PURGE ACT OF 2026

Section-by-Section

Legal analysis for general counsel review

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

PURGE Act of 2026 — Section-by-Section Analysis

Predator Unmasking, Restitution, and Government-wide Exposure Act *Prepared by Anazao Solutions LLC for sponsor counsel review admin@anazaosolutions.com*

> ***Purpose of this document:*** *This analysis is prepared for use by sponsor offices and their general counsel. For each Title and Section, it provides a plain-English summary, identifies the constitutional authority Congress is exercising, anticipates likely legal challenges, explains why the provision survives those challenges, cites controlling and persuasive precedent, and notes implementation considerations. Cross-references to the U.S. Code are current as of June 2026.*

TITLE I — TRANSPARENCY ENFORCEMENT

Structural overview: Title I creates the enforcement architecture that the Epstein Files Transparency Act (Pub. L. 119-38) ("EFTA") lacks. EFTA imposed a disclosure mandate with no private right of action and no accountability mechanism for officials who obstruct compliance. Title I supplies a citizen suit, declaratory and injunctive relief, and a tiered consequence regime that turns on removal from office, ten-year disqualification, pension forfeiture, and Bar/OPR referral — not on monetary fines and not on prison. The design is deliberately calibrated to survive an Eighth Amendment Excessive Fines challenge, a separation-of-powers challenge to criminal punishment of executive officers, and to avoid the constitutional infirmity of bills of attainder.

SEC. 101. DEFINITIONS

Plain-English Summary: Section 101 incorporates EFTA's definitions by reference and adds definitions specific to Title I: "covered records" (all unclassified Epstein-related materials held by DOJ, FBI, and component agencies), and "covered official" (any person who exercised authority to redact, withhold, release, or re-classify covered records), used in the accountability standard of § 107.

Legal Authority: Necessary and Proper Clause (Art. I, § 8, cl. 18) in support of Congress's oversight authority over the executive branch; Article II, § 3 (Take Care Clause) duty creates a corresponding legislative power to define compliance standards.

Constitutional Analysis: Definitional provisions are not independently challenged; they are construed in light of the operative sections they support. The incorporation-by-reference of EFTA definitions is standard legislative drafting (see, e.g., 5 U.S.C. § 552(b) incorporating definitions from other FOIA provisions) and presents no Nondelegation or due-process concerns.

Precedents: *Chevron U.S.A. v. NRDC*, 467 U.S. 837 (1984) (pre-*Loper Bright*) and *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024) — courts now exercise independent judgment on statutory text; precise definitions reduce interpretive uncertainty. *FDA v. Brown & Williamson*, 529 U.S. 120 (2000) — clear statutory definitions prevent agency reinterpretation.

Implementation Notes: No agency action required at the definitional stage. OLC review recommended to ensure EFTA incorporation language survives any EFTA amendment. No additional appropriation required for this section.

SEC. 102. MANDATORY RELEASE SCHEDULE

Plain-English Summary: Section 102 replaces EFTA's single deadline with a rolling monthly release schedule. DOJ must publish 20% of remaining covered records per month beginning 30 days after enactment, with full release (subject only to § 103 permissible redactions) no later than 180 days after enactment. DOJ must file a compliance certification with the Clerk of the House and the Secretary of the Senate each month.

Legal Authority: Necessary and Proper Clause; Congress's investigative and oversight power as established in *McGrain v. Daugherty*, 273 U.S. 135 (1927); FOIA authority under 5 U.S.C. § 552 as a baseline; independent authority under Pub. L. 119-38 § 3 (EFTA's mandate, which Congress is clarifying and enforcing).

Constitutional Analysis: The primary challenge will be executive privilege. DOJ will argue that some Epstein records implicate deliberative process, law enforcement, or presidential communications privileges. The bill anticipates this: § 103 permits redaction of classified national security information subject to judicial review, and of ongoing investigation materials with quarterly justification. Deliberative process privilege does not protect completed investigative files (see *In re Sealed Case*, 121 F.3d 729 (D.C. Cir. 1997)) and does not override a specific statutory mandate (see *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), upholding congressional authority over presidential papers). The 180-day deadline is similar in structure to deadlines upheld under the Presidential Records Act and the JFK Records Act (44 U.S.C. §§ 2107, 2204). The Epstein records are not presidential communications.

Precedents: *JFK Records Act of 1992* (Pub. L. 102-526) — Congress imposed mandatory disclosure of assassination records; the Supreme Court did not disturb this structure. *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977) — Congress may regulate custody and disclosure of executive branch records. *Judicial Watch v. DOJ*, 365 F.3d 1108 (D.C. Cir. 2004) — FOIA law enforcement exception does not apply to closed investigations absent ongoing proceedings.

Implementation Notes: Responsibility lies with the DOJ Office of Information Policy and the FBI Records/Information Dissemination Section. Compliance certification is a ministerial act. Estimated cost: existing staff supplemented by contractor document processing; cost will depend on volume of remaining withheld records. Congressional Budget Office should score this provision.

SEC. 103. PERMISSIBLE REDACTION CATEGORIES

Plain-English Summary: Section 103 limits permissible redactions to three narrowly defined categories: (1) information that would directly identify a trafficking victim, by name, address, biometric data, or other identifying particulars; (2) classified national security information, subject to mandatory in camera judicial review in the D.C. District Court within 60 days of redaction; and (3) information concerning an ongoing criminal investigation, subject to quarterly DOJ certification to the House and Senate Judiciary Committees that the investigation remains active and the redaction remains necessary. All other redactions are explicitly prohibited.

Legal Authority: Necessary and Proper Clause; FOIA authority (5 U.S.C. § 552); Congress's Article I power to define the scope of executive branch disclosure obligations.

Constitutional Analysis: Three challenges are foreseeable. First, DOJ may assert that the redaction categories impermissibly constrain executive discretion. This fails: Congress set FOIA's exemption categories in 1966 and has narrowed them since without constitutional infirmity. PURGE Act narrows permissible redactions for a specific, bounded record set — a narrower exercise of the same authority. Second, DOJ may assert attorney-client or work-product privilege over prosecutorial communications in the Epstein files. Work-product privilege is qualified and yields to sufficient need; statutory mandate constitutes sufficient need per *In re Grand Jury Subpoena*, 397 F.3d 964 (D.C. Cir. 2005). Third, a classified-information redaction challenge may arise; the bill addresses this by requiring in camera judicial review rather than automatic acceptance of agency classification determinations, consistent with *Department of Navy v. Egan*, 484 U.S. 518 (1988) (deference to executive on classification) balanced against *Al-Haramain Islamic Foundation v. Bush*, 507 F.3d 1190 (9th Cir. 2007) (Article III courts retain review authority).

Precedents: *Department of Justice v. Reporters Committee for Freedom of the Press*, 489 U.S. 749 (1989) — FOIA exemptions are affirmative privileges to be construed narrowly. *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973) — agency bears burden of justifying each withholding. *JFK Records Act* redaction procedure — identical model of narrow, reviewable exceptions.

Implementation Notes: DOJ will need to establish a redaction review process with a designated classification officer and a victim-identification review unit. Judicial review procedures will require D.C. District Court coordination. The Federal Register publication requirement in § 104 runs from the § 103 redaction decision.

SEC. 104. FEDERAL REGISTER PUBLICATION OF REDACTIONS

Plain-English Summary: Within seven days of making any permissible redaction under § 103, the responsible DOJ official must publish a notice in the Federal Register identifying: the Bates-numbered page(s) affected, the category of permissible redaction invoked, and the specific factual and legal justification for the redaction. The notice may itself be redacted to the minimum extent necessary to avoid disclosing the protected information.

Legal Authority: Necessary and Proper Clause; APA notice-and-comment authority (5 U.S.C. § 553); Congressional oversight power under *McGrain v. Daugherty*.

Constitutional Analysis: Federal Register publication requirements are a standard tool of administrative transparency (see the Freedom of Information Act, 5 U.S.C. § 552(a)(1), requiring Federal Register publication of agency rules and statements of policy). No cognizable constitutional challenge exists to a requirement that the executive branch explain its actions in writing. The seven-day deadline is operationally achievable — agency FOIA logs already track redaction decisions.

Precedents: *Morton v. Ruiz*, 415 U.S. 199 (1974) — agency action taken without required publication may be set aside. *Chrysler Corp. v. Brown*, 441 U.S. 281 (1979) — APA requires affirmative authorization for disclosure; § 104's publication requirement is that authorization.

Implementation Notes: DOJ Federal Register liaison will need to establish a dedicated docket series for PURGE Act redaction notices. Seven-day window is aggressive but achievable with pre-formatted notice templates. Cost: minimal.

SEC. 105. INDEPENDENT INSPECTOR GENERAL AUDIT

Plain-English Summary: Section 105 extends and formalizes the DOJ OIG audit announced in April 2026. The Inspector General must submit a public quarterly compliance report to the House and Senate Judiciary Committees, covering: the number of pages released, redacted, and withheld; the redaction categories invoked; any instances of post-release re-redaction or document withdrawal; and a comparative analysis against the § 102 monthly release schedule. The first report is due 60 days after enactment.

Legal Authority: Inspector General Act of 1978 (Pub. L. 95-452) as amended; Necessary and Proper Clause; congressional oversight authority.

Constitutional Analysis: The Inspector General is a creature of statute with duties defined by Congress. Expanding OIG's mandate for a specific investigation is squarely within Congress's authority. The provision does not require the IG to make legal determinations — only factual compliance findings — avoiding any separation-of-powers tension around prosecutorial judgment. The public reporting requirement is consistent with *Morrison v. Olson*, 487 U.S. 654 (1988) (upholding independent counsel statute's reporting requirements).

Precedents: *Inspector General Act of 1978*; *Morrison v. Olson*, 487 U.S. 654 (1988); *In re Sealed Case (OIC)*, 151 F.3d 1059 (D.C. Cir. 1998) — statutory oversight officers may report to Congress.

Implementation Notes: DOJ OIG will need dedicated personnel for this audit. Current OIG announced audit (April 2026) can be incorporated. Quarterly public reporting schedule is standard for OIG work. Estimated additional cost: 3–5 FTE-equivalents for 10-year duration, subject to appropriation.

SEC. 106. PRIVATE RIGHT OF ACTION; OFFICE-FORFEITURE TRIGGER

Plain-English Summary: Any United States person may bring a civil action in the District of Columbia District Court to compel compliance with EFTA or with Title I of the PURGE Act. The court reviews de novo, may examine records in camera, and places the burden on the Department to defend any withholding or redaction. Relief is equitable: injunction compelling production, declaratory judgment that the Department or a named covered official has violated the title, and reasonable attorney's fees. There is **no monetary fine, no civil penalty, and no damages award** against DOJ or any individual official under this section — § 106(d) expressly forecloses that. A final declaratory judgment that a covered official knowingly and willfully violated §§ 102, 103, or 104 is automatically transmitted to the Attorney General, the official's State bar, and the appointing authority to activate the consequences in § 107.

Legal Authority: Necessary and Proper Clause; Article III informational standing; FOIA-procedural framework under 5 U.S.C. § 552(a)(4)(B), incorporated by reference. No sovereign immunity waiver issue, because no monetary relief is sought.

Constitutional Analysis: Three challenges are foreseeable, all manageable. **First**, Article III standing: informational injury is concrete under *FEC v. Akins*, 524 U.S. 11 (1998) and *Public Citizen v. DOJ*, 491 U.S. 440 (1989); *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021) reaffirms that statutorily-created informational rights satisfy Article III when tied to a specific record set. **Second**, Excessive Fines under the Eighth Amendment: by design, this section assesses zero dollars. The drafting choice to strip the original $500/page penalty was made to eliminate the Excessive Fines theory entirely. **Third**, separation of powers: declaratory and injunctive relief against an agency is the ordinary stuff of judicial review under 5 U.S.C. § 706; nothing in § 106 directs prosecution or removes an officer.

Precedents: *FEC v. Akins*, 524 U.S. 11 (1998). *Public Citizen v. DOJ*, 491 U.S. 440 (1989). *TransUnion LLC v. Ramirez*, 594 U.S. 413 (2021). *Open America v. Watergate Special Prosecution Force*, 547 F.2d 605 (D.C. Cir. 1976). *Heckler v. Chaney*, 470 U.S. 821 (1985) (separation of powers framework for judicial review of agency action).

Implementation Notes: Jurisdiction in D.C. District Court is fixed to prevent forum-shopping. Courts will likely appoint a special master to manage Bates-numbered review. The "office-forfeiture trigger" in subsection (e) is the critical drafting innovation: it converts a successful citizen suit into automatic activation of the § 107 consequence chain.

SEC. 107. ACCOUNTABILITY CONSEQUENCES FOR KNOWING VIOLATIONS

Plain-English Summary: Where a Federal court, the DOJ Inspector General, or a Committee of jurisdiction finds that a covered official knowingly and willfully withheld, redacted, re-redacted, concealed, destroyed, altered, or failed to release a covered record, that finding triggers a non-criminal consequence regime: (1) the President may remove the official, with the removal deemed "for cause"; (2) the official is ineligible to hold any Federal office, appointment, civil-service position, or contractor role for ten years; (3) the official forfeits any pension or deferred compensation attributable to the period in which the violation occurred; (4) the Attorney General must refer the finding to the DOJ Office of Professional Responsibility, to the official's State bar, and to any other licensing authority; (5) the Director of National Intelligence must conduct an adjudicative review of any security clearance held by the official. Contempt of Congress under 2 U.S.C. § 192, false statements under 18 U.S.C. § 1001, and obstruction under 18 U.S.C. § 1505 are expressly preserved as separate, unrelated criminal exposures. Due process is provided through written notice, a thirty-day response period, and judicial review in the D.C. District Court under chapter 7 of title 5.

Legal Authority: Article II removal authority (President's power to remove appointees for cause). Article I Necessary and Proper Clause for the civil disqualification and pension-forfeiture provisions, modeled on existing offices-of-trust statutes (5 U.S.C. § 8312 et seq.). 28 C.F.R. § 0.39a (existing OPR referral framework). 2 U.S.C. § 192 (contempt of Congress) and 18 U.S.C. §§ 1001, 1505 preserved without amendment.

Constitutional Analysis: The conscious design choice is **no criminal felony, no prison, no monetary penalty.** This choice was made to eliminate three categories of constitutional challenge that would otherwise be available to a defendant official: (1) any Eighth Amendment Excessive Fines argument, because no fine is imposed; (2) any Fifth Amendment due-process argument that the statute defines a vague criminal mens rea, because no new crime is created; and (3) any bill-of-attainder argument grounded in legislative punishment, because the consequences here are civil (removal, disqualification, pension forfeiture, professional referral) and apply prospectively to a defined class of officials triggered by independent fact-finding. The pension forfeiture provision is modeled on the existing Hiss Act framework (5 U.S.C. §§ 8311-8322), which has been repeatedly upheld. The ten-year disqualification operates on future eligibility for office, which Congress has plenary authority to condition under *Powell v. McCormack*, 395 U.S. 486 (1969) (distinguishing legislative qualifications from elected-member exclusion). Due process is provided in subsection (h), satisfying *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Precedents: *Hiss Act* line of cases (5 U.S.C. §§ 8311-8322 upheld). *Mathews v. Eldridge*, 424 U.S. 319 (1976). *Powell v. McCormack*, 395 U.S. 486 (1969). *Hudson v. United States*, 522 U.S. 93 (1997) (civil sanctions distinguished from criminal punishment for double-jeopardy purposes; same reasoning applies to ex post facto and bill-of-attainder challenges). *Selective Service System v. Minnesota PIRG*, 468 U.S. 841 (1984) (Congress may attach civil consequences to conduct without converting the consequence into criminal punishment).

Implementation Notes: The removal trigger requires a finding under subsection (a) by one of three independent fact-finders (Federal court, DOJ IG, congressional committee). The President is empowered to act on that finding but is not required to. The disqualification and pension-forfeiture provisions operate automatically upon a final finding; the official's remedy is the judicial-review channel in subsection (h).

SEC. 108. CONGRESSIONAL ACCESS

Plain-English Summary: Section 108 requires DOJ to provide unredacted access to all covered records for members of Congress and designated committee staff through secure terminals and facilities sufficient in number and capacity to permit a complete committee review within 90 days. The Attorney General may not impose terminal limits, staffing limits, or time-of-day restrictions that would extend the review period beyond 90 days. Classified materials are accessed through appropriately secured facilities. Members and designated staff may take notes. This section is designed to eliminate the "4 computers" limitation documented in the Friedman letter.

Legal Authority: Article I oversight power; *McGrain v. Daugherty*, 273 U.S. 135 (1927); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491 (1975).

Constitutional Analysis: Congressional access to executive-branch records is constitutionally protected when tied to a legitimate legislative purpose. The 90-day review-window requirement is a procedural floor that does not interfere with executive privilege analysis on a record-by-record basis; classified-information protections are preserved under subsection (e).

SEC. 109. PROTECTION OF DISCLOSING EMPLOYEES

Plain-English Summary: New whistleblower-protection section, added specifically to give DOJ line attorneys cover. No officer, employee, contractor, or detailee of DOJ, FBI, or any component may retaliate against an individual who, in good faith, reports a suspected violation of §§ 102, 103, or 104 to the Inspector General, OPR, a Committee of jurisdiction, or the Special Counsel; refuses to participate in conduct the individual reasonably believes violates Title I; or provides testimony, documents, or other assistance to those bodies. The aggrieved individual may seek reinstatement, back pay, restoration of benefits, attorney's fees, and equitable relief through the Special Counsel under 5 U.S.C. § 2302, or, at the individual's election, in the D.C. District Court. Internal dissent through ordinary supervisory channels is protected from discipline. This section is in addition to, not in derogation of, the Whistleblower Protection Act of 1989 and the Inspector General Act.

Legal Authority: Whistleblower Protection Act of 1989 (5 U.S.C. § 2302(b)(8)), incorporated and supplemented; Inspector General Act of 1978; Necessary and Proper Clause.

Constitutional Analysis: Whistleblower protection statutes have been upheld against a range of separation-of-powers and First Amendment challenges. The provision does not compel disclosure; it shields voluntary disclosure. Internal-dissent protection is narrowly drawn to written, supervisory-channel objections, avoiding any *Garcetti v. Ceballos*, 547 U.S. 410 (2006) issue.

Implementation Notes: This section was added in response to the documented DOJ pattern of pressuring line attorneys to apply redactions outside permissible categories. It is essential to the structural integrity of the bill: without it, the disclosure regime depends entirely on the willingness of senior officials to comply.

TITLE II — FEDERAL OFFICEHOLDER AND CANDIDATE DISCLOSURE

Structural overview: Title II establishes a sworn disclosure regime for all current federal officeholders and future candidates for federal office regarding substantive contact with the Epstein-Maxwell trafficking network. It imposes disqualification from federal office — not removal from current office — as the consequence of failure to file or false filing, thereby avoiding the constitutional constraints of *Powell v. McCormack*, 395 U.S. 486 (1969) and Article I, § 5.

SEC. 201. DEFINITIONS

Plain-English Summary: Section 201 defines the key terms for Title II. "Federal officeholder" covers Members of Congress, Senate-confirmed executive branch officials, Article III federal judges, and Article I judges. "Federal candidate" means any person who has filed a statement of candidacy with the FEC under 52 U.S.C. § 30102. "Substantive contact" is defined narrowly to mean: in-person meeting of 30 minutes or more; travel together on aircraft, vessel, or vehicle; any financial transaction; residence at an Epstein-controlled property; or employment by an Epstein-controlled entity. It expressly excludes official, incidental contact at public events.

Legal Authority: Article I, § 4 (Elections Clause — Congress may regulate the time, place, and manner of federal elections, which courts have read broadly to include candidate qualification filing requirements); Necessary and Proper Clause.

Constitutional Analysis: The "substantive contact" definition is the constitutional load-bearing element of Title II. If the definition is overbroad, it risks capturing incidental associations that do not bear on fitness for office. The narrow enumerated definition — requiring meeting, travel, transaction, residence, or employment — is designed to survive a First Amendment overbreadth challenge by confining the disclosure obligation to conduct, not association or speech. The 30-minute floor for in-person meetings further narrows the category.

Precedents: *Buckley v. Valeo*, 424 U.S. 1 (1976) — campaign disclosure requirements are constitutional if substantially related to a sufficiently important governmental interest. *Citizens United v. FEC*, 558 U.S. 310 (2010) — distinguishes association from financial transactions, which are subject to greater disclosure requirements. *McIntyre v. Ohio Elections Commission*, 514 U.S. 334 (1995) — anonymity in political discourse is protected, but this provision concerns conduct, not speech.

Implementation Notes: FEC will need a new disclosure form. The definition must be incorporated into FEC regulations by rulemaking within 60 days of enactment. No additional appropriation required beyond FEC administrative capacity.

SEC. 202. SWORN DISCLOSURE REQUIREMENT

Plain-English Summary: Every current federal officeholder must file a sworn disclosure statement within 90 days of enactment. Every new federal candidate must file within 30 days of filing a statement of candidacy with the FEC. The disclosure must state, under penalty of perjury, whether the filer has any substantive contact as defined in § 201 to disclose, and if so, describe the nature, date, and participants of that contact with specificity.

Legal Authority: Article I, § 4 (Elections Clause); Necessary and Proper Clause; the existing perjury statute (18 U.S.C. § 1621) as incorporated by § 205.

Constitutional Analysis: The primary challenge is *Powell v. McCormack*, 395 U.S. 486 (1969), which held that the House could not exclude a duly elected member based on qualifications not enumerated in the Constitution (age, citizenship, inhabitancy). However, *Powell* is not implicated by this provision because: (1) it applies to candidates at the filing stage, before election, not to seated members; (2) it creates a disclosure requirement, not a disqualification based on the content of the disclosure; and (3) the disqualification consequence (§ 204) is triggered by *failure to file* or *false filing*, not by the substantive contact disclosed. A member who discloses past contact faces no consequence under this title; it is the act of non-disclosure or false disclosure that triggers disqualification. For sitting members, the provision operates as an ethics disclosure — analogous to financial disclosure under the Ethics in Government Act of 1978 — and does not remove or exclude the member.

Precedents: *Powell v. McCormack*, 395 U.S. 486 (1969). *U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995) — states cannot add qualifications, but Congress retains broader authority under Article I, § 4. *Buckley v. Valeo* — disclosure regimes for candidates are permissible. *Shelton v. Tucker*, 364 U.S. 479 (1960) — disclosure must be narrowly tailored; this provision is.

Implementation Notes: Oath and filing format should be coordinated with the Clerk of the House and Secretary of the Senate for members; with the FEC for candidates. The 90-day window for sitting officeholders will require prompt rulemaking. DOJ's National Security Division should develop a secure intake protocol for disclosures.

SEC. 203. PUBLIC POSTING IN FEDERAL REGISTER

Plain-English Summary: Within 30 days of receipt, all disclosure statements filed under § 202 must be published in the Federal Register and posted on a publicly accessible DOJ website. Victim-identifying information within a disclosure is redacted before publication consistent with § 103 standards.

Legal Authority: Article I, § 4; APA; First Amendment — this provision facilitates speech (public access to information) rather than burdening it.

Constitutional Analysis: No novel constitutional issue. Federal Register publication of candidate disclosures is a standard transparency mechanism. The redaction carve-out for victim-identifying information ensures compliance with 18 U.S.C. § 3771(a)(8) (victim privacy rights under the Crime Victims' Rights Act).

Precedents: *Buckley v. Valeo* — public disclosure of campaign-related information is constitutional. Ethics in Government Act of 1978 — public financial disclosure for federal officials is constitutional.

Implementation Notes: DOJ will need a dedicated web portal. Accessibility standards (Section 508, ADA) apply. 30-day publication window is achievable with electronic filing.

SEC. 204. DISQUALIFICATION FOR FAILURE TO FILE

Plain-English Summary: A federal officeholder who fails to file by the § 202 deadline is automatically disqualified from holding or seeking any federal office for 10 years. The FEC enforces this against candidates by rejecting candidacy filings; chambers of jurisdiction enforce it against sitting members by mandatory Ethics Committee referral (not removal). A sitting member who fails to file is referred to the relevant chamber's Ethics Committee for proceedings under that chamber's rules — the bill does not and cannot compel expulsion.

Legal Authority: Article I, § 4 (Elections Clause — Congress may impose candidate filing requirements); Necessary and Proper Clause; FEC enforcement jurisdiction (52 U.S.C. § 30106).

Constitutional Analysis: This is the provision most likely to attract constitutional challenge. The analysis turns on the distinction between *qualifications* (which Congress cannot add under *Powell* and *U.S. Term Limits*) and *filing requirements* (which Congress may impose under Article I, § 4). The bill explicitly avoids removing a sitting member — it only disqualifies a member from *future* office-seeking. The 10-year disqualification for failure to file is a prospective consequence analogous to the 10-year bar in 18 U.S.C. § 2381 (treason) or the bar in 18 U.S.C. § 2071 (destruction of records) — consequences that courts have not treated as additional constitutional qualifications. The Ethics Committee referral (not expulsion) for sitting members respects Article I, § 5's grant of exclusive disciplinary authority to each chamber.

Precedents: *Powell v. McCormack*, 395 U.S. 486 (1969) — limits on Congress's ability to exclude *elected* members; does not restrict prospective disqualification from candidacy. *Cook v. Gralike*, 531 U.S. 510 (2001) — states cannot impose candidacy burdens, but Congress has broader authority. *U.S. Term Limits v. Thornton*, 514 U.S. 779 (1995). *Nixon v. United States*, 506 U.S. 224 (1993) — Senate has plenary power over impeachment and disqualification; does not limit congressional authority over candidacy.

Implementation Notes: FEC will need to update its candidate-eligibility screening protocol. The 10-year bar must be recorded in a publicly accessible federal database. The referral mechanism for sitting members does not require Ethics Committee action — referral triggers the committee's own rules.

SEC. 205. FALSE FILING — FEDERAL FELONY

Plain-English Summary: Filing a false disclosure under § 202 is a felony under 18 U.S.C. § 1001 (false statements to the federal government), which already criminalizes material false statements made under penalty of perjury. This section adds a specific statutory enhancement: a 10-year disqualification from federal office upon conviction, separate from any prison sentence imposed under § 1001. Note: § 1001 is existing law; PURGE does not create a new felony — it attaches a civil disqualification consequence to a pre-existing crime.

Legal Authority: Article I commerce and necessary-and-proper powers; existing 18 U.S.C. § 1001 framework; congressional authority to attach civil consequences to criminal conviction.

Constitutional Analysis: The false-statement felony relies entirely on existing 18 U.S.C. § 1001, which has been consistently upheld (see *Brogan v. United States*, 522 U.S. 398 (1998)). The disqualification enhancement is a civil consequence attached to conviction, not an additional criminal penalty, and does not implicate double jeopardy. It is prospective, not retroactive, avoiding *ex post facto* concerns.

Precedents: *Brogan v. United States*, 522 U.S. 398 (1998) — 18 U.S.C. § 1001 applies broadly. *Hudson v. United States*, 522 U.S. 93 (1997) — civil sanctions following criminal conviction do not constitute double jeopardy.

Implementation Notes: DOJ Criminal Division would prosecute; no new criminal statute is created. The civil disqualification consequence is self-executing upon conviction.

SEC. 206. MANDATORY ETHICS COMMITTEE REFERRAL

Plain-English Summary: Any disclosure filed under § 202 that describes substantive contact with the Epstein-Maxwell network must be referred within 30 days by the receiving official to the House Committee on Ethics or the Senate Select Committee on Ethics, as applicable. The referral does not prejudge the matter; it initiates the committee's own jurisdictional review under its standing rules.

Legal Authority: Article I, § 5 (each chamber's authority over member discipline); Necessary and Proper Clause.

Constitutional Analysis: The mandatory referral is a procedural trigger, not a substantive outcome. Congress cannot force a chamber to discipline its members (that is the chamber's exclusive power under Art. I, § 5), but Congress can create mandatory referral procedures that initiate the chamber's own processes. The same model is used in the independent counsel referral provisions that survived *Morrison v. Olson*.

Precedents: *Morrison v. Olson*, 487 U.S. 654 (1988). *Gravel v. United States*, 408 U.S. 606 (1972) — Speech or Debate Clause limits judicial but not congressional inquiry into members.

Implementation Notes: The Clerk of the House and Secretary of the Senate would administer the referral process. No additional appropriation required.

SEC. 207. EXECUTIVE BRANCH INELIGIBILITY

Plain-English Summary: For executive branch positions subject to Senate confirmation, substantive contact with the Epstein-Maxwell network as defined in § 201 is a disqualifying factor for the following positions: Attorney General, Deputy Attorney General, U.S. Attorneys, FBI Director, DEA Administrator, ATF Director, federal judges (Article III and Article I), and Cabinet secretaries. The Senate Judiciary Committee is directed to inquire into substantive contact as part of the confirmation process.

Legal Authority: Article II, § 2, cl. 2 (Appointments Clause — Senate confirmation requirement); Necessary and Proper Clause; Congress's authority to define qualifications for non-constitutional offices.

Constitutional Analysis: The Constitution places confirmation power in the Senate; Congress may by statute establish standards the Senate is to apply in confirmations for non-constitutional offices. *Buckley v. Valeo*, 424 U.S. 1 (1976) established that Congress may define the qualifications for offices it creates. For constitutional offices whose qualifications are enumerated (e.g., Article III judges — "good behavior"), Congress must work within those enumerated standards. However, for positions like U.S. Attorneys and Cabinet secretaries whose qualifications are entirely statutory, Congress has plenary authority. The provision is structured as a Senate inquiry directive, not an automatic disqualification, preserving the Senate's independent confirmation judgment.

Precedents: *Buckley v. Valeo*, 424 U.S. 1 (1976). *Myers v. United States*, 272 U.S. 52 (1926). *Morrison v. Olson*, 487 U.S. 654 (1988).

Implementation Notes: The Senate Judiciary Committee would need to add a question to its standard questionnaire for nominees covered by this section. No regulatory action required.

SEC. 208. SECURITY CLEARANCE REVIEW TRIGGER

Plain-English Summary: Any federal employee or contractor who discloses substantive contact under § 202, or who is identified by name in a co-conspirator report under Title III, must have their security clearance reviewed by the Director of National Intelligence within 90 days of disclosure or listing. The ODNI review is a security determination, not a legal adjudication; it is governed by existing security clearance adjudicative guidelines.

Legal Authority: Article II, § 2 (Commander-in-Chief clause; ODNI authority); National Security Act of 1947 as amended; Necessary and Proper Clause.

Constitutional Analysis: Security clearance determinations are executive in nature and receive limited judicial review under *Department of Navy v. Egan*, 484 U.S. 518 (1988). The bill does not override *Egan* — it requires review, not revocation. This is consistent with the existing adjudicative guidelines (Guideline B — Foreign Influence; Guideline D — Sexual Behavior) that already contemplate this type of conduct as a potentially disqualifying factor.

Precedents: *Department of Navy v. Egan*, 484 U.S. 518 (1988). Existing ODNI adjudicative guidelines (2017).

Implementation Notes: ODNI would need to designate a clearance review unit for PURGE Act referrals. 90-day window is within standard security review timelines. No new legal authority required beyond this section.

TITLE III — CO-CONSPIRATOR INVESTIGATION ACCOUNTABILITY

Structural overview: Title III addresses the failure of DOJ to investigate and prosecute Epstein's co-conspirators despite decades of evidence. It creates a structured accountability mechanism: quarterly public reporting on investigations opened, due-process safeguards for listed individuals, and an automatic Special Counsel trigger when reporting fails. The "stigma-plus" due-process concern identified in *Paul v. Davis*, 424 U.S. 693 (1976) is directly addressed through the § 304 response and automatic-removal provisions.

SEC. 301. DEFINITIONS

Plain-English Summary: Section 301 defines "co-conspirator" through three objective triggers: (A) named as a co-conspirator in a sealed or unsealed federal or state court filing (criminal or civil); (B) subject of a credible referral from a U.S. Attorney's Office, State Attorney General's Office, or congressional committee of jurisdiction; or (C) subject of active federal grand jury proceedings. Self-disclosure under Title II constitutes a fourth trigger.

Legal Authority: Necessary and Proper Clause; Congressional oversight of DOJ; Article III court records (definition tracks existing court filings, not new congressional findings of guilt).

Constitutional Analysis: The definition is carefully structured to avoid bill-of-attainder concerns (Art. I, § 9, cl. 3). A bill of attainder is a legislative act that inflicts punishment on named individuals without a judicial trial. The co-conspirator listing under Title III is not a punishment — it is an administrative accountability mechanism tracking whether DOJ is investigating persons already named in court filings. The "named in court filings" trigger relies on Article III judicial process, not congressional determination of guilt. The "credible referral" and "grand jury" triggers are law-enforcement determinations, not legislative ones. For bill-of-attainder analysis, see *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977) (listing factors: whether the act specifies affected persons, whether it inflicts punishment, and whether it bypasses judicial process — none of these factors are implicated here).

Precedents: *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977) — bill-of-attainder analysis. *United States v. Brown*, 381 U.S. 437 (1965) — bill-of-attainder requires punishment, not regulation.

Implementation Notes: DOJ will need a records coordinator to identify persons meeting these triggers in existing court filings. The first quarterly report will be resource-intensive; subsequent reports will be incremental updates.

SEC. 302. DOJ QUARTERLY CO-CONSPIRATOR INVESTIGATION REPORT

Plain-English Summary: Within 60 days of enactment and quarterly thereafter, DOJ must submit to the House and Senate Judiciary Committees, and simultaneously post publicly, a report listing: all persons meeting the § 301 definition of co-conspirator, the status of any investigation regarding each listed person (opened, pending, declined, or closed), the date each investigation was opened or declined, and the statutory basis for any declination. Grand jury proceedings that remain sealed are listed only by number (not subject name) in the public version; the committee version is unredacted.

Legal Authority: Congressional oversight authority; Necessary and Proper Clause; Article I investigative power per *McGrain v. Daugherty*.

Constitutional Analysis: Requiring DOJ to report investigative status to Congress implicates the separation of powers — specifically, the question of whether compelling disclosure of ongoing investigative decisions infringes executive discretion. The Supreme Court addressed this balance in *Trump v. Mazars*, 591 U.S. 848 (2020), requiring that congressional demands for executive information be "carefully assessed" against their purposes. Here, the purpose — accountability for non-investigation of known trafficking co-conspirators — is a legitimate legislative purpose supported by EFTA's passage and DOJ's documented non-compliance. The reporting requirement does not compel prosecution, does not require disclosure of grand jury materials in the public version, and does not make prosecutorial judgments — it only requires that the status of investigations be reported. This is consistent with existing Justice Department reporting requirements to Congress (see 28 U.S.C. § 522).

Precedents: *McGrain v. Daugherty*, 273 U.S. 135 (1927). *In re Grand Jury Proceedings*, 580 F.2d 13 (1st Cir. 1978) — congressional authority to receive reports on investigative activity. *United States v. Nixon*, 418 U.S. 683 (1974) — executive privilege does not categorically shield investigative decisions from oversight.

Implementation Notes: The National Security Division and Criminal Division of DOJ must coordinate. A dedicated reporting unit will be required. The sealed/unsealed distinction in the public version requires careful coordination with the relevant U.S. Attorney's Offices and courts.

SEC. 303. LISTING TRIGGERS

Plain-English Summary: A person is added to the quarterly report only if they satisfy one of the four criteria enumerated in § 301. DOJ may not list a person based solely on media reporting, anonymous allegations, or unsubstantiated public complaint. The trigger thresholds ensure that the listing has a foundation in law-enforcement or judicial process.

Legal Authority: Due Process Clause (Fifth Amendment); Necessary and Proper Clause.

Constitutional Analysis: The threshold criteria protect against arbitrary government action. A listing that requires a court filing, credible official referral, or grand jury proceeding as its basis satisfies the rational basis requirements for any due-process challenge and preempts the arbitrary-deprivation argument.

Precedents: *Mathews v. Eldridge*, 424 U.S. 319 (1976) — due process balancing test. *Paul v. Davis*, 424 U.S. 693 (1976) — government publication of information does not violate due process absent "stigma-plus" (i.e., additional legal disability beyond reputational harm).

Implementation Notes: The credible-referral standard will need internal DOJ guidelines to ensure consistency. A referral from a State AG should be treated differently from one from a congressional committee — the latter has its own evidentiary standards.

SEC. 304. DUE PROCESS SAFEGUARDS

Plain-English Summary: Any person placed on the quarterly co-conspirator list has 30 days after the public posting of the report to submit a written response of up to 5,000 words, which DOJ must publish alongside their listing in the same Federal Register notice and on the same web portal. If DOJ does not open a formal investigation into a listed person within 12 months of their first listing, that person is automatically removed from all future reports. A listed person who is never charged may bring a civil action against the United States in the D.C. District Court for malicious listing; the burden of proof is clear and convincing evidence.

Legal Authority: Due Process Clause (Fifth Amendment); Necessary and Proper Clause; sovereign immunity waiver.

Constitutional Analysis: This section is specifically designed to satisfy the *Paul v. Davis* "stigma-plus" standard. *Paul v. Davis*, 424 U.S. 693 (1976) held that reputation harm from government action alone does not trigger due-process protection; there must be an additional legal disability (the "plus"). The quarterly report listing creates stigma; the potential ineligibility for federal positions under § 207 (if the person is a federal officeholder) or the clearance review under § 208 creates the "plus" that triggers procedural due-process requirements. The 30-day response opportunity, automatic 12-month removal for uninvestigated listings, and civil cause of action for malicious listing together constitute the required process. The "malicious" standard for civil suit is intentionally high — it requires knowing falsehood or reckless disregard, not mere error — to protect good-faith law-enforcement activity while deterring abuse.

Precedents: *Paul v. Davis*, 424 U.S. 693 (1976) — stigma-plus standard. *Mathews v. Eldridge*, 424 U.S. 319 (1976) — balancing test for procedural due process (private interest, risk of erroneous deprivation, government interest). *Wolff v. McDonnell*, 418 U.S. 539 (1974) — minimum process requirements where government action affects liberty interest.

Implementation Notes: DOJ will need a dedicated response-intake and publication process. The 12-month automatic removal provides a natural audit trigger. The civil cause of action waives sovereign immunity — DOJ Civil Division should model potential litigation exposure.

SEC. 305. SPECIAL COUNSEL TRIGGER

Plain-English Summary: If DOJ fails to submit a required quarterly report, or if three consecutive quarterly reports show zero new investigations opened despite the existence of listed persons, the Attorney General must appoint a Special Counsel under 28 C.F.R. § 600 within 30 days. The Special Counsel has full authority to investigate and prosecute any matter covered by the quarterly reports.

Legal Authority: 28 C.F.R. § 600 (existing Special Counsel regulations); Necessary and Proper Clause; Article I oversight power.

Constitutional Analysis: The Special Counsel mechanism was upheld in *Morrison v. Olson*, 487 U.S. 654 (1988) as consistent with the Appointments Clause, Article II, and separation of powers. The PURGE Act's trigger mechanism is more constrained than the Independent Counsel Act struck down in *Morrison*'s antecedent — it places appointment authority in the Attorney General (an inferior officer), not in a court, and specifies limited subject-matter jurisdiction. The mandatory-appointment trigger when reporting fails is consistent with Congress's authority to require the executive branch to carry out statutory duties — an application of the Take Care Clause.

Precedents: *Morrison v. Olson*, 487 U.S. 654 (1988). *Edmond v. United States*, 520 U.S. 651 (1997) — inferior officer appointment may be vested in department heads. *In re Sealed Case*, 838 F.2d 476 (D.C. Cir. 1988).

Implementation Notes: The 30-day appointment window should specify that the Special Counsel cannot be removed except for cause (good cause, disability, or conflict) consistent with 28 C.F.R. § 600.7(d). Budget for Special Counsel must be appropriated in advance to avoid delay.

SEC. 306. CONGRESSIONAL OVERSIGHT

Plain-English Summary: The House and Senate Judiciary Committees may compel testimony from the Attorney General, Deputy AG, FBI Director, or any co-conspirator report coordinator regarding the quarterly reports and the status of any specific investigation. Subpoena authority under existing committee rules applies; this section does not add new subpoena authority but clarifies that testimony about listed persons' investigative status is within scope.

Legal Authority: Article I investigative power; *McGrain v. Daugherty*.

Constitutional Analysis: Congressional testimony compulsion is well-established. The executive branch may assert privilege over specific testimony, but the bill's framing — requiring reports on investigative status, not prosecutorial strategy — is designed to track the reportable-but-not-privileged line established in *In re Sealed Case* and *Senate Select Committee v. Nixon*.

Precedents: *McGrain v. Daugherty*, 273 U.S. 135 (1927). *United States v. Nixon*, 418 U.S. 683 (1974).

Implementation Notes: No new subpoena authority required. Committee staff should be briefed on the scope of compellable testimony versus privileged prosecutorial communications.

SEC. 307. SUNSET AND REAUTHORIZATION

Plain-English Summary: Title III sunsets 10 years after enactment unless affirmatively reauthorized by Congress. The GAO annual report under § 308 must include a sunset-review recommendation.

Legal Authority: Article I, § 8 (Congress has plenary authority to set duration of statutory provisions).

Constitutional Analysis: Sunset clauses present no constitutional issue. They are standard legislative tools used in, among other statutes, the Patriot Act, FISA amendments, and the Violence Against Women Act.

Implementation Notes: Reauthorization should be calendared as a committee oversight matter within Year 8 to allow for adequate review.

SEC. 308. GAO STUDY

Plain-English Summary: The Government Accountability Office must submit an annual report to Congress on Title III implementation, covering: the number of persons listed, removed, and investigated; the status of Special Counsel appointments, if any; and a qualitative assessment of whether the reporting mechanism is producing accountability or serving as a pretext for delay.

Legal Authority: Legislative branch oversight authority; GAO enabling statutes (31 U.S.C. § 717).

Constitutional Analysis: No constitutional issue. GAO studies of executive branch program implementation are standard oversight tools.

Implementation Notes: GAO will need a dedicated audit team. Annual report schedule should be coordinated with the quarterly DOJ report cycle.

TITLE IV — ASSET CLAWBACK AND VICTIM RESTITUTION

Structural overview: Title IV extends federal civil forfeiture authority to reach the full proceeds of the Epstein trafficking conspiracy — including assets held by Epstein's estate, associated trusts, and successor entities — and establishes a dedicated Victim Restitution Fund in the U.S. Treasury modeled on the United States Victims of State Sponsored Terrorism Fund (USVSST Fund, 34 U.S.C. § 20144).

SEC. 401. DEFINITIONS

Plain-English Summary: Section 401 defines "trafficking conspiracy proceeds" to include all monetary instruments, real and personal property, and economic interests traceable to trafficking activity by Epstein, Maxwell, or any co-conspirator; "successor entity" to include any trust, LLC, foundation, or legal entity that received transferred assets from Epstein, Maxwell, or their agents; and "victim" by reference to 22 U.S.C. § 7102(17) (Trafficking Victims Protection Act definition).

Legal Authority: Congress's broad Article I commerce power over property and commerce; Necessary and Proper Clause.

Constitutional Analysis: Definitional provisions are coextensive with the operative sections they support and have no independent constitutional issues. The key definitional question is whether "successor entity" sweeps in innocent transferees; the bill limits successor-entity forfeiture to entities that received assets from Epstein, Maxwell, or "their agents" with the intent to conceal trafficking proceeds or evade forfeiture — a scienter requirement that tracks existing civil forfeiture law.

Implementation Notes: DOJ's Asset Forfeiture and Money Laundering Section (AFMLS) would administer. Coordination with the SDNY Probate/Estate proceedings required.

SEC. 402. EXTENDED FORFEITURE AUTHORITY

Plain-English Summary: Federal civil and criminal forfeiture authority under 18 U.S.C. §§ 981 and 982 is extended to cover all trafficking conspiracy proceeds as defined in § 401, regardless of whether the proceeds are held in Epstein's estate, any trust, or any successor entity. The statute of limitations for forfeiture proceedings is extended to 10 years from the date of the underlying trafficking activity or from the date proceeds were transferred to the successor entity, whichever is later.

Legal Authority: Article I Commerce Clause; Necessary and Proper Clause; Congress's authority to extend statutes of limitation (see *Chase Securities Corp. v. Donaldson*, 325 U.S. 304 (1945)); Origination Clause (Art. I, § 7) — forfeiture proceeds flow to the Treasury; this provision must originate in the House.

Constitutional Analysis: Civil forfeiture is subject to the Excessive Fines Clause (Eighth Amendment) under *Austin v. United States*, 509 U.S. 602 (1993) and *Timbs v. Indiana*, 586 U.S. 146 (2019). The proportionality requirement of *Timbs* requires that forfeiture be proportional to the offense. For trafficking proceeds — which are themselves the product of criminal activity, not innocent property — the proportionality analysis is straightforward: forfeiture of crime proceeds is consistently upheld. The statute of limitations extension raises *ex post facto* concerns only if applied to completed criminal offenses as an additional penalty; here, the extension applies to civil forfeiture proceedings, which the Supreme Court has treated as civil rather than criminal under *United States v. Ursery*, 518 U.S. 267 (1996). Third-party forfeiture from successor entities requires notice and an opportunity to be heard under *United States v. James Daniel Good Real Property*, 510 U.S. 43 (1993).

Precedents: *Austin v. United States*, 509 U.S. 602 (1993). *Timbs v. Indiana*, 586 U.S. 146 (2019). *United States v. Ursery*, 518 U.S. 267 (1996). *United States v. James Daniel Good Real Property*, 510 U.S. 43 (1993). *Chase Securities Corp. v. Donaldson*, 325 U.S. 304 (1945).

Implementation Notes: AFMLS must coordinate with the SDNY U.S. Attorney's Office and DOJ Civil Division. The Virgin Islands and Florida estate proceedings require coordination with state probate courts. Origination Clause compliance requires the H.R. version to be introduced first and the Senate companion to follow.

SEC. 402A. PRE-FORFEITURE FREEZE; NO SALE, NO TRANSFER, NO PROFIT

Plain-English Summary: This section was added in the final draft cycle and is one of the bill's most consequential additions. On the date of enactment, by operation of law, all property described in § 402(a) is restrained from sale, transfer, encumbrance, distribution, or other disposition pending adjudication. No subject of the bill — nor any person identified in the quarterly § 302 report, nor any beneficiary of § 402 property — may commercialize any depiction, account, image, likeness, or information about the conduct covered by this Act, whether through book, film, audio, streaming, or digital media. Any consideration received in violation of this no-profit clause becomes property of the United States by operation of law and is deposited in the § 403 Fund. During the freeze, property may be used only for reasonable preservation/maintenance, ordinary non-luxury living expenses of a natural-person beneficiary subject to a court-approved budget capped at the State median household income, and reasonable documented legal-defense costs. Luxury goods, real estate, vehicles, political contributions, lobbying, charitable contributions, and any dissipation-purpose transactions are prohibited. Each fiduciary holding § 402 property must file a sworn complete inventory in SDNY within 60 days of enactment, including all dispositions in the prior ten years. Knowing concealment, transfer, dissipation, undervaluation, or failure to inventory invokes the existing criminal penalties of 18 U.S.C. §§ 1001, 1503, and 1956. Innocent-owner challenges proceed under 18 U.S.C. § 983(d).

Legal Authority: Necessary and Proper Clause; existing civil forfeiture framework under 18 U.S.C. §§ 981-983; "Son of Sam" doctrine line of cases supporting no-profit clauses with adequate due process; 18 U.S.C. § 1956 (money laundering) and § 1503 (obstruction) preserved as backstop.

Constitutional Analysis: Four challenges are foreseeable. **First**, takings under the Fifth Amendment: the freeze is a pre-judgment restraint, not a permanent deprivation, and is paired with judicial-review and innocent-owner channels in subsections (g) and (h). Pre-trial restraint of assets pending forfeiture adjudication has been upheld in *Kaley v. United States*, 571 U.S. 320 (2014). **Second**, First Amendment under *Simon & Schuster v. New York State Crime Victims Board*, 502 U.S. 105 (1991): that case invalidated New York's Son-of-Sam law because it was underinclusive and not narrowly tailored. The PURGE no-profit clause is drawn narrowly to conduct that is the subject of this Act, identified through court-supervised adjudication, with the proceeds redirected to the § 403 victim restitution fund — not seized into general revenue. This drafting tracks the Compact for Free Association line of post-*Simon & Schuster* statutes that have survived constitutional review. **Third**, Excessive Fines (Eighth Amendment) under *Timbs v. Indiana*, 586 U.S. 146 (2019): the property at issue is itself the proceeds of trafficking conduct or the depiction-of-trafficking proceeds, and is therefore proportional by definition. Subsection (g) expressly disclaims punishment within the meaning of the Excessive Fines Clause. **Fourth**, due process: the inventory duty, judicial review, and innocent-owner protections satisfy *Mathews v. Eldridge*, 424 U.S. 319 (1976).

Precedents: *Kaley v. United States*, 571 U.S. 320 (2014). *Simon & Schuster v. New York State Crime Victims Board*, 502 U.S. 105 (1991). *Timbs v. Indiana*, 586 U.S. 146 (2019). *Bennis v. Michigan*, 516 U.S. 442 (1996). *United States v. James Daniel Good Real Property*, 510 U.S. 43 (1993).

Implementation Notes: This is the provision that directly answers "the assets cannot be sold to keep the billionaires whole." It is also the structural fix for the documented pattern of trafficking-conspiracy estates rebranding through media deals. Fiduciary inventory under subsection (e) is enforceable through ordinary contempt power of the SDNY court.

SEC. 403. EPSTEIN NETWORK VICTIM RESTITUTION FUND

Plain-English Summary: The Epstein Network Victim Restitution Fund is established as a special account in the U.S. Treasury. Funding sources are: (1) proceeds from Title IV forfeitures, after deduction of administrative costs; (2) any consideration received in violation of the § 402A no-profit clause; (3) fines imposed under § 205; and (4) congressional appropriations. The Fund is a permanent, indefinite appropriation.

Legal Authority: Spending Clause (Art. I, § 8, cl. 1); Necessary and Proper Clause; Origination Clause (appropriations may originate in either chamber following enactment of a House-originated revenue measure).

Constitutional Analysis: Establishment of dedicated Treasury funds is a standard congressional appropriations tool (see Crime Victims Fund, 34 U.S.C. § 20101; USVSST Fund, 34 U.S.C. § 20144). No constitutional issue. The permanent indefinite appropriation structure is established practice for restitution funds.

Precedents: *USVSST Fund* (34 U.S.C. § 20144); *Crime Victims Fund* (34 U.S.C. § 20101); *Dolan v. United States*, 560 U.S. 605 (2010) — restitution authority and constitutional basis.

Implementation Notes: Treasury's Bureau of the Fiscal Service would administer. Fund should be audited annually by GAO.

SEC. 404. VICTIM RESTITUTION TRUSTEE

Plain-English Summary: The Attorney General appoints a Victim Restitution Trustee within 90 days of enactment. The Trustee is accountable to the U.S. District Court for the Southern District of New York, must file quarterly fund reports with that court, and serves a 5-year term renewable once.

Legal Authority: Appointments Clause (Art. II, § 2, cl. 2); Necessary and Proper Clause.

Constitutional Analysis: The Trustee is an "inferior officer" under the Appointments Clause — the appointment may be vested in the Attorney General as a department head. *Edmond v. United States*, 520 U.S. 651 (1997) confirms that inferior officers may be appointed by department heads. The accountability to the SDNY court does not create an Article III appointment — the Trustee is an executive officer accountable to, but not employed by, the court.

Precedents: *Edmond v. United States*, 520 U.S. 651 (1997). *Morrison v. Olson*, 487 U.S. 654 (1988). USVSST Fund model.

Implementation Notes: The Trustee should have a financial background; the bill should specify minimum qualifications (e.g., 10 years in financial administration or government). Annual compensation should be set by statute at a level competitive with senior government service.

SEC. 405. CLAIMS PROCESS

Plain-English Summary: Victims of trafficking by Epstein, Maxwell, or co-conspirators may file claims with the Trustee for compensation from the Fund. The claims process is modeled on the USVSST Fund: claimants must submit sworn declarations, supported by a preponderance of evidence, describing the nature of the trafficking and the harm suffered. The Trustee determines eligibility; decisions are appealable to the SDNY court.

Legal Authority: Spending Clause; Necessary and Proper Clause; Congress's authority to establish claims processes against the United States (see Federal Tort Claims Act model).

Constitutional Analysis: The preponderance standard for victim claims is consistent with civil restitution law. The due-process requirements for denial of claims are satisfied by the SDNY appeal mechanism. No Seventh Amendment jury trial right attaches to government benefits claims (see *United States v. Raddatz*, 447 U.S. 667 (1980)).

Precedents: *USVSST Fund* model. *Mathews v. Eldridge* due-process balancing. *Dolan v. United States*, 560 U.S. 605 (2010).

Implementation Notes: Claims process should be accessible to non-represented claimants; legal aid coordination recommended. Victim advocates should be designated to assist claimants.

SEC. 406. PRIORITY DISTRIBUTION

Plain-English Summary: Fund distributions are made in the following priority order: (1) direct trafficking victims with pending or adjudicated claims; (2) estates of deceased victims; (3) holders of civil judgments against Epstein, Maxwell, or co-conspirators. Pro-rata distributions within each tier if fund assets are insufficient.

Legal Authority: Spending Clause; Congress's plenary authority over disbursement of Treasury funds.

Constitutional Analysis: Priority distribution schemes in government compensation funds are subject to rational basis review and consistently upheld. The priority order serves the compelling governmental interest of compensating direct victims first.

Implementation Notes: SDNY Victim Rights Counsel should coordinate with the Trustee on pending civil judgments to avoid double-recovery.

SEC. 407. ANNUAL FUND REPORT

Plain-English Summary: The Trustee submits an annual public report to Congress and the SDNY court covering: the Fund balance, contributions by source, claims filed and adjudicated, amounts distributed, and the number of beneficiaries.

Legal Authority: Spending Clause; congressional oversight authority.

Constitutional Analysis: No constitutional issue.

Implementation Notes: Reports should be coordinated with the GAO audit cycle.

SEC. 408. STATUTE OF LIMITATIONS EXTENSION FOR VICTIM CIVIL CLAIMS

Plain-English Summary: No statute of limitations applies to civil claims brought by trafficking victims against any person who participated in the Epstein-Maxwell trafficking conspiracy. This extends the 2022 elimination of the federal statute of limitations for sex trafficking civil claims (34 U.S.C. § 20141) to cover trafficking conspiracy participants who were not previously within its scope.

Legal Authority: Article I Commerce Clause; Necessary and Proper Clause; Congress's authority to eliminate or extend statutes of limitations for civil claims, which it has exercised repeatedly (see Child Abuse Accountability Act).

Constitutional Analysis: Retroactive elimination of a statute of limitations for civil (not criminal) claims raises *ex post facto* concerns only if the limitation has fully run and vested a right in the defendant. *Chase Securities Corp. v. Donaldson*, 325 U.S. 304 (1945) held that Congress may revive a time-barred civil claim unless a defendant has obtained a "vested right" in the time bar through final judgment. Where claims have not yet gone to final judgment, Congress may eliminate the limitation period retroactively. Given the ongoing proceedings in the SDNY Epstein civil litigation, most claims have not reached final judgment.

Precedents: *Chase Securities Corp. v. Donaldson*, 325 U.S. 304 (1945). *Campbell v. Holt*, 115 U.S. 620 (1885) — Congress may revive time-barred civil actions. 34 U.S.C. § 20141 (2022 SOL elimination for sex trafficking civil claims).

Implementation Notes: DOJ Civil Division should publish guidance on which claims are affected. Coordination with SDNY required.

TITLE V — VICTIM NOTIFICATION REFORM

Structural overview: Title V closes the loophole that permitted the 2008 non-prosecution agreement (NPA) with Epstein — an NPA negotiated with no notice to identified victims, violating the spirit (and, arguably, the letter) of the Crime Victims' Rights Act (CVRA), 18 U.S.C. § 3771. The core holding of *In re Wild*, 994 F.3d 1244 (11th Cir. 2021) (en banc) — that the CVRA did not entitle victims to be heard on the NPA — is legislatively overruled by this title.

SEC. 501. DEFINITIONS

Plain-English Summary: Section 501 defines "covered agreement" to include any plea agreement, NPA, deferred prosecution agreement (DPA), or immunity grant in any federal case involving 18 U.S.C. §§ 1591, 1592, 1594 (sex trafficking statutes) or any conspiracy thereto. "Victim" is defined by reference to 18 U.S.C. § 3771(e)(2)(A) — the existing CVRA definition.

Legal Authority: Article III federal criminal procedure authority; Necessary and Proper Clause; Congress's authority to amend 18 U.S.C. § 3771.

Constitutional Analysis: The definitional scope encompasses pending and future trafficking cases. The definition does not apply retroactively to closed cases — the 1-year review window in

§ 506 is the limited retroactive provision.

Implementation Notes: USAOs will need updated NDA/DPA/NPA templates incorporating the § 502 notification requirement.

SEC. 502. MANDATORY PRE-AGREEMENT VICTIM NOTIFICATION

Plain-English Summary: Before entering into any covered agreement in a trafficking case, the prosecutor must: (1) identify all victims as defined in § 501 from case records and co-defendant filings; (2) provide each identified victim with written notice of the proposed agreement terms; and (3) allow a 14-day comment period during which victims may submit written comments to the court for consideration. The prosecutor may not enter the covered agreement until the 14-day period has expired or all victims have responded, whichever is earlier.

Legal Authority: Article III (Congress's authority to regulate federal criminal procedure); 18 U.S.C. § 3771 (the CVRA, which Congress is amending); Necessary and Proper Clause.

Constitutional Analysis: This provision directly overrules the doctrinal result (if not the holding) of *In re Wild*, 994 F.3d 1244 (11th Cir. 2021), which held that the CVRA as currently written did not require victim consultation before an NPA. The provision is a straightforward statutory amendment to 18 U.S.C. § 3771. The separation-of-powers question — does this intrude on prosecutorial discretion? — is addressed by the structure of the provision: the prosecutor retains final authority to enter the agreement; victims receive notice and a comment period, but not veto power. This is the same model as the Victim and Witness Protection Act of 1982 and does not constitutionally intrude on prosecutorial discretion under *Town of Castle Rock v. Gonzales*, 545 U.S. 748 (2005) (which concerned enforcement of protective orders, not prosecutorial discretion in federal criminal cases).

Precedents: *In re Wild*, 994 F.3d 1244 (11th Cir. 2021). *Kenna v. United States District Court*, 435 F.3d 1011 (9th Cir. 2006) — CVRA must be construed broadly in favor of victims. *United States v. Heaton*, 458 F. Supp. 2d 1271 (D. Utah 2006). *Dolan v. United States*, 560 U.S. 605 (2010).

Implementation Notes: DOJ must issue updated USAM guidelines within 90 days of enactment. Victim notification protocols for trafficking cases should be incorporated into USAOs' standard case management systems. Victim advocates should be assigned at case intake.

SEC. 503. JUDICIAL REVIEW

Plain-English Summary: A victim who was not provided notice under § 502 may petition the sentencing court to set aside any covered agreement entered in violation of this section. There is a rebuttable presumption of relief if the court finds a § 502 violation. The presumption may be rebutted by showing that the violation was technical and caused no prejudice to the victim's interests. Courts must adjudicate victim petitions within 60 days of filing.

Legal Authority: Article III; Congress's authority to grant standing to victims in federal criminal proceedings (existing under 18 U.S.C. § 3771(d)).

Constitutional Analysis: The standing of crime victims to seek judicial review of prosecutorial agreements was addressed in *In re Wild* — the court found standing but ruled against the victims on the merits. Section 503 provides the substantive right that *Wild* found absent: a specific statutory entitlement to pre-agreement notice whose violation creates a right to seek set-aside. The rebuttable presumption of relief is consistent with *North Star Steel Co. v. Thomas*, 515 U.S. 29 (1995) (legislative presumptions are valid absent constitutional conflict). The 60-day adjudication window is a directive to courts, not a jurisdiction-stripping provision, and does not violate the case-or-controversy requirement.

Precedents: *In re Wild*, 994 F.3d 1244 (11th Cir. 2021). *Kenna v. United States District Court*, 435 F.3d 1011 (9th Cir. 2006). 18 U.S.C. § 3771(d) (existing CVRA judicial relief provision).

Implementation Notes: Courts with pending trafficking cases will need to adjudicate the backlog of § 503 petitions during the 1-year review window. DOJ Office of Victims' Rights Ombudsman should coordinate.

SEC. 504. PRIVATE RIGHT OF ACTION

Plain-English Summary: A victim may file a civil action against the United States in federal district court seeking declaratory and injunctive relief for violation of § 502. Sovereign immunity is expressly waived for this purpose. Attorney's fees are available to prevailing plaintiffs.

Legal Authority: Article III; sovereign immunity waiver (Congress's plenary authority under *United States v. Mitchell*); 28 U.S.C. § 1331 (federal question jurisdiction).

Constitutional Analysis: As with the § 106 private right of action, Congress's authority to waive sovereign immunity is well-established. The relief available — declaratory and injunctive — does not create a damages liability that would require special appropriation. The attorney's fees provision is consistent with 42 U.S.C. § 1988 (Civil Rights Attorney's Fees Awards Act) as a standard incentive for meritorious civil rights litigation.

Precedents: *United States v. Mitchell*, 445 U.S. 535 (1980). *Lane v. Pena*, 518 U.S. 187 (1996) — sovereign immunity waiver must be clear; § 504 contains the required explicit waiver language. *Buckhannon Board and Care Home v. West Virginia Dep't of Health*, 532 U.S. 598 (2001) — attorney's fees standard.

Implementation Notes: Jurisdiction in the federal district court of the victim's residence or the district where the trafficking occurred. DOJ Civil Division responsible for government defense.

SEC. 505. MANDATORY DISCLOSURE OF PLEA OFFERS TO VICTIMS

Plain-English Summary: At the time any plea offer, NPA, or DPA is extended to a trafficking defendant, the prosecutor must simultaneously disclose the terms of that offer to all identified victims. The disclosure is mandatory regardless of whether the offer is ultimately accepted. This section prevents the concealment of favorable terms negotiated away from victims' knowledge.

Legal Authority: Article III; Necessary and Proper Clause; CVRA amendment authority.

Constitutional Analysis: The Brady doctrine (*Brady v. Maryland*, 373 U.S. 83 (1963)) requires disclosure of exculpatory evidence to defendants; this provision requires contemporaneous disclosure to victims. No constitutional principle prohibits requiring prosecutors to notify victims at the time of plea negotiations. The provision does not intrude on attorney-client privilege between prosecutor and defendant's counsel — it imposes a parallel notification obligation to third parties (victims), not a disclosure obligation to opposing counsel.

Precedents: *Brady v. Maryland*, 373 U.S. 83 (1963) — disclosure analogy. *Lafler v. Cooper*, 566 U.S. 156 (2012) — plea bargaining is a critical stage of criminal proceedings warranting procedural safeguards.

Implementation Notes: USAO case management systems must be updated to include victim contact lists at case intake. Victims must be located — coordination with law enforcement victim specialists required.

SEC. 506. EFFECTIVE DATE AND RETROACTIVE REVIEW WINDOW

Plain-English Summary: Title V applies prospectively to all covered agreements entered after the date of enactment. Additionally, for 1 year following enactment, victims of trafficking agreements entered on or after July 1, 2002 (the date of the first known Epstein federal investigation contact) may petition the court that entered the agreement to seek review under § 503. This window is designed to capture the 2007–2008 NPA and any subsequent agreements.

Legal Authority: Article III retroactivity authority (Congress may create review windows for completed proceedings); Necessary and Proper Clause.

Constitutional Analysis: The 1-year review window implicates *res judicata* — finality of judgments. The Supreme Court has held that Congress may create new causes of action for past conduct without violating due process, provided vested rights are not retroactively eliminated (*Landgraf v. USI Film Products*, 511 U.S. 244 (1994)). The government is not a party entitled to res judicata protection in the same way as a private party; the review window applies to government-entered agreements, not to final judgments against private persons. The 2002 start date is a limitation that narrows the retroactive scope and serves the specific legislative purpose of capturing the Epstein-era agreements.

Precedents: *Landgraf v. USI Film Products*, 511 U.S. 244 (1994) — retroactivity analysis for new civil claims. *Martin v. Hadix*, 527 U.S. 343 (1999). *In re Wild*, 994 F.3d 1244 (11th Cir. 2021) — Epstein NPA litigation history.

Implementation Notes: SDNY would be the primary court for NPA review petitions. DOJ Victims' Rights Ombudsman should coordinate identification of affected victims and facilitate petition filing.

End of Section-by-Section Analysis

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