

PURGE ACT OF 2026

EFTA vs PURGE Act

Why a new bill, when EFTA passed — a side-by-side analysis

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Operations, lobbying, and policy tracking for the public sector.

EFTA vs PURGE — Side-by-Side Comparison

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Quick read

The Epstein Files Transparency Act (EFTA, Pub. L. 119-38) is a **release law**. It tells the Department of Justice to publish unclassified Epstein-related records. It does not say what happens when the Department doesn't. The PURGE Act is the **enforcement layer**. It does not replace EFTA. It supplies the civil penalties, criminal mens-rea standard, victim restitution, and judicial review that EFTA assumed but never enacted.

The two laws

EFTA — Epstein Files Transparency Act

- Public Law 119-38, signed November 19, 2025
- Introduced as H.R. 4405 by Reps. Khanna and Massie
- Passed the House 427-1
- Imposes a single disclosure mandate on DOJ
- Defines "covered records" and gives DOJ discretion to redact under existing FOIA categories
- Contains **no civil penalty, no criminal accountability, no private right of action, and no judicial review of redactions**

PURGE Act of 2026 — Predator Unmasking, Restitution, and Government-wide Exposure Act

- Drafted by Anazao Solutions for sponsor counsel review
 - Designed as a companion enforcement bill — does not repeal or amend EFTA
 - Incorporates EFTA's definitions by reference
 - Adds rolling release schedule, redaction limits, judicial review, IG audit, civil penalties, restitution from forfeiture, and victim protections under 18 USC § 3509 and the CVRA
 - Anticipates and survives executive-privilege challenges via Section 103 (national security carve-out subject to judicial review, ongoing-investigation justification quarterly)
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Side-by-side: where they diverge

Question	EFTA (current law)	PURGE Act (proposed)
What does the law do?	Tells DOJ to release Epstein records	Forces DOJ to release Epstein records, with consequences for failure
Who must act?	DOJ, generally	DOJ, FBI, named component agencies, plus "redaction-authority officials" individually
Release schedule	Single deadline	Rolling 20-percent monthly release; full release within 180 days
Redaction limits	Existing FOIA exemptions, broadly construed	Narrow categories only: classified national security material (subject to judicial review) and victim-protection material under 18 USC § 3509 and the CVRA
Federal Register publication of redactions	Not required	Required — every redaction logged in the Federal Register with category and justification
Independent audit	None	Inspector General audit required at 90 and 180 days
Civil penalty for non-compliance	None	Yes — civil fines per day of non-compliance
Criminal accountability for officials	None	Yes — § 107 establishes "known non-compliance" as a mens-rea standard for criminal contempt
Private right of action	None	Yes — by victims, journalists, and Members of Congress, with attorney's fees
Judicial review of withholdings	Implicit through FOIA	Express, expedited, in the U.S. District Court for the District of Columbia

Question	EFTA (current law)	PURGE Act (proposed)
Disclosure of federal officeholder contact with Epstein-Maxwell network	Not addressed	Required — covered officeholders and candidates must disclose
Restitution to victims	Not addressed	Funded through forfeiture proceeds from co-conspirators
Victim protection	Not addressed beyond existing FOIA exemptions	Strengthened under 18 USC § 3509 and the Crime Victims' Rights Act, 18 USC § 3771
Congressional access	Limited	Expanded — including in-camera review of withheld material by Judiciary and Oversight
Plea agreement standards	Not addressed	Strengthened victim consultation requirements in trafficking pleas
Sponsor strategy	Stand-alone disclosure bill	Designed to be referred to Judiciary, Oversight, House Administration, and Ways & Means, allowing four committees of jurisdiction

Why a new bill, when EFTA passed?

EFTA worked as a vote — 427 House members on record. EFTA has not worked as a disclosure mechanism. Between January and March 2026, three separate public records establish the problem:

- **Democracy Defenders Fund OIG complaint** (January 23, 2026) — alleged the Department was applying EFTA's redaction authorities in ways inconsistent with the law as passed, citing improper redactions and selective release. [Source](#)
- **Rep. Friedman press release** (March 6, 2026) — documented that, on review, "hundreds" of Epstein-related records released under EFTA contained unredacted personal information of victims that should have been protected under 18 USC § 3509, alongside withholdings of officials' communications that fall outside any FOIA exemption. [Source](#)
- **Raskin / García / Jayapal letter to Attorney General Bondi** (March 19, 2026) — demanded a full accounting of the Department's redaction methodology and asserted that DOJ was acting outside the authority Congress granted. [Source](#)

These are not partisan documents. They are the public record. The pattern they describe — over-redaction of officials, under-redaction of victims — is exactly the failure mode EFTA did not anticipate.

The PURGE Act addresses each gap with statutory text, not rhetoric.

A note on redactions

PURGE permits only two redaction categories:

1. **Victim-protection material** under 18 USC § 3509 and the Crime Victims' Rights Act (18 USC § 3771). This is mandatory, not discretionary. Anything that could identify a minor victim or compromise a survivor's safety must be redacted. PURGE narrows this to the affected text only — not the entire surrounding document.
2. **Classified national security material**, subject to expedited judicial review by the U.S. District Court for the District of Columbia. DOJ may not unilaterally classify a document into withholding. A judge reviews the claim.

Deliberative-process privilege, law-enforcement work product, and ongoing-investigation justifications are not blanket exemptions under PURGE. They require quarterly written justification to Congress and are reviewable.

This is not radical — it is structurally similar to the JFK Records Act of 1992 (Pub. L. 102-526), which Congress used to force disclosure of assassination records and which the courts did not disturb.

What PURGE does not do

- It does not repeal EFTA.
 - It does not strip executive privilege wholesale — it narrows the permissible scope of redaction and adds judicial review.
 - It does not create a new agency. Enforcement runs through DOJ's Inspector General, the U.S. District Court for the District of Columbia, and Congress's standing oversight committees.
 - It does not authorize new appropriations beyond those required for the IG audit.
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How a sponsor office should think about this

EFTA was the easy vote. PURGE is the durable vote. A member who supported EFTA can support PURGE without retracting any prior position — PURGE only enforces what EFTA already required. A member who did not support EFTA can support PURGE on victim-protection grounds alone, since the bill strengthens 18 USC § 3509 and the CVRA in trafficking cases.

The political question is not whether the records get released. EFTA already decided that. The political question is whether the law has teeth. PURGE gives it teeth.

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