procedures, supersede the provisions of subsection
14 (f).”.

15 **SEC. 1104. VIOLATIONS TRIGGERING AUTHORITY OF**
16 **COURT TO RETAIN JURISDICTION.**

17 (a) TYPES OF VIOLATIONS.—Section 3(c) of the Vot-
18 ing Rights Act of 1965 (52 U.S.C. 10302(c)) is amended
19 by striking “violations of the fourteenth or fifteenth
20 amendment” and inserting “violations of the 14th or 15th
21 Amendment, violations of this Act, or violations of any
22 Federal law that prohibits discrimination in voting on the
23 basis of race, color, or membership in a language minority
24 group,”.

1 (b) CONFORMING AMENDMENT.—Section 3(a) of
2 such Act (52 U.S.C. 10302(a)) is amended by striking
3 “violations of the fourteenth or fifteenth amendment” and
4 inserting “violations of the 14th or 15th Amendment, vio-
5 lations of this Act, or violations of any Federal law that
6 prohibits discrimination in voting on the basis of race,
7 color, or membership in a language minority group,”.

8 **SEC. 1105. CRITERIA FOR COVERAGE OF STATES AND PO-**
9 **LITICAL SUBDIVISIONS.**

10 (a) DETERMINATION OF STATES AND POLITICAL
11 SUBDIVISIONS SUBJECT TO SECTION 4(a).—

12 (1) IN GENERAL.—Section 4(b) of the Voting
13 Rights Act of 1965 (52 U.S.C. 10303(b)) is amend-
14 ed to read as follows:

15 “(b) DETERMINATION OF STATES AND POLITICAL
16 SUBDIVISIONS SUBJECT TO REQUIREMENTS.—

17 “(1) EXISTENCE OF VOTING RIGHTS VIOLA-
18 TIONS DURING PREVIOUS 25 YEARS.—

19 “(A) STATEWIDE APPLICATION.—Sub-
20 section (a) applies with respect to a State and
21 all political subdivisions within the State during
22 a calendar year if—

23 “(i) fifteen or more voting rights vio-
24 lations occurred in the State during the
25 previous 25 calendar years;

1 “(ii) ten or more voting rights viola-
2 tions occurred in the State during the pre-
3 vious 25 calendar years, at least one of
4 which was committed by the State itself
5 (as opposed to a political subdivision with-
6 in the State); or

7 “(iii) three or more voting rights vio-
8 lations occurred in the State during the
9 previous 25 calendar years and the State
10 itself administers the elections in the State
11 or political subdivisions in which the voting
12 rights violations occurred.

13 “(B) APPLICATION TO SPECIFIC POLITICAL
14 SUBDIVISIONS.—Subsection (a) applies with re-
15 spect to a political subdivision as a separate
16 unit during a calendar year if three or more
17 voting rights violations occurred in the subdivi-
18 sion during the previous 25 calendar years.

19 “(2) PERIOD OF APPLICATION.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), if, pursuant to paragraph
22 (1), subsection (a) applies with respect to a
23 State or political subdivision during a calendar
24 year, subsection (a) shall apply with respect to

1 such State or political subdivision for the pe-
2 riod—

3 “(i) that begins on January 1 of the
4 year in which subsection (a) applies; and

5 “(ii) that ends on the date which is 10
6 years after the date described in clause (i).

7 “(B) NO FURTHER APPLICATION AFTER
8 DECLARATORY JUDGMENT.—

9 “(i) STATES.—If a State obtains a de-
10 claratory judgment under subsection (a),
11 and the judgment remains in effect, sub-
12 section (a) shall no longer apply to such
13 State pursuant to paragraph (1)(A) unless,
14 after the issuance of the declaratory judg-
15 ment, paragraph (1)(A) applies to the
16 State solely on the basis of voting rights
17 violations occurring after the issuance of
18 the declaratory judgment.

19 “(ii) POLITICAL SUBDIVISIONS.—If a
20 political subdivision obtains a declaratory
21 judgment under subsection (a), and the
22 judgment remains in effect, subsection (a)
23 shall no longer apply to such political sub-
24 division pursuant to paragraph (1), includ-
25 ing pursuant to paragraph (1)(A) (relating

1 to the statewide application of subsection
2 (a)), unless, after the issuance of the de-
3 claratory judgment, paragraph (1)(B) ap-
4 plies to the political subdivision solely on
5 the basis of voting rights violations occur-
6 ring after the issuance of the declaratory
7 judgment.

8 “(3) DETERMINATION OF VOTING RIGHTS VIO-
9 LATION.—For purposes of paragraph (1), a voting
10 rights violation occurred in a State or political sub-
11 division if any of the following applies:

12 “(A) JUDICIAL RELIEF; VIOLATION OF
13 THE 14TH OR 15TH AMENDMENT.—Any final
14 judgment, or any preliminary, temporary, or de-
15 claratory relief (that was not reversed on ap-
16 peal), in which the plaintiff prevailed or a court
17 of the United States found that the plaintiff
18 demonstrated a likelihood of success on the
19 merits or raised a serious question with regard
20 to race discrimination, in which any court of
21 the United States determined that a denial or
22 abridgement of the right of any citizen of the
23 United States to vote on account of race, color,
24 or membership in a language minority group
25 occurred, or that a voting qualification or pre-

1 requisite to voting or standard, practice, or pro-
2 cedure with respect to voting created an undue
3 burden on the right to vote in connection with
4 a claim that the law unduly burdened voters of
5 a particular race, color, or language minority
6 group, in violation of the 14th or 15th Amend-
7 ment, anywhere within the State or subdivision.

8 “(B) JUDICIAL RELIEF; VIOLATIONS OF
9 THIS ACT.—Any final judgment, or any prelimi-
10 nary, temporary, or declaratory relief (that was
11 not reversed on appeal) in which the plaintiff
12 prevailed or a court of the United States found
13 that the plaintiff demonstrated a likelihood of
14 success on the merits or raised a serious ques-
15 tion with regard to race discrimination, in
16 which any court of the United States deter-
17 mined that a voting qualification or prerequisite
18 to voting or standard, practice, or procedure
19 with respect to voting was imposed or applied
20 or would have been imposed or applied any-
21 where within the State or subdivision in a man-
22 ner that resulted or would have resulted in a
23 denial or abridgement of the right of any citizen
24 of the United States to vote on account of race,
25 color, or membership in a language minority

1 group, in violation of subsection 4(e) or 4(f) or
2 section 2, 201, or 203 of this Act.

3 “(C) FINAL JUDGMENT; DENIAL OF DE-
4 CLARATORY JUDGMENT.—In a final judgment
5 (that was not been reversed on appeal), any
6 court of the United States has denied the re-
7 quest of the State or subdivision for a declara-
8 tory judgment under section 3(c) or section 5,
9 and thereby prevented a voting qualification or
10 prerequisite to voting or standard, practice, or
11 procedure with respect to voting from being en-
12 forced anywhere within the State or subdivision.

13 “(D) OBJECTION BY THE ATTORNEY GEN-
14 ERAL.—The Attorney General has interposed
15 an objection under section 3(c) or section 5,
16 and thereby prevented a voting qualification or
17 prerequisite to voting or standard, practice, or
18 procedure with respect to voting from being en-
19 forced anywhere within the State or subdivision.
20 A violation per this subsection has not occurred
21 where an objection has been withdrawn by the
22 Attorney General, unless the withdrawal was in
23 response to a change in the law or practice that
24 served as the basis of the objection. A violation
25 under this subsection has not occurred where

1 the objection is based solely on a State or polit-
2 ical subdivision's failure to comply with a proce-
3 dural process that would not otherwise con-
4 stitute an independent violation of this Act.

5 “(E) CONSENT DECREE, SETTLEMENT, OR
6 OTHER AGREEMENT.—A consent decree, settle-
7 ment, or other agreement was adopted or en-
8 tered by a court of the United States or con-
9 tained an admission of liability by the defend-
10 ants, which resulted in the alteration or aban-
11 donment of a voting practice anywhere in the
12 territory of such State or subdivision that was
13 challenged on the ground that the practice de-
14 nied or abridged the right of any citizen of the
15 United States to vote on account of race, color,
16 or membership in a language minority group in
17 violation of subsection 4(e) or 4(f) or section 2,
18 201, or 203 of this Act, or the 14th or 15th
19 Amendment. An extension or modification of an
20 agreement as defined by this subsection that
21 has been in place for ten years or longer shall
22 count as an independent violation. If a court of
23 the United States finds that an agreement itself
24 as defined by this subsection denied or abridged
25 the right of any citizen of the United States to

1 vote on account of race, color, or membership in
2 a language minority group, violated subsection
3 4(e) or 4(f) or section 2, 201, or 203 of this
4 Act, or created an undue burden on the right
5 to vote in connection with a claim that the con-
6 sent decree, settlement, or other agreement un-
7 duly burdened voters of a particular race, color,
8 or language minority group, that finding shall
9 count as an independent violation.

10 “(F) MULTIPLE VIOLATIONS.—Each vot-
11 ing qualification or prerequisite to voting or
12 standard, practice, or procedure with respect to
13 voting, including each redistricting plan, found
14 to be a violation by a court of the United States
15 pursuant to subsection (a) or (b), or prevented
16 from enforcement pursuant to subsection (c) or
17 (d), or altered or abandoned pursuant to sub-
18 section (e) shall count as an independent viola-
19 tion. Within a redistricting plan, each violation
20 found to discriminate against any group of vot-
21 ers based on race, color, or language minority
22 group shall count as an independent violation.

23 “(4) TIMING OF DETERMINATIONS.—

24 “(A) DETERMINATIONS OF VOTING RIGHTS
25 VIOLATIONS.—As early as practicable during

1 each calendar year, the Attorney General shall
2 make the determinations required by this sub-
3 section, including updating the list of voting
4 rights violations occurring in each State and po-
5 litical subdivision for the previous calendar
6 year.

7 “(B) EFFECTIVE UPON PUBLICATION IN
8 FEDERAL REGISTER.—A determination or cer-
9 tification of the Attorney General under this
10 section or under section 8 or 13 shall be effec-
11 tive upon publication in the Federal Register.”.

12 (2) CONFORMING AMENDMENTS.—Section 4(a)
13 of such Act (52 U.S.C. 10303(a)) is amended—

14 (A) in paragraph (1), in the first sentence
15 of the matter preceding subparagraph (A), by
16 striking “any State with respect to which” and
17 all that follows through “unless” and inserting
18 “any State to which this subsection applies dur-
19 ing a calendar year pursuant to determinations
20 made under subsection (b), or in any political
21 subdivision of such State (as such subdivision
22 existed on the date such determinations were
23 made with respect to such State), though such
24 determinations were not made with respect to
25 such subdivision as a separate unit, or in any

1 political subdivision with respect to which this
2 subsection applies during a calendar year pur-
3 suant to determinations made with respect to
4 such subdivision as a separate unit under sub-
5 section (b), unless”;

6 (B) in paragraph (1) in the matter pre-
7 ceding subparagraph (A), by striking the second
8 sentence;

9 (C) in paragraph (1)(A), by striking “(in
10 the case of a State or subdivision seeking a de-
11 claratory judgment under the second sentence
12 of this subsection)”;

13 (D) in paragraph (1)(B), by striking “(in
14 the case of a State or subdivision seeking a de-
15 claratory judgment under the second sentence
16 of this subsection)”;

17 (E) in paragraph (3), by striking “(in the
18 case of a State or subdivision seeking a declara-
19 tory judgment under the second sentence of this
20 subsection)”;

21 (F) in paragraph (5), by striking “(in the
22 case of a State or subdivision which sought a
23 declaratory judgment under the second sentence
24 of this subsection)”;

1 (G) by striking paragraphs (7) and (8);
2 and

3 (H) by redesignating paragraph (9) as
4 paragraph (7).

5 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
6 LANGUAGE MINORITY GROUPS.—Section 4(a)(1) of such
7 Act (52 U.S.C. 10303(a)(1)) is amended by striking “race
8 or color,” and inserting “race, color, or in contravention
9 of the guarantees of subsection (f)(2),”.

10 (c) ADMINISTRATIVE BAILOUT.—

11 (1) IN GENERAL.—Section 4 of the Voting
12 Rights Act of 1965 (52 U.S.C. 10303) is amended
13 by adding at the end the following:

14 “(g) ADMINISTRATIVE BAILOUT.—

15 “(1) DETERMINATION OF ELIGIBILITY.—

16 “(A) IN GENERAL.—After making a deter-
17 mination under subsection (b)(1)(A) that the
18 provisions of subsection (a) apply with respect
19 to a State and all political subdivisions within
20 the State, the Attorney General shall determine
21 if any political subdivision of the State is eligi-
22 ble for an exemption under this subsection, and
23 shall publish, in the Federal Register, a list of
24 all such political subdivisions. Any political sub-
25 division included on such list is not subject to

1 any requirement under section 5 until the date
2 on which any application under this section has
3 been finally disposed of or no such application
4 may be made.

5 “(B) RULE OF CONSTRUCTION.—Nothing
6 in this subsection may be construed to pro-
7 vide—

8 “(i) that the determinations made
9 pursuant to the creation of the list shall
10 have any binding or preclusive effect; or

11 “(ii) that inclusion on the list—

12 “(I) constitutes a final deter-
13 mination by the Attorney General that
14 the listee is eligible for an exemption
15 pursuant to this subsection or that, in
16 the case of the listee, the provisions of
17 subparagraphs (A) through (F) of
18 subsection (a)(1) are satisfied; or

19 “(II) entitles the listee to any ex-
20 emption pursuant to this subsection.

21 “(2) ELIGIBILITY.—A political subdivision that
22 submits an application under paragraph (3) shall be
23 eligible for an exemption under this subsection only
24 if, during the ten years preceding the filing of the

1 application, and during the pendency of such appli-
2 cation—

3 “(A) no test or device referred to in sub-
4 section (a)(1) has been used within such polit-
5 ical subdivision for the purpose or with the ef-
6 fect of denying or abridging the right to vote on
7 account of race or color or in contravention of
8 the guarantees of subsection (f)(2);

9 “(B) no final judgment of any court of the
10 United States, other than the denial of declara-
11 tory judgment under this section, has deter-
12 mined that denials or abridgements of the right
13 to vote on account of race or color have oc-
14 curred anywhere in the territory of such polit-
15 ical subdivision or that denials or abridgements
16 of the right to vote in contravention of the
17 guarantees of subsection (f)(2) have occurred
18 anywhere in the territory of such subdivision
19 and no consent decree, settlement, or agreement
20 has been entered into resulting in any abandon-
21 ment of a voting practice challenged on such
22 grounds; and no declaratory judgment under
23 this section shall be entered during the pend-
24 ency of an action commenced before the filing
25 of an action under this section and alleging

1 such denials or abridgements of the right to
2 vote;

3 “(C) no Federal examiners or observers
4 under this Act have been assigned to such polit-
5 ical subdivision;

6 “(D) such political subdivision and all gov-
7 ernmental units within its territory have com-
8 plied with section 5 of this Act, including com-
9 pliance with the requirement that no change
10 covered by section 5 has been enforced without
11 preclearance under section 5, and have repealed
12 all changes covered by section 5 to which the
13 Attorney General has successfully objected or as
14 to which the United States District Court for
15 the District of Columbia has denied a declara-
16 tory judgment;

17 “(E) the Attorney General has not inter-
18 posed any objection (that has not been over-
19 turned by a final judgment of a court) and no
20 declaratory judgment has been denied under
21 section 5, with respect to any submission by or
22 on behalf of the plaintiff or any governmental
23 unit within its territory under section 5, and no
24 such submissions or declaratory judgment ac-
25 tions are pending; and

1 “(F) such political subdivision and all gov-
2 ernmental units within its territory—

3 “(i) have eliminated voting procedures
4 and methods of election which inhibit or
5 dilute equal access to the electoral process;

6 “(ii) have engaged in constructive ef-
7 forts to eliminate intimidation and harass-
8 ment of persons exercising rights protected
9 under this Act; and

10 “(iii) have engaged in other construc-
11 tive efforts, such as expanded opportunity
12 for convenient registration and voting for
13 every person of voting age and the appoint-
14 ment of minority persons as election offi-
15 cials throughout the jurisdiction and at all
16 stages of the election and registration
17 process.

18 “(3) APPLICATION PERIOD.—Not later than 90
19 days after the publication of the list under para-
20 graph (1), a political subdivision included on such
21 list may submit an application, containing such in-
22 formation as the Attorney General may require, for
23 an exemption under this subsection. The Attorney
24 General shall provide notice in the Federal Register
25 of such application.

1 “(4) COMMENT PERIOD.—During the 90-day
2 period beginning on the date that notice is published
3 under paragraph (3), the Attorney General shall give
4 interested persons an opportunity to submit objec-
5 tions to the issuance of an exemption under this
6 subsection to a political subdivision on the basis that
7 the political subdivision is not eligible under para-
8 graph (2) to the Attorney General. During the 1-
9 year period beginning on the effective date of this
10 subsection, such 90-day period shall be extended by
11 an additional 30 days. The Attorney General shall
12 notify the political subdivision of each objection sub-
13 mitted and afford the political subdivision an oppor-
14 tunity to respond.

15 “(5) DETERMINATION AS TO OBJECTIONS.—In
16 the case of a political subdivision with respect to
17 which an objection has been submitted under para-
18 graph (4), the following shall apply:

19 “(A) CONSIDERATION OF OBJECTIONS.—
20 The Attorney General shall consider and re-
21 spond to each such objection (and any response
22 of the political subdivision thereto) during the
23 60-day period beginning on the day after the
24 comment period under paragraph (4) concludes.

1 “(B) JUSTIFIED OBJECTIONS.—If the At-
2 torney General determines that any such objec-
3 tion is justified, the Attorney General shall pub-
4 lish notice in the Federal Register denying the
5 application for an exemption under this sub-
6 section.

7 “(C) UNJUSTIFIED OBJECTIONS.—If the
8 Attorney General determines that no objection
9 submitted is justified, each person that sub-
10 mitted such an objection may, not later than 90
11 days after the end of the period established
12 under subparagraph (A), file, in the District
13 Court of the District of Columbia, an action for
14 judicial review of such determination in accord-
15 ance with chapter 7 of title 5, United States
16 Code.

17 “(6) EXEMPTION.—The Attorney General may
18 issue an exemption, by publication in the Federal
19 Register, from the application of the provisions of
20 subsection (a) with respect to a political subdivision
21 that—

22 “(A) is eligible under paragraph (2); and

23 “(B) with respect to which no objection
24 under was submitted under paragraph (4) or
25 determined to be justified under paragraph (5).

1 “(7) JUDICIAL REVIEW.—Except as otherwise
2 explicitly provided in this subsection, no determina-
3 tion under this subsection shall be subject to review
4 by any court, and all determinations under this sub-
5 section are committed to the discretion of the Attor-
6 ney General.

7 “(8) SAVINGS CLAUSE.—If a political subdivi-
8 sion was not subject to the application of the provi-
9 sions of subsection (a) by reason of a declaratory
10 judgment entered prior to the effective date of this
11 subsection, and such political subdivision has not
12 violated any eligibility requirement set forth in para-
13 graph (2) at any time thereafter, then that political
14 subdivision shall not be subject to the requirements
15 of subsection (a).”.

16 (2) CONFORMING AMENDMENT.—

17 (A) IN GENERAL.—Section 4(a)(1) of the
18 Voting Rights Act of 1965 (52 U.S.C.
19 10303(a)(1)), as amended by this subtitle, is
20 further amended by inserting after “the United
21 States District Court for the District of Colum-
22 bia issues a declaratory judgment under this
23 section” the following: “, or, in the case of a
24 political subdivision, the Attorney General
25 issues an exemption under subsection (g)”.

1 (B) EXPIRATION OF TIME LIMIT.—On the
 2 date that is 1 year after the effective date of
 3 this subsection, section 4(g)(3) of the Voting
 4 Rights Act of 1965 (52 U.S.C. 10303(g)(3)) is
 5 amended by striking “During the 1 year period
 6 beginning on the effective date of this sub-
 7 section, such 90-day period shall be extended by
 8 an additional 30 days.”. For purposes of any
 9 periods under such section commenced as of
 10 such date, the 90-day period shall remain ex-
 11 tended by an additional 30 days.

12 **SEC. 1106. DETERMINATION OF STATES AND POLITICAL**
 13 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 14 **FOR COVERED PRACTICES.**

15 The Voting Rights Act of 1965 (52 U.S.C. 10301 et
 16 seq.) is further amended by inserting after section 4 the
 17 following:

18 **“SEC. 4A. DETERMINATION OF STATES AND POLITICAL**
 19 **SUBDIVISIONS SUBJECT TO PRECLEARANCE**
 20 **FOR COVERED PRACTICES.**

21 **“(a) PRACTICE-BASED PRECLEARANCE.—**

22 **“(1) IN GENERAL.—**Each State and each polit-
 23 ical subdivision shall—

24 **“(A)** identify any newly enacted or adopted
 25 law, regulation, or policy that includes a voting

1 qualification or prerequisite to voting, or a
2 standard, practice, or procedure with respect to
3 voting, that is a covered practice described in
4 subsection (b); and

5 “(B) ensure that no such covered practice
6 is implemented unless or until the State or po-
7 litical subdivision, as the case may be, complies
8 with subsection (c).

9 “(2) DETERMINATIONS OF CHARACTERISTICS
10 OF VOTING-AGE POPULATION.—

11 “(A) IN GENERAL.—As early as prac-
12 ticable during each calendar year, the Attorney
13 General, in consultation with the Director of
14 the Bureau of the Census and the heads of
15 other relevant offices of the government, shall
16 make the determinations required by this sec-
17 tion regarding voting-age populations and the
18 characteristics of such populations, and shall
19 publish a list of the States and political subdivi-
20 sions to which a voting-age population char-
21 acteristic described in subsection (b) applies.

22 “(B) PUBLICATION IN THE FEDERAL REG-
23 ISTER.—A determination or certification of the
24 Attorney General under this paragraph shall be

1 effective upon publication in the Federal Reg-
2 ister.

3 “(b) COVERED PRACTICES.—To ensure that the right
4 of citizens of the United States to vote is not denied or
5 abridged on account of race, color, or membership in a
6 language minority group as a result of the implementation
7 of certain qualifications or prerequisites to voting, or
8 standards, practices, or procedures with respect to voting
9 newly adopted in a State or political subdivision, the fol-
10 lowing shall be covered practices subject to the require-
11 ments described in subsection (a):

12 “(1) CHANGES TO METHOD OF ELECTION.—
13 Any change to the method of election—

14 “(A) to add seats elected at-large in a
15 State or political subdivision where—

16 “(i) two or more racial groups or lan-
17 guage minority groups each represent 20
18 percent or more of the political subdivi-
19 sion’s voting-age population; or

20 “(ii) a single language minority group
21 represents 20 percent or more of the vot-
22 ing-age population on Indian lands located
23 in whole or in part in the political subdivi-
24 sion; or

1 “(B) to convert one or more seats elected
2 from a single-member district to one or more
3 at-large seats or seats from a multi-member
4 district in a State or political subdivision
5 where—

6 “(i) two or more racial groups or lan-
7 guage minority groups each represent 20
8 percent or more of the political subdivi-
9 sion’s voting-age population; or

10 “(ii) a single language minority group
11 represents 20 percent or more of the vot-
12 ing-age population on Indian lands located
13 in whole or in part in the political subdivi-
14 sion.

15 “(2) CHANGES TO JURISDICTION BOUND-
16 ARIES.—Any change or series of changes within a
17 year to the boundaries of a jurisdiction that reduces
18 by 3 or more percentage points the proportion of the
19 jurisdiction’s voting-age population that is comprised
20 of members of a single racial group or language mi-
21 nority group in a State or political subdivision
22 where—

23 “(A) two or more racial groups or lan-
24 guage minority groups each represent 20 per-

cent or more of the political subdivision’s voting-age population; or

“(B) a single language minority group represents 20 percent or more of the voting-age population on Indian lands located in whole or in part in the political subdivision.

“(3) CHANGES THROUGH REDISTRICTING.—

Any change to the boundaries of election districts in a State or political subdivision where any racial group or language minority group that is not the largest racial group or language minority group in the jurisdiction and that represents 15 percent or more of the State or political subdivision’s voting-age population experiences a population increase of at least 20 percent of its voting-age population, over the preceding decade (as calculated by the Bureau of the Census under the most recent decennial census), in the jurisdiction.

“(4) CHANGES IN DOCUMENTATION OR QUALIFICATIONS TO VOTE.—Any change to requirements for documentation or proof of identity to vote or register to vote that will exceed or be more stringent than such requirements under State law on the day before the date of enactment of the John R. Lewis Voting Rights Advancement Act of 2025; and fur-

1 ther, if a State has in effect a requirement that an
2 individual present identification as a condition of re-
3 ceiving and casting a ballot in an election for Fed-
4 eral office, if the State does not permit the indi-
5 vidual to meet the requirement and cast a ballot in
6 the election in the same manner as an individual
7 who presents identification—

8 “(A) in the case of an individual who de-
9 sires to vote in person, by presenting the appro-
10 priate State or local election official with a
11 sworn written statement, signed by the indi-
12 vidual under penalty of perjury, attesting to the
13 individual’s identity and attesting that the indi-
14 vidual is eligible to vote in the election; and

15 “(B) in the case of an individual who de-
16 sires to vote by mail, by submitting with the
17 ballot the statement described in subparagraph
18 (A).

19 “(5) CHANGES TO MULTILINGUAL VOTING MA-
20 TERIALS.—Any change that reduces multilingual
21 voting materials or alters the manner in which such
22 materials are provided or distributed, where no simi-
23 lar reduction or alteration occurs in materials pro-
24 vided in English for such election.

1 “(6) CHANGES THAT REDUCE, CONSOLIDATE,
2 OR RELOCATE VOTING LOCATIONS, OR REDUCE VOT-
3 ING OPPORTUNITIES.—Any change that reduces,
4 consolidates, or relocates voting locations, including
5 early, absentee, and election-day voting locations, or
6 reduces days or hours of in-person voting on any
7 Sunday during a period occurring prior to the date
8 of an election during which voters may cast ballots
9 in such election, or prohibits the provision of food or
10 non-alcoholic drink to persons waiting to vote in an
11 election except where the provision would violate
12 prohibitions on expenditures to influence voting—

13 “(A) in one or more census tracts wherein
14 two or more language minority groups or racial
15 groups each represent 20 percent or more of
16 the voting-age population of the political sub-
17 division; or

18 “(B) on Indian lands wherein at least 20
19 percent of the voting-age population belongs to
20 a single language minority group.

21 “(7) NEW LIST MAINTENANCE PROCESS.—Any
22 change to the maintenance of voter registration lists
23 that adds a new basis for removal from the list of
24 active registered voters or that incorporates new
25 sources of information in determining a voter’s eligi-

1 bility to vote, wherein such a change would have a
2 statistically significant disparate impact on the re-
3 moval from voter rolls of members of racial groups
4 or language minority groups that constitute greater
5 than 5 percent of the voting-age population—

6 “(A) in the case of a political subdivision
7 imposing such change if—

8 “(i) two or more racial groups or lan-
9 guage minority groups each represent 20
10 percent or more of the voting-age popu-
11 lation of the political subdivision; or

12 “(ii) a single language minority group
13 represents 20 percent or more of the vot-
14 ing-age population on Indian lands located
15 in whole or in part in the political subdivi-
16 sion; or

17 “(B) in the case of a State imposing such
18 change, if two or more racial groups or lan-
19 guage minority groups each represent 20 per-
20 cent or more of the voting-age population of—

21 “(i) the State; or

22 “(ii) a political subdivision in the
23 State, except that the requirements under
24 subsections (a) and (c) shall apply only

1 with respect to each such political subdivi-
2 sion.

3 “(c) PRECLEARANCE.—

4 “(1) IN GENERAL.—Whenever a State or polit-
5 ical subdivision with respect to which the require-
6 ments set forth in subsection (a) are in effect shall
7 enact, adopt, or seek to implement any covered prac-
8 tice described under subsection (b), such State or
9 subdivision may institute an action in the United
10 States District Court for the District of Columbia
11 for a declaratory judgment that such covered prac-
12 tice neither has the purpose nor will have the effect
13 of denying or abridging the right to vote on account
14 of race, color, or membership in a language minority
15 group, and unless and until the court enters such
16 judgment such covered practice shall not be imple-
17 mented. Notwithstanding the previous sentence, such
18 covered practice may be implemented without such
19 proceeding if the covered practice has been sub-
20 mitted by the chief legal officer or other appropriate
21 official of such State or subdivision to the Attorney
22 General and the Attorney General has not inter-
23 posed an objection within 60 days after such submis-
24 sion, or upon good cause shown, to facilitate an ex-
25 pedited approval within 60 days after such submis-

1 sion, the Attorney General has affirmatively indi-
2 cated that such objection will not be made. Neither
3 an affirmative indication by the Attorney General
4 that no objection will be made, nor the Attorney
5 General's failure to object, nor a declaratory judg-
6 ment entered under this section shall bar a subse-
7 quent action to enjoin implementation of such cov-
8 ered practice. In the event the Attorney General af-
9 firmatively indicates that no objection will be made
10 within the 60-day period following receipt of a sub-
11 mission, the Attorney General may reserve the right
12 to reexamine the submission if additional informa-
13 tion comes to the Attorney General's attention dur-
14 ing the remainder of the 60-day period which would
15 otherwise require objection in accordance with this
16 section. Any action under this section shall be heard
17 and determined by a court of three judges in accord-
18 ance with the provisions of section 2284 of title 28,
19 United States Code, and any appeal shall lie to the
20 Supreme Court.

21 “(2) DENYING OR ABRIDGING THE RIGHT TO
22 VOTE.—Any covered practice described in subsection
23 (b) that has the purpose of or will have the effect
24 of diminishing the ability of any citizens of the
25 United States on account of race, color, or member-

1 ship in a language minority group, to elect their pre-
2 ferred candidates of choice denies or abridges the
3 right to vote within the meaning of paragraph (1) of
4 this subsection.

5 “(3) PURPOSE DEFINED.—The term ‘purpose’
6 in paragraphs (1) and (2) of this subsection shall in-
7 clude any discriminatory purpose.

8 “(4) PURPOSE OF PARAGRAPH (2).—The pur-
9 pose of paragraph (2) of this subsection is to protect
10 the ability of such citizens to elect their preferred
11 candidates of choice.

12 “(d) ENFORCEMENT.—The Attorney General or any
13 aggrieved citizen may file an action in a Federal district
14 court to compel any State or political subdivision to satisfy
15 the obligations set forth in this section. Such actions shall
16 be heard and determined by a court of three judges under
17 section 2284 of title 28, United States Code. In any such
18 action, the court shall provide as a remedy that any voting
19 qualification or prerequisite to voting, or standard, prac-
20 tice, or procedure with respect to voting, that is the sub-
21 ject of the action under this subsection be enjoined unless
22 the court determines that—

23 “(1) the voting qualification or prerequisite to
24 voting, or standard, practice, or procedure with re-

1 spect to voting, is not a covered practice described
2 in subsection (b); or

3 “(2) the State or political subdivision has com-
4 plied with subsection (c) with respect to the covered
5 practice at issue.

6 “(e) COUNTING OF RACIAL GROUPS AND LANGUAGE
7 MINORITY GROUPS.—For purposes of this section, the cal-
8 culation of the population of a racial group or a language
9 minority group shall be carried out using the methodology
10 in the guidance promulgated in the Federal Register on
11 February 9, 2011 (76 Fed. Reg. 7470).

12 “(f) SPECIAL RULE.—For purposes of determina-
13 tions under this section, any data provided by the Bureau
14 of the Census, whether based on estimation from sample
15 or actual enumeration, shall not be subject to challenge
16 or review in any court.

17 “(g) MULTILINGUAL VOTING MATERIALS.—In this
18 section, the term ‘multilingual voting materials’ means
19 registration or voting notices, forms, instructions, assist-
20 ance, or other materials or information relating to the
21 electoral process, including ballots, provided in the lan-
22 guage or languages of one or more language minority
23 groups.”.

1 **SEC. 1107. PROMOTING TRANSPARENCY TO ENFORCE THE**
2 **VOTING RIGHTS ACT.**

3 (a) TRANSPARENCY.—

4 (1) IN GENERAL.—The Voting Rights Act of
5 1965 (52 U.S.C. 10301 et seq.) is amended by in-
6 serting after section 5 the following new section:

7 **“SEC. 6. TRANSPARENCY REGARDING CHANGES TO PRO-**
8 **TECT VOTING RIGHTS.**

9 “(a) NOTICE OF ENACTED CHANGES.—

10 “(1) NOTICE OF CHANGES.—If a State or polit-
11 ical subdivision makes any change in any qualifica-
12 tion or prerequisite to voting or standard, practice,
13 or procedure with respect to voting in any election
14 for Federal office that will result in the qualification
15 or prerequisite, standard, practice, or procedure
16 being different from that which was in effect as of
17 180 days before the date of the election for Federal
18 office, the State or political subdivision shall provide
19 reasonable public notice in such State or political
20 subdivision and on the website of the State or polit-
21 ical subdivision, of a concise description of the
22 change, including the difference between the
23 changed qualification or prerequisite, standard, prac-
24 tice, or procedure and the prerequisite, standard,
25 practice, or procedure which was previously in effect.
26 The public notice described in this paragraph, in

1 such State or political subdivision and on the website
2 of a State or political subdivision, shall be in a for-
3 mat that is reasonably convenient and accessible to
4 persons with disabilities who are eligible to vote, in-
5 cluding persons who have low vision or are blind.

6 “(2) DEADLINE FOR NOTICE.—A State or polit-
7 ical subdivision shall provide the public notice re-
8 quired under paragraph (1) not later than 48 hours
9 after making the change involved.

10 “(b) TRANSPARENCY REGARDING POLLING PLACE
11 RESOURCES.—

12 “(1) IN GENERAL.—In order to identify any
13 changes that may impact the right to vote of any
14 person, prior to the 30th day before the date of an
15 election for Federal office, each State or political
16 subdivision with responsibility for allocating reg-
17 istered voters, voting machines, and official poll
18 workers to particular precincts and polling places
19 shall provide reasonable public notice in such State
20 or political subdivision and on the website of a State
21 or political subdivision, of the information described
22 in paragraph (2) for precincts and polling places
23 within such State or political subdivision. The public
24 notice described in this paragraph, in such State or
25 political subdivision and on the website of a State or

1 political subdivision, shall be in a format that is rea-
2 sonably convenient and accessible to persons with
3 disabilities who are eligible to vote, including persons
4 who have low vision or are blind.

5 “(2) INFORMATION DESCRIBED.—The informa-
6 tion described in this paragraph with respect to a
7 precinct or polling place is each of the following:

8 “(A) The name or number.

9 “(B) In the case of a polling place, the lo-
10 cation, including the street address, and wheth-
11 er such polling place is accessible to persons
12 with disabilities.

13 “(C) The voting-age population of the area
14 served by the precinct or polling place, broken
15 down by demographic group if such breakdown
16 is reasonably available to such State or political
17 subdivision.

18 “(D) The number of registered voters as-
19 signed to the precinct or polling place, broken
20 down by demographic group if such breakdown
21 is reasonably available to such State or political
22 subdivision.

23 “(E) The number of voting machines as-
24 signed, including the number of voting ma-
25 chines accessible to persons with disabilities

1 who are eligible to vote, including persons who
2 have low vision or are blind.

3 “(F) The number of official paid poll
4 workers assigned.

5 “(G) The number of official volunteer poll
6 workers assigned.

7 “(H) In the case of a polling place, the
8 dates and hours of operation.

9 “(3) UPDATES IN INFORMATION REPORTED.—
10 If a State or political subdivision makes any change
11 in any of the information described in paragraph
12 (2), the State or political subdivision shall provide
13 reasonable public notice in such State or political
14 subdivision and on the website of a State or political
15 subdivision, of the change in the information not
16 later than 48 hours after the change occurs or, if
17 the change occurs fewer than 48 hours before the
18 date of the election for Federal office, as soon as
19 practicable after the change occurs. The public no-
20 tice described in this paragraph and published on
21 the website of a State or political subdivision shall
22 be in a format that is reasonably convenient and ac-
23 cessible to persons with disabilities who are eligible
24 to vote, including persons who have low vision or are
25 blind.

1 “(c) TRANSPARENCY OF CHANGES RELATING TO DE-
2 MOGRAPHICS AND ELECTORAL DISTRICTS.—

3 “(1) REQUIRING PUBLIC NOTICE OF
4 CHANGES.—Not later than 10 days after making
5 any change in the constituency that will participate
6 in an election for Federal, State, or local office or
7 the boundaries of a voting unit or electoral district
8 in an election for Federal, State, or local office (in-
9 cluding through redistricting, reapportionment,
10 changing from at-large elections to district-based
11 elections, or changing from district-based elections
12 to at-large elections), a State or political subdivision
13 shall provide reasonable public notice in such State
14 or political subdivision and on the website of a State
15 or political subdivision, of the demographic and elec-
16 toral data described in paragraph (3) for each of the
17 geographic areas described in paragraph (2).

18 “(2) GEOGRAPHIC AREAS DESCRIBED.—The ge-
19 ographic areas described in this paragraph are as
20 follows:

21 “(A) The State as a whole, if the change
22 applies statewide, or the political subdivision as
23 a whole, if the change applies across the entire
24 political subdivision.

1 “(B) If the change includes a plan to re-
2 place or eliminate voting units or electoral dis-
3 tricts, each voting unit or electoral district that
4 will be replaced or eliminated.

5 “(C) If the change includes a plan to es-
6 tablish new voting units or electoral districts,
7 each such new voting unit or electoral district.

8 “(3) DEMOGRAPHIC AND ELECTORAL DATA.—
9 The demographic and electoral data described in this
10 paragraph with respect to a geographic area de-
11 scribed in paragraph (2) are each of the following:

12 “(A) The voting-age population, broken
13 down by demographic group.

14 “(B) If it is reasonably available to the
15 State or political subdivision involved, an esti-
16 mate of the population of the area which con-
17 sists of citizens of the United States who are 18
18 years of age or older, broken down by demo-
19 graphic group.

20 “(C) The number of registered voters, bro-
21 ken down by demographic group if such break-
22 down is reasonably available to the State or po-
23 litical subdivision involved.

24 “(D)(i) If the change applies to a State,
25 the actual number of votes, or (if it is not rea-

sonably practicable for the State to ascertain the actual number of votes) the estimated number of votes received by each candidate in each statewide election held during the 5-year period which ends on the date the change involved is made; and

“(ii) if the change applies to only one political subdivision, the actual number of votes, or (if it is not reasonably practicable for the political subdivision to ascertain the actual number of votes) in each subdivision-wide election held during the 5-year period which ends on the date the change involved is made.

“(4) VOLUNTARY COMPLIANCE BY SMALLER JURISDICTIONS.—Compliance with this subsection shall be voluntary for a political subdivision of a State unless the subdivision is one of the following:

“(A) A county or parish.

“(B) A municipality with a population greater than 10,000, as determined by the Bureau of the Census under the most recent decennial census.

“(C) A school district with a population greater than 10,000, as determined by the Bureau of the Census under the most recent de-

1 cennial census. For purposes of this subpara-
2 graph, the term ‘school district’ means the geo-
3 graphic area under the jurisdiction of a local
4 educational agency (as defined in section 9101
5 of the Elementary and Secondary Education
6 Act of 1965).

7 “(d) RULES REGARDING FORMAT OF INFORMA-
8 TION.—The Attorney General may issue rules specifying
9 a reasonably convenient and accessible format that States
10 and political subdivisions shall use to provide public notice
11 of information under this section.

12 “(e) NO DENIAL OF RIGHT TO VOTE.—The right to
13 vote of any person shall not be denied or abridged because
14 the person failed to comply with any change made by a
15 State or political subdivision to a voting qualification, pre-
16 requisite, standard, practice, or procedure if the State or
17 political subdivision involved did not meet the applicable
18 requirements of this section with respect to the change.

19 “(f) DEFINITIONS.—In this section—

20 “(1) the term ‘demographic group’ means each
21 group which section 2 protects from the denial or
22 abridgement of the right to vote on account of race
23 or color, or in contravention of the guarantees set
24 forth in section 4(f)(2);

1 “(2) the term ‘election for Federal office’ means
2 any general, special, primary, or runoff election held
3 solely or in part for the purpose of electing any can-
4 didate for the office of President, Vice President,
5 Presidential elector, Senator, Member of the House
6 of Representatives, or Delegate or Resident Commis-
7 sioner to the Congress; and

8 “(3) the term ‘persons with disabilities’, means
9 individuals with a disability, as defined in section 3
10 of the Americans with Disabilities Act of 1990.”.

11 (2) CONFORMING AMENDMENT.—Section 3(a)
12 of such Act (52 U.S.C. 10302(a)) is amended by
13 striking “in accordance with section 6”.

14 (b) EFFECTIVE DATE.—The amendment made by
15 subsection (a)(1) shall apply with respect to changes which
16 are made on or after the expiration of the 60-day period
17 which begins on the date of the enactment of this Act.

18 **SEC. 1108. AUTHORITY TO ASSIGN OBSERVERS.**

19 (a) CLARIFICATION OF AUTHORITY IN POLITICAL
20 SUBDIVISIONS SUBJECT TO PRECLEARANCE.—Section
21 8(a)(2)(B) of the Voting Rights Act of 1965 (52 U.S.C.
22 10305(a)(2)(B)) is amended to read as follows:

23 “(B) in the Attorney General’s judgment,
24 the assignment of observers is otherwise nec-
25 essary to enforce the guarantees of the 14th or

1 15th Amendment or any provision of this Act
2 or any other Federal law protecting the right of
3 citizens of the United States to vote; or”.

4 (b) ASSIGNMENT OF OBSERVERS TO ENFORCE BI-
5 LINGUAL ELECTION REQUIREMENTS.—Section 8(a) of
6 such Act (52 U.S.C. 10305(a)) is amended—

7 (1) by striking “or” at the end of paragraph
8 (1);

9 (2) by inserting after paragraph (2) the fol-
10 lowing:

11 “(3) the Attorney General certifies with respect
12 to a political subdivision that—

13 “(A) the Attorney General has received
14 written meritorious complaints from residents,
15 elected officials, or civic participation organiza-
16 tions that efforts to violate section 203 are like-
17 ly to occur; or

18 “(B) in the Attorney General’s judgment,
19 the assignment of observers is necessary to en-
20 force the guarantees of section 203;”; and

21 (3) by moving the margin for the continuation
22 text following paragraph (3), as added by paragraph
23 (2) of this subsection, 2 ems to the left.

24 (c) TRANSFERRAL OF AUTHORITY OVER OBSERVERS
25 TO THE ATTORNEY GENERAL.—

1 (1) ENFORCEMENT PROCEEDINGS.—Section
2 3(a) of the Voting Rights Act of 1965 (52 U.S.C.
3 10302(a)) is amended by striking “United States
4 Civil Service Commission in accordance with section
5 6” and inserting “Attorney General in accordance
6 with section 8”.

7 (2) OBSERVERS; APPOINTMENT AND COM-
8 PENSATION.—Section 8 of the Voting Rights Act of
9 1965 (52 U.S.C. 10305) is amended—

10 (A) in subsection (a)(2), in the matter fol-
11 lowing subparagraph (B), by striking “Director
12 of the Office of Personnel Management shall as-
13 sign as many observers for such subdivision as
14 the Director” and inserting “Attorney General
15 shall assign as many observers for such subdivi-
16 sion as the Attorney General”; and

17 (B) in subsection (c), by striking “Director
18 of the Office of Personnel Management” and
19 inserting “Attorney General”.

20 (3) TERMINATION OF CERTAIN APPOINTMENTS
21 OF OBSERVERS.—Section 13(a)(1) of the Voting
22 Rights Act of 1965 (52 U.S.C. 10309(a)(1)) is
23 amended by striking “notifies the Director of the Of-
24 fice of Personnel Management,” and inserting “de-
25 termines,”.

1 **SEC. 1109. CLARIFICATION OF AUTHORITY TO SEEK RE-**
2 **LIEF.**

3 (a) POLL TAX.—Section 10(b) of the Voting Rights
4 Act of 1965 (52 U.S.C. 10306(b)) is amended by striking
5 “the Attorney General is authorized and directed to insti-
6 tute forthwith in the name of the United States such ac-
7 tions” and inserting “an aggrieved person or (in the name
8 of the United States) the Attorney General may institute
9 such actions”.

10 (b) CAUSE OF ACTION.—Section 12(d) of the Voting
11 Rights Act of 1965 (52 U.S.C. 10308(d)) is amended—

12 (1) by striking “Whenever any person has en-
13 gaged” and all that follows through “in the name of
14 the United States” and inserting “(1) Whenever
15 there are reasonable grounds to believe that any per-
16 son has implemented or will implement any voting
17 qualification or prerequisite to voting or standard,
18 practice, or procedure that would (A) deny any cit-
19 izen the right to vote in violation of the 14th, 15th,
20 19th, 24th, or 26th Amendments, or (B) would vio-
21 late this Act (except for section 4A) or any other
22 Federal law that prohibits discrimination on the
23 basis of race, color, or membership in a language
24 minority group in the voting process, an aggrieved
25 person or (in the name of the United States) the At-
26 torney General may institute”; and

1 (2) by striking “, and including an order di-
2 rected to the State and State or local election offi-
3 cials to require them (1) to permit persons listed
4 under chapters 103 to 107 of this title to vote and
5 (2) to count such votes”.

6 (c) JUDICIAL RELIEF.—Section 204 of the Voting
7 Rights Act of 1965 (52 U.S.C. 10504) is amended by
8 striking “Whenever the Attorney General has reason to
9 believe” and all that follows through “as he deems appro-
10 priate” and inserting “Whenever there are reasonable
11 grounds to believe that a State or political subdivision has
12 engaged or is about to engage in any act or practice pro-
13 hibited by a provision of title II, an aggrieved person or
14 (in the name of the United States) the Attorney General
15 may institute an action in a district court of the United
16 States, for a restraining order, a preliminary or perma-
17 nent injunction, or such other order as may be appro-
18 priate”.

19 (d) ENFORCEMENT OF TWENTY-SIXTH AMEND-
20 MENT.—Section 301(a)(1) of the Voting Rights Act of
21 1965 (52 U.S.C. 10701) is amended by striking “The At-
22 torney General is directed to institute” and all that follows
23 through “Constitution of the United States” and inserting
24 “An aggrieved person or (in the name of the United
25 States) the Attorney General may institute an action in

1 a district court of the United States, for a restraining
2 order, a preliminary or permanent injunction, or such
3 other order as may be appropriate to implement the twen-
4 ty-sixth amendment to the Constitution of the United
5 States”.

6 **SEC. 1110. PREVENTIVE RELIEF.**

7 Section 12(d) of the Voting Rights Act of 1965 (52
8 U.S.C. 10308(d)), as amended by section 1109, is further
9 amended by adding at the end the following:

10 “(2)(A) In considering any motion for preliminary re-
11 lief in any action for preventive relief described in this sub-
12 section, the court shall grant the relief if the court deter-
13 mines that the complainant has raised a serious question
14 as to whether the challenged voting qualification or pre-
15 requisite to voting or standard, practice, or procedure vio-
16 lates this Act or the Constitution and, on balance, the
17 hardship imposed on the defendant by the grant of the
18 relief will be less than the hardship which would be im-
19 posed on the plaintiff if the relief were not granted.

20 “(B) In making its determination under this para-
21 graph with respect to a change in any voting qualification,
22 prerequisite to voting, or standard, practice, or procedure
23 with respect to voting, the court shall consider all relevant
24 factors and give due weight to the following factors, if they
25 are present:

1 “(i) Whether the qualification, prerequisite,
2 standard, practice, or procedure in effect prior to the
3 change was adopted as a remedy for a Federal court
4 judgment, consent decree, or admission regarding—

5 “(I) discrimination on the basis of race or
6 color in violation of the 14th or 15th Amend-
7 ment;

8 “(II) a violation of the 19th, 24th, or 26th
9 Amendments;

10 “(III) a violation of this Act; or

11 “(IV) voting discrimination on the basis of
12 race, color, or membership in a language minor-
13 ity group in violation of any other Federal or
14 State law.

15 “(ii) Whether the qualification, prerequisite,
16 standard, practice, or procedure in effect prior to the
17 change served as a ground for the dismissal or set-
18 tlement of a claim alleging—

19 “(I) discrimination on the basis of race or
20 color in violation of the 14th or 15th Amend-
21 ment;

22 “(II) a violation of the 19th, 24th, or 26th
23 Amendment;

24 “(III) a violation of this Act; or

1 “(IV) voting discrimination on the basis of
2 race, color, or membership in a language minor-
3 ity group in violation of any other Federal or
4 State law.

5 “(iii) Whether the change was adopted fewer
6 than 180 days before the date of the election with
7 respect to which the change is to take or takes ef-
8 fect.

9 “(iv) Whether the defendant has failed to pro-
10 vide timely or complete notice of the adoption of the
11 change as required by applicable Federal or State
12 law.

13 “(3) A jurisdiction’s inability to enforce its voting or
14 election laws, regulations, policies, or redistricting plans,
15 standing alone, shall not be deemed to constitute irrep-
16 arable harm to the public interest or to the interests of
17 a defendant in an action arising under the Constitution
18 or any Federal law that prohibits discrimination on the
19 basis of race, color, or membership in a language minority
20 group in the voting process, for the purposes of deter-
21 mining whether a stay of a court’s order or an interlocu-
22 tory appeal under section 1253 of title 28, United States
23 Code, is warranted.”.

1 **SEC. 1111. RELIEF FOR VIOLATIONS OF VOTING RIGHTS**

2 **LAWS.**

3 (a) IN GENERAL.—

4 (1) RELIEF FOR VIOLATIONS OF VOTING
5 RIGHTS LAWS.—In this section, the term “prohibited
6 act or practice” means—

7 (A) any act or practice—

8 (i) that creates an undue burden on
9 the fundamental right to vote in violation
10 of the 14th Amendment to the Constitu-
11 tion of the United States or violates the
12 Equal Protection Clause of the 14th
13 Amendment to the Constitution of the
14 United States; or

15 (ii) that is prohibited by the 15th,
16 19th, 24th, or 26th Amendment to the
17 Constitution of the United States, section
18 2004 of the Revised Statutes (52 U.S.C.
19 10101), the Voting Rights Act of 1965 (52
20 U.S.C. 10301 et seq.), the National Voter
21 Registration Act of 1993 (52 U.S.C.
22 20501 et seq.), the Uniformed and Over-
23 seas Citizens Absentee Voting Act (52
24 U.S.C. 20301 et seq.), the Help America
25 Vote Act of 2002 (52 U.S.C. 20901 et
26 seq.), the Voting Accessibility for the El-

1 derly and Handicapped Act (52 U.S.C.
2 20101 et seq.), or section 2003 of the Re-
3 vised Statutes (52 U.S.C. 10102); and

4 (B) any act or practice in violation of any
5 Federal law that prohibits discrimination with
6 respect to voting, including the Americans with
7 Disabilities Act of 1990 (42 U.S.C. 12101 et
8 seq.).

9 (2) RULE OF CONSTRUCTION.—Nothing in this
10 section shall be construed to diminish the authority
11 or scope of authority of any person to bring an ac-
12 tion under any Federal law.

13 (3) ATTORNEY’S FEES.—Section 722(b) of the
14 Revised Statutes (42 U.S.C. 1988(b)) is amended by
15 inserting “a provision described in section 2(a) of
16 the John R. Lewis Voting Rights Advancement Act
17 of 2025,” after “title VI of the Civil Rights Act of
18 1964,”.

19 (b) GROUNDS FOR EQUITABLE RELIEF.—In any ac-
20 tion for equitable relief pursuant to a law listed under sub-
21 section (a), proximity of the action to an election shall not
22 be a valid reason to deny such relief, or stay the operation
23 of or vacate the issuance of such relief, unless the party
24 opposing the issuance or continued operation of relief
25 meets the burden of proving by clear and convincing evi-

1 dence that the issuance of the relief would be so close in
2 time to the election as to cause irreparable harm to the
3 public interest or that compliance with such relief would
4 impose serious burdens on the party opposing relief.

5 (1) IN GENERAL.—In considering whether to
6 grant, deny, stay, or vacate any order of equitable
7 relief, the court shall give substantial weight to the
8 public’s interest in expanding access to the right to
9 vote. A State’s generalized interest in enforcing its
10 enacted laws shall not be a relevant consideration in
11 determining whether equitable relief is warranted.

12 (2) PRESUMPTIVE SAFE HARBOR.—Where equi-
13 table relief is sought either within 30 days of the
14 adoption or reasonable public notice of the chal-
15 lenged policy or practice, or more than 45 days be-
16 fore the date of an election to which the relief being
17 sought will apply, proximity to the election will be
18 presumed not to constitute a harm to the public in-
19 terest or a burden on the party opposing relief.

20 (c) GROUNDS FOR STAY OR VACATUR IN FEDERAL
21 CLAIMS INVOLVING VOTING RIGHTS.—

22 (1) PROSPECTIVE EFFECT.—In reviewing an
23 application for a stay or vacatur of equitable relief
24 granted pursuant to a law listed in subsection (a),
25 a court shall give substantial weight to the reliance

1 interests of citizens who acted pursuant to such
2 order under review. In fashioning a stay or vacatur,
3 a reviewing court shall not order relief that has the
4 effect of denying or abridging the right to vote of
5 any citizen who has acted in reliance on the order.

6 (2) WRITTEN EXPLANATION.—No stay or
7 vacatur under this subsection shall issue unless the
8 reviewing court makes specific findings that the pub-
9 lic interest, including the public’s interest in expand-
10 ing access to the ballot, will be harmed by the con-
11 tinuing operation of the equitable relief or that com-
12 pliance with such relief will impose serious burdens
13 on the party seeking such a stay or vacatur such
14 that those burdens substantially outweigh the bene-
15 fits to the public interest. In reviewing an applica-
16 tion for a stay or vacatur of equitable relief, findings
17 of fact made in issuing the order under review shall
18 not be set aside unless clearly erroneous.

19 **SEC. 1112. ENFORCEMENT OF VOTING RIGHTS BY ATTOR-**
20 **NEY GENERAL.**

21 Section 12 of the Voting Rights Act (52 U.S.C.
22 10308), as amended by this subtitle, is further amended
23 by adding at the end the following:

24 “(g) VOTING RIGHTS ENFORCEMENT BY ATTORNEY
25 GENERAL.—

1 “(1) IN GENERAL.—In order to fulfill the At-
2 torney General’s responsibility to enforce the Voting
3 Rights Act and other Federal civil rights statutes
4 that protect the right to vote, the Attorney General
5 (or upon designation by the Attorney General, the
6 Assistant Attorney General for Civil Rights) is au-
7 thorized, before commencing a civil action, to issue
8 a demand for inspection and information in writing
9 to any State or political subdivision, or other govern-
10 mental representative or agent, with respect to any
11 relevant documentary material that he has reason to
12 believe is within their possession, custody, or control.
13 A demand by the Attorney General under this sec-
14 tion may require—

15 “(A) the production of such documentary
16 material for inspection and copying;

17 “(B) answers in writing to written ques-
18 tions with respect to such documentary mate-
19 rial; or

20 “(C) both.

21 “(2) CONTENTS OF AN ATTORNEY GENERAL
22 DEMAND.—

23 “(A) IN GENERAL.—Any demand issued
24 under paragraph (1), shall include a sworn cer-
25 tificate to identify the voting qualification or

1 prerequisite to voting or standard, practice, or
2 procedure with respect to voting, or other vot-
3 ing related matter or issue, whose lawfulness
4 the Attorney General is investigating and to
5 identify the civil provisions of the Federal civil
6 rights statute that protects the right to vote
7 under which the investigation is being con-
8 ducted. The demand shall be reasonably cal-
9 culated to lead to the discovery of documentary
10 material and information relevant to such civil
11 rights investigation. Documentary material in-
12 cludes any material upon which relevant infor-
13 mation is recorded, and includes written or
14 printed materials, photographs, tapes, or mate-
15 rials upon which information is electronically or
16 magnetically recorded. Such demands are aimed
17 at the Attorney General having the ability to in-
18 spect and obtain copies of relevant materials (as
19 well as obtain information) related to voting
20 and are not aimed at the Attorney General tak-
21 ing possession of original records, particularly
22 those that are required to be retained by State
23 and local election officials under Federal or
24 State law.

1 “(B) NO REQUIREMENT FOR PRODUCTION.—Any demand issued under paragraph
2 (1) may not require the production of any documentary material or the submission of any answers in writing to written questions if such
3 material or answers would be protected from
4 disclosure under the standards applicable to
5 discovery requests under the Federal Rules of
6 Civil Procedure in an action in which the Attorney General or the United States is a party.
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11 “(C) DOCUMENTARY MATERIAL.—If the
12 demand issued under paragraph (1) requires
13 the production of documentary material, it
14 shall—

15 “(i) identify the class of documentary
16 material to be produced with such definiteness and certainty as to permit such material to be fairly identified; and
17
18

19 “(ii) prescribe a return date for production of the documentary material at
20 least twenty days after issuance of the demand to give the State or political subdivision, or other governmental representative
21 or agent, a reasonable period of time for
22 assembling the documentary material and
23
24
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1 making it available for inspection and
2 copying.

3 “(D) ANSWERS TO WRITTEN QUES-
4 TIONS.—If the demand issued under paragraph
5 (1) requires answers in writing to written ques-
6 tions, it shall—

7 “(i) set forth with specificity the writ-
8 ten question to be answered; and

9 “(ii) prescribe a date at least twenty
10 days after the issuance of the demand for
11 submitting answers in writing to the writ-
12 ten questions.

13 “(E) SERVICE.—A demand issued under
14 paragraph (1) may be served by a United
15 States marshal or a deputy marshal, or by cer-
16 tified mail, at any place within the territorial
17 jurisdiction of any court of the United States.

18 “(3) RESPONSES TO AN ATTORNEY GENERAL
19 DEMAND.—A State or political subdivision, or other
20 governmental representative or agent, must, with re-
21 spect to any documentary material or any answer in
22 writing produced under this subsection, provide a
23 sworn certificate, in such form as the demand issued
24 under paragraph (1) designates, by a person having
25 knowledge of the facts and circumstances relating to

1 such production or written answer, authorized to act
2 on behalf of the State or political subdivision, or
3 other governmental representative or agent, upon
4 which the demand was served. The certificate—

5 “(A) shall state that—

6 “(i) all of the documentary material
7 required by the demand and in the posses-
8 sion, custody, or control of the State or po-
9 litical subdivision, or other governmental
10 representative or agent, has been produced;

11 “(ii) that with respect to every answer
12 in writing to a written question, all infor-
13 mation required by the question and in the
14 possession, custody, control, or knowledge
15 of the State or political subdivision, or
16 other governmental representative or
17 agent, has been submitted; or

18 “(iii) both; or

19 “(B) provide the basis for any objection to
20 producing the documentary material or answer-
21 ing the written question.

22 To the extent that any information is not furnished,
23 the information shall be identified and reasons set
24 forth with particularity regarding the reasons why
25 the information was not furnished.

1 “(4) JUDICIAL PROCEEDINGS.—

2 “(A) PETITION FOR ENFORCEMENT.—

3 Whenever any State or political subdivision, or
4 other governmental representative or agent,
5 fails to comply with demand issued by the At-
6 torney General under paragraph (1), the Attor-
7 ney General may file, in a district court of the
8 United States in which the State or political
9 subdivision, or other governmental representa-
10 tive or agent, is located, a petition for a judicial
11 order enforcing the Attorney General demand
12 issued under paragraph (1).

13 “(B) PETITION TO MODIFY.—

14 “(i) IN GENERAL.—Any State or po-
15 litical subdivision, or other governmental
16 representative or agent, that is served with
17 a demand issued by the Attorney General
18 under paragraph (1) may file in the United
19 States District Court for the District of
20 Columbia a petition for an order of the
21 court to modify or set aside the demand of
22 the Attorney General.

23 “(ii) PETITION TO MODIFY.—Any pe-
24 tition to modify or set aside a demand of
25 the Attorney General issued under para-

1 graph (1) must be filed within 20 days
2 after the date of service of the Attorney
3 General's demand or at any time before
4 the return date specified in the Attorney
5 General's demand, whichever date is ear-
6 lier.

7 “(iii) CONTENTS OF PETITION.—The
8 petition shall specify each ground upon
9 which the petitioner relies in seeking relief
10 under clause (i), and may be based upon
11 any failure of the Attorney General's de-
12 mand to comply with the provisions of this
13 section or upon any constitutional or other
14 legal right or privilege of the State or po-
15 litical subdivision, or other governmental
16 representative or agent. During the pend-
17 ency of the petition in the court, the court
18 may stay, as it deems proper, the running
19 of the time allowed for compliance with the
20 Attorney General's demand, in whole or in
21 part, except that the State or political sub-
22 division, or other governmental representa-
23 tive or agent, filing the petition shall com-
24 ply with any portions of the Attorney Gen-

1 eral’s demand not sought to be modified or
2 set aside.”.

3 **SEC. 1113. DEFINITIONS.**

4 Title I of the Voting Rights Act of 1965 (52 U.S.C.
5 10301) is amended by adding at the end the following:

6 **“SEC. 21. DEFINITIONS.**

7 “In this Act:

8 “(1) INDIAN.—The term ‘Indian’ has the mean-
9 ing given the term in section 4 of the Indian Self-
10 Determination and Education Assistance Act.

11 “(2) INDIAN LANDS.—The term ‘Indian lands’
12 means—

13 “(A) any Indian country of an Indian
14 tribe, as such term is defined in section 1151
15 of title 18, United States Code;

16 “(B) any land in Alaska that is owned,
17 pursuant to the Alaska Native Claims Settle-
18 ment Act, by an Indian tribe that is a Native
19 village (as such term is defined in section 3 of
20 such Act), or by a Village Corporation that is
21 associated with the Indian tribe (as such term
22 is defined in section 3 of such Act);

23 “(C) any land on which the seat of govern-
24 ment of the Indian tribe is located; and

1 “(D) any land that is part or all of a tribal
2 designated statistical area associated with the
3 Indian tribe, or is part or all of an Alaska Na-
4 tive village statistical area associated with the
5 tribe, as defined by the Bureau of the Census
6 for the purposes of the most recent decennial
7 census.

8 “(3) INDIAN TRIBE.—The term ‘Indian tribe’ or
9 ‘tribe’ has the meaning given the term ‘Indian tribe’
10 in section 4 of the Indian Self-Determination and
11 Education Assistance Act.

12 “(4) TRIBAL GOVERNMENT.—The term ‘Tribal
13 Government’ means the recognized governing body
14 of an Indian Tribe.

15 “(5) VOTING-AGE POPULATION.—The term
16 ‘voting-age population’ means the numerical size of
17 the population within a State, within a political sub-
18 division, or within a political subdivision that con-
19 tains Indian lands, as the case may be, that consists
20 of persons age 18 or older, as calculated by the Bu-
21 reau of the Census under the most recent decennial
22 census.”.

1 **SEC. 1114. ATTORNEYS' FEES.**

2 Section 14(c) of the Voting Rights Act of 1965 (52
3 U.S.C. 10310(c)) is amended by adding at the end the
4 following:

5 “(4) The term ‘prevailing party’ means a party to an
6 action that receives at least some of the benefit sought
7 by such action, states a colorable claim, and can establish
8 that the action was a significant cause of a change to the
9 status quo.”.

10 **SEC. 1115. OTHER TECHNICAL AND CONFORMING AMEND-**
11 **MENTS.**

12 (a) ACTIONS COVERED UNDER SECTION 3.—Section
13 3(c) of the Voting Rights Act of 1965 (52 U.S.C.
14 10302(c)) is amended—

15 (1) by striking “any proceeding instituted by
16 the Attorney General or an aggrieved person under
17 any statute to enforce” and inserting “any action
18 under any statute in which a party (including the
19 Attorney General) seeks to enforce”; and

20 (2) by striking “at the time the proceeding was
21 commenced” and inserting “at the time the action
22 was commenced”.

23 (b) CLARIFICATION OF TREATMENT OF MEMBERS OF
24 LANGUAGE MINORITY GROUPS.—Section 4(f) of such Act
25 (52 U.S.C. 10303(f)) is amended—

1 (1) in paragraph (1), by striking the second
2 sentence; and

3 (2) by striking paragraphs (3) and (4).

4 (c) PERIOD DURING WHICH CHANGES IN VOTING
5 PRACTICES ARE SUBJECT TO PRECLEARANCE UNDER
6 SECTION 5.—Section 5 of such Act (52 U.S.C. 10304)
7 is amended—

8 (1) in subsection (a), by striking “based upon
9 determinations made under the first sentence of sec-
10 tion 4(b) are in effect” and inserting “are in effect
11 during a calendar year”;

12 (2) in subsection (a), by striking “November 1,
13 1964” and all that follows through “November 1,
14 1972” and inserting “the applicable date of cov-
15 erage”; and

16 (3) by adding at the end the following new sub-
17 section:

18 “(e) The term ‘applicable date of coverage’ means,
19 with respect to a State or political subdivision—

20 “(1) June 25, 2013, if the most recent deter-
21 mination for such State or subdivision under section
22 4(b) was made on or before December 31, 2025; or

23 “(2) the date on which the most recent deter-
24 mination for such State or subdivision under section

1 4(b) was made, if such determination was made
2 after December 31, 2025.”.

3 **SEC. 1116. SEVERABILITY.**

4 If any provision of this subtitle or any amendment
5 made by this subtitle, or the application of such a provi-
6 sion or amendment to any person or circumstance, is held
7 to be unconstitutional or is otherwise enjoined or unen-
8 forceable, 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, and any
11 remaining provision of the Voting Rights Act of 1965,
12 shall not be affected by the holding.

13 **SEC. 1117. GRANTS TO ASSIST WITH NOTICE REQUIRE-**
14 **MENTS UNDER THE VOTING RIGHTS ACT OF**
15 **1965.**

16 (a) IN GENERAL.—The Attorney General shall make
17 grants each fiscal year to small jurisdictions who submit
18 applications under subsection (b) for purposes of assisting
19 such small jurisdictions with compliance with the require-
20 ments of the Voting Rights Act of 1965 to submit or pub-
21 lish notice of any change to a qualification, prerequisite,
22 standard, practice or procedure affecting voting.

23 (b) APPLICATION.—To be eligible for a grant under
24 this section, a small jurisdiction shall submit an applica-
25 tion to the Attorney General in such form and containing

1 such information as the Attorney General may require re-
 2 garding the compliance of such small jurisdiction with the
 3 provisions of the Voting Rights Act of 1965.

4 (c) SMALL JURISDICTION DEFINED.—For purposes
 5 of this section, the term “small jurisdiction” means any
 6 political subdivision of a State with a population of 10,000
 7 or less.

8 **TITLE XII—RESTRICTIONS ON** 9 **GOVERNMENT PENSIONS FOR** 10 **FELONY CONVICTIONS**

11 **SEC. 1201. FEDERAL RETIREMENT BENEFITS FORFEITURE** 12 **FOR MEMBERS OF CONGRESS AND CABINET** 13 **MEMBERS CONVICTED OF CERTAIN CRIMES.**

14 (a) IN GENERAL.—Section 8312 of title 5, United
 15 States Code, is amended—

16 (1) in subsection (a)—

17 (A) by striking “or” at the end of para-
 18 graph (1);

19 (B) by striking the period at the end of the
 20 first sentence and inserting “; or”; and

21 (C) by inserting before the matter fol-
 22 lowing paragraph (2) the following:

23 “(3) was finally convicted of an offense de-
 24 scribed in subsection (e) of this section after the

1 date of enactment of such subsection, to the extent
2 provided by that subsection.”;

3 (2) by redesignating subsection (d) as sub-
4 section (e); and

5 (3) by inserting after subsection (c) the fol-
6 lowing:

7 “(d)(1) Subsection (a) shall apply to any individual
8 finally convicted of an offense described in paragraph (2).

9 “(2) An offense described in this paragraph is an of-
10 fense for which the following apply:

11 “(A) Every act or omission of the individual
12 that is needed to satisfy the elements of the offense
13 occurs while the individual—

14 “(i) is a Member of Congress or former
15 Member of Congress; or

16 “(ii) is a member of the President’s cabi-
17 net or a former member of the President’s cabi-
18 net.

19 “(B) The offense—

20 “(i) is committed after the date of enact-
21 ment of this subsection; and

22 “(ii) is a felony under Federal law or
23 under the law of the State in which it was com-
24 mitted.

25 “(3) For purposes of this subsection—

1 “(A) the term ‘finally convicted’ has the mean-
2 ing given that term in section 8332(o)(6); and

3 “(B) the term ‘Member of Congress’ means a
4 Senator or Representative in, or Delegate or Resi-
5 dent Commissioner to, the Congress.”.

6 (b) ABSENCE FROM UNITED STATES TO AVOID
7 PROSECUTION.—Section 8313(a)(1) of title 5, United
8 States Code, is amended by striking “or” at the end of
9 subparagraph (A), by striking “and” at the end of sub-
10 paragraph (B) and inserting “or”, and by adding at the
11 end the following:

12 “(C) after the date of the enactment of this
13 subparagraph, for an offense described in section
14 8312(d)(2); and”.

15 **SEC. 1202. FORFEITURE OF BENEFITS FOR FORMER PRESI-**
16 **DENTS CONVICTED OF A FELONY.**

17 The Act entitled “An Act to provide retirement, cler-
18 ical assistants, and free mailing privileges to former Presi-
19 dents of the United States, and for other purposes”, ap-
20 proved August 25, 1958 (commonly known as the
21 “Former Presidents Act of 1958”; 3 U.S.C. 102 note),
22 is amended—

23 (1) in subsection (a), by striking “Each former
24 President” and inserting “Subject to subsection (h),
25 each former President”;

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

3 “(2) who has not been impeached by the House
4 of Representatives and convicted by the Senate pur-
5 suant to the impeachment.”; and

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

8 “(h)(1) If a former President is finally convicted of
9 a felony for which every act or omission that is needed
10 to satisfy the elements of the felony is committed during
11 or after the period such former President holds the office
12 of President of the United States of America, or was fi-
13 nally convicted of such a felony while holding such office—

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

16 “(B) no funds may be obligated or expended
17 under subsection (g) with respect to such former
18 President except to the extent necessary to maintain
19 the security of such former President, as determined
20 by the Director of the Secret Service; and

21 “(C) such former President shall repay any
22 amounts received under subsection (a) during the
23 period beginning on the date on which such former
24 President is initially convicted of the felony and end-

1 ing on the date such former President is finally con-
 2 victed of the felony.

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

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

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

10 **TITLE XIII—RESTRICTION ON** 11 **LAWSUITS BY PRESIDENT**

12 **SEC. 1301. EXCEPTIONS TO FEDERAL TORT CLAIMS ACT.**

13 (a) IN GENERAL.—Section 2680 of title 28, United
 14 States Code, is amended by adding at the end the fol-
 15 lowing:

16 “(o) Any claim, without regard to when the act or
 17 omission giving rise to the claim occurred, brought by—

18 “(1) the President;

19 “(2) the spouse, parent, child, grandparent,
 20 grandchild, or sibling or the President; or

21 “(3) any entity or organization in which the
 22 President has an ownership interest.”.

23 (b) FORMER PRESIDENTS.—Section 2680 of title 28,
 24 United States Code, as amended by subsection (a), is fur-
 25 ther amended by adding at the end the following:

1 “(p) Any claim, without regard to when the act or
 2 omission giving rise to the claim occurred, brought by a
 3 former President, unless an ad hoc committee of Congress
 4 established with respect to such claim and composed of
 5 12 Members of the House of Representatives and the Sen-
 6 ate, with an equal number from each major political party
 7 appointed by the Minority and Majority leaders of each
 8 party, approve the claim by a vote of at least 8 members
 9 of the committee.”.

10 (c) APPLICABILITY.—The amendment made by sub-
 11 sections (a) and (b) shall apply to any claim pending on,
 12 or brought on or after, the date of enactment of this Act.

13 **TITLE XIV—PROHIBITION ON**
 14 **PREDICTION MARKET PAR-**
 15 **TICIPATION**

16 **SEC. 1401. SHORT TITLE.**

17 This title may be cited as the “PREDICT Act”.

18 **SEC. 1402. RESTRICTIONS ON TRADING ON PREDICTION**
 19 **MARKETS.**

20 (a) RESTRICTIONS.—Chapter 131 of title 5, United
 21 States Code, as amended by section 102(b), is further
 22 amended by adding at the end a new subchapter:

1 “SUBCHAPTER V—RESTRICTIONS ON TRADING
2 ON PREDICTION MARKETS

3 “§ 13161. Definitions

4 “In this subchapter:

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

7 “(A) A Member of Congress as defined in
8 section 13101 of this title.

9 “(B) A dependent child as defined in such
10 section 13101 or a spouse of a Member of Con-
11 gress.

12 “(C) An individual or entity with fiduciary
13 duties and the authority to enter into or offer
14 to enter into an agreement, contract, or trans-
15 action with respect to prediction markets for
16 any individual described in subparagraphs (A)
17 or (B).

18 “(D) An officer or employee of the Con-
19 gress.

20 “(E) The President.

21 “(F) The Vice President.

22 “(G) A political appointee.

23 “(H) Each officer or employee in the exec-
24 utive branch, including a special Government
25 employee, as defined in section 202 of title 18,

1 and any officer or employee of an independent
2 agency, who occupies a position classified above
3 GS–15 of the General Schedule or, in the case
4 of positions not under the General Schedule, for
5 which the rate of basic pay is equal to or great-
6 er than 120 percent of the minimum rate of
7 basic pay payable for GS–15 of the General
8 Schedule; each member of a uniformed service
9 whose pay grade is at or in excess of O–7 under
10 section 201 of title 37; and each officer or em-
11 ployee in any other position determined by the
12 Director of the Office of Government Ethics to
13 be of equal classification.

14 “(I) A judicial officer as defined in section
15 13101 of this title.

16 “(J) A judicial employee as defined in sec-
17 tion 13101 of this title.

18 “(2) INDEPENDENT AGENCY.—The term ‘inde-
19 pendent agency’ has the meaning given the term
20 ‘independent establishment’ as defined in section
21 104 of this title.

22 “(3) POLITICAL APPOINTEE.—The term ‘polit-
23 ical appointee’ means an individual—

1 “(A) occupying a position described under
2 sections 5312 through 5316 of this title (relat-
3 ing to the Executive Schedule);

4 “(B) serving under a noncareer appoint-
5 ment in the Senior Executive Service, as de-
6 fined under paragraph (7) of section 3132(a) of
7 this title; or

8 “(C) occupying a position in the executive
9 branch of the Government of a confidential or
10 policy-determining character under schedule C
11 of subpart C of part 213 of title 5, Code of
12 Federal Regulations.

13 “(4) SUPERVISING ETHICS OFFICE.—The term
14 ‘supervising ethics office’—

15 “(A) has the meaning given the term in
16 section 13101 of this title; and

17 “(B) in the case of an independent agency,
18 means the Office of Government Ethics.

19 **“§ 13162. Trading on prediction markets**

20 “(a) CONDUCT DURING FEDERAL SERVICE.—No
21 covered individual may enter into, or offer to enter into
22 an agreement, contract, or transaction that provides for
23 any purchase, sale, payment, or delivery that is dependent
24 on the occurrence, nonoccurrence, or the extent of the oc-
25 currence of a specific political event.

1 “(b) INTERPRETATIVE GUIDANCE.—The supervising
2 ethics office shall issue interpretive guidance on any rel-
3 evant term not defined in this subchapter.

4 **“§ 13163. Penalties**

5 “(a) IN GENERAL.—

6 “(1) PENALTIES.—Any covered individual who
7 violates the restrictions in section 13152 of this title
8 shall, at the direction of the supervising ethics of-
9 fice—

10 “(A) pay a fee equal to ten percent of the
11 value of the agreement, contract, or transaction
12 in violation; and

13 “(B) disgorge the profits of any agree-
14 ment, contract, or transaction that violates the
15 provisions of such section 13152.

16 “(2) PAYMENT OF PENALTY TO TREASURY.—A
17 penalty imposed under paragraph (1)(B) shall be
18 payable into the Treasury.

19 “(b) PAYMENT RESTRICTIONS.—A covered individual
20 may not pay any of the penalties under this section from
21 the following sources:

22 “(1) The Members’ Representational Allowance.

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

1 “(3) Any contribution (as defined in section
 2 301(8) of the Federal Election Campaign Act of
 3 1971 (52 U.S.C. 30101(8))) accepted as a can-
 4 didate, and any other donation received as support
 5 for activities of the individual as a holder of Federal
 6 office.

7 “(4) Any other source of funds, other than a
 8 salary, available to such individual through employ-
 9 ment or service in the Federal Government.

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

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

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

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

18 (b) TABLE OF CONTENTS.—The table of contents for
 19 chapter 131 of title 5, United States Code, as amended
 20 by section 102(a), is further amended by adding at the
 21 end the following:

SUBCHAPTER V. RESTRICTIONS ON TRADING ON PREDICTION MARKETS

13161. Definitions.

13162. Trading on prediction markets.

13163. Penalties.

