We the People of the United States

The Constitution of the United States

A More Perfect Union

The Operative Edition · Divisions One & Two

This is a proposed model constitution prepared by The Article V Blueprint. It is not the current law of the United States and has no legal force. It is offered for public study, debate, and deliberation as a complete draft of what a reformed national charter could contain.

The Article V Blueprint · Proposed for Ratification

Last Updated · October 7, 2026

A Note on This Edition

This document is the **operative edition** of the Constitution: its text is written in the settled voice of law — declaratory, impersonal, and confined to what the instrument commands, grants, or forbids. It contains both tiers of the constitutional structure. **Division One** sets out the Constitution itself — its Articles and the enumerated Rights — which is amended only by the supermajorities stated in Article One. **Division Two** sets out the Constitutional Statutes, the subordinate instruments that implement particular provisions and are protected against repeal by the majorities stated in the Constitution.

A separate **reader's edition** — the plain-language companion and the explanatory pages of The Article V Blueprint — states the same provisions in ordinary speech and explains the reasons behind each. That material is explanatory only. Where the reader's edition and this operative edition differ in wording, **this edition governs**; the explanatory material carries no legal force and shall not be used to enlarge, narrow, or otherwise construe any provision of this Constitution.

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Division One

The Constitution

The Articles and the Enumerated Rights

Preamble

We the People of the United States, in order to build a more perfect Union — with a just system of law, peace at home, a strong national defense, and freedom and opportunity for every person, now and for the generations to come — and to ensure that no person, faction, or concentration of wealth shall ever govern this country for private benefit in place of the common good, do ordain and establish this Constitution of the United States of America.

Part One

Foundation

Article One

Founding Principles

Section 1. The Sovereignty of the People

The authority of this Constitution proceeds from the people, and not from any prior constitutional document nor from the procedural rules any prior document established for its own amendment. Sovereign authority resides in the people first. Every constitutional framework derives its legitimacy from that authority; accordingly, no framework may permanently bind the people against their will by requiring them to proceed through its own procedures in order to reconstitute their government.

The standard governing the legitimacy of this Constitution is the first principle of the American founding: that governments derive their just powers from the consent of the governed, and that when a government fails to serve the people, the people retain the right to alter or reconstitute it. That principle precedes all constitutional texts and is the source from which they draw their authority.

The Founders exercised this same authority in 1787, replacing the Articles of Confederation through a convention and ratification of their own design, notwithstanding that the Articles required the unanimous consent of the state legislatures for their amendment. This Constitution claims the identical authority upon the identical basis. Any official or court evaluating its legitimacy shall look to those founding principles as the governing standard, and not to the self-amendment procedures of any prior document.

Section 2. Ratification

This Constitution is proposed through the second pathway provided in Article V of the existing Constitution of the United States: upon application by the legislatures of two-thirds of the states, Congress shall call a convention, the convention shall propose this Constitution, and it shall take effect upon ratification by three-fourths of the states, in the mode Congress directs. The application of each state legislature constitutes that state's petition under Article V. Congress shall set the uniform time and place of the convention and the mode of ratification in each state. This Constitution takes effect simultaneously in all ratifying states upon a date set by Congress; a state that has not ratified may afterward ratify and join upon the same terms.

Section 3. Amendment

The House of Representatives shall draft all proposed amendments to this Constitution. The Senate shall vote upon each proposal without amendment. An amendment requires the concurrence of two-

thirds of both chambers and ratification by three-fourths of the states. A convention limited to the subjects stated in its resolution may be called by two-thirds of the state legislatures. A petition signed by one-tenth of the registered voters in thirty or more states shall compel Congress to bring a proposed amendment to a recorded vote within ninety days, but shall not lower the threshold for its passage. The Rights enumerated in Article Two require the concurrence of four-fifths of both chambers and ratification by four-fifths of the states to amend. The equal representation of the states in the Senate shall not be diminished without the consent of every affected state.

The Centennial Convention of Review. One hundred years after this Constitution takes effect, and every hundred years thereafter, a Convention of Review shall convene automatically, whether or not any person or body has called for it. No act or omission of any official, chamber, court, or state may cancel, postpone, or prevent its convening; the obligation runs directly from this Constitution to the people. Its delegates shall be chosen through a broadly representative and publicly accountable process established by Constitutional Statute, and its proceedings shall be open to the public. The Convention may examine and propose amendments to any part of this Constitution, but may not propose to repeal, diminish, or narrow any enumerated Right, the abolition of slavery, the equal protection of persons, or the confinement of constitutional rights to human beings. The Convention proposes; it does not enact. No proposal takes effect unless ratified as this Section requires. The existence of the Convention does not limit the ordinary power of amendment, which the people and their representatives retain at all times.

> *Implementation — Constitutional Statute 40.*

Section 4. Supremacy

This Constitution, the federal statutes made in pursuance of it, and the treaties of the United States are the supreme law of the land. A federal agency regulation is supreme only where Congress has expressly authorized the preemption of state law in that domain. No religious test shall be required as a qualification for any office or public trust, whether formal or informal. Every officer who takes an oath to support this Constitution is personally accountable for any willful violation of it.

Section 5. Constitutional Rights Belong to Human Beings Alone

The rights declared in this Constitution belong to living human beings. No organization, entity, or legal construct of any kind holds constitutional rights, however it is formed, whatever it calls itself, and whatever purpose it serves. This principle admits no exception for any form of organized activity that is not itself a natural human being.

No corporation of any type, limited liability company, partnership, trust, foundation or endowment, trade or industry association, labor or professional association, political committee or other political-spending vehicle, political party, think tank or advocacy organization, religious organization, church, or faith-based entity, and no other association, collective, or legal construct that is not a living human

being, is a person under this Constitution or holds any constitutional right. The enumeration is illustrative and not exhaustive: that which is not a living human being holds no constitutional rights.

The form of organization does not alter this rule, and no organization acquires constitutional rights by the label it adopts. Individual rights may not be aggregated, pooled, assigned, or delegated to an organization, nor exercised through an organization at greater scale than the human beings behind it could achieve acting alone. The government may regulate what organizations do without implicating the constitutional rights of the human beings who compose them, except where the regulation compels an identifiable human being to act against that person's own constitutional rights. The government may grant organizations statutory rights and legal capacities — to contract, to hold property, to sue and be sued, to employ, and to conduct business; such grants are legislative, not constitutional, and may be modified or revoked by law.

This Section supersedes every prior doctrine attributing constitutional rights to non-human entities, including *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978), and *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014), together with their predecessors and progeny. No court applying this Constitution may rely upon any such doctrine.

Section 6. Application to Every Level of Government

Every right in this Constitution applies equally against every level of government — federal, state, and local. The United States and every state, county, city, town, and other subdivision are bound by it. A state or locality may provide protections greater than this Constitution requires; it may not provide less. Any private entity that exercises governmental authority — by government contract, by delegation of governmental power, or by practical monopoly over a function that is inherently governmental, including the operation of prisons, the conduct of elections, and the provision of essential public services under government mandate — is bound by this Constitution to the extent of that function. These rights are the floor of liberty beneath which no government in this country may go.

Section 7. Wrongs This Constitution Repudiates and Decisions It Supersedes

Part A. This Constitution repudiates by name the decisions in which the law was turned against the people it was meant to protect, and honors those that overturned them. *Dred Scott v. Sandford* (1857), which held that a person could be property and that a Black person could not be a citizen, was answered by the abolition of slavery and the guarantees of citizenship and equal protection that followed. *Plessy v. Ferguson* (1896) was answered by *Brown v. Board of Education* (1954). The denial of the freedom to marry across racial lines was answered by *Loving v. Virginia* (1967); *Bowers v. Hardwick* (1986) was answered by *Lawrence v. Texas* (2003). *Buck v. Bell* (1927) and *Korematsu v. United States* (1944) stand repudiated in full. Human bondage; the subjugation or separation of persons by race; the denial of the freedom to marry; the criminalization of private, consensual intimacy; the

violation of a person's body by the state; and the detention of any person on the basis of ancestry, ethnicity, or national origin are void and forbidden under the Rights that follow, and no court, legislature, or official may revive them by any name or in any form.

Part B. This Constitution supersedes, by the sovereign choice of the people who adopt it, the following constitutional judgments. *Citizens United* (2010), *Bellotti* (1978), and *Hobby Lobby* (2014) are superseded by the provisions confining constitutional rights to human beings and establishing public control of federal campaign financing. *Shelby County v. Holder* (2013) is superseded by the self-triggering guarantee against voting discrimination. *Dobbs v. Jackson Women's Health Organization* (2022) is superseded by the express protection of reproductive freedom. *New York State Rifle & Pistol Association v. Bruen* (2022) is superseded by the proportionality standard governing arms regulation. *Trump v. United States* (2024) is superseded by the provision that no person, including the President, is above the criminal law. *Kelo v. City of New London* (2005) is superseded by the limitation of takings to genuine public use. *Lochner v. New York* (1905), *Rucho v. Common Cause* (2019), *303 Creative LLC v. Elenis* (2023), *Buckley v. Valeo* (1976), *Employment Division v. Smith* (1990), *Smith v. Maryland* (1979), *United States v. Miller* (1976), and *Dodge v. Ford Motor Co.* (1919) are each superseded by the operative Rights and structures of this Constitution. Each supersession takes its force from those Rights and structures, and not from this Section, which records the choices so that they are stated plainly.

ARTICLE TWO

The Bill of Rights — 54 Individually Enumerated Rights

The following Rights belong to every person, and no government — federal, state, or local — may abridge them. No emergency, statute, executive order, or judgment may suspend them. Each is a separate and equal protection; their numbering creates no hierarchy. The enumeration is not exhaustive, and Right 54 preserves all rights not enumerated here. Nothing in this Article grants the federal government any power not granted elsewhere in this Constitution.

Definitions

"Person" means every living human being from the moment of live birth. Corporations, LLCs, partnerships, associations, trusts, and all other non-human legal entities are not persons under this Constitution. Article One, Section 5 of this Constitution establishes and enforces this principle in full.

"Citizen" means any person born in the United States and subject to its jurisdiction who qualifies under Article Seven, Section 1, or any person who has completed the naturalization process established by law.

"Qualifying Lawful Permanent Resident" has the meaning established in Article Three, Section 2.

"Shall" denotes a mandatory obligation admitting no discretion. **"May"** denotes permissive authorization. **"Must"** is synonymous with "shall."

"Congress" when used in a constitutional obligation runs jointly to both chambers. One chamber acting alone does not satisfy a congressional obligation except where this Constitution explicitly specifies single-chamber action.

"Religion," for purposes of Rights 1 and 2 of this Constitution, means any system of belief, practice, or observance that: (a) addresses fundamental questions of ultimate meaning, human existence, morality, or transcendence; (b) provides a coherent framework for understanding one's place in the universe and one's obligations to what the believer regards as ultimate; and (c) is sincerely held as a matter of personal conscience rather than adopted for litigation, commercial advantage, or regulatory evasion. Religion includes theistic traditions centered on belief in God or gods; non-theistic traditions organized around principles other than theistic belief, including Buddhism, Jainism, and secular humanism when functioning as an ultimate meaning system; and individual spiritual practices belonging to no organized tradition. Religion does not include purely political ideologies or partisan positions however firmly held; economic theories or commercial preferences; aesthetic or lifestyle preferences; or scientific theories. The relevant distinction is whether the beliefs address ultimate existential and moral questions as a matter of genuine conscience — not whether they conform to any conventional notion of what religion looks like, and not whether they are recognized by any organized

institution. Courts apply the functional standard of *United States v. Seeger*, 380 U.S. 163 (1965) and *Welsh v. United States*, 398 U.S. 333 (1970).

Lochner v. New York (1905), and its doctrine that a judicially-created liberty of contract may strike down laws protecting workers, consumers, and the public, are superseded by this Constitution's foreclosure of economic substantive due process.

Dodge v. Ford Motor Co. (1919) — a state decision the Supreme Court declined to review, which nonetheless hardened into the nation's default rule of corporate governance — and its doctrine that a corporation exists solely to maximize shareholder profit, so that directors who prioritize workers or the long term may be sued for it, are superseded by this Constitution's recognition that corporations may lawfully serve their workers, communities, and the public alongside their shareholders.

Smith v. Maryland (1979) and *United States v. Miller* (1976), and their third-party doctrine — that a person retains no privacy in records held by a bank, a phone company, or any third party — are superseded by this Constitution's protection of digital and business records and its abolition of the third-party doctrine.

Rucho v. Common Cause (2019), and its holding that partisan gerrymandering lies beyond the reach of the courts, is superseded by this Constitution's prohibition of partisan gerrymandering and the measurable standard that enforces it.

303 Creative LLC v. Elenis (2023), and its permission for a business open to the public to refuse service on the owner's beliefs, is superseded by this Constitution's guarantee that a business serving the public may not invoke religion to deny any person equal treatment.

Buckley v. Valeo (1976), and its doctrine that the unlimited spending of money in elections is protected speech, is superseded by this Constitution's replacement of private political money with a public system of campaign financing.

Employment Division v. Smith (1990), and its rule that a neutral law of general application may burden religious exercise without special justification, is superseded by this Constitution's guarantee that the government may not burden a person's sincere religious belief or practice.

"Sincere religious belief" means a belief that is genuinely held, that occupies in the person's life a place parallel to that occupied by belief in God for others, and that is not adopted for purposes of litigation. Courts apply the standard of United States v. Seeger, 380 U.S. 163 (1965) and Welsh v. United States, 398 U.S. 333 (1970).

"Narrowly tailored" means the least restrictive means of achieving a compelling governmental interest. Where this Constitution uses this term without specifying a standard of review, strict scrutiny applies.

"Compelling governmental interest" means an interest of the highest order, essential to a core governmental function — not merely legitimate or substantial — demonstrated by specific, concrete evidence in the particular application at issue.

"Essential Care" means the basket of medical, dental, vision, and hearing services Congress is constitutionally required to make available under Right 37 and Article Eleven of this Constitution, with specific delivery mechanisms established by Constitutional Statute 3.

Right 1. Separation of Church and State

No government shall establish an official religion, declare any faith the preferred religion of the state, or apply public funds to religious worship or instruction. No government shall coerce any person to participate in religious exercise or to support religion financially against that person's will. The provision of a general education, health, or comparable public benefit that an individual or family may direct, through their own independent choice, to a provider that is also religious — subject to the non-discrimination conditions of Right 2 and the implementing Constitutional Statutes — funds the secular public benefit and does not constitute the support of religious worship or instruction prohibited by this Right; but no public funds shall be used for religious worship or instruction as such, and no such benefit shall be conditioned upon, or used to compel, participation in religion.

> *Self-executing constitutional right. The Establishment Clause equivalent: courts apply this provision directly. Standards governing establishment claims are implemented by Constitutional Statute 21 — Religious Liberty Standards Act.*

Right 2. The Free Exercise of Religion

Every person has the right to the free exercise of religion. No government shall burden a person's sincere religious belief or practice. This right does not extend to the use of governmental authority, resources, contracts, licenses, or funding to impose one person's religious requirements upon those who do not share that belief. The terms “religion” and “sincere religious belief” are defined in the Definitions of this Article.

> *Self-executing constitutional right. Courts apply this provision directly. The standards defining substantial burden, compelling interest, the third-party harm rule, the official capacity rule, and the public funds condition are implemented by Constitutional Statute 21 — Religious Liberty Standards Act.*

Right 3. Freedom of Speech

Every person has the right to freedom of speech. No government shall punish any person for that person's opinions, political views, criticism of public officials, or expression of ideas, however unpopular. The sole boundary of this freedom is that established in Article Thirty.

Students. No student surrenders this right upon entering a public school. A public school may restrict student expression only to prevent material and substantial disruption, to protect the rights of others, or to prevent unlawful conduct, and never because officials find the expression unpopular, uncomfortable, offensive, or contrary to the school's preferred view. The full standard, including its application to expression outside school, is established by Constitutional Statute 22.

> *Self-executing constitutional right. Courts apply this provision directly. The content-neutrality standard, time/place/manner rules, incitement standard, government-coerced platform censorship prohibition, prior restraint*

doctrine, overbreadth/vagueness doctrine, the standard governing compelled expressive authorship in commercial service, and the student-expression standard in public educational settings are implemented by Constitutional Statute 22 — Free Speech and Press Standards Act.

Right 4. Freedom of the Press

The press is free from government interference, licensing, prior restraint, and censorship. No government shall direct what a journalist writes, prevent a publication from printing a story, or punish a news organization for coverage unwelcome to those in power. The sole boundary of this freedom is that established in Article Thirty.

Self-executing constitutional right. Courts apply this provision directly. Press freedom standards — including prior restraint doctrine, journalist privilege, shield protections, and government access restrictions — are implemented by Constitutional Statute 22 — Free Speech and Press Standards Act. Public figure defamation standards and anti-SLAPP protections are implemented by Constitutional Statute 12 — Media Accountability and Platform Transparency Act, Section 11.

Right 5. The Right to Peaceful Assembly

Every person has the right to assemble peaceably with others in public — to protest, march, rally, and organize. A government may impose reasonable, content-neutral rules governing the time, place, and manner of public gatherings, but shall not prohibit a gathering because it disfavors the message expressed. A gathering the government favors and a gathering it opposes hold equal right to assemble.

The right to associate — to form, join, and participate in groups free of government-compelled disclosure of membership — is equally protected. An organization that operates primarily as a political entity, including a political-action organization, a lobbying organization, or a think tank whose primary function is to influence legislation, elections, or public policy, shall publicly disclose its memberships and donors. The standards governing assembly, association, and political-organization disclosure are established by Constitutional Statute.

Self-executing constitutional right. Courts apply this provision directly. Assembly standards, association protections, heckler's veto prohibition, dispersal rules, compelled membership disclosure limits, and political organization disclosure requirements are implemented by Constitutional Statute 23 — Assembly, Association, and Organizing Standards Act.

Right 6. The Right to Petition the Government

Every person has the right to petition the government for the redress of grievances — to petition Congress, the President, the federal agencies, and any other government body, whether individually or as part of an organized group. No government shall punish any person for petitioning it, nor disregard a petition without accountability.

Self-executing constitutional right. Courts apply this provision directly. Agency response obligations, congressional constituent service standards, anti-retaliation definitions, the personal petition vs. paid lobbying distinction, FOIA as petition instrument, and universal scope including non-citizens and incarcerated persons are implemented by Constitutional Statute 24 — Right to Petition and Government Accountability Act.

Right 7. The Right to Keep and Bear Arms

Every citizen and qualifying lawful permanent resident has the right to keep and bear firearms for lawful purposes, including self-defense in the home; that right shall not be infringed. Congress and the states may regulate firearms only by means proportional to a compelling governmental interest in public safety and that do not effectively eliminate the right. Universal background checks before any firearm transfer are required. The standards governing firearm regulation are established by Constitutional Statute.

> *Self-executing constitutional right. Courts apply this provision directly. The proportionality test, permitted and prohibited regulations, prohibited persons framework, universal background check system, extreme risk protection orders, ghost gun prohibition, and employer workplace rules are implemented by Constitutional Statute 25 — Right to Keep and Bear Arms Standards Act.*

Right 8. Quartering of Soldiers

No soldier shall be quartered in any private home in time of peace without the consent of its occupant. In time of war, a soldier may be quartered in a private home only as Congress authorizes by law; the executive alone holds no such authority.

> *Self-executing constitutional right. Absolute prohibition. No military quartering in private homes without consent. Courts apply this provision directly; no implementing legislation is required to invoke or enforce it.*

Right 9. Freedom from Unreasonable Searches and Seizures

No government shall search a person, home, papers, or physical effects without a good reason and, in ordinary circumstances, without a warrant. A warrant shall issue only from a neutral and independent judge, upon sworn probable cause that a specific crime has been committed, and shall describe with particularity the place to be searched and the things to be sought. General warrants are prohibited. The exclusionary rule and the standards governing evidence obtained through unlawful searches are established by Constitutional Statute.

> *Implemented by Constitutional Statute 13 — Federal Surveillance Standards and Privacy Act (third-party doctrine, bulk collection, FISA reform, biometric surveillance, exclusionary rule) and Constitutional Statute 26 — Criminal Procedure Standards Act (warrant exceptions: exigent circumstances, Terry stops, automobile, consent, plain view, search incident to arrest).*

Right 10. The Protection of Digital Life

The digital equivalents of a person's home, papers, and effects carry the same constitutional protection as their physical counterparts. No government officer, agency, or entity shall access, search, seize, monitor, copy, or compel the disclosure of a person's devices, accounts, passwords, location data, financial records, browsing history, private communications, biometric data, or other associated digital information, except upon a warrant that is issued by a neutral and independent judge, supported by sworn probable cause identifying a specific crime, and describing with particularity the digital property

to be searched and the data to be accessed. All three requirements are mandatory. Mass surveillance of persons not individually named in a valid warrant is prohibited.

> *Implemented by Constitutional Statute 13 — Federal Surveillance Standards and Privacy Act (digital searches and surveillance); Constitutional Statute 16 — Federal Data Privacy Act (personal data held by private entities including data brokers and commercial platforms).*

Right 11. The Right to a Grand Jury

No person shall be held to answer for a serious federal crime unless a grand jury of ordinary citizens has reviewed the evidence and found sufficient basis for the charge. The power to charge a person with a serious crime shall not rest with the government alone.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 2 (grand jury scope, independence, secrecy, subpoenas, and target notice requirements).*

Right 12. No Double Jeopardy

No person, once tried for an offense and a final judgment entered — whether of acquittal or conviction — shall again be placed in jeopardy for the same offense. This protection is absolute, and applies notwithstanding newly discovered evidence, public opinion as to guilt, or the government's dissatisfaction with the outcome.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 3 (same offense standard, dual sovereignty abolished, when jeopardy attaches, mistrial rules).*

Right 13. The Right to Remain Silent

No person shall be compelled to be a witness against themselves. Every person has the right to remain silent when questioned by law enforcement or called to testify to matters that may incriminate them, and that silence shall not be used as evidence of guilt. No confession obtained through coercion, threat, deprivation, or psychological manipulation is valid. The warnings required before custodial questioning and the standards governing waiver are established by Constitutional Statute.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 4 (custodial warnings, invocation, waiver, public safety exception, immunity grants, and civil proceeding protections).*

Right 14. Due Process of Law

No government shall deprive any person of life, liberty, or property without due process of law. Due process comprises notice of the government's action and its grounds, an opportunity to be heard before a decision is made, and a fair and disinterested decision-maker. Due process protects every person in the United States regardless of citizenship status. Due process also protects certain fundamental liberties from government interference regardless of the procedures followed: no process, however fair, may justify government action that violates the core of human dignity and autonomy or any right enumerated in this Constitution. The prosecution's obligation to disclose favorable evidence and the standards governing due-process violations are established by Constitutional Statute.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 9 (Brady prosecutorial disclosure obligations, materiality standard, structural violation doctrine) and Constitutional Statute 26 — Criminal Procedure Standards Act (burden of proof beyond reasonable doubt, due process in criminal proceedings).*

Right 15. Just Compensation for the Taking of Property

Private property shall not be taken for public use without the payment of just compensation at fair market value. The government shall not take property for less than its worth on the ground that the public benefit is large, nor delay payment indefinitely. The obligation to compensate is immediate and constitutional.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 10A (fair market value definition including displacement allowance, public use limitation superseding Kelo, pretextual takings prohibition, quick-take deposit requirement, interest from date of possession, condemnation proceedings). Courts also apply this provision directly for uncontested physical takings.*

Right 16. Protection from Regulatory Takings

A government regulation that substantially eliminates the economic value of a person's property or business is a taking requiring just compensation. This Right does not reach a regulation that prevents a nuisance, abates a public-health threat, or restricts a use that was already unlawful when the property was acquired. The threshold, the standards of measurement, and the procedures governing regulatory-takings claims are established by Constitutional Statute.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 10 (75% threshold for full compensation, partial compensation tier for 50–74% diminutions, independent appraisal methodology, temporary regulatory takings compensation at fair rental value). Courts also apply this provision directly for categorical regulatory takings that eliminate all economic value.*

Right 17. The Right to a Speedy Trial

Every person charged with a crime has the right to be tried without unreasonable delay. The government

shall not hold a person under criminal charge indefinitely, and bears the burden of justifying any significant delay.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act: Section 5 (70-day statutory timeframe, continuance standards, dismissal with or without prejudice); Section 5A (pre-indictment delay — prejudice standard, permissible justifications, relationship to statutes of limitations); Section 5B (civil and immigration detention — 90/180/365-day maximum periods, mandatory release on expiration, no detention for status alone, civil commitment 90-day review, habeas enforcement).*

Right 18. The Right to a Public Trial

Every criminal trial shall be open to the public. Secret trials are prohibited. A court may impose reasonable limits on attendance for reasons of physical space or safety, but shall not close a trial because the case is embarrassing or the proceedings inconvenient.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 6 (presumption of openness for all criminal proceedings including pre-trial; closure requires compelling interest with specific findings; media access and recording standards — cameras excluded only on documented fair-trial-prejudice finding).*

Right 19. The Right to Trial by Jury in Criminal Cases

Every person charged with a crime has the right to have the facts decided by an impartial jury of ordinary citizens drawn from the district where the alleged crime occurred, rather than by a judge alone. This right shall not be eliminated, bypassed, or replaced by an administrative determination of guilt.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 6 (unanimous verdict required; 12 jurors for serious cases; Batson extended to all Right 32 characteristics; voir dire standards including mandatory racial bias questioning and pretrial publicity examination; concealed voir dire information grounds for new trial).*

Right 20. The Right to Know the Charges

Every person charged with a crime has the right to be informed clearly and specifically of the accusation — the particular law alleged to have been broken, the specific acts alleged, and when and where those acts allegedly occurred. A vague accusation does not satisfy this Right.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 6 (specificity requirements; defective indictment dismissal; amendment rules — formal pre-trial vs. substantive requiring notice and preparation time; constructive amendment prohibited and grounds for automatic reversal; bill of particulars limits government to what particulars describe).*

Right 21. The Right to Confront Adverse Witnesses

Every person charged with a crime has the right to confront the witnesses against them and to cross-examine them in open court. Secret witnesses — those whose identity is unknown to the accused, whose testimony cannot be challenged, and whose credibility cannot be tested — are prohibited. A conviction resting on unexamined testimony does not satisfy this Right.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 6 (testimonial statements; lab reports are testimonial; genuine unavailability defined — government-created unavailability prohibited; remote testimony satisfies right only on four specific conditions, convenience insufficient).*

Right 22. The Right to Compulsory Process for the Defense

Every person charged with a crime has the right to compulsory process to obtain witnesses in their

favor, equal to the government's power of subpoena in building its case.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 6 (subpoena standards; state secrets substitution requirement; defense witness immunity — court may order government to grant use immunity when government selectively immunizes its own witnesses; government interference with defense witnesses prohibited including using pending charges as leverage, with dismissal and adverse instruction remedies).*

Right 23. The Right to a Defense Attorney

Every person has the right to be represented by counsel in any criminal proceeding that may result in incarceration. Where a person cannot afford counsel, the government shall provide competent counsel at public expense. Representation that is nominal but not genuine does not satisfy this Right.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 7 (when right attaches; public defender funding and systemic violation doctrine; effective assistance standard with specific examples; right to counsel of choice — asset freezes implicating Right 23; conflicts of interest defined including joint representation rules; waiver of counsel — knowing/voluntary/unequivocal standard, standby counsel required in serious cases).*

Right 24. The Right to Reasonable Bail

No person shall be held before trial merely because they cannot afford bail. Pretrial detention shall be justified only by a demonstrated, documented risk of flight or a documented danger to the community, and not by inability to pay. Bail shall not be set at a level designed to guarantee detention through unaffordability. Two persons who pose the same risk to public safety shall be treated alike.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 8 (presumption of release; detention requires specific documented non-speculative danger or flight risk, government bears burden; wealth neutrality; conditions of release must be minimum necessary — de facto detention prohibited; conditions designed to guarantee violation are unconstitutional; bail schedules prohibited — individualized assessment required before any financial condition).*

Right 25. Proportional Sentencing

Punishment shall be proportional to the offense. A sentence that bears no rational relationship to the gravity of the offense, or that is grossly disproportionate to sentences for equivalent offenses, violates this Right. The government shall not impose a lifetime sentence for a minor infraction, nor use mandatory minimum sentences to punish a person beyond what justice requires for the specific conduct.

> *Implemented by Constitutional Statute 26 — Criminal Procedure Standards Act, Section 9 (two-step proportionality analysis; mandatory minimum departure power; LWOP heightened scrutiny — unconstitutional for juveniles except intentional homicide; systemic sentencing disparity reviewable — prosecution must explain race-neutral basis; cumulative enhancement analysis on aggregate sentence not individual components; recidivist enhancements — prior non-violent cannot trigger mandatory LWOP, three-strikes must survive proportionality review).*

Right 26. No Excessive Fines

No government shall impose an excessive fine. A fine is excessive where it is grossly disproportionate to the offense — where it bears no reasonable relationship to a legitimate governmental interest in deterrence, remediation, or punishment for the specific conduct. This Right reaches criminal fines, civil penalties, asset forfeitures, and every other monetary sanction imposed by a government authority. In any forfeiture, the value of property seized shall be proportionate to the offense connected to it. The government shall not use fines as a mechanism of revenue or as an instrument of oppression.

> *Implemented by Constitutional Statute 15, Section 1 — Asset Forfeiture Reform: the proportionality test for whether a criminal fine, civil penalty, or monetary sanction is excessive; a criminal-charge requirement with a 90-day*

deadline to charge or return seized property; the equitable-sharing prohibition; proportionality hearings; and the innocent-owner defense.

Right 27. The Rights of Crime Victims

Every person who has suffered direct physical, financial, or emotional harm from a federal crime has enforceable rights in the proceedings against the accused, including the right to be present, to be heard at sentencing, to be protected from retaliation by the accused, and to be treated with fairness and dignity throughout. These rights exist alongside, and do not diminish, the rights of the accused. The specific rights of crime victims and the governing procedures are established by Constitutional Statute.

Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 11 (six specific rights: presence, victim impact statement, protection, notification, no unreasonable delay, dignity; plea agreement notification and objection with court findings; mandatory restitution — priority over fines, annual collection report; enforcement — 72-hour emergency writ, reopening for missed violations, disciplinary referral for systematic violations).

Right 28. The Right to a Jury in Civil Cases

In a federal civil case for money damages, either party may demand trial by jury rather than by a judge alone. The parties may waive this right by written agreement, but neither shall be compelled to relinquish it. The threshold amount in dispute that triggers this right, adjusted over time, is established by Constitutional Statute.

Self-executing constitutional right. Direct right. Seventh Amendment equivalent; jury trial in civil cases above the threshold stated. Courts apply this provision directly; no implementing legislation is required to invoke or enforce it.

Right 29. No Cruel, Unusual, or Disproportionate Punishment

No person convicted of any crime shall be subjected to punishment that is cruel, unusual, or grossly disproportionate to the offense. Torture is prohibited. Degrading treatment is prohibited. The death penalty is abolished; no government — federal, state, or local — shall execute any person for any crime, under any circumstances. This Right applies throughout the entire period of confinement and not only at sentencing: conditions of imprisonment that are cruel, inhumane, or degrading violate it whatever the original sentence provided.

For the gravest offenses — the deliberate killing of multiple persons, the systematic sexual exploitation of children, serial rape, treason causing death or grave harm to the nation, murder for hire, or acts of terrorism resulting in mass death — permanent confinement in a secure penal institution is the constitutional maximum. A person so sentenced is not eligible for parole, home detention, halfway-house placement, or any form of non-secure community supervision, and shall not be released except upon a successful appeal resulting in acquittal, reversal of conviction, or a court order based on newly established innocence. The qualifying offenses, the conditions of permanent confinement, and the appellate process for this category are established by Constitutional Statute.

Implemented by Constitutional Statute 27 — Humane Punishment and Permanent Confinement Standards Act: Section 1 (death penalty abolished in all forms, existing sentences commuted by operation of law); Section 2

> *(permanent confinement for qualifying offenses — aggravated multiple murder, serial rape, crimes against children, treason, murder for hire, terrorism; secure federal/state prison only, no home detention or halfway houses, release only through appeal or proven innocence, clemency preserved); Section 3 (solitary confinement — 15-day maximum, prohibited for mental illness, juveniles, pregnant persons); Section 4 (conditions of confinement minimum standards); Section 5 (affirmative medical care obligation — community standard of care); Section 6 (enforcement — private right of action, structural injunctions, independent oversight).*

Right 30. Slavery Is Abolished

Slavery — the legal ownership of one human being by another — is abolished in the United States, completely and permanently. No person shall be bought, sold, held, transferred, or treated as property. This abolition applies to every person in the United States regardless of race, national origin, citizenship status, criminal conviction, or any other characteristic. No act of Congress, no court order, and no emergency declaration shall reinstate slavery in any form or under any name. This abolition is absolute and admits no exception.

> *Self-executing constitutional right. Complete abolition. Slavery and involuntary servitude are void under this provision alone. Courts apply this provision directly; no implementing legislation is required to invoke or enforce it.*

Right 31. The Rights of Persons in Custody

The abolition of slavery in Right 30 carries with it the abolition of all forced and involuntary labor, including as a punishment for crime, and the guarantee that every person the government confines is treated as a person still: owed a duty of care and humane conditions, free to maintain contact with family and counsel, paid for any work freely chosen, and never detained to fill a quota, meet a target, or generate profit. The full protections are set out in Article Twenty-Seven, which carries the same protection as this Right.

Right 32. Equal Protection Under the Law

Every person is equal before the law. No person shall be denied the equal protection of the laws on account of race, color, sex, national origin, disability, religion, sexual orientation, gender identity, age, or any other characteristic not rationally related to a legitimate governmental purpose. Classifications based on race, national origin, and other suspect characteristics are subject to strict judicial scrutiny. A classification designed to remedy documented historical discrimination receives appropriate judicial deference; the government bears the burden of identifying the specific discrimination to be remedied with evidence, of showing that the remedy is tailored to that documented harm, and of demonstrating that the classification will end when the harm is remedied. A general claim of societal discrimination, unsupported by specific evidence, does not satisfy this standard.

Discrimination against any person on the basis of sexual orientation or gender identity is prohibited in employment, housing, education, and any business or service open to the general public. A person subjected to such discrimination has a private right of action in federal court without prior exhaustion of administrative remedies, with remedies including injunctive relief, compensatory damages, and attorney's fees. The right to serve in the armed forces shall not be denied or restricted on the basis of

sexual orientation, gender identity, race, color, sex, national origin, or religion; a service member meeting the bona fide, uniformly applied physical, medical, and conduct standards required of all members for their role shall not be discharged, denied enlistment, denied promotion, or otherwise disadvantaged on the basis of any such characteristic. This guarantee may be altered only by Act of Congress, and shall not be suspended, narrowed, or reversed by executive order, military directive, or agency policy. A religious organization retains the right to make employment decisions as to employees whose primary actual duties are ministerial — the leading of worship, the provision of religious instruction, the performance of religious rites, or service as the public religious representative of the organization — determined by actual duties and not by title. No entity engaged in commercial activity open to the general public shall invoke religion to deny equal treatment to any person.

The standards of judicial review governing equal-protection claims and the full enforcement framework are established by Constitutional Statute. Any entity, program, or activity that receives federal financial assistance shall comply with the non-discrimination requirements of this Right as a condition of that assistance, and the federal government may withhold, terminate, or refuse to renew such assistance to a recipient found, through the process Congress establishes by Constitutional Statute, to have violated this requirement, in addition to any other remedy under this Constitution.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 7 (scrutiny tiers: strict for race/national origin/religion; intermediate for sex/sexual orientation/gender identity; disability — substantially related to legitimate interest directly connected to the specific disability and activity; heightened scrutiny for age classifications; rational basis for all others; remedial deference for classifications remediating documented historical discrimination); Section 7A (sexual orientation and gender identity discrimination in employment, housing, education, and public accommodations — private right of action, no exhaustion required, injunctive relief, compensatory damages, attorney's fees; ministerial exception applies by actual duties not job title; no commercial entity may invoke religion to deny equal treatment); Section 7B (federal funding nondiscrimination enforcement — covered recipients, investigation and due process, fund termination scope, private right of action).*

Right 33. Minimum Human Dignity for Every Person in America

Every person physically present in the United States, regardless of immigration status, is entitled to the following minimum protections, which shall never be suspended by any act of Congress, executive order, or emergency declaration: freedom from torture and cruel treatment; freedom from slavery and forced labor under Rights 30 and 31; the right to a judicial determination of the lawfulness of any civil, administrative, or immigration detention within forty-eight hours; and the right to emergency medical screening and stabilizing treatment regardless of ability to pay or immigration status.

> *These minimum protections are direct constitutional floors — courts apply them without implementing legislation. Enforcement mechanisms: Constitutional Statute 15, Section 4 (duty of care), Constitutional Statute 26, Section 5B (detention review and limits), and Constitutional Statute 15, Section 15A (emergency medical access).*

Right 34. The Right to Vote

The right to vote shall not be denied or abridged on account of race, color, previous condition of servitude, sex, the failure to pay a poll tax or other fee, or age for any person eighteen years of age or older. Every citizen eighteen years of age or older has the right to vote in all federal, state, and local elections. Eligible voters include such citizens and qualifying lawful permanent residents as defined in Article Three, Section 2. No eligible voter shall be denied a ballot for lack of a photo identification; the government shall provide free identification to every eligible voter. The voting procedures, standards of administration, and enforcement mechanisms are established by Constitutional Statute.

> *Implemented by Constitutional Statute 1 (voter verification, ID standards, term-limit transition), Constitutional Statute 10 (ranked-choice voting, ballot access, election administration), and Constitutional Statute 15, Sections 2, 2A, and 2B (preclearance, anti-suppression standards, and automatic restoration of voting rights on release).*

Right 35. The Right to Marry

Every person has the right to marry any consenting adult of their choosing, regardless of the sex, gender, race, ethnicity, national origin, or religion of either person. A marriage lawful in the state where performed shall be recognized as lawful in every other state and by the federal government. States may regulate the civil aspects of marriage — age, licensing, property, and divorce — provided the regulation applies equally to all couples. No religious institution is required by this Right to perform any ceremony that conflicts with its doctrine. The right secured is the right to civil marriage, recognized, equal, and protected.

> *Self-executing constitutional right. Direct right. Government must recognize and afford equal legal status to all marriages. Obergefell equivalent and broader. Courts apply this provision directly; no implementing legislation is required to invoke or enforce it.*

Right 36. Reproductive Freedom

Every person has the right to make their own decisions concerning their body, including whether to continue or end a pregnancy, which includes the right to access abortion. Before fetal viability, this right is protected from state interference. After viability, a state may regulate abortion but shall not eliminate access to procedures medically necessary to protect the life or health of the pregnant person. Viability is a medical determination made by the treating physician and not a fixed gestational age set by statute. No state shall impose requirements that reduce access below the floors established by Constitutional Statute. The governing standards, physician protections, and funding obligations are established by Constitutional Statute.

> *The access floors are directly enforceable constitutional standards; the funding obligation is implemented by Constitutional Statute 3, Sections 11 and 12 — access floors and interstate-travel protection, and equal federal coverage of reproductive healthcare (Hyde Amendment superseded).*

Right 37. The Right to Healthcare

Every person within the jurisdiction of the United States has the right to basic medical, mental-health, dental, vision, and hearing care. Congress shall maintain the Essential Care system that delivers this

right. Any reduction in Essential Care coverage, access, or funding below ratification-era levels is presumptively unconstitutional. The delivery architecture, the services basket, the standards of affordability, and the enforcement mechanisms are established by Constitutional Statute.

> *Implemented by Constitutional Statute 3 — the Essential Care system (services basket, mental-health parity, prior-authorization rules, drug-pricing framework, and enforcement), including Sections 11 and 12 on reproductive access and funding.*

Right 38. The Right to Control Personal Information

Every person has the right to control the personal information that private entities collect and hold about them. No private entity shall collect, use, or transfer a person's personal information without that person's informed consent. Every person has the right to access, correct, and permanently delete their personal information, and their data shall not be sold without explicit, separate consent. Every person has the right to meaningful human review of any automated decision that significantly affects their legal rights, employment, credit, housing, insurance, or access to services; no algorithm shall make a final determination of such consequence without a real opportunity for human reconsideration. The specific obligations, standards of consent, individual rights, and enforcement mechanisms, including a private right of action, are established by Constitutional Statute.

> *Implemented by Constitutional Statute 16 — Federal Data Privacy Act, which establishes definitions, consent standards, individual access/correction/deletion/portability rights, data minimization obligations, broker registration, and the enforcement framework including private right of action.*

Right 39. The Right to Protection from Financial Predators

Every person has the right to be free from deceptive, abusive, and unfair practices in consumer financial products and services. Congress shall maintain a dedicated, independent federal agency to enforce this right, whose constitutional existence is guaranteed; its leadership shall not be removed except for cause, and Congress shall not defund it below the level necessary to fulfill its mission. The agency's structure and enforcement standards are established by Constitutional Statute.

> *Implemented by Constitutional Statute 9 — Anti-Oligarchy Implementation Act: leadership removable only for cause; defunding below enforcement capacity is a constitutional violation; structural independence from OMB review; individual private right of action for actual damages, $1,000 statutory damages per violation, restitution, and attorneys fees; class actions available; mandatory arbitration clauses in consumer financial products are unenforceable as a waiver of this right.*

Right 40. The Right to Safety from Domestic Violence, Sexual Assault, Stalking, and Sex Trafficking

Every survivor of domestic violence, sexual assault, stalking, or sex trafficking has the right to emergency shelter and safe housing, to legal assistance in navigating the justice system and protecting their safety, to medical care for injuries and trauma, and to law-enforcement protection from an abuser or trafficker. These are constitutional rights, not discretionary services, and exist regardless of the survivor's relationship to the perpetrator, whether they report to law enforcement, and their

immigration status, income, or any other characteristic. Congress shall maintain federal programs delivering these rights at levels adequate to serve all eligible survivors; such programs shall not lapse or be defunded through congressional inaction, and a survivor's right to safety does not expire because Congress failed to reauthorize a program.

> *Implemented by Constitutional Statute 15, Section 3 — shelter access and service standards (bed ratios, 24-hour intake, lethality assessment, legal advocacy), permanent indexed funding, and a safe-access guarantee regardless of immigration status.*

Right 41. The Right to Clean Air and Water

Every person in the United States has the right to breathe air free of pollution at levels that pose a risk to human health. Congress shall maintain federal ambient air-quality standards based on the best available scientific evidence, enforced through adequately funded agencies, and shall not weaken a standard except upon a published finding, supported by the weight of scientific evidence, that the revised level remains protective of human health. Where air quality in a community exceeds federal health standards, the federal government shall identify the sources, publish that finding, and require abatement on an enforceable timeline. Any private party whose emissions cause air pollution above federal health standards is strictly liable for the full cost of abatement and for all harm caused. A community already bearing a disproportionate pollution burden retains the heightened protections of Article Sixteen.

Every person in the United States has the right to drinking water free of contamination at levels that pose a risk to human health. Congress shall maintain federal drinking-water safety standards based on the best available scientific evidence, enforced through adequately funded agencies. Where a community's water supply is contaminated above federal health standards, the federal government shall ensure that safe drinking water is made available to affected residents during remediation. Any private party whose actions cause water contamination above federal health standards is strictly liable for the full cost of remediation and for all harm caused.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 8 (private right of action for air and water contamination — strict liability, no negligence required, $5K/year/person statutory damages, restitution of profits, medical monitoring costs, 10-year statute of limitations, class actions, mandatory arbitration cannot waive Right 41 claims; Environmental Justice Communities — 40% threshold, 1.5x damages multiplier, priority remediation funding, 14-day multilingual notification; federal emergency response — 72-hour alternative water delivery at no cost, 30-day remediation plan, judicially enforceable timeline, water delivery continues until 90 days of confirmed clean testing).*

Right 42. The Right to Safe Food, Drugs, and Products

Every person in the United States has the right to a food supply free of adulterants, unsafe additives, and contaminants the federal government has determined to be hazardous to human health. Congress shall maintain federal food-safety standards based on the best available scientific evidence, updated as new evidence emerges and enforced through adequately funded agencies. Any reduction in food-safety enforcement capacity below ratification-era levels is presumptively unconstitutional. Any private party

whose actions introduce hazardous substances into the food supply is strictly liable for all harm caused.

Every person also has the right to drugs, medical devices, consumer products, and digital and software products that are safe and, where they make a therapeutic or health claim, effective. No drug or medical device shall be sold without demonstrated safety and efficacy established by the best available scientific evidence. No consumer product, application, or software product shall be sold or distributed bearing a known, undisclosed hazard, and none shall make a therapeutic, medical, or health claim it cannot substantiate. Congress shall maintain standards of safety, testing, approval, and substantiation, and the mandatory recall or removal of dangerous items, enforced through adequately funded agencies; any reduction in this capacity below ratification-era levels is presumptively unconstitutional. Any private party who introduces an unsafe drug, device, product, or application into commerce, or who makes an unsubstantiated therapeutic claim, is strictly liable for all harm caused.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 15 (private right of action for food safety violations — strict liability, $5K/year/person statutory damages, restitution of profits, pre-injury medical monitoring claims, 10-year statute of limitations; food fraud as adulteration — mislabeling, species substitution, false certifications; agricultural and food processing workers are covered persons; contractual waivers of Right 42 claims void; EJ multiplier applies to disproportionately burdened food system workers; 24-hour recall obligation on confirmed contamination). Drug, device, product, and digital safety and efficacy implemented by Constitutional Statute 15, Section 15B (safety-and-efficacy proof before sale, substantiation of therapeutic and health claims reaching supplements, apps, and software, mandatory recall or removal, strict liability, and private right of action).*

Right 43. Disability: The Right to Accessibility and Accommodation

Every person with a physical, sensory, cognitive, or mental-health disability has the right to full participation in employment, public life, education, transportation, and commerce. Disability includes any physical or mental impairment that substantially limits a major life activity, including a condition that is episodic, managed by medication, or not visibly apparent. No employer, public accommodation, government agency, or educational institution shall exclude a person with a disability from any benefit, opportunity, or service accessible with a reasonable modification. Every child with a disability has the right to a free, appropriate public education. Any private entity that accepts federal financial assistance accepts the full obligations of this Right as a condition of that assistance. The technical standards, compliance timelines, framework of reasonable modification, and enforcement mechanisms, including a private right of action, are established by Constitutional Statute.

> *Implemented by Constitutional Statute 19 — Disability Rights and Accessibility Act (Sections 1–8: disability definition, reasonable accommodation, architectural and digital accessibility, employment protections, FAPE for children, transportation, funding conditions, and enforcement).*

Right 44. Whistleblower Protection

Every person who discloses, in good faith, information reasonably believed to evidence a violation of law, a substantial danger to public health or safety, gross waste or fraud involving public funds, or an

abuse of authority has the right to protection from retaliation. This protection applies whether or not the disclosure is later proven correct; good faith, and not accuracy, is the standard. No non-disclosure agreement, contract, or classification order shall prohibit a person from reporting a potential violation to a responsible oversight authority. Congress shall enact comprehensive implementing legislation covering all sectors, all classes of workers, all categories of protected disclosure, and all forms of retaliation.

> *Implemented by Constitutional Statute 28 — Whistleblower Protection Standards Act (Sections 1–7: coverage of all workers, protected disclosure categories, NDA and classification limits, anti-retaliation burden-shifting, complaint and reinstatement process, remedies, and classified-information channels).*

Right 45. The Right to Food and Adequate Nutrition

Every person within the jurisdiction of the United States has the right to food sufficient to sustain life and health. The federal government bears an affirmative obligation to ensure that no child goes hungry and to maintain a nutritional safety net for adults who cannot provide for themselves. Food assistance is a constitutional obligation and not a discretionary budget item. This Right is justiciable and enforceable in federal court. The delivery mechanisms, standards of eligibility, and judicial remedies are established by Constitutional Statute.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 14 (individual remedies — enrollment order within 10 business days, injunctive relief for pending applications, declaratory judgment; systemic findings trigger mandatory 180-day congressional response; federal nutrition programs — SNAP, WIC, school meals, emergency food assistance — elevated to constitutional status, may not be eliminated).*

Right 46. Genetic Privacy and Freedom from Genetic Discrimination

Genetic information is immutable, uniquely identifying, and predictive of conditions a person may never develop. No employer, insurer, educational institution, or government agency shall collect, use, or make decisions based on a person's genetic information without that person's explicit, specific, and revocable consent for each identified use. These prohibitions apply regardless of how the information was obtained. Law-enforcement access to genetic information requires a warrant. The standards of consent, the prohibited uses, the enforcement mechanisms, and the research exceptions are established by Constitutional Statute.

> *Implemented by Constitutional Statute 16 — Federal Data Privacy Act, Genetic Privacy section (explicit written consent required for each specific use; no sale or transfer without specific consent; law enforcement warrant required — dragnet searches of consumer genetic databases prohibited, familial searching requires additional judicial finding; consumer genetic databases must maintain separated secure systems, provide complete deletion options, and report unauthorized access within 24 hours).*

Right 47. Internet Access as Essential Infrastructure

Every person within the jurisdiction of the United States has the right to access affordable, reliable broadband internet service. No person shall be effectively denied access to government services, civic

participation, or economic opportunity solely for lack of internet access. Where government services are offered primarily online, an accessible offline alternative shall be provided without meaningful disadvantage. The standards of affordability and the universal-service requirements are established by Constitutional Statute.

> *Implemented by Constitutional Statute 14 — National Housing Infrastructure and Broadband Access Act (Sections 1– 5: affordability thresholds, minimum speeds, offline-access parity, digital equity, and enforcement with an address-level coverage obligation).*

Right 48. Medical Autonomy

Every competent adult has the right to make decisions concerning their own body and medical care, including the right to refuse any treatment, procedure, or intervention, including life-sustaining treatment. No government, provider, insurer, or employer shall compel medical treatment upon a competent adult who has refused it. Every person has the right to execute advance healthcare directives governing their care when they can no longer communicate, and those directives shall be honored by all providers. Medical aid in dying — the ability of a terminally ill, mentally competent person to obtain medication to end their life at a time of their choosing — is a protected exercise of medical autonomy; a state may regulate it but shall not prohibit it entirely. The procedural safeguards and implementing standards are established by Constitutional Statute.

> *The right to make and refuse medical decisions is self-executing — courts apply it directly. Medical aid in dying is implemented by Constitutional Statute 3, Section 13 (eligibility and prognosis confirmation, informed-consent and capacity standards, conscientious-objection referral, and advance-directive requirements).*

Right 49. The Right to Housing

Every person within the jurisdiction of the United States has the right to stable, safe, and accessible shelter. No person shall be left without housing as a result of government failure, economic conditions beyond their control, or market distortions created by speculation, insufficient supply, or discriminatory practice. This Right establishes a floor: no person, including a person experiencing poverty, a person released from incarceration, a person fleeing domestic violence, and a person experiencing a mental-health crisis, shall be without access to safe shelter.

The criminalization of homelessness — a law penalizing a person for sleeping, eating, or existing in a public space when that person has no access to shelter — violates this Right. A person shall not be punished for the involuntary condition of lacking housing. An anti-camping or sit-lie ordinance applied to a person without access to housing is prohibited unless the government demonstrates that it has offered a genuine and accessible shelter alternative. Congress and the state legislatures shall appropriate funds sufficient to fulfill this Right.

> *Implemented by Constitutional Statute 14 — National Housing Infrastructure and Broadband Access Act: Section 6 (floor obligation — no involuntary homelessness by government failure; criminalization prohibition — genuine shelter alternative must be demonstrated; minimum shelter habitability standards); Section 7 (zoning reform conditions on federal grants — population-based density and permitting-timeline standards, no single-family exclusion within 1 mile of transit, ADUs by right; anti-speculation measures; eviction protections — 30-day notice,*

judicial hearing, right to counsel when landlord has counsel; rent gouging prohibition during declared housing emergencies); Section 8 (inclusionary zoning — 15% affordable unit requirement on federally assisted development); Section 9 (Community Reinvestment Infrastructure Fund — 50/50 historical and current disadvantage formula, dedicated capitalization, resident-majority oversight boards); Section 10 (housing anti-discrimination — protected characteristics and source-of-income protection); Section 11 (individual right of action; federal housing programs elevated to constitutional status, cannot be eliminated).

Right 50. Powers Not Given to the Federal Government Stay With States and the People

The federal government holds only the powers this Constitution grants it. Every power not delegated to the federal government by this Constitution, and not withdrawn from the states, is reserved to the states or to the people. The federal government shall not claim a power by implication, tradition, or convenience. Where it is doubtful whether the federal government holds a power, the power is denied.

Self-executing constitutional right. Structural provision. Reserved powers doctrine: federal authority is limited to what this Constitution grants. Courts apply this provision directly; no implementing legislation is required to invoke or enforce it.

Right 51. Protection Against Arbitrary Mental-Health Detention

No person shall be deprived of liberty, or subjected to involuntary treatment, on the ground of mental illness or incapacity, except upon real, articulable evidence that the person presents a serious danger or genuinely cannot provide for their own survival; upon prompt presentation before an independent clinician and then a neutral judge; upon proof by the government by clear and convincing evidence; by the least restrictive means and only while the grounds persist; and never as an instrument to punish, silence, isolate, or control. The full protections are set out in Article Twenty-Eight, which carries the same protection as this Right.

Right 52. Freedom from Private Neighborhood Government

No private association of property owners shall exercise governmental power over a person's home or conduct. Its authority extends only to what neighbors genuinely share — a shared wall, roof, road, or well — and never to a home whose owner alone owns its walls and roof. No such association shall foreclose upon or force the sale of a primary residence, suppress speech or religious or political expression, or impose a fine without written notice, a fair hearing, and proportionality. The full rules are set out in Article Twenty-Nine, which carries the same protection as this Right.

Right 53. Energy Security and the Right to Self-Generation

Every person within the jurisdiction of the United States has the right to essential electrical service and the right to generate their own power. The protections securing this right are established in Article Twenty-Six, which carries the same protection as this Right.

Operative protections set forth in Article Twenty-Six — Energy Security and Self-Generation; technical implementation in Constitutional Statute 41.

Right 54. Rights Retained by the People

The enumeration of specific rights in this Constitution shall not be construed to deny or disparage others retained by the people. The people retain all rights not denied to them by this Constitution. The listing of rights is a floor and not a ceiling; the courts and the people retain the authority to recognize and protect rights not enumerated here. The government shall not infringe a right merely because it is not enumerated.

> *Self-executing constitutional right. Structural provision. Unenumerated rights belong to the people; absence from this list does not imply absence of the right. Courts apply this provision directly; no implementing legislation is required to invoke or enforce it.*

Part Two

The Structure of Government

Article Three

Congress

↳ Implemented by *Constitutional Statute 1 — Congressional Operations and Ethics Implementation Act*

Section 1. The Two Houses; Anti-Corruption

All federal laws are made by Congress, divided into the House of Representatives and the Senate. No Act of Congress shall confer a specific financial benefit, immunity, privilege, or exemption on any identified or identifiable private party — whether named or described in terms applicable to fewer than ten persons or entities — that is not available on equal terms to all similarly situated persons. The constitutional invalidity of a law under this section is determined by its text and practical effect, not by the stated intent of its proponents.

Section 2. Who Votes; Voter ID; LPR Voting

Every citizen 18 or older may vote in federal elections. Every qualifying lawful permanent resident — meaning a person who has held that status for at least seven consecutive years with an active, pending naturalization application in good standing — may also vote in federal elections. LPR voting is subject to reauthorization by Congress every ten years. A government-issued photo ID is required to vote. The federal government shall make that ID available to every eligible voter at no cost. No state or jurisdiction may require a literacy test, education test, or comprehension test of any kind as a condition of voter registration or voting. A jurisdiction in which a single language minority group constitutes more than 5% of voting-age citizens, or more than 10,000 voting-age citizens, must provide voter registration materials, ballots, and voting assistance in that language in addition to English.

All persons counted for apportionment are citizens and qualifying lawful permanent residents.

Section 3. The Senate and Full-Time Congress

The Senate has two Members per state elected by the people to six-year terms. The Vice President presides and votes only to break ties — always publicly on the record. The Senate may propose one substantive amendment per bill; all other bills originate in the House.

Congress is a full-time institution. No Member may hold any other paid employment during their term. Attendance is publicly reported daily.

Section 4. Direct Election of Senators

Senators are elected directly by the eligible voters of their state by popular vote. No state legislature, governor, or any other body may appoint a person to the Senate except to fill a vacancy pending a special election, which must be held within 120 days of the vacancy arising (or, if the vacancy occurs within 6 months of a regularly scheduled general election, the seat is filled at that general election). A person appointed to fill a vacancy serves only until the special election is held and its winner is certified; they may not continue in office beyond that certification under any circumstance.

Section 4. A — Term Limits

No person may serve more than eight years in the House of Representatives — four two-year terms — or more than twelve years in the Senate — two six-year terms — consecutive or not. Partial terms exceeding one year count toward the limit. No person who has reached their limit may return to that chamber.

Section 4. B — Congressional Terms Begin January 3

The terms of Senators and Representatives begin on January 3 at noon following the November election in which they were chosen. The sitting Congress remains in lawful session until that moment. No legislation passed by a Congress whose successors have been elected and certified takes effect before those successors are sworn in, except in a declared national emergency requiring immediate action. This provision ensures that a Congress repudiated by the voters may not use the lame-duck period to bind the incoming Congress or the country to major policy changes it could not have passed if the election had gone differently.

Section 5. Pay; Stock Trading Ban; Election Day Holiday; Compensation Change Timing

Congressional pay is set at the national median household income, adjusted annually for the cost of living in Washington, D.C. If Congress fails to pass a balanced budget for three consecutive fiscal years, Member pay is automatically suspended until a budget is enacted. Trust funds and dedicated revenues ring-fenced by law are excluded from this calculation.

No change to the compensation formula for any elected federal official — including Members of Congress, the President, and the Vice President — takes effect during the term of any official who voted for or signed the change. Compensation changes affecting Congress take effect only after the next general congressional election following enactment. Compensation changes affecting the President or Vice President take effect only at the start of the next presidential term following enactment. An automatic cost-of-living adjustment based on a previously established index does not constitute a "change" for purposes of this provision and takes effect on schedule without delay.

No Member of Congress, their spouse, their dependent children, or any entity in which they hold a 5% or greater interest may trade in stocks, commodities, or securities during the Member's time in office. Violations result in removal from office and a permanent bar from federal office.

All federal election days are paid civic holidays. Every employer must provide workers with paid time to vote.

Section 6. Passing Laws; Debt

All revenue and spending bills originate in the House. The President may sign or veto; two-thirds of both chambers overrides a veto. Every law must address a single subject stated in its title.

The debt ceiling is abolished. See Article Three, Section 9, which governs the budget process, automatic continuing resolution, and the prohibition on impoundment.

Constitutional Statutes. This Constitution establishes a category of implementing legislation called the Constitutional Statute. A Constitutional Statute is the body of operational law by which a right, structure, or guarantee of this Constitution is made real and enforceable. The authority for the Constitutional Statute, and for the protection this Section gives it, is conferred by this Constitution itself, and not by any Act of Congress; a Constitutional Statute does not protect itself, but is protected by this provision of the Constitution.

The supermajority protection and its source of authority. A Constitutional Statute may be enacted by ordinary majority, but once enacted it may be repealed, amended, suspended, or defunded only by a vote of sixty percent of both chambers, except where this Constitution requires a higher threshold for a particular matter. This requirement binds every Congress because it is imposed by the Constitution, in the same manner and by the same authority as the other supermajority requirements this Constitution imposes upon Congress — including the two-thirds required to override a veto, to expel a member, or to propose an amendment. The principle that an ordinary legislature may not bind its successors has no application here, for the binding authority is not that of a prior Congress but that of the Constitution, which creates the legislature and defines the terms on which it acts. As the Constitution may require a supermajority to override a veto, so it may require a supermajority to dismantle the operational law that makes a constitutional guarantee real.

The reason for this structure, and its limits. This structure is deliberate and, in its application to the detailed operational law of governance, departs from older practice in which constitutions entrenched only broad structure. It does so because experience has shown that a right declared in principle but left to ordinary legislation is a right that a transient majority may hollow out without ever repealing it — by defunding its enforcement, repealing its mechanisms, or starving the body that administers it. To declare a right and leave its machinery unprotected is to promise in form what may be denied in substance. The supermajority protection extends only so far as that purpose requires: it protects the mechanisms that make rights real, and it may never be invoked to entrench a measure that diminishes a right or protection this Constitution guarantees. A Constitutional Statute that purports to reduce a constitutional guarantee is void to that extent, and no supermajority protects it; the protection runs in one direction only, toward the preservation of rights, never toward their diminishment.

Administrative improvement of mechanisms. A Constitutional Statute protects the mechanisms that make a right real, but it does not freeze the means by which those mechanisms are carried out. An agency charged with administering a Constitutional Statute may, by regulation and within the bounds the statute sets, improve the methods, procedures, and practices by which it fulfills its duties — adopting better technology, more efficient process, and more effective practice as knowledge advances — without a supermajority vote, so that the administration of a right is not frozen at the understanding of the moment it was written.

The limit on that authority. This authority to improve methods is an authority to fulfill the statute's purpose more effectively, never to diminish it. An agency may not, under the guise of improving a method, weaken a protection, relax a standard, narrow a right, reduce an enforcement duty, or accomplish by procedure what only a sixty-percent supermajority could accomplish by amendment. Where a change to a method would reduce the protection a person receives, it is not an improvement within the meaning of this provision and may be made only by the supermajority the amendment of a Constitutional Statute requires. Whether a given change improves or diminishes a protection is a question subject to review in the courts, and the burden is on the agency to show that the change preserves or strengthens the protection it administers.

The distinction stated plainly. An agency may change how it does its work; it may never change whether the work is done or how well the person is protected. The method belongs to the agency, to be improved as understanding grows; the protection belongs to the people, and is altered only as this Constitution and its Statutes allow.

Section 7. Congressional Powers; English; Border; Congressional Review; Federal Enclave

Congress has the power to lay and collect taxes; borrow money; regulate interstate and foreign commerce; establish naturalization rules; coin money; declare war; raise and support the armed forces; and make all laws necessary and proper to carry out these powers. English is the official language of the United States for all federal official purposes. Congress has full authority to regulate immigration, secure the borders, and set asylum standards.

Intellectual property. Congress has the power to promote the progress of science, knowledge, and the useful arts by securing to authors, inventors, and creators, for limited times, the exclusive rights to their writings, discoveries, and creative works. This power is granted to enrich the public store of knowledge and culture; the temporary reward to the creator is the means by which that public purpose is achieved, and not an end in itself. Every exclusive right secured under this power must expire after a fixed and limited period, after which the work or invention enters the public domain and belongs to all; no exclusive right may be extended retroactively to delay a work's entry into the public domain, no term may be set so long as to defeat the public's eventual ownership, and a work that has entered the public domain may never be removed from it. The power may not be used to grant or enforce a monopoly by one who did not create and does not practice the work where the purpose is to extract payment from those who do, to wall off a field of knowledge through accumulated trivial claims, or to

extend a monopoly by insubstantial modification of an existing work or invention. This power is exercised consistent with the public's right to use protected works for purposes of criticism, comment, news, teaching, scholarship, research, and other fair uses; with the rights secured elsewhere in this Constitution, including free expression and access to medicine; and with the principle that facts, ideas, and the basic building blocks of knowledge may not be owned. And where an exclusive right attaches to a seed, plant, or other living thing that reproduces itself, it may never be stretched to forbid the farmer who grew it from saving and replanting seed of their own harvest on their own land, to punish the farmer for the trait that arrives by nature or by accident, or to trap the farmer in dependence on a single supplier by denying fair dealing or a lawful alternative source. The right to grow food from saved seed is older than any patent, and no patent may extinguish it.

Bankruptcy and the fresh start. Congress has the power to establish uniform laws on the subject of bankruptcy throughout the United States. This power exists to secure the fresh start — the principle that honest misfortune and failure must not become a permanent sentence, and that a person or enterprise overwhelmed by debt may be relieved of it and restored to full participation in economic life. The power is exercised for the relief of the debtor and the orderly and fair treatment of creditors alike, and never as an instrument of punishment. No category of debt owed by a natural person may be excluded from discharge in a manner that defeats the fresh start, and the debts that most often arise from the pursuit of an education, of health, or of basic subsistence may not be singled out as uniquely unforgivable; Congress may set fair and even-handed conditions on discharge, but may not erect conditions whose purpose or effect is to deny honest debtors relief. A person in bankruptcy retains the means of basic subsistence, shelter, and the tools of their livelihood, may not be stripped of the essentials of a dignified life or subjected to humiliation as a condition of relief, and imprisonment for debt is prohibited. The bankruptcy of an enterprise may not be used as a device to discharge the wages, earned pensions, or healthcare obligations owed to its workers and retirees while preserving the wealth of its owners, executives, or investors; in the reorganization or liquidation of an enterprise, the earned compensation and pension obligations owed to workers hold priority over the claims of owners and executives and over discretionary payments to insiders, and a court shall set aside any transfer or bonus designed to extract value for insiders in anticipation of or during bankruptcy at the expense of workers, creditors, or the public.

The postal power and universal communication. Congress has the power to establish and maintain a postal system and the infrastructure of public communication. This power exists to bind the nation together and to guarantee that every person, in every place, can send and receive communication on equal terms — and it is exercised as a public service, not for private profit. The postal system shall serve every address in the United States, however remote or unprofitable, at uniform and affordable rates; it may not be dismantled, starved of the means to function, or surrendered to private control in a manner that abandons universal service. The privacy of the mails is protected: correspondence may not be opened or surveilled except upon a warrant supported by probable cause. As the means of public

communication extend beyond physical mail, the principle of universal, affordable, private access governs them as well.

Weights, measures, and the integrity of standards. Congress has the power to fix and maintain uniform standards of weights, measures, time, and quality throughout the United States, and to ensure the integrity of measurement in all dealings. This power exists so that a thing is what it claims to be: that a unit of weight, volume, energy, distance, or value means the same to every person, and that no one may profit by falsifying, manipulating, or concealing the true measure of what they sell, charge, or provide. Standards shall be set by the best available science, openly and free from capture by those they govern, and maintained as a public trust. The deliberate use of false, deceptive, or manipulated measurement to disadvantage another is prohibited.

Congress has exclusive legislative authority over a federal enclave consisting of the Capitol, the White House, the Supreme Court, the National Mall, and the principal buildings of federal agencies, as the boundaries are designated by statute. This enclave is the permanent seat of government of the United States and is not part of any state. No person resides within the enclave as a matter of permanent domicile; persons who work within it retain voting residency in the state in which they actually live.

Congress may overturn any final federal agency regulation by majority vote of both chambers, with written objections identifying the specific regulatory provisions and statutory basis for each objection. After a regulation is overturned, the agency may issue a revised regulation after 180 days addressing the stated objections.

Section 8. What Congress and States Cannot Do

Congress may not suspend habeas corpus except in rebellion or invasion when public safety requires it, pass bills of attainder, ex post facto laws, or grant titles of nobility. States may not enter foreign treaties, print money, charge interstate tariffs, grant titles of nobility, or pass bills of attainder or ex post facto laws.

Section 9. Budget Calendar, Automatic Continuing Resolution, and Shutdown Prevention

Congress shall adopt a concurrent budget resolution by May 15 of each fiscal year, setting top-line spending and revenue targets for each appropriations subcommittee. Congress shall complete action on all required appropriations bills and transmit them to the President by September 30, the last day of the fiscal year. These are constitutional deadlines, not aspirational targets. A Congress that fails to meet them has failed in its most fundamental legislative obligation.

If Congress fails to enact all required appropriations before October 1 — the start of the new fiscal year — all prior-year appropriations continue in effect automatically at their most recently enacted levels, adjusted at the rate of change in the Employment Cost Index for the prior fiscal year, with a floor of 0% (no nominal reduction below prior-year levels) and a ceiling of 3% (preventing runaway automatic growth in high-inflation periods). This automatic continuing resolution is self-executing: it

requires no congressional vote, no presidential signature, and no implementing action by any agency. It takes effect by operation of this Constitution at 12:01 AM on October 1 of any year in which appropriations are incomplete, and continues in effect until superseded by duly enacted appropriations legislation.

No federal agency, department, program, or office may be closed, furloughed, have its operations curtailed, or have its employees asked to work without pay because Congress failed to pass a budget or appropriations bill on time. The federal government does not shut down. Essential services continue. Federal employees continue to work and are paid on their normal schedule. The automatic continuing resolution funds all of them.

During any period in which the automatic continuing resolution is in effect — meaning any day on or after October 1 of a fiscal year in which Congress has not completed all appropriations — no Member of Congress receives any salary, allowance, expense reimbursement, or any other compensation from the federal government. The pay suspension begins automatically on October 1 and ends on the date the final appropriations bill is enacted. Suspended pay is not recovered, deferred, or retroactively compensated once the appropriations process is complete. The purpose of this provision is to ensure that the people whose failure to act causes the automatic continuing resolution bear a personal cost proportional to the inconvenience they have imposed on the country.

The debt ceiling is abolished. The United States shall pay all obligations lawfully incurred by act of Congress. When Congress appropriates funds, it simultaneously authorizes the Treasury to borrow whatever is necessary to honor those appropriations. A vote to appropriate is a vote to pay. There is no separate debt ceiling vote, and Congress may not create one by statute.

When Congress appropriates funds for a specific program, agency, or purpose, the President must obligate and spend those funds as directed within the time period specified by Congress or, if no period is specified, within the fiscal year in which they were appropriated. The President may not impound, withhold, freeze, redirect, reprogram, or decline to spend appropriated funds because of policy disagreement with the program Congress funded, because the President believes the funds are unnecessary or wasteful, or for any other reason not specifically authorized by a duly enacted statute. The power of the purse belongs to Congress. The President executes spending decisions Congress makes; the President does not override spending decisions Congress has already made.

If the President believes an appropriation should be rescinded or deferred, the President must transmit a specific, written rescission or deferral proposal to Congress identifying the precise funds at issue and the specific justification. Congress may approve the proposal by majority vote of both chambers within 45 days; if Congress does not act within 45 days, the funds must be released and obligated immediately. An unapproved impoundment of funds is a constitutional violation subject to judicial order requiring the immediate release and obligation of the withheld funds. Congress, any affected federal agency, and any person or entity that would have directly benefited from the appropriated funds may bring a direct action in federal court to compel expenditure without showing broader harm beyond the impoundment itself.

No executive order, presidential memorandum, national security directive, emergency declaration, or any other unilateral presidential action may be used to impound, freeze, redirect, or withhold funds that Congress has appropriated. This prohibition is not subject to exception by executive action of any kind. An executive order purporting to withhold appropriated funds is void from the moment of issuance and imposes no legal obligation on any federal official to comply with it. A federal official who withholds appropriated funds pursuant to an unconstitutional executive order is personally liable for the resulting harm and may not assert the order as a defense.

ARTICLE FOUR

The President

↳ Implemented by *Constitutional Statute 10 — Federal Elections Tabulation Standards Act* (Section 1 — Electing the President); *Constitutional Statute 18 — Federal Transparency Act* (Section 11 — Access to Government Records); other sections of this Article are implemented across multiple Constitutional Statutes addressing executive power, war powers, and emergency authority

SECTION 1. Electing the President

The President serves four-year terms and may serve no more than two terms. The President is elected by national popular vote using ranked-choice voting. Every eligible voter's ballot counts equally regardless of the state in which they live. The candidate who wins a majority in the ranked-choice tabulation becomes President. The Electoral College is abolished. The President must be a natural-born citizen, at least 35 years old, and have lived in the United States for at least 14 years. The President may accept no financial benefit from any government beyond their established salary.

The President's term begins on January 20 at noon following the November election in which they were chosen, and ends at the same moment four years later. No outgoing President retains any executive authority after that moment — no power to issue orders, grant pardons, or act in any official capacity. The incoming President assumes full constitutional authority at noon on January 20 regardless of whether an inauguration ceremony has taken place. The ceremony is a tradition; the transfer of power is a constitutional fact that occurs at the stroke of noon whether witnessed or not.

SECTION 2. Presidential Powers; Pardon Limits

The President is Commander-in-Chief of the armed forces. The President may make treaties with Senate approval by two-thirds vote and appoint ambassadors, Supreme Court Justices, and other officers with Senate confirmation.

The President may pardon persons convicted of federal crimes — with the following absolute exceptions: the President may not pardon themselves; not their spouse, domestic partner, parents, children, siblings, or any person related by blood or marriage within the second degree of consanguinity; and not any person whose criminal offense arose out of conduct forming the basis of any actual or potential criminal investigation involving the President personally. A pardon issued in violation of these restrictions constitutes an impeachable high crime and a personal federal offense for which the President may be prosecuted upon leaving office.

SECTION 3. Executive Orders

Executive orders expire four years after issuance and may be reissued once. After two presidential terms, any executive order must be codified by Congress or it expires permanently. Executive orders

may not appropriate funds or strip any right guaranteed by this Constitution.

Section 4. Emergencies

Presidential emergency declarations last 180 days. Congressional renewal is required for extensions, with a maximum of two renewals. Emergency powers may not override enacted law, appropriate unapproved funds, or strip any constitutional right — except as specifically provided in Section 9 of this Article for active military operations in a theater of combat when Congress is unable to convene. This Section's 180-day duration applies to emergency declarations generally; an emergency entry restriction on non-citizens is instead governed by the narrower 90-day limit established under Article Twenty- Three, Section 3.

Section 5. Duties and Removal

The President must faithfully execute the laws of the United States and report regularly to Congress on the state of the country. The President may be removed through impeachment for treason, bribery, high crimes, misdemeanors, or knowing use of the office for personal financial enrichment at public expense.

Section 6. Succession

When a President dies, resigns, or is removed, the Vice President becomes President. Congress establishes the order of succession beyond the Vice President by law.

Section 7. Vice Presidential Vacancy; Presidential Incapacity

When the office of Vice President is vacant, the President nominates a replacement confirmed by majority vote of both chambers of Congress.

When the President determines they are temporarily unable to discharge their duties, they may transmit a written declaration to the President pro tempore of the Senate and the Speaker of the House — the Vice President then assumes power as Acting President until the President transmits a written declaration of recovery. If the Vice President and a majority of the Cabinet determine the President is unable to discharge their duties, they shall transmit a written declaration to the same officers; the Vice President assumes power as Acting President. If the President contests the determination, Congress assembles within 48 hours and resolves the matter by two-thirds vote of both chambers within 21 days. Acting President status is not removal from office and does not count toward the Vice President's term limit.

Section 8. War Powers

The President may use military force without prior congressional authorization only to: repel a sudden attack on the United States, its territories, or its armed forces; protect and evacuate American citizens abroad in an immediate emergency; or respond to an imminent threat requiring action of no more than 72 hours. In all other circumstances, the President must obtain a congressional Authorization for the

Use of Military Force. Every AUMF must identify the specific enemy or theater, set a maximum duration not exceeding two years, and define the authorized scope with sufficient particularity to be judicially enforceable. Blanket authorizations are not valid AUMFs. Every AUMF expires automatically at the end of its stated duration. If the President deploys forces outside an existing AUMF, Congress must be notified within 48 hours and must vote on authorization within 30 days. If no AUMF passes within 30 days, the deployment must end within 60 days of notification.

Section 9. The Limits of Presidential Power Relative to Congress

Presidential authority operates in three zones defined by what Congress has done. When Congress has expressly authorized an action, the President acts with the full constitutional weight of both branches behind them and their power is at its greatest. When Congress has neither authorized nor prohibited an action, the President acts in a zone of uncertainty and may proceed cautiously, subject to congressional correction. When Congress has expressly prohibited an action, the President acts against the combined will of the democratic branch and presumptively lacks authority to proceed — the President's power is at its lowest, and claiming inherent or emergency authority does not override a specific congressional prohibition.

The sole exception to the prohibition zone: when a genuine military emergency requires action in a theater of active combat operations and Congress is physically unable to convene within the required timeframe, the President may act for a maximum of 30 days. That action expires automatically at 30 days unless Congress passes a specific authorizing resolution. If Congress convenes and declines to authorize within 30 days, the action is void from the beginning — its legal effects are unwound as completely as possible. This exception is narrow: it applies to active combat emergencies, not domestic policy disagreements with Congress, not budget disputes, and not any situation where Congress has already addressed the subject.

Section 10. Executive Privilege: What It Covers and What It Does Not

The President and the executive branch have a legitimate interest in candid internal deliberation. Communications among senior executive officials working through policy decisions before those decisions are made — the back-and-forth of advice, analysis, and deliberation — are protected from compelled disclosure as a matter of constitutional structure. This protection exists because a President who fears that every internal conversation will be immediately disclosed will receive less honest advice, and honest advice is essential to good governance.

This protection is not absolute. Executive privilege yields to a demonstrated specific need in any criminal proceeding that involves the President personally as a subject of investigation. It cannot be used to withhold evidence of crimes committed by the President or at the President's direction. A President facing criminal investigation has no greater privilege to suppress evidence than any other person. The privilege protects deliberative communications — it does not protect communications planning, directing, or covering up illegal conduct. No court may accept a claim of executive privilege

as a complete bar to disclosure in a criminal proceeding; the court reviews the materials and determines what is genuinely deliberative and what is potentially criminal.

Official acts of the presidency carry qualified protection from ordinary civil liability — the President should not face personal financial ruin for every policy decision that harms someone. But this protection from civil liability is not immunity from criminal prosecution. There is no constitutional immunity for a sitting or former President from criminal prosecution for abusing the powers of their office, for obstructing justice, or for any other crime. The President is subject to the same criminal law as every other person. A narrow absolute protection applies only to decisions made in the President's capacity as Commander in Chief during active military operations in a recognized theater of war — these tactical command decisions are not reviewable by courts, to preserve the chain of command in combat.

Section 11. The Right to Access Government Records

Implemented by: *Constitutional Statute 18 — Federal Transparency Act*

Every person has the right to request and receive records created or held by any federal agency, department, office, or instrumentality, including the Executive Office of the President. The government's business is the people's business. Government operates in public by default; secrecy is the exception that must be justified, not the rule that must be overcome.

No record may be withheld except on the narrowest grounds necessary to protect: active law enforcement investigations where disclosure would compromise the investigation or endanger a specific individual; national security sources (specifically: the identities of human intelligence sources and signals collection targets), technical collection methods whose disclosure would compromise specific collection capabilities, and specific operational plans for ongoing intelligence activities whose disclosure would cause identifiable harm. 'Sources and methods' does not include general program descriptions, legal interpretations of intelligence authorities, aggregate collection statistics, or information about activities already acknowledged in official government statements; the personal privacy of private individuals who are not public figures acting in their public capacity; and trade secrets and confidential commercial information of private parties submitted to the government under compulsion. The existence of a classification label does not itself constitute grounds for withholding — classification is a government act, and the government may not use its own act of classifying a document as the sole basis for denying access to it.

The burden of justifying any withholding falls entirely on the government. The person requesting a record bears no burden to explain why they want it or to demonstrate need. Congress shall implement this right by statute, establishing: mandatory response timelines of not more than 20 business days for routine requests; an expedited track for requests involving urgent public interest; an independent administrative appeal within the agency; and judicial review in federal district court with the court conducting de novo review of any contested withholding. The implementing statute shall be known as

the Federal Transparency Act and is designated as a Constitutional Statute subject to the supermajority amendment requirement.

> *Implemented by Constitutional Statute 18 — Federal Transparency Act*

Every meeting at which a quorum of the members of any multi-member federal agency deliberates toward or votes on any official action is a public meeting. Notice of the time, place, and subject matter of every such meeting must be published at least seven days in advance. No final vote or decision of a multi-member agency may be taken in a closed session. Closed preliminary deliberations are permitted only to discuss active litigation strategy, national security matters, personnel actions affecting specific named individuals, and trade secrets provided under compulsion — and only when the agency states publicly, in advance, the specific ground for closure and the specific subject matter being closed, without revealing the substance being protected. Any action taken in a meeting that violates this provision is voidable by any court with jurisdiction over the agency, upon petition by any affected person within 60 days of the action.

Every person has the right to access, review, and request correction of any record that any federal agency maintains about them by name, identifier, or any other means by which they are individually identifiable. An agency may not deny a person access to their own file. An agency may not share a person's records with another agency, contractor, or government without the person's written consent or a specific legal authority that itself complies with this Constitution — a general interagency data-sharing agreement does not constitute specific legal authority for this purpose. Records maintained about a person must be accurate, relevant to the agency's lawful purpose, and no more extensive than that purpose requires. The agency bears the burden of demonstrating that any record it maintains about an individual meets these requirements. Inaccurate or unlawfully maintained records must be corrected or deleted upon the person's request within 30 days. An agency that willfully maintains inaccurate records about a person, or that shares records in violation of this provision, is liable to that person for actual damages and a statutory penalty. No statute of limitations shorter than three years applies to claims under this provision.

All records created or received by the President, the Vice President, or any employee of the Executive Office of the President in the course of their official duties are the property of the United States, not of the individual who created or received them. No President, Vice President, or executive employee may destroy, remove, conceal, or transfer custody of official records except as specifically authorized by the Archivist of the United States pursuant to established retention schedules. Upon leaving office, all official records must be transferred to the National Archives within 60 days. A former President retains no possessory right in official records after leaving office — executive privilege claims over specific records may be asserted through judicial process, but possession of the records remains with the National Archives pending that process. Deliberate destruction or removal of official records is a federal felony regardless of the classification level of the records and regardless of whether the individual has left office. The use of personal communications platforms, encrypted messaging applications set to auto-delete, or any other means designed to evade the records

requirement for official government business constitutes destruction of records. This provision applies equally during and after the term of office; the obligation to preserve continues and the prohibition on destruction is permanent.

Every federal agency has an affirmative constitutional obligation to create, maintain, and preserve accurate records of its decisions, actions, and communications. Governing without a written record — or systematically avoiding written records to evade accountability — is a constitutional violation of the same character as destroying records after the fact. The Archivist of the United States has independent authority, not subject to direction by the President or any agency head, to compel any federal agency to comply with records preservation requirements and to seek judicial enforcement of that compliance without prior approval from the Department of Justice. An agency official who directs or permits systematic non-documentation of official decisions as a means of evading accountability is personally liable and subject to removal from office.

Section 12. Disaster Relief: Proportionality and Equal Treatment

When the President declares a major disaster or emergency, the federal response must be proportional to the documented need as measured by objective criteria — lives at risk, structures damaged or destroyed, economic losses, infrastructure failures, and public health consequences — applied on a per-capita and per-damage-assessment basis. The scale, speed, and quality of federal disaster assistance may not vary based on the political affiliation of the affected jurisdiction's governor, mayor, or congressional delegation; the jurisdiction's voting patterns in any prior election; the race, ethnicity, or national origin of the affected population; or whether the affected area is a state or a territory.

Territories receive disaster assistance on the same terms and timelines as states. The fact that a territory's residents do not vote in presidential elections, or that a district's residents lack full congressional representation, is not a basis for differential treatment in disaster response. The federal government's obligation to protect all persons within its jurisdiction does not diminish at the borders of a state.

The President may not condition a disaster declaration, the speed of relief delivery, or the scale of approved assistance on a governor's or local official's public statements about the President, the administration, or federal policy. A disaster declaration is a factual determination about conditions on the ground — it is not a political reward. An administration official who recommends against or delays a disaster declaration for documented political reasons is subject to removal from office and referral to the Inspector General.

Any state, territory, district, or local government that has received a presidential disaster declaration and believes it has received federal assistance that is materially inequitable — meaning less than 75% of the per-capita assistance provided to similarly situated jurisdictions with comparable documented damage assessments — may file a challenge in the United States Court of Appeals for the D.C. Circuit, which must issue its determination within 90 days. If the court finds a violation, it may order the responsible federal agency to provide equitable supplemental assistance on a schedule the court sets.

Section 13. Integrity of Diplomatic Appointment

The conduct of the nation's foreign affairs shall not be sold. A person nominated to serve as an ambassador, chief of mission, or in any senior diplomatic post shall possess a demonstrated qualification for it — relevant experience, regional or subject-matter expertise, or command of a relevant language — and no such post shall be awarded, promised, traded, or arranged in exchange for a political contribution, fundraising, or party service. An appointment made in violation of this Section is void. The Senate may confirm a nominee who does not meet this qualification only by a recorded supermajority vote that states, on the public record, the particular reasons the nominee is nevertheless fit to serve. The foreign policy of the United States is a public trust held for the security of the people, not a reward for those who finance its officeholders.

> *Implementation — Constitutional Statute 35.*

Article Five

The Courts

↳ Implemented by *Constitutional Statute 2 — Judicial Ethics Commission Act*

Section 1. Supreme Court Terms and Appointments

The Supreme Court of the United States consists of nine Justices. This number may be changed only by a constitutional amendment under the ratification and amendment process established in Article One, Section 2 of this Constitution. Each Justice serves an 18-year active term, after which they may serve in a senior capacity on lower federal courts. One vacancy arises on the Supreme Court in each odd-numbered year. No President may make more than two Supreme Court appointments per four-year term; if a third vacancy arises, it waits for the next President to fill. Senate confirmation requires 60 votes. If the Senate has not voted within 180 days of a nomination, the Senate must bring the nomination to a floor vote.

The 18-year active term established by this provision specifically and exclusively modifies the "good behavior" tenure principle for Supreme Court Justices. Federal judges below the Supreme Court retain lifetime "good behavior" tenure under Article III as it has historically been understood. Upon completing 18 years of active Supreme Court service, a Justice retains full Article III judicial status — including salary, protections from removal except by impeachment, and immunity from coercive transfer — and serves as a Senior Judge available for assignment to federal circuit courts. The modification of "good behavior" tenure is limited to active Supreme Court service; it does not affect a Justice's Article III status after that active period.

Section 2. Anti-Nepotism

No person related within the second degree of consanguinity to any appointing official may be appointed by that official to any paid or unpaid federal position, including White House advisory roles. Violations render the appointment void and constitute an impeachable high crime.

Section 3. Judicial Ethics Commission

All federal judges, including Supreme Court Justices, are subject to a binding ethics code covering gifts, investments, travel, and conflicts of interest. An independent, bipartisan Judicial Ethics Commission — with nine members selected to ensure no partisan majority — investigates violations and refers findings for enforcement. Commissioners serve staggered terms and are removable only for cause by a two-thirds vote of the full Commission. Cause means willful misconduct, a felony offense, a material ethics code violation, or permanent incapacity. Policy disagreement is not cause.

Section 4. Court Jurisdiction; Injunctions; Recusal; State Sovereign Immunity

Federal courts handle cases involving this Constitution, federal law, treaties, disputes between states, and cases involving the federal government. Nationwide injunctions may only be issued by circuit courts of appeals or the Supreme Court — not by individual district court judges. Federal judges must recuse from cases in which they or an immediate family member holds a direct financial interest in the outcome.

States retain sovereign immunity from unconsented private suits in federal court. This immunity is subject to four exceptions only: (a) the United States may sue any state; (b) one state may sue another; (c) Congress may abrogate state sovereign immunity by clear statutory language when enforcing constitutional rights under this Constitution's enforcement provisions; and (d) any person may sue a state officer in their official capacity for prospective injunctive or declaratory relief to prevent the continuing or future enforcement of any state law or practice that violates this Constitution or federal law — consistent with Ex parte Young, 209 U.S. 123 (1908). This exception does not permit suits for monetary damages, retroactive relief, or judgments operating against the state treasury.

Section 5. Treason

Treason consists only of levying war against the United States or giving aid and comfort to its enemies. Conviction requires two witnesses to the same overt act or a confession in open court.

Article Six

The States

↳ Implemented by *Constitutional Statute 11 — Democratic Representation and States Rights Act*

Section 1. Full Faith and Credit

Every state must recognize the official acts, records, and court judgments of every other state, and all lawfully issued civil documents including marriages, adoptions, licenses, and court orders.

Section 2. Sanctuary Rights

If an act is lawful in a state, that state has no extradition obligation to a state where the act is unlawful. States may voluntarily cooperate with extradition when an act is also unlawful in the sanctuary state. Federal immigration enforcement operates independently — states may not obstruct it but may not be compelled to assist it.

Section 3. New States

New states require approval by two-thirds of both chambers and a majority referendum of the proposed state's residents. No state may be carved from an existing state without that state's consent.

Section 4. Republican Guarantee

The federal government guarantees every state a republican form of government. Citizens may sue in federal court to enforce this guarantee. A redistricting map or electoral rule that produces a consistent deviation of more than 15 percentage points between statewide popular vote share and legislative seat share for any party across three consecutive elections is presumptively in violation of this guarantee, subject to escalating federal remedies established by Constitutional Statute.

Section 5. Anti-Commandeering; Conditional Grants for New Constitutional Rights

The federal government may not compel states, their officers, or their legislatures to enforce federal law, implement federal programs, or use state resources for federal purposes. The federal government may offer financial incentives for state cooperation — provided those incentives are not so coercive as to leave states no real choice. The distinction between genuine incentive and coercive mandate is determined by federal courts. This section applies equally regardless of subject matter or which party controls the federal government.

The affirmative rights established in Article Two — including the rights to food, housing, healthcare, internet access, and education — are implemented primarily through the federal government's conditional grants power, not through direct commandeering of state administrative systems. States that elect to participate in federal implementation programs administer the right within

federal standards and receive federal funding to do so. States that decline may establish independent programs that meet the federal constitutional floor. In any jurisdiction where no functioning state or local program meets the floor, the federal government directly implements and administers the right. The constitutional floor is non-negotiable; only the administrative vehicle is a matter of state choice.

Section 6. The Right to Travel Between States

Every person has the right to travel freely within and between the states, and to establish residency in any state. No state may penalize, restrict, or take any adverse legal action against any person solely for having traveled to another state, for having sought services or taken actions in another state that were lawful there, or for having established new residency. A state may not prosecute, sue, or otherwise legally burden a resident for conduct that occurred in another state, was lawful in that state, and caused no direct harm to any specific person in the resident's home state. The right to travel is not contingent on purpose — the government may not distinguish between permissible and impermissible reasons for interstate travel.

Section 7. One Person, One Vote

Every person's vote for any elected federal, state, or local office carries equal weight. No system of voting, district drawing, or electoral administration may be designed or operated to make one person's vote count more than another's for the same office. Legislative and representative districts at every level of government are drawn on the basis of population, so that each district contains approximately the same number of residents. Traditional redistricting considerations — keeping communities together, following natural geographic boundaries, maintaining reasonable district shapes — are legitimate factors within the equal population requirement; they are not justifications for departing from it. The structural allocation of Senate seats — two per state — is a feature of the federal design addressed in Article Three and is not governed by this provision, which applies to all other representative bodies.

> *Implemented by Constitutional Statute 11 — Democratic Representation and States Rights Act, which establishes the 15-point gerrymandering standard, independent redistricting commission requirements, and the three-stage enforcement framework.*

Section 8. Territories: Rights, Representation, and Self-Determination

Every person born or naturalized in any territory of the United States is a citizen of the United States with the full constitutional rights of any other citizen. No resident of any territory may be denied any right guaranteed in this Constitution on account of their territory's status as a non-state jurisdiction. The doctrine that the Constitution does not fully follow the flag — that residents of territories are entitled to fewer constitutional protections than residents of states — is rejected. Citizens are citizens regardless of which part of the United States they inhabit.

Territories are represented in the House of Representatives proportionally by population, with voting Members equal to the representation they would receive as states. Each territory has one

delegate in the Senate with full committee membership, full floor speaking privileges, and the right to vote in committee on any matter — the Senate delegate does not have a floor vote on final passage of legislation, reflecting the territory's non-state status, but has all other senatorial prerogatives. Residents of all territories vote in presidential elections. Federal taxes paid by territorial residents fund the same federal programs territorial residents receive on the same terms as state residents.

Any territory may initiate a process of self-determination by referendum. A self-determination referendum may offer the following options: continued territorial status, statehood, or independence with a negotiated transition compact. The referendum is valid if at least 50% of eligible voters participate. The winning option requires a simple majority. Congress must consider and vote on the referendum result within two years of its certification. If Congress rejects a statehood petition, it must state specific reasons in writing and those reasons are reviewable in federal court for constitutional consistency. A territory that petitions for statehood and is rejected retains the right to petition again after five years; repeated rejection without constitutionally adequate justification creates a presumption of unconstitutional denial of equal citizenship that federal courts may remedy.

If a territory votes for independence, the United States must negotiate a transition compact within three years. The compact must address: the rights of residents who wish to retain US citizenship; trade and economic arrangements that protect the territory's economy during transition; security arrangements consistent with both parties' interests; and assumption of federal obligations incurred on behalf of the territory. No transition compact may diminish the individual constitutional rights of persons who retain US citizenship after independence. American Samoa's current unique status regarding citizenship and self-governance is preserved until American Samoa itself determines otherwise by referendum.

Part Three

Keeping Democracy Honest

Article Seven

Citizenship and the Tax Code

↳ Implemented by *Constitutional Statute 4 — Progressive Tax Framework Act*

Section 1. Citizenship

Persons born in the United States and subject to its jurisdiction are citizens from birth if at least one parent is domiciled in the United States — actually resident here and intending to remain — regardless of that parent's immigration status. A child born to a parent who is present only temporarily, and not domiciled in the United States, is not automatically a citizen; but no such child may be rendered stateless, and Congress must provide a mandatory path to legal status and citizenship for any such child. Domicile is determined by objective circumstances as established by Constitutional Statute, not by the parent's statement of intent alone.

Section 2. The Progressive Tax Code

The federal income tax shall be progressive — persons with higher incomes pay higher rates. No flat tax or regressive tax structure is constitutional. The income tax is progressive with at least five brackets. The top marginal rate on income above the 95th national income percentile must be at least 1.5 times the rate on income at the median. Congress sets specific rates within this structural requirement by majority vote; changes to the structural progressivity requirement itself require a 60% supermajority of both chambers. Capital gains and investment income are taxed as ordinary income — no preferential rate for money made from money. Inheritance above $5 million is taxed as income to the recipient — the same rate as earned income at their level — with an exemption for family farm and family business operating continuity as established by Constitutional Statute. Corporate income is taxed progressively between 21% and 35%. Congress may authorize no more than four categories of federal income tax deductions; any additional deduction requires a 60% supermajority of both chambers.

Section 3. Immigration Due Process

Every person within the jurisdiction of the United States, regardless of citizenship or immigration status, is entitled to the constitutional protections guaranteed by this document. The right to due process, the right against unreasonable searches and seizures, the prohibition against cruel and unusual punishment, and the right to equal protection apply to all persons, not only to citizens. The right to be

free from arbitrary detention — including administrative immigration detention — belongs to every person on United States soil.

No person may be removed from the United States without: notice of the basis for removal; a meaningful opportunity to be heard before a neutral adjudicator; the right to legal representation (at the person's own expense or through appointed counsel if the person cannot afford representation in removal proceedings); the right to present evidence and challenge the government's case; and the right to appeal a removal order to an Article III federal court. Removal proceedings conducted without these protections are void.

Any person detained pursuant to immigration authority must be brought before a neutral adjudicator within 48 hours of detention — consistent with Right 33 — and the government must demonstrate at that hearing that continued detention is necessary and lawful. Indefinite immigration detention without periodic judicial review is prohibited. The government must either remove a detainee within a reasonable time or release them. A person who has resided in the United States for more than ten years, established family connections, contributed to their community, and has no serious criminal history has a substantive constitutional right to heightened protection against removal. A removal order may be entered against such a person only upon a clear and convincing showing that a compelling governmental interest — such as a serious criminal history or documented threat to national security — outweighs the person's established ties. The government bears the burden of demonstrating this compelling interest; the burden does not shift to the long-term resident to justify their presence. Congress shall establish the immigration admission system, pathways to lawful status, and grounds for removal — but it may not eliminate the procedural protections of this provision. The manner of immigration regulation is congressional; the minimum procedural rights of those subject to that regulation are constitutional.

Section 4. Criminal Records and Second Chances

A person who has served their sentence has paid their debt to society. The permanent shadow of a criminal record — permanent exclusion from employment, housing, education, professional licensing, public benefits, and civic participation long after a sentence is completed — is a second punishment that is often longer and more damaging than the first. This Constitution rejects the principle that a criminal conviction is a permanent mark that defines a person for the rest of their life.

Every person who has completed all terms of their sentence — including probation and parole — is entitled to have their conviction records sealed from public access after a period of law-abiding conduct of no less than five years for misdemeanors and no less than seven years for non-violent felonies, upon petition and judicial finding that the person poses no ongoing public safety risk. Sealed records may be accessed only by law enforcement for legitimate criminal investigation purposes and may not be disclosed to employers, landlords, educational institutions, or licensing bodies. Arrests that did not result in conviction must be sealed automatically.

No employer may categorically refuse to consider applicants with criminal records without assessing whether the specific conviction is directly relevant to the specific job. No housing provider receiving federal assistance may categorically reject applicants based on criminal records without individualized assessment. Professional licensing boards may not categorically deny licenses based on criminal records unrelated to the licensed profession. These protections apply to all persons regardless of the nature of their record, subject only to reasonable exceptions for positions involving direct access to children, vulnerable adults, or public trust responsibilities.

Section 5. Reparations: The Obligation to Remedy Documented Historical Injustice

The United States government engaged in legally sanctioned slavery from the nation's founding until 1865. Following abolition, the government engaged in a century of legally enforced racial apartheid — including the systematic denial of voting rights, educational opportunity, housing access, business loans, and wealth-building mechanisms to Black Americans — that produced a documented, quantifiable, and continuing wealth gap. The federal government also engaged in documented discrimination against Japanese Americans, Native Americans, Latino communities, and other groups through policies whose economic consequences compound to the present day.

The acknowledgment of these facts is not a political position — it is history. The obligation to study and address the ongoing economic consequences of government-sponsored discrimination is a constitutional obligation of this government, which is the successor to the governments that enacted those policies. The National Historical Injustice Commission established by Constitutional Statute shall produce a comprehensive economic accounting of the documented harm caused by federal discriminatory policies, calculate the range of approaches to remedy, and recommend specific remediation mechanisms to Congress. Congress must bring legislation addressing the Commission's findings to a recorded vote within three years of the Commission's final report. The right of Congress to determine the specific form of any remedy is preserved; the obligation to engage seriously with the question of remedy is constitutional.

> *The National Historical Injustice Commission established in this Section is created, structured, and governed by Constitutional Statute 17 — National Historical Injustice Commission Act.*

Section 6. Property Tax Standards

Property tax distinguishes homes from investment and commercial property.

Owner-occupied homes. Where a dwelling is occupied as a primary residence by its owner or by an immediate family member of the owner, a state or locality may levy property tax only against the assessed value of the land. The dwelling or other structure is not subject to recurring property tax and may be taxed only once, at the time of its construction or purchase, consistent with the taxation of any other purchased good. The assessed land value may not be increased by more than 1% annually above its value at the time of the parcel's most recent sale, regardless of any rise in market value during the

owner's continuous ownership. This protection applies whether or not the home is subject to a mortgage or other lien.

Investment, rental, and commercial property. Where a property is rented or leased to another, is used for commercial purposes, or is not occupied by its owner or an immediate family member as a primary residence, it is subject to recurring property tax on its full assessed value, including both land and structures. The land-only rule, the assessment cap, and the retirement exemption of this Section do not apply to it. This full-value taxation of rental and commercial property funds the roads, schools, and public services on which all residents depend. **Retirement exemption.** An owner who has held continuous ownership of the same owner-occupied home for not less than 25 years, who has reached the age the federal government recognizes as full retirement age, and who owns the home free of any mortgage or other lien, is exempt from land property tax on that property for the duration of their continued ownership and occupancy. Upon that owner's death, a surviving spouse or family member who occupied the property as their own primary residence before the death, and who continues to occupy it as their primary residence, retains this exemption regardless of their own age. The exemption does not transfer to any other person or property, and a new owner is subject to this Section's standards from the time of their own acquisition.

State rate-setting. A state or locality retains authority to set its own property tax rate to fund local services. That authority is subject to two limits: the home protections of this Section — land-only assessment, the 1% assessment cap, and the retirement exemption — are floors that no rate, formula, surcharge, reclassification, or other device may pierce or circumvent; and the effective rate applied to an owner-occupied home may not exceed the effective rate applied to investment, rental, or commercial property, so that the protection of homes may never be inverted into a penalty upon them.

> *Implemented by Constitutional Statute 4 — Progressive Tax Framework Act.*

Section 7. Enforcement May Not Be Starved

The capacity to enforce the tax laws against high-income individuals, large corporations, and complex entities shall not be reduced below a floor, set by Constitutional Statute, proportional to the number, income, and complexity of those subject to enforcement. Audit and examination coverage of the highest-income returns and the largest entities shall not fall below the rates that Statute sets, and the resources devoted to that enforcement shall not be cut as a means of shielding the powerful from scrutiny. Tax enforcement is a duty owed to every honest taxpayer; to starve it selectively is to grant the wealthy a private exemption the law never wrote.

> *Implementation — Constitutional Statute 4.*

Article Eight

Campaign Finance and National Referendum

↳ Implemented by *Constitutional Statute 5 — Public Campaign Finance and National Referendum Act*

Section 1. National Referendum

A petition signed by 10% or more of registered voters in 30 or more states triggers a national referendum. A national law passes by a majority in 26 or more states. Constitutional amendments still require the Article Five threshold regardless of referendum results. Congress must schedule the referendum within 90 days of certification. The Office of the National Referendum administers this process as established by Constitutional Statute.

Section 2. Public Financing

All federal campaign funding is state-administered public money.

Section 3. No Private Money in Federal Elections

No candidate for any federal office may accept any private donation from any person, corporation, union, association, or other entity. No organization may make any expenditure in connection with any federal election.

Section 4. Independent Citizen Expenditures

Individual citizens may make independent expenditures of up to $25,000 per election cycle for issue advocacy not coordinated with any candidate or party, with public disclosure within 48 hours. This cap is adjusted annually for inflation using the Consumer Price Index, with the base year being the year this Constitution takes effect.

Section 5. Advertising Spending Cap

An advertising spending cap per candidate applies as established by Constitutional Statute.

Section 6. Real-Time Public Accounting

A public real-time accounting system tracks all campaign expenditures.

Section 7. Office of Public Campaign Finance

The Office of Public Campaign Finance administers this system; its Director serves a fixed term and is removable only by impeachment or upon a judicial finding of cause — meaning willful misconduct, a felony, or permanent incapacity.

Article Nine

Electoral and Judicial Reform

↳ Implemented by *Constitutional Statute 10 — Federal Elections Tabulation Standards Act*

Section 1. Supreme Court Terms, Composition, and Appointment

Supreme Court terms, composition, and appointment procedures are governed by Article Five (The Courts) and its implementing Constitutional Statute. Those provisions apply in full and are not repeated here.

Section 2. Judicial Confirmation Requirements

Confirmation requirements for judicial appointments are governed by Article Five (The Courts) and its implementing Constitutional Statute. Those provisions apply in full and are not repeated here.

Section 3. Judicial Ethics

Judicial ethics — the binding ethics code and the Judicial Ethics Commission — are governed by Article Five (The Courts) and Constitutional Statute 2 (Judicial Ethics Commission Act). Those provisions apply in full and are not repeated here.

Section 4. Ranked-Choice Voting

All federal general elections use ranked-choice voting, enacted pursuant to Congress's plenary authority over federal elections under Article Three of this Constitution. This requirement applies exclusively to the tabulation of votes for federal offices — President, Senate, and House — and does not require states to use ranked-choice voting for their own state and local elections. The federal government provides all software, funding, and training necessary for states to implement ranked-choice counting for federal ballots. Parties choose their own primary format — open or closed at the party's election. At least two candidates must advance from any primary to the general election.

Section 5. Disclosure and Permanent Lobbying Ban

Every federal officeholder and senior staff member must file annual financial disclosures. The GAO publishes a two-year tax summary for all federal officeholders.

The following persons are permanently prohibited from registering as lobbyists or from performing any lobbying function for the rest of their lives: Presidents, Vice Presidents, Members of Congress, Supreme Court Justices, and their senior staff — meaning chiefs of staff, deputy chiefs of staff, legislative directors, general counsel, communications directors, and any other staff member with authority to direct policy, negotiate on behalf of the official, or make decisions binding the official's office. Junior and administrative staff — including legislative assistants, caseworkers, schedulers, and

interns — are not subject to the lifetime ban and instead face the six-year cooling-off period and lifetime foreign lobbying ban applicable to senior officials below this level. The lifetime ban extends to the immediate family members of covered officials and senior staff for the duration of the official's or senior staff member's service. Senior officials below this level face a six-year cooling-off period and a lifetime ban on foreign lobbying.

Article Ten

Keeping Power Honest

↳ Implemented by *Constitutional Statute 12 — Media Accountability and Platform Transparency Act* (media and platform provisions) and *Constitutional Statute 1 — Congressional Operations and Ethics Implementation Act* (lobbying and ethics provisions)

Section 1. Executive Order Limits

Executive orders expire after four years, may be reissued once, and after two presidential terms must be codified by Congress or expire permanently.

Section 2. Emergency Declaration Limits

Emergency declarations last 180 days and require congressional renewal to extend, with a maximum of two renewals.

Section 3. Pardon Accountability

Pardon restrictions and personal criminal liability for corrupt pardons are established in Article Four, Section 2.

Section 4. Revolving Door and Foreign Lobbying Ban

The six-year revolving door ban and lifetime foreign lobbying ban are established in Article Nine, Section 5.

Section 5. Agency Independence; Inspector General Protection

No branch of government may defund or reduce the appropriations of any federal agency below the level necessary to fulfill its statutory mandate. Statutory overreach by any agency may be corrected by Congress by simple majority vote with a specific written finding identifying the overreach.

Every principal department and major agency of the executive branch shall have an Inspector General with independent authority to audit, investigate, and report on waste, fraud, abuse, and mismanagement within that agency. Inspectors General are appointed by the President and confirmed by the Senate for seven-year staggered terms. An Inspector General may be removed only for cause — defined as willful misconduct, a felony conviction, a material ethics violation, or permanent incapacity — and for no reason related to the subject matter of any ongoing or completed investigation. A removal motivated by an IG's investigative work is void regardless of any pretextual cause stated.

The President must notify Congress in writing 30 days before removing any Inspector General, stating the specific cause with particularity. The affected Inspector General may, within 5 days of the removal notice, petition the United States Court of Appeals for the D.C. Circuit for review, which must

render its decision within 60 days. The Inspector General retains full authority pending the court's ruling on a motion for a stay, which the court grants upon a showing of a likelihood of success on the merits and irreparable harm, applying ordinary equitable standards. While any stay is in effect, the Inspector General may not be reassigned, demoted, or have their jurisdiction restricted.

Inspectors General report simultaneously to the agency head and directly to the relevant congressional oversight committees with equal authority. No agency head may direct, delay, restrict, or suppress an Inspector General's report, investigation, or subpoena. An attempt to do so constitutes obstruction of a constitutional function and is itself subject to investigation by any other Inspector General or the Government Accountability Office. Retaliation against any employee who cooperates with, reports to, or provides information to an Inspector General is a federal crime carrying personal liability for the retaliating official. No Inspector General office may be left vacant to defeat this Section: the President shall nominate a successor within 90 days of any vacancy, and if the office is not filled, the senior career official within it shall automatically serve as Acting Inspector General with the full authority and protections of a confirmed Inspector General until the Senate confirms a successor. An empty watchdog office is as much a violation of this Section as a suppressed one.

Section 6. Media Accountability; Anti-Nepotism

A self-regulatory Public Airwaves Accountability Board maintains truth and public service standards for broadcast licensees. No single person, corporation, or entity under common ownership or control shall own or operate news or broadcasting outlets reaching more than 40% of the national audience in any single medium, or reaching more than 40% of the American adult population in aggregate across all media types combined. The cross-ownership prohibition for communications platforms reaching 10% or more of the American adult population, including the effective-control standard and mandatory divestiture remedy, is established under Article Eighteen, Section 2.

The anti-nepotism prohibition established in Article Two applies to all federal appointments by all federal officials and is enforced as provided in that Article.

Section 7. Algorithmic Transparency

Any platform that uses automated systems to amplify, suppress, or alter the distribution of political content must disclose to each user whether that content’s distribution has been algorithmically altered and whether any payment was made to amplify it.

Section 8. The Right to a Chronological Feed

Every user has the right to view any platform’s political content in reverse chronological order without algorithmic modification.

Section 9. Think Tank and Advocacy Disclosure

Think tanks and advocacy organizations that spend significant time advancing specific legislation must register and disclose funders and expenditures as established by Constitutional Statute.

Section 10. Lobbyist Meeting Disclosure

Every Member of Congress and senior congressional staffer must publicly disclose within 48 hours any meeting with a registered lobbyist, foreign agent, or paid advocate about pending legislation, including who attended and the general topic discussed.

Section 11. Comprehensive Whistleblower Protection Act Directive

Congress shall enact a Comprehensive Whistleblower Protection Act that establishes a unified standard for protected disclosure applicable across all federal statutes and all sectors of the economy. The Act must provide: a private right of action in federal court with a minimum three-year statute of limitations running from the date the discloser knew or reasonably should have known of the retaliation; reinstatement, back pay, compensatory damages, and punitive damages as mandatory available remedies; an independent federal Whistleblower Protection Ombudsman with independent investigative authority, direct reporting to Congress, and removal-for-cause protections equivalent to those provided to Inspectors General under Article 10, Section 5; and criminal penalties for any person who retaliates against a protected discloser.

No non-disclosure agreement, employment contract, security clearance condition, or government classification decision may be used to prohibit a person from reporting potential violations of law, safety hazards, fraud, or abuse of authority to any responsible oversight authority. This prohibition is self-executing — it requires no further legislation to take effect, and any agreement that violates it is void from the moment of execution, not merely from the date of judicial decision. Prosecutors and enforcement agencies may not condition prosecution declinations, deferred prosecution agreements, or civil settlements on requirements that would prevent a witness or party from reporting related conduct to oversight authorities.

Part Four

What the Government Must Deliver

Article Eleven

The Human Lives Are Not Commodities Act — Healthcare Delivery

↳ Implemented by *Constitutional Statute 3 — Essential Care System Implementation Act*

Section 1. Constitutional Requirements of the Essential Care System

The Essential Care system shall operate under the following constitutional requirements, with mechanisms established by Constitutional Statute: (a) price ceilings on all Essential Care services, below which market competition is permitted; (b) insurance companies providing Essential Care are regulated utilities with overhead limits, prior authorization restrictions, and surprise billing prohibitions; (c) drug prices for Essential Care medications shall not exceed an international reference price established by Constitutional Statute, with a limited premium for new drugs during their initial market period; (d) no hospital system shall control more than 30% of the healthcare market in any regional area; (e) Congress shall maintain a public option — a government-run healthcare plan available to all at cost with no profit motive — that may not be defunded to protect private insurers; (f) dental, vision, and hearing care are included in Essential Care; (g) Medicare buy-in at 60 on a sliding-scale basis is available to all persons who qualify; (h) any executive who knowingly designs or implements a systematic policy of denying medically necessary Essential Care primarily to increase profits faces personal criminal liability and personal civil liability not indemnifiable by their employer; (i) the Healthcare Trust Fund is ring-fenced from the general federal budget; (j) Congress shall maintain a Strategic Essential Medicines Reserve as a backstop when markets fail to supply essential medications; and (k) the regulation of the price of medicines and health goods and services, and the negotiation of prices as a condition of participation in the Essential Care System, is a legitimate exercise of the power to protect public health and does not constitute a taking of private property. No person holds a constitutional right to an unregulated or monopoly price for a medicine. A patent or other exclusive right in a medicine is a public grant of a limited monopoly, granted on the condition that it serve the public good, and the public's reservation of authority to license its use for a reasonable royalty, or to regulate its price, when necessary to make an essential medicine available and affordable, is a term of that grant and not a deprivation of property. Participation in the Essential Care System is a voluntary commercial relationship; a manufacturer or seller may decline to participate, but may not both withhold an essential medicine from the public and prevent the public from obtaining it through licensed production or public manufacture; and (l) the public option required by subsection (e) shall

enroll every child automatically from birth, with no waiting period and no gap in coverage, subject to a parent's or guardian's right to opt the child into other qualifying coverage; default enrollment in the public option shall also attach automatically at the coverage-transition points of working life, subject to a right to opt out, so that coverage is the default condition of every person and its absence requires an affirmative choice. The automatic enrollment of children admits no phase-in or delay. A risk-equalization mechanism shall operate among the public option and private insurers so that no plan is advantaged by enrolling the healthy or burdened by enrolling the sick. and (m) Essential Care is a universal floor covering all medically necessary care, and it may never be diminished, delayed, or made harder to obtain for any person because a private enhanced plan exists; the adequacy of the floor is protected independently of any private tier. An employer may offer, and contribute to, an enhanced health plan providing benefits above the Essential Care floor — such as elective procedures, expedited scheduling, broader provider choice, private accommodation, and comparable amenities — but no enhanced plan may substitute for, condition, gate, or reduce any person's Essential Care, and any term purporting to do so is void. Enrollment in an enhanced plan is voluntary for the employee and requires only a change-of-status filing; no person may be penalized, taxed, or denied Essential Care for declining one, and no individual mandate to hold private coverage shall exist. Every employer that provides work bears a share of the nation's care burden proportional to its size and revenue; this obligation rises smoothly with the employer's scale, without threshold or cliff, and an employer that does not meet it through an enhanced plan contributes the equivalent to the public Essential Care fund. Where an employer offers or contributes to an enhanced plan, every worker engaged twenty or more hours per week is eligible on equal terms. The contribution schedule, filing mechanism, and enforcement are established by Constitutional Statute.

Article Twelve

Surveillance Framework

↳ Implemented by *Constitutional Statute 13 — Federal Surveillance Standards and Privacy Act*

Section 1. Federal Surveillance

The federal government may operate passive video surveillance only within 1,000 yards of federally owned buildings and facilities. Outside that zone, any targeted surveillance of a specific named individual requires a warrant specifying the individual, the crime under investigation, and a duration not exceeding 90 days. All federal surveillance data is the exclusive property of the federal government, may not be shared with private entities without a warrant, and may not be retained beyond 180 days unless part of an active warranted investigation. Bulk collection of surveillance data on persons not named in valid warrants is prohibited.

Section 2. State Surveillance

States may operate surveillance within 1,000 yards of state-owned public buildings. State surveillance data is the exclusive property of the state. Vendors may retain only anonymized aggregate data. Every person has the right to access data collected about them by government surveillance systems through a real-time citizen portal, except where an active investigation is underway; courts confirm or deny the existence of active surveillance within 30 days of any inquiry.

Section 3. Private Surveillance

Businesses may operate surveillance systems on their own property for security purposes. Three permitted law enforcement sharing scenarios are established by Constitutional Statute. Tampering with surveillance data or systems is a federal felony. Government officials who tamper face an enhanced charge at double the minimum penalty plus a lifetime bar from public office.

Article Thirteen

Workers' Rights

↳ Implemented by *Constitutional Statute 6 — Workers' Rights Implementation Act*

Section 1. Living Wage

The federal minimum wage is set regionally at 50% of the BLS regional median hourly wage, updated every two years. No subminimum wage category exists for any class of worker. Overtime at time-and-a-half applies for hours 40-50; double-time applies above 50. No averaging across weeks is permitted. Constitutional Statute Constitutional Statute 6 establishes the specific regional formula and enforcement mechanisms.

Section 2. Pay Transparency

Employers above the threshold established by Constitutional Statute 6 must publish pay ranges and report median pay by gender and race to a federal registry. Statistical disparities create a rebuttable presumption of discrimination.

Section 3. Organizing Rights

Every worker — regardless of employment classification, industry, or immigration status — has the constitutional right to organize, join a union, bargain collectively, and strike. No employer may permanently replace a striking worker. Reinstatement upon conclusion of a strike is mandatory. Union membership is voluntary — no worker may be compelled to join or pay dues as a condition of employment.

Section 4. Gig Worker Employment Presumption

Any person performing work for a single entity constituting more than 50% of their income over 90 consecutive days is presumed to be an employee entitled to all protections of this Article, unless the engaging entity establishes all four conditions of the ABC test as established in Constitutional Statute 6. The engaging entity bears the burden. Any single condition unmet maintains the employment presumption.

Section 5. Data Pricing

When personal data is used to set a higher price than the standard rate, disclosure is required at point of sale. Any customer may request the standard non-personalized price and may not be denied it.

Section 6. Worker Protections Against Offshoring

Any corporation primarily organized in or primarily doing business in the United States that relocates operations outside the United States resulting in the net elimination of 50 or more jobs within 12

months must provide: 180 days written notice to affected workers; and severance of not less than one month's pay per year of service. Corporations that relocate without meeting these obligations are ineligible for federal contracts, tax credits, subsidies, or public rescue for five years following the relocation; ineligibility for public rescue extends to ten years.

Section 7. Workplace Safety

Implemented by: *Constitutional Statute 6 — Workers' Rights Implementation Act, Section 14 (Workplace Safety provisions)*

Every worker has the right to a workplace free from recognized hazards that are likely to cause death or serious physical harm. This right is not contingent on the size of the employer, the sector of the economy, or the classification of the worker — it applies to every person who performs labor in exchange for compensation, regardless of whether they are classified as an employee or an independent contractor.

No employer may require a worker to perform any task that presents an imminent danger to their life or safety. A worker who refuses to perform work that presents a specific, articulable, imminent danger to their life or physical safety — meaning a condition that could reasonably be expected to cause death or serious physical harm before the hazard can be eliminated through normal enforcement — may not be discharged, disciplined, demoted, reduced in pay, or otherwise penalized for that refusal. The refusal must be made in good faith; the worker need not prove the danger was real, only that a reasonable person in the same circumstances would have concluded the danger was present.

Employers must report any work-related death to the responsible federal agency within 8 hours of learning of the death, and any work-related hospitalization, amputation, or loss of an eye within 24 hours. Failure to report is itself a violation independent of the underlying incident. Workers, their designated representatives, and recognized unions have the right to request a safety inspection of any workplace by the responsible federal agency and to accompany the inspector during that inspection. An employer may not interfere with, delay, or discourage a requested inspection.

Congress shall implement this right by statute establishing specific safety standards by industry and hazard type, inspection authority and frequency, citation and penalty procedures with penalties calibrated to the severity of the violation and the resources of the employer, and enhanced penalties for willful or repeat violations. Retaliation against any worker who reports a safety violation, requests an inspection, participates in an inspection, or exercises the right of refusal is a federal crime. Congress shall also establish a private right of action for workers harmed by willful safety violations.

> *Implemented by Constitutional Statute 6 — Workers' Rights Implementation Act.*

Section 8. Pension and Retirement Benefits: Earned Rights Cannot Be Taken

Pension and retirement benefits that a worker has earned through their labor are deferred wages. They are not a gift from the employer, not a discretionary benefit subject to unilateral revision, and not an asset of the employer available for corporate purposes. Once a worker has met the applicable vesting

requirements established by their plan or by law, their accrued pension benefit is a vested property right protected by this Constitution. No employer — and no plan sponsor, trustee, bankruptcy court, or successor entity — may unilaterally reduce, eliminate, or transfer a vested accrued pension benefit without the informed written consent of the affected worker. This protection applies to defined benefit pension plans, defined contribution plans, and any hybrid arrangement in which the employer has made a binding commitment to provide a specific benefit.

An employer who sponsors a defined benefit pension plan has an ongoing fiduciary obligation to fund that plan adequately to meet its projected benefit obligations. Plan assets are held in trust for the exclusive benefit of plan participants and beneficiaries — they may not be used for any corporate purpose, returned to the employer, or invested in ways that primarily serve the employer's interests rather than participants' interests. Every plan fiduciary — whether a corporate officer, external investment manager, or plan administrator — is personally liable for losses caused by a breach of this fiduciary duty. Fiduciary responsibility cannot be waived, delegated away, or disclaimed by contract.

Workers must be informed annually of the funded status of any defined benefit plan in which they participate, expressed in plain language as the percentage of projected obligations currently funded and the trend over the preceding five years. A plan that falls below 80% funded status must notify participants immediately and establish a remediation schedule approved by the responsible federal agency. A plan sponsor that knowingly provides false or misleading information about a plan's funded status to participants or to regulators is subject to criminal liability. Any pension beneficiary whose vested benefits are proposed to be reduced in a bankruptcy or reorganization proceeding has standing as a party in interest in that proceeding for the purpose of asserting their constitutional rights under this Article. The bankruptcy or reorganization court must make an explicit finding that any proposed pension reduction complies with the constitutional requirements of this provision before confirming any plan containing such a reduction. A plan confirmation that fails to make this finding is appealable by any affected pension beneficiary on an expedited basis to the relevant circuit court.

Congress shall establish a federal insurance mechanism for defined benefit plans that guarantees minimum benefits in the event of plan termination due to employer insolvency. The insurance program shall be funded by premiums paid by covered employers, with premium rates calibrated to the funded status and risk profile of each plan — employers who maintain adequately funded plans pay lower premiums than those who allow funding deficits to accumulate. Workers in plans that terminate due to employer insolvency shall receive guaranteed minimum benefits without interruption while the insurance determination is pending.

> *Implemented by Constitutional Statute 6 — Workers' Rights Implementation Act.*

Article Fourteen

Housing and Broadband

↳ Implemented by *Constitutional Statute 14 — National Housing Infrastructure and Broadband Access Act*

Section 1. Housing as National Infrastructure

Housing is national infrastructure. Congress shall maintain a National Housing Infrastructure Program. Federal infrastructure funds are conditioned on states and localities eliminating single-family-only zoning, establishing 90-day permitting processes, and removing parking minimums near transit. Congress shall maintain a matched savings homebuyer program and a Community Reinvestment Infrastructure Fund targeting historically redlined census tracts. Specific parameters are established by Constitutional Statute.

Section 2. Broadband as Essential Infrastructure

Broadband internet is essential public infrastructure. Congress shall maintain a Universal Broadband Service Program ensuring every household has access to broadband meeting the minimum speed standard established by Constitutional Statute. Any internet service provider controlling 40% or more of any geographic market is a common carrier — it may not throttle, block, or engage in paid prioritization of lawful internet traffic. State participation in federal broadband programs is voluntary.

Article Fifteen

Education

↳ Implemented by *Constitutional Statute 8 — Education Investment Act*

Section 1. Free Community College

Tuition at all public community colleges is free for citizens and qualifying lawful permanent residents. Congress funds all eligible students. Operational details established by Constitutional Statute 8.

Section 2. Public University Tuition Cap

Annual tuition at public four-year universities may not exceed 10% of the state median household income. Federal grants cover the gap for eligible students. Details in Constitutional Statute 8.

Section 3. Teacher Pay Floor

The federal government establishes a minimum teacher pay floor at the regional median wage for holders of a bachelor's degree in each BLS region, updated every two years. States may pay more. Details in Constitutional Statute 8.

Section 4. Universal Childcare

No working or student family pays more than 7% of gross household income for licensed childcare for children under five. The federal government funds all eligible families. Parents choose their provider. No government entity may impose any curriculum on any provider. Details in Constitutional Statute 8.

Section 5. School Choice

Each family is entitled to a Portable Education Account funded at 80% of per-pupil expenditure, usable at any accredited school — public, private, or religious — that does not discriminate on the basis of any characteristic protected by this Constitution, is accredited by a recognized body, and respects organizing rights for non-ministerial staff. Public schools retain 20% of per-pupil expenditure. State administration is voluntary. Details in Constitutional Statute 8.

Section 6. Parental Rights

Parents may access their child's complete curriculum and may opt their own child out of specific instruction they object to. No parent may opt their child out of factually accurate science, history, or civics instruction. Opt-out rights cover only the parent's own child.

Article Sixteen

Climate, Energy, and Environmental Justice

↳ Implemented by *Constitutional Statute 7 — National Climate Strategy and Science Board Act*

Section 1. National Climate Science Board

An independent National Climate Science Board of climate scientists sets emissions reduction targets based on the best available science. Members serve staggered eight-year terms, have no financial interest in energy companies, and may not be directed by elected officials on their scientific findings. Composition details in Constitutional Statute 7.

Section 2. Congressional Climate Strategy

Congress shall maintain an active National Climate Strategy updated at least every five years with specific, quantified emissions reduction targets. A strategy is constitutionally inadequate as a matter of law if: (a) it lacks specific, quantified targets for each five-year period; (b) the Congressional Budget Office projects it will achieve less than 50% of its own stated targets; or (c) the Science Board certifies by two-thirds vote that it is scientifically incapable of achieving its stated temperature stabilization targets. Any person may challenge an inadequate strategy on these three objective criteria only. Courts may compel Congress to bring a replacement to a recorded vote within one year but may not dictate content. Federal operations achieve net-zero emissions by January 1, 2040.

Section 3. Energy Tax Neutrality

No fuel source or energy technology may receive preferential federal tax treatment unavailable to competing alternatives. Technology-neutral clean energy credits are a permitted additional deduction category.

Section 4. Environmental Burden Standard

No new major polluting facility may be sited in a community whose environmental burden already exceeds the national median, without a demonstrated net pollution reduction in that community. The National Environmental Burden Registry maps pollution burdens across all census tracts annually. Details in Constitutional Statute 7.

Section 5. Grid Modernization

The national electrical grid is critical national infrastructure. Congress shall maintain a technology-neutral National Grid Modernization Program. FERC enforces reliability standards.

Article Seventeen

Completing the Democratic Promise

↳ Implemented by *Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act* (most provisions); *Constitutional Statute 17 — National Historical Injustice Commission Act* (Historical Injustice Commission)

Section 1. National Historical Injustice Commission

A 15-member independent commission with subpoena power and a five-year mandate produces a factual economic accounting of the legacy of slavery and government-sanctioned racial injustice. It may not be defunded before delivering its final report. Congress must hold public hearings within six months of delivery and bring specific legislation to a recorded vote within two years.

Section 2. Marijuana

Federal marijuana prohibition ends upon ratification. Every federal conviction for simple possession is automatically expunged within 180 days. Re-scheduling requires an NIH scientific finding and federal court affirmation.

Section 3. Federal Death Penalty Abolished

The federal government may not carry out any execution. Life without parole is the federal maximum. All existing federal death sentences are automatically converted to life upon ratification within 180 days. No hearing is required. Converted persons may petition for further reduction within one year. The automatic conversion is the constitutional floor and may not itself be contested.

Section 4. Social Security

No act of Congress may reduce Social Security benefits below ratification-era levels, increase the retirement age, or reduce the payroll tax cap. The Trust Fund is ring-fenced from the general budget. Congress may expand benefits if fully funded within Social Security's own financing structure for 75 years.

Section 5. Diplomatic Parity

Diplomacy, foreign assistance, and international development are funded at no less than 10% of the defense appropriation each fiscal year. Reducing this floor requires a three-fifths supermajority of both chambers.

Section 6. Voting Rights Preclearance

Any jurisdiction subject to a judgment — whether or not final on appeal — finding a violation of any federal voting rights law enters mandatory preclearance from the date of that judgment for ten years

from the original district court judgment. During preclearance, no voting law change takes effect without prior approval. Reversal on appeal exits preclearance within 30 days. These provisions apply equally to every jurisdiction nationwide.

Section 7. Washington, Douglass Commonwealth

The District of Columbia, excluding the federal enclave described in Article Three, Section 7, is admitted as a state under the name Washington, Douglass Commonwealth, pursuant to Article Six, Section 3, upon certification of a majority referendum of District residents in favor of statehood. Because the District of Columbia is not currently part of any state, no state's consent is required for this admission.

Part Five

Protecting Democracy from Concentrated Private

Article Eighteen

Protection Against Private Oligarchic Power

↳ Implemented by *Constitutional Statute 9 — Anti-Oligarchy Implementation Act* (Sections 1, 3, and 4); *Constitutional Statute 12 — Media Accountability and Platform Transparency Act* (Section 2 — Communications Platform Accountability and Cross-Ownership Prohibition)

Section 1. The General Anti-Monopoly Principle; Private Equity Prohibition

No private entity may acquire or maintain dominance over any market, platform, network, or service essential to the daily life, economic participation, or democratic participation of Americans without being subject to democratic oversight. A market is essential when it meets any one of three objective criteria: (a) no practical alternative exists for a basic need; (b) participation is a practical prerequisite to full economic or democratic participation; or (c) a single entity controls pricing without meaningful competitive constraint. The FTC makes written designation findings, published for 90-day public comment, subject to substantial evidence judicial review. Democratic accountability requirements, antitrust enforcement as a constitutional obligation, and private rights of action are established. Details in Constitutional Statute 9.

Private Equity Extraction Prohibition. No private equity firm may acquire a controlling interest in any hospital, nursing home, assisted living facility, emergency medical service, or local newspaper that is the primary or sole provider of that service within a 50-mile radius. For existing holdings, acquiring entities may not load debt above 3x EBITDA, charge management fees above 2% of annual revenue, pay distributions while operational obligations are past due, or reduce staffing below regulatory minimums. Violations trigger mandatory divestiture and personal civil liability for controlling executives. Specific parameters in Constitutional Statute 9.

Section 2. Communications Platform Accountability; Cross-Ownership Prohibition

Any platform used by 10% or more of American adults as a primary political news or information source is a common carrier for political speech. It must carry all political speech without viewpoint discrimination and apply its rules evenhandedly across all viewpoints. Platforms may use content-neutral algorithms — applied consistently. Platforms are not required to actively amplify any content. Platform owners may not direct their platforms to suppress or amplify content based on the owner's

political or financial interests; any such owner-directed treatment must be disclosed. No individual may simultaneously hold controlling interests in more than one platform reaching 10%+ of Americans across different media categories. Mandatory divestiture within 18 months; no exemptions or grandfathering. The Digital Communications Accountability Board enforces this section. Details in Constitutional Statute 12.

Section 3. Regulatory Capture Prohibition

No person may serve in any senior regulatory position at a federal agency if, within the preceding seven years, they worked as a registered lobbyist for the regulated industry, served as a senior executive of a company in that industry, or received more than $500,000 in compensation from companies in that industry. The same seven-year restriction applies post-service. Appointments in violation are void. Post-service violations are a federal felony with mandatory minimum penalties, forfeiture, and permanent disqualification from federal office. OGE maintains a public quarterly registry. Details in Constitutional Statute 9.

Section 4. Public Rescue Accountability

When the federal government provides any form of public rescue to any private entity meeting the essential market threshold, that rescue shall include as mandatory conditions: equity ownership by the federal government proportionate to funds provided; executive compensation limited to ten times the entity's median employee wage; prohibition on stock buybacks, dividends, and distributions; mandatory profit-sharing until the full public investment is returned; and structural reforms to prevent recurrence. Congress may provide more protection but not less. Executives who receive compensation in violation face personal liability for the full amount plus an equal civil penalty.

When the public holds an equity stake in any private enterprise — whether acquired through public rescue, strategic investment, capitalization, or as a condition of public support — that stake is held in trust for the people. It may not be sold, transferred, or surrendered to insiders, to the enterprise's officers or controlling owners, or on terms unavailable to the public, and its dividends, proceeds, and gains belong to the people and shall be paid into the permanent public trust established by law. The public's ownership share carries the public's interest, not merely a financial return; it may never be used to shield the enterprise from the duties this Constitution imposes.

> *Implemented by Constitutional Statute 9.*

Section 5. Corporate Stakeholder Governance: The End of Shareholder Primacy

There is a rule that has governed American corporate life for over a century without ever being enacted by a legislature, approved by voters, or reviewed by the Supreme Court of the United States. It is the rule that a corporation exists solely to generate financial returns for its shareholders — and that an officer or director who prioritizes workers, takes a moral stance, or chooses long-term value over short-term profit is legally exposed to shareholder lawsuits for doing so. The Supreme Court declined to review *Dodge v. Ford Motor Co.* (204 Mich. 459, 1919), the case that established this doctrine —

and by that refusal, left every state to enforce it as the default rule of corporate governance. The result is a legal environment in which the CEO who wants to pay their workers well can be sued for it, and the founder who wants to refuse business with an entity they find morally repugnant can be forced into that relationship by a shareholder threatening litigation. This section ends that. The people of the United States, through this Constitution, hereby establish a different rule. **The Standard.** No corporation, limited liability company, partnership, or other business entity operating under federal or state law — and no officer, director, founder, controlling person, or board member of any such entity — is required by federal or state law to prioritize the short-term financial returns of shareholders above the long-term interests of the entity's workers, customers, communities, or the public. The shareholder primacy doctrine, as established by *Dodge v. Ford Motor Co.* and propagated through state corporate law, has no force under this Constitution as applied to any of the decisions described in this section. Officers and directors exercising good-faith stakeholder governance judgment are acting within their lawful authority and within the constitutional expectations of American business leadership.

What Officers and Directors May Always Do. An officer, director, founder, or controlling person of any business entity operates within their lawful authority, and may not be held personally liable to shareholders or to the entity in any derivative proceeding based solely on the following categories of decision:

(a) Worker Compensation. Paying workers — at any level of the organization — wages, salaries, bonuses, profit-sharing, equity participation, benefits, or any other form of compensation at levels that the officer, director, or controlling person reasonably believes the business model can sustain over time, even when those levels are higher than the minimum required by law or higher than what maximizing short-term shareholder returns would otherwise allow. The right of a business leader to reward the people who built the business is a constitutional value. A shareholder who disagrees with that choice has a remedy: sell the stock.

(b) Moral and Ethical Business Decisions. Declining — or continuing to refuse — any business relationship, contract, partnership, supplier relationship, investment, or commercial transaction on the basis of moral, ethical, or values-based grounds. A founder who built a company on principles is not required by law to abandon those principles because a shareholder demands it. A CEO who will not do business with an entity that violates human rights, mistreats workers, or acts in ways the company finds incompatible with its stated values is acting in accordance with this Constitution, not in violation of their fiduciary duty. The right of a business to take a moral stance is not conditioned on shareholder approval.

(c) Community and Social Investment. Directing corporate resources toward the benefit of the communities in which the business operates, toward environmental improvement beyond legal minimums, toward charitable purposes, or toward any other social investment that the officer, director, or controlling person reasonably believes serves the long-term interest of the enterprise and the people who make it function. A business does not operate in a vacuum — it depends on communities,

infrastructure, public education, and a functioning society. Investing in those things is not a breach of duty. It is business leadership.

(d) Long-Term Value Decisions. Any business decision that accepts lower short-term shareholder returns in favor of building durable long-term value through investments in workforce loyalty, customer trust, supplier stability, community relationships, product quality, or institutional integrity. A company that pays its workers well and operates by its principles may earn less in the next quarter. It may be worth more in the next decade. An officer or director who reasons this way is entitled to the protection of this section.

The Sell-Don't-Sue Principle. A shareholder who disagrees with a protected stakeholder decision under this section has one primary remedy available to them: sell their shares. Shareholders made a voluntary financial bet on the management and direction of a company. When management acts on the principles that define the company — including taking care of its workers and maintaining its moral commitments — shareholders who object vote with their dollars, not their lawyers. No shareholder may initiate or maintain a derivative suit, a breach of fiduciary duty claim, or any other legal action against an officer, director, or controlling person based solely on the fact that a decision protected by this section reduced short-term shareholder returns or failed to maximize the current market price of the entity's shares. Courts shall dismiss any such claim at the pleading stage upon a showing that the challenged decision falls within the protected categories of this section and was made in good faith. Nothing in this section prevents shareholders from voting their shares, speaking publicly, nominating directors, or pursuing any other normal corporate governance remedy — it prohibits the use of litigation to coerce officers and directors into abandoning their stakeholder responsibilities under threat of personal financial ruin.

Preserved Liability. The protection of this section is not immunity from accountability — it is protection for doing right by workers and acting on principle. Nothing in this section limits the personal liability of any officer, director, or controlling person for: fraud committed against shareholders, workers, customers, or any other party; self-dealing transactions in which the protected person receives personal financial benefit at the expense of the entity or its shareholders through mechanisms other than ordinary compensation; gross negligence in the management of the entity's core business operations; violations of this Constitution, federal law, or any applicable state law; or any decision that enriches management at the direct expense of shareholders through bad-faith extraction rather than good-faith stakeholder investment. The line this section draws is clear: protecting those who reward their workers and act on their values; preserving accountability for those who defraud, steal, or recklessly destroy.

Application and Federal Floor. This section applies to all corporations, limited liability companies, partnerships, trusts, and other business entities formed under federal or state law, whether publicly traded or privately held. For entities formed under state law, this section establishes a constitutional floor that supersedes any inconsistent state corporate law doctrine — no state may impose, by statute,

common law rule, or judicial precedent, a shareholder primacy duty that this section prohibits. States may enact more protective stakeholder governance laws; they may not impose less. Congress shall establish the implementing framework through the Anti-Oligarchy Implementation Act, which shall include: procedures for invoking this section's protections as a defense in any federal or state court proceeding; a standard of good faith for purposes of this section; and private remedies for any officer, director, or controlling person subjected to legal proceedings in violation of this section's protections.

Section 6. The Pairing of Price Limits with Relief of Pressure

Where this Constitution or a Constitutional Statute limits a price, rent, or fee that a person may be charged, or sets a floor beneath a wage or payment, the limit shall be paired with a mechanism sufficient to relieve the economic pressure the limit would otherwise create — whether by public subsidy, by the expansion of supply, by phased implementation, or by other effective means — so that the protection does not produce the shortage, the withdrawal of supply, the degradation of quality, or the unlawful market it was meant to prevent.

A price limit imposed without such a mechanism, where the limit would predictably cause such an effect, is incomplete, and the body that imposes it bears the duty to supply the accompanying mechanism. The principle is that the cost of protecting a person from an unjust price is borne by the public that chooses to protect them, and is not imposed as a hidden shortage upon the very people the protection was meant to serve, nor upon those who must supply the good or service at the limited price.

This principle states a duty of sound design; it does not authorize the weakening of any protection. The answer to a price limit that strains supply is to add the mechanism that relieves the strain, never to abandon the protection.

Section 7. Uniform Commercial Law and the Protection of the Person

Commerce in the United States is national and, increasingly, global; the law that governs it must not be fragmented in a manner that allows the powerful to choose the rules that bind the weak. Congress shall establish, or require among the states, a uniform body of commercial law governing contracts, the sale of goods, secured transactions, negotiable instruments, and comparable commercial dealings, so that the basic rules of commerce do not depend on which jurisdiction a party has chosen.

The law follows the person, not the forum the stronger party selects. A contract term that selects the governing law, the forum, or the venue for resolving disputes is unenforceable to the extent it deprives a natural person of the protections of the law of their own residence, or of the protections this Constitution guarantees. No enterprise may, by drafting, by choice-of-law clause, by the place of its incorporation, or by the location of its operations, escape the protections owed to the people it deals with. The protections a person holds travel with the person; they are not surrendered by signing a form the person did not write and could not negotiate.

Contracts are enforced, and honestly construed. Agreements honestly made are enforceable, and are construed to give effect to the reasonable understanding of an ordinary party, not to traps concealed in language drafted by the stronger side. A contract term is unenforceable to the extent it is unconscionable, or is hidden, or is imposed on a take-it-or-leave-it basis in a manner that defeats genuine agreement. Every commercial dealing carries an obligation of good faith and fair dealing that may not be waived.

No predatory extraction. Congress shall set a uniform ceiling on interest and the cost of credit sufficient to prohibit usury and predatory lending, applicable to all who lend to the public, so that a lender may not escape the limit by choosing the jurisdiction from which it lends. The exploitation of a person's necessity, inexperience, or lack of bargaining power to impose terms that no informed and free party would accept is prohibited.

Section 8. Non-Delegation of Governmental Power

The powers of government belong to the public and may not be transferred to private hands. No inherently governmental function may be delegated, contracted, or surrendered to any private entity. An inherently governmental function is one that involves the exercise of public authority, discretion, or coercive power — including the power to make or enforce law or regulation, to adjudicate rights, to detain or use force, to determine who receives a public benefit or penalty, to set the standards by which an industry or the government itself is measured, or to direct the conduct of other government functions. The government may purchase goods and ordinary services from private parties; it may not purchase the exercise of its own authority. A private entity performing work for the government may inform, advise, and support a decision, but a government officer accountable to the public must make it.

No private entity may write, or be paid to write, the regulations, standards, or oversight rules that govern its own industry, nor audit or certify its own compliance. Where a governmental function has been delegated to a contractor in violation of this Section, the delegation is void, the function returns to public control, and no contract term may prevent its return. Public funds paid to any private entity carry the public's right to inspect, audit, and account for their use; no private entity may treat the performance of a public function, or the receipt of public money, as a private secret. (Constitutional Statute 9)

Section 9. No Entity Too Big to Answer

No person and no entity shall be placed beyond the reach of the law by reason of its size. No investigation, charge, or prosecution otherwise warranted shall be declined, abandoned, or softened on the ground that enforcement would threaten the entity's size, its profitability, or the stability of the financial system. Where conduct would otherwise warrant prosecution, a decision to resolve it instead by a deferred-prosecution or non-prosecution agreement shall be justified on the public record, approved by a court, and shall not rest on the entity's size or systemic importance alone. A penalty

imposed for unlawful conduct shall be sufficient to deter it and shall not be set at a level that lets the entity treat the law as a cost of doing business. What is a crime for a person of ordinary means does not cease to be one because the wrongdoer is large.

> *Implementation — Constitutional Statute 9.*

Part Six

Making It Real

Article Nineteen

Implementation and Transition

↳ Implemented by *Constitutional Statute 1 — Congressional Operations and Ethics Implementation Act* (Sections 2–5); Section 1 is self-executing and requires no implementing statute

Section 1. Self-Executing Provisions Upon Ratification

Upon ratification, the following occur automatically, in addition to the marijuana, death penalty, and debt ceiling provisions established in Article Seventeen and Article Three: the private campaign finance system established by FECA is superseded; and all OBBBA provisions reducing Essential Care coverage are void and all affected persons are immediately restored to prior eligibility status.

Section 2. Congressional Implementation Obligations

Congress must bring each required implementing statute to a recorded vote within the timeframes established in the Constitutional Transition and Legal Conformity Act and the enforcement provisions of this Article. These obligations are mandatory. Congress may vote no. Congress may not fail to vote.

Section 3. Constitutional Statutes; Tier Two Protection

Constitutional Statutes are the operational tier of this constitutional framework. They require a 60% supermajority of both chambers to enact, amend, or repeal. They may not be defunded, circumvented through appropriations riders, or suspended by executive order. Any person may challenge a violation in federal court with the same standing as a direct constitutional challenge. The Constitutional Transition and Legal Conformity Act serves as the foundational blueprint for all Constitutional Statutes required by this Constitution.

Section 4. Judicial Enforcement

If Congress fails to bring any required implementing legislation to a recorded vote within the specified deadline, any person has standing to sue in the U.S. District Court for D.C. to compel a recorded vote. Courts may compel the vote — not dictate the content. Institutional contempt fines enforce compliance.

Section 5. GAO Monitor

The GAO publishes an annual Constitutional Implementation Report until all obligations are fulfilled. Interference with the Report's preparation or publication is an impeachable offense and a federal crime.

ARTICLE TWENTY

Tribal Nations and the Trust Relationship

↳ Implemented by *Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act*, Section 20

SECTION 1. Inherent Sovereignty

The United States recognizes the inherent sovereignty of every federally recognized Native American, Alaska Native, and Native Hawaiian nation. Tribal sovereignty predates this Constitution and every constitution before it. It is not granted by this document; this document acknowledges and protects sovereignty that already exists and that this nation's own courts have recognized for two centuries. The United States and tribal nations stand in a government-to-government relationship — not a superior-to-subordinate relationship, not a federal-to-state relationship, but a relationship between sovereign governments with overlapping and mutually respectful jurisdictions.

SECTION 2. Treaty Obligations Are Supreme Law

All treaties between the United States and tribal nations are the supreme law of the land, equal in status to this Constitution's provisions and superseding any federal or state statute to the contrary. Treaties may not be abrogated, modified, or reinterpreted to diminish tribal rights without the free, prior, and informed consent of the affected nation — expressed through that nation's own legitimate governmental processes, not through congressional unilateral action. Unilateral congressional abrogation of a treaty with a tribal nation is a constitutional violation enforceable in federal court. Congress may enact legislation that implements or supplements treaty provisions, but implementation may not serve as a vehicle for diminishment.

The federal government bears an affirmative duty to honor all existing treaty obligations, including those that have been honored inconsistently or not at all. Congress shall appropriate funds sufficient to fulfill all outstanding treaty obligations within five years of ratification of this Constitution. The Department of Justice shall maintain a public register of all outstanding treaty obligations, the status of compliance, and the funding required to achieve full compliance.

SECTION 3. The Federal Trust Responsibility

The federal government owes a trust responsibility to tribal nations — a fiduciary obligation of the highest order to protect tribal lands, resources, cultural patrimony, governmental authority, and the physical welfare of tribal members. This trust responsibility is judicially enforceable as a constitutional duty, not merely a policy aspiration. A federal agency that takes an action inconsistent with the trust responsibility may be enjoined and held liable for resulting harm without the defense of sovereign immunity.

Before taking any major action that may significantly affect tribal lands, resources, rights, treaty rights, or governmental authority, every federal agency must conduct meaningful government-to-government consultation with affected tribal nations. Meaningful consultation requires: advance written notice with sufficient time to allow the nation to prepare its response; a genuine exchange — not a notification followed by a predetermined outcome; a written record of the consultation; a written response addressing each substantive concern raised; and documentation that the agency considered tribal input before making its final decision. The agency bears the burden of demonstrating that consultation was meaningful. An action taken without required consultation is voidable at the petition of the affected tribal nation.

Section 4. Tribal Self-Governance

Tribal nations have the inherent authority to govern themselves, their members, and activities within their territorial jurisdiction. This authority includes the power to determine tribal membership; to establish and operate tribal governments, courts, law enforcement, and administrative agencies; to tax persons and activities within tribal jurisdiction; to regulate commerce, land use, and resource extraction on tribal lands; and to establish and enforce tribal law consistent with this Constitution's individual rights guarantees. Tribal law governs within tribal jurisdiction; federal and state law govern outside it; where jurisdictions overlap, the trust responsibility and treaty obligations govern the resolution.

Tribal courts have full civil and criminal jurisdiction over matters arising on tribal lands, subject only to the protections of this Constitution's Bill of Rights as applied to tribal governments. This jurisdiction extends to all persons on tribal lands, including non-members and non-Indians. The limitation on tribal criminal jurisdiction over non-Indians established by prior federal judicial precedent is expressly superseded by this provision. Federal courts may review tribal court decisions only for compliance with this Constitution's individual rights guarantees — not for errors of tribal law, which are exclusively within the tribal court's authority to interpret. Non-Indian defendants in tribal criminal proceedings retain all rights guaranteed by Article Two of this Constitution, which are enforceable in tribal court and on habeas review in federal court. Congress may not eliminate or restrict tribal judicial authority except with the written consent of the affected nation.

Section 5. Voluntary Pathways: Statehood, Territorial Status, and Enhanced Compact

No tribal nation is required to seek any change in its political status. The sovereign, treaty-nation relationship described in this Article is permanent unless a tribal nation affirmatively and voluntarily chooses otherwise through its own legitimate governmental processes. The options in this Section are offered, not imposed. The decision rests entirely with each nation.

Voluntary statehood. Any tribal nation — or coalition of tribal nations through a formal compact — that chooses to seek admission to the United States as a state may petition Congress for statehood. The petition process shall follow the same requirements as statehood petitions from territories, with the

additional requirement of a ratification vote by at least two-thirds of the tribal nation's adult enrolled members. Upon admission as a state, the tribal nation's members gain full congressional representation and presidential voting rights. Tribal law, tribal courts, and tribal governmental structures continue in operation as the state's foundational governmental institutions, subject to the same federal constitutional requirements as any state. Treaty rights are not extinguished by statehood and continue in full force as part of the state's constitutional compact.

Voluntary territorial status. Any tribal nation that chooses enhanced federal representation without full statehood may petition Congress for recognized territorial status. A tribal territory has: voting representation in the House of Representatives proportional to population; a non-voting delegate in the Senate with full committee rights and floor speaking privileges; the right to vote in presidential elections; eligibility for all federal programs on the same per-capita terms as states; and continued operation of tribal governmental structures, courts, and law. A tribal territory is not a state and retains its government-to-government relationship with the federal government. Territorial status is reversible — a tribal territory may withdraw from territorial status by the same vote required to adopt it.

Enhanced compact relationship. Any tribal nation that chooses neither statehood nor territorial status but wishes a more formally defined relationship with the federal government may negotiate an Enhanced Compact — a comprehensive bilateral agreement specifying the mutual obligations, funding commitments, jurisdictional boundaries, and dispute resolution mechanisms that will govern the relationship for a defined period. Enhanced Compacts are treaties for purposes of this Constitution and may not be modified without mutual consent. Congress shall appropriate funds sufficient to honor all Enhanced Compact obligations.

Section 6. Funding Parity

Congress shall appropriate funds to tribal governments for the exercise of their governmental responsibilities — including law enforcement, courts, health care, education, housing, infrastructure, and social services — at a level per capita comparable to the funding provided to state governments for equivalent services. The chronic underfunding of tribal governmental services relative to state services is a violation of the trust responsibility. The Office of Management and Budget shall publish an annual Tribal-State Funding Parity Report documenting per-capita funding levels for equivalent services and identifying shortfalls. Congress must respond to each identified shortfall with either appropriations to address it or written findings explaining why equivalent funding is not required in the specific case.

> *Article Twenty: No separate Constitutional Statute is designated for tribal sovereignty as a whole; this Article is self-executing. Treaty obligations are implemented through the existing treaty framework and through appropriations acts that must meet the funding parity standard established in Section 6. The voluntary pathway provisions (statehood, territorial status, enhanced compact) are implemented through standard Article I legislation for each nation that elects a pathway.*

ARTICLE TWENTY-ONE

Children's Rights

↳ Implemented by *Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act*, Section 21

SECTION 1. The Best Interests of the Child

In all actions taken by government — legislative, executive, judicial, or administrative — that significantly affect children, the best interests of the child shall be a primary consideration. This standard applies to every branch and every level of government. It does not override other constitutional provisions, but it requires that before any significant action affecting children is taken, a genuine assessment of how that action serves or harms children's welfare, development, and rights must be conducted and documented. Courts reviewing government actions that significantly affect children shall apply heightened scrutiny to whether the best interests standard was considered and honored.

SECTION 2. Family Unity; Prohibition on Punitive Family Separation

Every child has the right to family unity — the right to remain with their parents or primary caregivers unless removal is necessary to protect the child from abuse, neglect, or imminent danger. Family separation as a deterrent — the policy of separating children from parents as a mechanism to discourage migration, as a tool of immigration enforcement, or as punishment for any act by the parent — is prohibited. It is not a legitimate governmental interest to traumatize children to deter adult behavior.

When a child must be removed from their family for protective reasons, the removal must be the minimum necessary intervention, must be reviewed by a court within 48 hours, and must be accompanied by a plan for family reunification unless reunification would endanger the child. Siblings shall not be separated from each other in removal placements except where the placement of siblings together cannot be arranged and delay would endanger a child. The right of a child to maintain contact with their parents, siblings, and extended family during any separation — unless contact poses a documented danger — is protected.

SECTION 3. Juvenile Justice; No Life Without Parole for Children

Children are not adults. The developing brain, the diminished impulse control, the susceptibility to peer pressure, and the greater capacity for rehabilitation that characterize childhood and adolescence are established facts of human development that the legal system must reflect. A child under 18 may not be tried as an adult except for homicide or other serious violent felonies, and only after a judicial

hearing applying the best interests standard and considering the child's age, development, and circumstances. A child tried in adult court retains all the sentencing protections of this provision.

No child under the age of 18 at the time of the offense may be sentenced to life imprisonment without the possibility of parole, except for intentional homicide, and even then only upon specific judicial findings that the individual's characteristics and the circumstances of the offense justify permanent incapacitation. Children have a constitutionally recognized capacity for change that precludes permanent, total foreclosure of the possibility of release in all other cases. Any sentence that is effectively a life sentence — a term so long that the person will die in custody — is treated as a life sentence for purposes of this provision and requires the same judicial findings.

Section 4. Protection from Commercial Exploitation

Children are not a market. No commercial entity may use manipulative design techniques in any product, platform, or service whose users are known to include children under 16. A design technique is manipulative for purposes of this provision if it: (a) is specifically designed to increase session duration or engagement frequency beyond the user's stated or default time limits; (b) uses variable reward schedules that produce compulsive checking behavior in users; (c) exploits social comparison mechanisms designed to produce anxiety, inadequacy, or fear of exclusion; (d) resists or circumvents user-set time limits or parental controls; or (e) withholds content or social validation to create return urgency. These criteria are not exclusive. Congress shall establish by statute an updated list of prohibited techniques, reviewed every three years by an independent expert panel. The use of children's data for behavioral targeting, profile-building, or targeted advertising is prohibited. This prohibition applies regardless of any parental consent mechanism, because children cannot meaningfully consent to the commercial exploitation of their developing psychology.

Congress shall establish enforceable design standards for products used by children, minimum age requirements for social media platforms, prohibitions on harvesting children's data for commercial purposes, and a private right of action for parents and children harmed by violations. The burden of demonstrating that a product does not deploy manipulative design techniques toward children rests on the company, not on the child or parent.

Section 5. Child Labor Prohibition

No child under the age of 14 may perform any labor for compensation. Children between 14 and 17 may perform limited work under conditions that do not impair their education, health, or development, in hours and settings regulated by Congress. No child under 18 may perform work in hazardous conditions as defined by law. These prohibitions apply to all children within United States jurisdiction regardless of immigration status, family income, or any claimed economic necessity. The right of a child not to be made to work is absolute at the ages specified and qualified but protected above them.

Section 6. Children's Right to Participate

Children have the right to express their views freely on all matters affecting them, and those views must be given weight appropriate to the child's age and maturity in any proceeding or decision that significantly affects their lives — including custody determinations, educational placements, medical decisions, immigration proceedings, and any other governmental action bearing primarily on the child's welfare. A child who is old enough to form views is old enough to be heard. Hearing a child does not mean following every expressed preference; it means giving the child's perspective genuine consideration in the decision-making process. In medical decision-making specifically: a child's expressed wishes receive weight proportional to their developmental maturity; a court may appoint a guardian ad litem to represent the child's interests independently of the parents'; and for life-or-death medical decisions where the child, parents, and medical providers cannot agree, the standard is the child's best interests as determined by a neutral judicial authority with medical advisory input. The medical autonomy right of Right 50 applies to competent adults; the best-interests standard of this Article governs medical decisions for persons who have not yet reached the voting age established in Right 34.

Implementation Note

Article Twenty-One is primarily self-executing. Courts apply the best-interests standard and family unity protections directly. Congressional implementing legislation is authorized for: the commercial exploitation prohibition (technical design specifications); child labor enforcement; and the juvenile justice procedural framework. These implementing statutes are not designated as Constitutional Statutes and may be enacted and amended by majority vote.

Article Twenty-Two

Artificial Intelligence and Algorithmic Governance

↳ Implemented by *Constitutional Statute 20 — AI Governance and Algorithmic Rights Act*

Section 1. Why This Article Exists

Artificial intelligence systems and algorithmic decision-making tools are now used to make or influence consequential decisions about bail and detention, sentencing and parole, hiring and firing, loan approvals, healthcare coverage, insurance premiums, housing applications, educational admissions, child welfare interventions, immigration determinations, and access to government benefits. These systems operate at a scale no human institution could match, with a speed that forecloses meaningful review, and with a complexity that can obscure accountability behind technical opacity. They can replicate and amplify existing discrimination at machine speed. They can deny fundamental rights without a face, a name, or a reason. This article establishes the constitutional framework within which artificial intelligence systems may and may not be used in the governance of human lives.

Section 2. Right to Know When an Automated System Decided a Matter

Every person has the right to know when an automated system, artificial intelligence system, or algorithmic decision-making tool was used to make or materially influence a significant decision about them. A significant decision includes any decision affecting liberty, employment, housing, healthcare, credit, insurance, education, immigration status, custody, parole, benefits eligibility, or any other matter of comparable consequence. The right to know includes: the fact that an automated system was used; the general nature of the factors it considered; the specific output it produced relevant to the person's case; and whether a human reviewed the output before the decision was made and what weight that review was given.

The right to human review of consequential AI decisions is a constitutional right. Any significant decision made primarily by an automated system without meaningful human review is not a valid exercise of governmental or private power over an individual. "Meaningful human review" requires that the reviewing human have the authority, the information, and the practical capacity to override the system's output — not merely to ratify it.

Section 3. AI in Criminal Justice; Prohibition on Algorithmic Sentencing

Artificial intelligence systems and risk assessment tools may not be used as the primary basis for any decision about a person's liberty — including bail determinations, pretrial detention, sentencing recommendations, parole eligibility determinations, or supervision conditions. Risk scores, recidivism predictions, and danger assessments generated by algorithmic systems are inadmissible as the primary

basis for any such decision and may be used only as one factor among many, with the judicial officer required to make an independent finding that does not simply defer to the score. A judge who sentences primarily on the basis of an algorithmic risk score without independent factual findings has not exercised the judicial function this Constitution requires.

Every person who is subject to a risk assessment tool in any criminal, civil, or immigration proceeding has the right to: a full explanation of the factors the tool considered; the weight assigned to each factor; the tool's documented accuracy rates disaggregated by race, sex, and age; and an opportunity to challenge the tool's output on its merits — not merely to challenge whether the tool was applied correctly, but to challenge whether the tool's underlying methodology is valid and unbiased. The burden of demonstrating validity and the absence of discriminatory effect rests on the party relying on the tool.

Section 4. Government Use of AI; Standards and Accountability

Any artificial intelligence system used by any federal, state, or local government agency in connection with decisions affecting individuals must: be documented with sufficient specificity for public scrutiny; be subject to regular bias audits by independent parties with published results; be trained on data that does not encode historical discrimination; be tested for accuracy disaggregated by race, sex, age, disability, and national origin before deployment; and be subject to ongoing monitoring after deployment with the results made publicly available. Government agencies may not deploy AI systems that perform worse on accuracy, consistency, or fairness for any protected group than the baseline human performance they are replacing.

The government bears the burden of demonstrating that any AI system it deploys meets these requirements. A government agency that deploys an AI system without conducting required bias audits, or that continues to use a system after learning of discriminatory effects, has violated this Constitution. Individuals harmed by biased government AI systems have a private right of action for constitutional violations without prior exhaustion of administrative remedies.

Section 5. AI-Generated Content and Democratic Integrity

Artificial intelligence-generated content — including synthetic audio, video, images, and text — used in any political advertisement, electoral communication, or content designed to influence voting behavior must be clearly and prominently labeled as AI-generated. The label must be displayed in a form that a reasonable person would notice and that cannot be obscured or minimized. No person may use AI-generated synthetic media to falsely depict any candidate, elected official, or public figure saying or doing something they did not say or do, in connection with any election, government proceeding, or public policy debate. The government may not use AI systems to generate or amplify political content without disclosure. No AI system may be used to impersonate a human being in political communication.

Section 6. Autonomous Weapons and Lethal AI

No autonomous weapons system — any system capable of selecting and engaging human targets without a human decision for each individual engagement — may be deployed by the United States military or any agency of the United States government without specific authorization by Congress naming the system, the theater of operation, the targeting parameters, and the rules of engagement. The authorization to use military force required by Article 4, Section 8 applies to the deployment of autonomous weapons systems in any capacity where they may engage human targets. A president may not authorize the autonomous targeting of human beings by any system without congressional authorization.

No autonomous weapons system may be authorized to engage targets in any context — domestic or foreign — in a manner that would be unlawful if ordered by a human commander. The laws of war, including requirements of distinction, proportionality, and precaution, apply to autonomous systems. The United States shall not develop, deploy, or transfer autonomous weapons systems designed to make lethal decisions based solely on the characteristics of a class of persons — nationality, ethnicity, affiliation — rather than individual assessment of the specific threat posed by the specific individual.

The 72-hour emergency exception in Article 4, Section 8 does not apply to autonomous weapons systems capable of selecting and engaging human targets without individual human decisions for each engagement. No such system may be deployed under the emergency exception regardless of how imminent or sudden the triggering threat. In genuine sudden-attack situations, human-controlled weapons systems may be deployed under the 72-hour exception; autonomous lethal AI systems require specific congressional authorization in all circumstances, including emergencies, which Congress may provide through expedited procedures established for that purpose.

Section 7. AI Concentration of Power; Existential Risk

No person, corporation, or government may deploy AI systems with the specific intent or predictable design effect of: (a) disabling the free functioning of democratic elections or the electoral system; (b) impairing the constitutional authority of the legislative or judicial branch; (c) preventing the public from accessing diverse information by eliminating competitive information distribution; or (d) positioning a single actor to exercise effective control over two or more of the following critical systems simultaneously: the national financial system, the electrical grid, water infrastructure, emergency communications, or military command systems. These prohibitions are judicially manageable: the Commission identifies specific deployments meeting these criteria and may seek judicial injunction. The development of AI systems that would enable any single actor to seize control of critical national infrastructure without democratic authorization is a threat to constitutional governance that Congress shall address by statute.

Congress shall establish an independent AI Safety and Governance Commission with authority to: evaluate the capabilities and risks of advanced AI systems before and during deployment; set mandatory safety standards for AI systems that pose potential catastrophic or irreversible risks; require transparency about training data, architecture, and capability evaluations for powerful AI systems; and

coordinate with international bodies on global AI governance. The Commission shall have the same independence protections as the Federal Reserve Board and shall report simultaneously to the President and Congress.

> *Implemented by Constitutional Statute 20 — AI Governance and Algorithmic Rights Act*

ARTICLE TWENTY-THREE

Immigration Enforcement Accountability

↳ Implemented by *Constitutional Statute 30 — Immigration Enforcement Accountability Act*

SECTION 1. Congressional Authority

Congress shall establish a uniform Rule of Naturalization and shall prescribe by law the conditions of admission, residence, removal, and citizenship.

No executive officer, department, or agency may adopt a categorical policy of non-enforcement applying to a defined class of persons — meaning a policy that forecloses case-by-case enforcement determinations for that class as a matter of general practice — without express congressional authorization. This Section does not limit the ordinary exercise of case-by-case prosecutorial discretion, including a determination not to pursue a specific individual's removal based on that individual's particular circumstances, resource constraints, or enforcement priorities applied on a case-by-case basis; it limits only a categorical policy that functions as a substitute for legislation Congress has not enacted.

A categorical non-enforcement policy that meets the scale threshold of Section 4 of this Article is independently subject to that Section's congressional-approval and automatic-termination requirements, regardless of whether it satisfies this Section's authorization requirement.

SECTION 2. Equal Application of the Laws

Federal immigration enforcement priorities, resource allocation, and the intensity of enforcement activity must be applied uniformly across jurisdictions; the federal government may not enforce immigration law more aggressively, or direct disproportionate enforcement resources, against a state or locality based on that jurisdiction's political affiliation, its officials' public statements, or its policy disagreement with federal immigration priorities.

This Section does not require any state or locality to cooperate with federal immigration enforcement, and does not limit a state's authority under Article Six to decline enforcement assistance consistent with the anti-commandeering principle established there; this Section binds only the federal government's own uniform application of its own enforcement activity, not a state's independent choice about its own cooperation.

The federal government may not condition unrelated federal funding — including funding for transportation, infrastructure, healthcare, education, or disaster relief — on a state or locality's cooperation with immigration enforcement, consistent with the federal funding conditions standards established elsewhere in this Constitution.

SECTION 3. Emergency Entry Restrictions

The President may temporarily restrict the entry of non-citizens into the United States, but only upon a specific, public finding that the restriction is necessary to address an armed invasion, an imminent foreign military attack, a specific and credible terrorist threat, a declared public health emergency, or another catastrophic threat to national security, identifying the specific threat and the specific basis for believing the restriction will address it.

An entry restriction under this Section expires automatically 90 days after issuance unless renewed by Congress; this 90-day limit is the specific emergency-powers limit applicable to entry restrictions, narrower than and superseding the general 180-day limit of Article Four, Section 4 for this specific category of executive action, in recognition of the severity of harm an erroneous or overbroad entry restriction can cause to families and lawful travelers.

An entry restriction under this Section may not apply to a person who already holds a valid visa, lawful permanent resident status, or other previously granted lawful status, and may not be used to remove or revoke the status of any person already lawfully present in the United States; it restricts only new entry, not the status of those already admitted. An entry restriction may not be based on religion as a categorical criterion, and is subject to the nondiscrimination standard established under Section 2 of this Article and Right 32 of this Constitution. No entry restriction under this Section may suspend the due process protections established under Article Seven, Section 3, for any person already within the jurisdiction of the United States.

Section 4. Mass Enforcement Actions

Any executive action reasonably anticipated to affect 100,000 or more persons through deferred enforcement, temporary protected status, mass parole, suspension of removals, or mass removal operations requires congressional approval by joint resolution within 120 days of the action's announcement or initiation. Absent that approval, the action automatically terminates at the end of the 120-day period and may not be reissued in substantially the same form during that session of Congress without intervening legislative authorization.

This Section applies equally to an action that extends protection from removal and to an action that increases the scale or pace of removal, without regard to which produces the larger or smaller number of removals; this Section establishes a structural check on executive scale, not a judgment about the correct immigration policy outcome.

Section 5. Immigration Oversight

Congress shall establish an Inspector General for immigration enforcement, with jurisdiction over every federal agency and component engaged in immigration enforcement, detention, or removal. The Immigration Inspector General is subject to the same appointment, removal, and judicial-review protections established for Inspectors General under Article Ten, Section 5 of this Constitution.

The Immigration Inspector General shall: audit enforcement activities for compliance with this Article and applicable law; investigate credible allegations of misconduct, excessive force, or civil

rights violations by immigration enforcement personnel; conduct unannounced inspections of any detention facility holding persons under immigration authority; and publish a public report not less than once every calendar quarter detailing enforcement activity, detention conditions, and the disposition of any investigation opened during that period.

No officer of the executive branch may interfere with, delay, edit, or suppress an Immigration Inspector General report or investigation, consistent with the protections against retaliatory interference established for Inspectors General generally.

Section 6. Civil Liberties in Enforcement

Immigration enforcement action against any person may not be based, in whole or in part, on that person's race, ethnicity, national origin, religion, political belief, or lawful exercise of speech, assembly, or association. This prohibition applies to the decision to investigate, stop, question, detain, arrest, or initiate removal proceedings against any person.

A pattern of enforcement activity disproportionately affecting a particular racial, ethnic, religious, or national-origin group, without an articulable basis tied to that specific enforcement action rather than the group's characteristics generally, is evidence of a violation of this Section.

Any person who alleges a violation of this Section has standing to seek declaratory and injunctive relief in federal district court, independent of and without regard to the person's immigration status or the outcome of any removal proceeding against them. A person's unlawful presence in the United States is not a defense to a claim under this Section, and is not grounds for dismissing a claim under this Section for lack of standing.

Section 7. Officer Accountability

A federal officer who knowingly violates a right guaranteed by this Article is subject to removal from office, civil liability to the person harmed, and any criminal penalty Congress prescribes by law. Qualified immunity does not bar a civil action for a violation of this Article; the standard of liability is whether the officer's conduct violated this Article's plain text, not whether a prior court decision had already addressed materially identical facts.

Where the violation results in the wrongful death of a person in immigration custody, or serious bodily injury to a person in immigration custody, the standards, presumptions, and remedies established for custodial deaths and injuries elsewhere in this Constitution apply in full, including the abrogation of qualified immunity already established there; this Section's abrogation of qualified immunity is in addition to, and does not narrow, that existing protection.

Section 8. Reservation of Powers

All authority over immigration, naturalization, admission, removal, and the enforcement of immigration law is delegated authority, granted to the executive branch only by Act of Congress or by explicit provision of this Constitution. Neither the President, nor any executive department or agency,

possesses inherent constitutional authority over immigration independent of congressional delegation; where Congress has not authorized a specific executive action regarding immigration, the executive branch has no authority to take that action, regardless of any asserted foreign affairs, national security, or executive power rationale.

This Section does not limit the President's authority to conduct diplomatic relations, negotiate international agreements subject to their constitutionally required ratification or approval, or command the armed forces consistent with this Constitution's war powers framework; it limits only the assertion of unilateral authority to make, alter, or enforce immigration policy itself without congressional authorization.

Section 9. Work Authorization

Congress shall establish a uniform system for verifying authorization to work in the United States. The system shall serve only to confirm work authorization and may not be used, accessed, or repurposed to locate, detain, or initiate removal proceedings against any person, nor for any general surveillance or law enforcement function. No worker may be criminally penalized for a failed verification; responsibility for unlawful employment rests with the employer. Every worker, regardless of immigration status, retains the full labor rights guaranteed under this Constitution, and no employer may use, report, or threaten to report a worker's immigration status in response to the worker's exercise of those rights.

Article Twenty-Four

Congressional Regulatory Review

↳ Implemented by *Constitutional Statute 29 — Congressional Regulatory Review Act*

Section 1. The Congressional Regulatory Review Office

Congress shall establish a Congressional Regulatory Review Office as a nonpartisan analytical body serving both chambers, modeled on the Congressional Budget Office and the Government Accountability Office. The Office shall: conduct independent economic impact analysis of any proposed major rule; estimate compliance costs, benefits, and distributional effects; publish its findings publicly before any vote required under Section 2 of this Article; and respond to congressional or public petitions for review under Section 4 of this Article. The Office has no independent enforcement, rulemaking, or veto authority of its own — its function is exclusively analytical and advisory. The Director of the Office is appointed jointly by the leadership of both chambers for a term of four years and may be removed only by joint action of both chambers for cause. The Office's staff are nonpartisan civil servants hired on the basis of professional and technical qualification, consistent with the staffing model of the Congressional Budget Office.

Section 2. Major Rule Pre-Approval

No major rule issued by any federal agency, department, or independent commission — including those whose structural independence is otherwise protected under this Constitution — may take effect unless approved by a joint resolution of Congress, signed by the President or enacted over a presidential veto, within 70 legislative days of the agency's submission of the rule and the Congressional Regulatory Review Office's accompanying economic impact analysis. A major rule is any proposed agency action, regulation, or guidance reasonably anticipated to: impose an annual cost on the economy of $50,000,000 or more; impose a major increase in costs or prices for consumers, industries, or government agencies; or have a significant adverse effect on competition, employment, productivity, or innovation. If Congress does not approve a major rule within 70 legislative days, the rule does not take effect and may not be reissued in substantially the same form during that session of Congress without intervening legislative authorization. This Section's requirement is in addition to, not a substitute for, any other rulemaking procedure otherwise required by law. Emergency rules necessary to address an imminent threat to public health, safety, or national security may take effect immediately upon issuance but expire automatically after 90 days unless approved under this Section.

Section 3. Congressional Nullification

Congress may nullify any executive order, regulation, rule, waiver, guidance document, emergency declaration, or other administrative action having the force or practical effect of law through a

concurrent resolution adopted by a majority of each House. A resolution under this Section does not require presentment to the President and is not subject to presidential veto. This nullification power applies to actions taken by any federal agency, department, or independent commission, including those whose structural independence is otherwise protected under this Constitution. A nullified action may not be reissued in substantially the same form without intervening legislative authorization. Emergency declarations expire automatically after 60 days unless affirmatively renewed by a joint resolution of Congress signed by the President or enacted over a presidential veto. No delegation of legislative or regulatory authority to any officer, agency, or commission may be construed to prevent Congress from exercising the power granted by this Section. This Section is an explicit and intentional departure from the bicameralism-and-presentment requirement that otherwise governs the enactment of law under this Constitution, adopted as a structural check on executive and administrative action; it does not affect the requirement of presentment for any other category of congressional action not specified here.

Section 4. Citizen Referendum for Regulatory Review

A petition to hold a referendum under Article Eight may propose the question: whether Congress should hold a vote to nullify a specific executive order, rule, regulation, or administrative action under Section 3 of this Article. Such a petition follows the same petition, certification, and balloting procedures established under Article Eight and its implementing statute, except that the question put to voters is whether Congress should be required to vote, not whether the underlying action itself is enacted, modified, or repealed. The referendum passes in a state if a simple majority of valid ballots cast in that state vote yes. When the referendum passes in three-fourths of the states, Congress must hold a vote on a concurrent resolution to nullify the petitioned action under Section 3 of this Article within 30 legislative days of national certification. The Congressional Regulatory Review Office shall publish its independent economic impact analysis of the petitioned action before that vote is held. Failure of either chamber to hold the required vote within 30 legislative days is grounds for any registered voter in a state where the referendum passed to petition the United States District Court for the District of Columbia for a writ of mandamus compelling the vote. This Section creates an obligation to vote; it does not predetermine or compel the outcome of that vote.

Article Twenty-Five

Safeguards Against Concentrated Power

↳ Implemented by *Constitutional Statute 31 — Safeguards Against Concentrated Power Act*

Section 1. The Prohibition on Domestic Military Force

The armed forces of the United States, the federalized National Guard, and any federal force of comparable character may not be used to conduct law enforcement against, surveil, detain, disperse, or apply force to the people of the United States within its borders. This prohibition is absolute except as narrowly provided in this Section.

The only exceptions. Federal military force may be directed inward only to repel an actual armed invasion by a foreign power, or to restore order in the face of an armed insurrection that the civil authorities and ordinary law enforcement are genuinely unable to control, and only after the President has made a specific, public, written finding identifying the actual armed threat and why civilian law enforcement is insufficient.

What is never an invasion or insurrection. None of the following is, by itself, an armed invasion or armed insurrection, and none may ever be the basis for domestic military deployment: a protest, demonstration, march, or assembly; a strike, work stoppage, boycott, or labor action; an act of civil disobedience; the presence, status, or movement of immigrants or any group defined by national origin; the expression of any political, religious, or ideological belief; ordinary crime, including organized crime, however serious, that civil law enforcement is capable of addressing; a natural disaster or public health emergency; or a state or locality's lawful disagreement with federal policy. A threat is an armed invasion or insurrection only where there is actual organized armed force that civilian authority genuinely cannot meet.

Automatic expiration. A domestic deployment under this Section expires automatically 10 days after it begins unless Congress, by affirmative vote, authorizes its continuation; it may not exceed 30 days in total even with authorization without a renewed congressional vote, and a court may order it ended at any time on a finding that this Section's conditions are not met. The deployment confers no law-enforcement, detention, or surveillance authority beyond the immediate suppression of the armed threat itself.

No obedience to an unlawful order. A member of the armed forces owes no obedience to an order to act against the people in violation of this Section. Following such an order is not a defense to liability, and issuing such an order is a violation of this Constitution for which the issuing official, including the President, is personally accountable. No member of the armed forces may be punished, discharged, or disadvantaged for refusing an order that violates this Section. Qualified immunity does not bar an action under this Section.

Section 2. The Limitation on Standing Force and the Prohibition on Secret Police

The maintenance of the armed forces depends on the continuing consent of the people's representatives. No appropriation to raise or maintain the armed forces may run longer than two years; the armed forces may be funded only by an appropriation that Congress must affirmatively renew, and a permanent or self-renewing military appropriation is void. This guarantees that the existence of the military is reconsidered by each Congress and can never become independent of democratic consent.

No secret police. The federal government may not create, fund, or operate a secret police force, a political police force, or a domestic-intelligence force directed at the people of the United States on the basis of their political belief, religion, association, expression, or lawful activity. No federal agency may maintain files, watchlists, or dossiers on a person for the purpose of monitoring that person's lawful political, religious, or associational activity, nor may it infiltrate, disrupt, or surveil a group for engaging in lawful advocacy, protest, or association.

Identification and accountability of federal force. A federal officer exercising law-enforcement or detention authority against a person within the United States must be visibly identifiable by agency and by individual identifier, except where a specific, judicially authorized undercover operation requires otherwise. The deployment of masked, unidentified, or unmarked federal personnel to detain, question, or apply force to persons is prohibited; anonymity of state force against the people is a hallmark of the secret police this Section forbids.

Transparency. The existence, budget, and general function of every federal agency exercising domestic enforcement or intelligence authority must be public. A wholly secret agency, a secret budget for domestic enforcement, or a domestic enforcement program concealed from Congress and the public is prohibited; secrecy may attach to specific operations, sources, or methods where genuinely necessary, but never to the existence of the institution itself.

Section 3. Protection of Judicial Independence

The judicial power of the United States extends to all cases arising under this Constitution, and Congress may not remove from the federal courts, or from the Supreme Court, the jurisdiction to hear and decide a claim that a law or government action violates a right or structural guarantee of this Constitution. Congress may regulate the courts' procedures, venue, and the orderly distribution of cases, but may not use its authority over jurisdiction to insulate a law or action from constitutional review, to dictate the outcome of a pending case, or to deny any class of persons access to judicial review of a violation of their rights.

No vacancy blockade. When a vacancy arises on the Supreme Court or any federal court, the Senate must consider and hold a final confirmation vote on a nominee within 120 days of the nomination. If the Senate fails to hold a final vote within that period, the nominee is deemed confirmed. The number of seats on any federal court is fixed by law; a vacancy does not reduce that number, and no branch may leave a seat unfilled to alter the court's balance or evade this Section. **No outcome dictation.**

Congress may not enact a law directing a particular court to decide a particular pending case in a particular way, nor reopen a final judgment by legislation; the resolution of a case under the law is the judicial power, not the legislative.

Section 4. The Peaceful Transfer of Power

The transfer of power established at the stroke of noon under Article Four is absolute and self-executing. A person whose term of office has ended holds no power whatever, and any order, directive, command, pardon, or official act issued by such a person after their term has ended is void from the moment it is made and creates no authority and no obligation in anyone.

The duty runs to everyone. No member of the armed forces, no officer or employee of any agency, no law-enforcement officer, and no official of any kind owes any obedience to a person whose term has ended, regardless of that person's prior office, present claims, or assertion of any emergency. Obedience is owed only to the person who holds the office under this Constitution. A person who carries out the purported order of someone whose term has ended is personally liable for the act and may not raise the order as a defense; the lawful officeholder, the courts, and the people may treat any attempt to exercise power after the end of a term as a usurpation without legal effect.

No emergency may extend a term. No emergency, declared crisis, state of war, natural disaster, election dispute, or other circumstance whatsoever may postpone an election, extend a term of office, or delay the transfer of power. An election may not be cancelled or postponed by any executive or administrative act; only the people, through the amendment process, may alter the timing of an election or a term. A purported postponement of an election or extension of a term is void, and an official who attempts it forfeits their office immediately and is subject to removal and criminal penalty.

Resolution of genuine disputes. A genuine dispute over who has lawfully won an election is resolved exclusively through the judicial process established by this Constitution and concluded before the transfer date; it is never a basis for the incumbent to retain power. If a dispute is unresolved at the transfer moment, power does not remain with the incumbent — it passes according to the line of succession this Constitution establishes, to be exercised in an acting capacity until the dispute is lawfully resolved. Under no circumstance does an unresolved dispute extend the power of a person whose term has ended.

Section 5. The Ministerial Duty to Certify Elections

The certification of an election result is a mandatory, non-discretionary act. An official charged with canvassing, certifying, or transmitting an election result has the duty to certify the result that the lawful count of valid votes produces, and has no discretion to refuse, delay, alter, or condition certification based on a disagreement with the outcome, a belief or allegation of fraud, or any reason other than a specific, adjudicated finding by a court of competent jurisdiction that the count itself is legally defective. **Allegations go to court, not to the certifier.** An official who suspects or is told of fraud or irregularity may not withhold certification on that basis; the official certifies the result as counted and

refers the allegation to the courts and prosecuting authorities, which alone may adjudicate it. A claim of irregularity is resolved by evidence before a court, never by the unilateral refusal of a certifying official, and never by a legislative body substituting its own preferred result for the count.

Refusal is removable and compellable. An official who refuses, delays, or conditions certification in violation of this Section may be compelled to certify by an order of mandamus issued on an emergency basis, forfeits their office, and is subject to criminal penalty. If an official refuses or is unable to certify, a court may order the certification entered, or designate another official to perform the ministerial act, so that no individual's refusal can prevent a lawfully counted result from being certified.

No substitution of the count. No official, board, or legislature may set aside the result produced by the lawful count of valid votes and substitute a different result, a different slate, or its own judgment of who should have won. The winner of an election is the person whom the valid votes elected, as determined by the count and any court correction of the count — and by no other process.

The count, the certification, and the transfer are one continuous guarantee. This Section, the certification timing of this Constitution, and the peaceful transfer of power under Section 4 of this Article together secure an unbroken chain from the casting of votes to the assumption of office, in which no official at any step holds discretion to substitute their will for the will of the voters.

Section 6. The Priority of Human Needs in Public Spending

The guarantees of this Constitution that secure the basic needs of the people — including health care under Article Eleven, and the other rights and provisions this Constitution makes the affirmative obligation of the government — hold first claim on the revenue of the United States. These guarantees are funded before discretionary spending, and may not be reduced, suspended, or left unfunded on the ground of insufficient revenue while discretionary spending continues.

Scarcity may not be asserted selectively. The government may not plead insufficient funds to deny a guaranteed human need while funding discretionary military operations, enforcement expansions, or other discretionary programs at levels that would, if redirected, meet that need. A claim that a guaranteed provision cannot be funded is valid only if discretionary spending has first been reduced to meet it; the burden is on the government to show that the need cannot be met from discretionary funds before any guaranteed provision may be reduced.

The distinction between guaranteed and discretionary spending. Spending required to fulfill a right or affirmative guarantee of this Constitution is guaranteed spending. All other spending — including discretionary military spending above the level required for the genuine defense of the nation, and including the expansion of enforcement agencies — is discretionary and is subordinate in claim to guaranteed spending. The genuine defense of the nation against actual or imminent attack is not subordinated by this Section; what is subordinated is discretionary spending that exceeds that genuine need.

No constitutional crisis from honest shortfall. Where revenue is genuinely insufficient to meet all guaranteed provisions even after discretionary spending is exhausted, the government's obligation is to raise the revenue through the taxing power this Constitution provides, not to abandon the guarantee. A sustained failure to fund a guaranteed provision while the means to fund it exist — whether through available discretionary funds or through the exercise of the taxing power — is itself a violation of this Constitution.

Section 7. Protection Against Foreign Government Influence

The government of the United States, and every official within it, answers to the people of the United States and to no foreign power. To preserve that loyalty:

No foreign-government money in American politics or government. No foreign government, foreign political party, foreign state-owned or state-controlled entity, or agent acting on their behalf, may directly or indirectly provide, promise, or fund any contribution, expenditure, gift, payment, thing of value, or benefit to or for the benefit of any candidate, officeholder, political organization, or campaign in the United States, at any level of government. This prohibition extends to money or benefits routed through intermediaries, and the routing of foreign-government funds through a domestic entity to evade this section is itself prohibited.

No personal foreign benefit to officials. No person holding office under the United States, or any state or local government, may accept any payment, gift, office, title, employment, or thing of value from a foreign government or its agents, for themselves or their family, during their service and for a defined period after, except as Congress may permit for ordinary diplomatic courtesy fully disclosed. An official may not act under the direction, control, or financial dependence of a foreign government; doing so is a betrayal of the public trust and grounds for removal.

Transparency of foreign-government influence. All influence exerted by or on behalf of a foreign government upon American officials or the American public — including lobbying, paid advocacy, funded media, and organized influence operations — must be registered and disclosed, so that the people may know when a message reaching them originates with a foreign power. This requirement applies to the foreign government and its paid agents; it does not reach, and may not be used to suppress, the political speech, advocacy, or association of United States citizens and residents acting on their own behalf, whatever cause they support, which remains fully protected.

No foreign control of the means of public information. A foreign government or foreign-government-controlled entity may not own or control the media outlets or communications platforms through which Americans inform themselves about their own government, though foreign investment and foreign journalism, disclosed as such, are not prohibited. **No binding the people's future commitments.** No commitment of aid, funds, or military support to any foreign government binds a future Congress, which retains at all times the full authority to review, reduce, condition, or end any

such commitment; no agreement and no foreign power may foreclose that authority, and any provision purporting to make such support permanent or unreviewable is void.

Section 8. The National Guard, the Militia, and the Prohibition on Private Armies

Organized armed force in the United States belongs to the accountable institutions of the people. It is either lawful — authorized, identifiable, and subordinate to civil authority — or it is a prohibited private army. There is no third category, and the name a body gives itself does not change which it is. This Constitution distinguishes the National Guard, the militia, and the private paramilitary, and governs each.

The National Guard. The National Guard is a military reserve, organized within the branches of the armed forces, under military command and discipline. In ordinary service it is under the authority of the government of its state for the defense of that state and response to emergency. It may be called into the federal service of the United States as Congress provides, but when so federalized it is subject in full to the prohibition on domestic military force in Section 1 of this Article and to every safeguard of this Article; federalization confers no power to use the Guard against the people that the regular armed forces would not have. The Guard takes its orders through the military chain of command, never from any private person or self-appointed leader.

The militia. The militia is distinct from the National Guard: it is a body of the people, organized and regulated by a state or county, never federalized, and never part of the regular armed forces. Its standing purpose is the local defense of the community and the state, including against tyranny, and it acts only when lawfully called into service by the civil authority of the state or county; it may never activate itself, and no person or group may take up arms as a militia upon their own private judgment that the moment has come. The right of the people to organize and serve in a lawful militia is recognized, and a state may not arbitrarily or pretextually deny that status to those who meet the standards; but the militia exists only under the authority and regulation of the state, subordinate at all times to civil authority and to the safeguards of this Article, and it may never be turned against the people, against peaceful assembly or protest, or against any group on account of who they are or what they believe. A lawful militia and its members, acting as such, must be identifiable and may not be masked, anonymous, or concealed; must be armed only with personal small arms and individual equipment, and never with artillery, armor, military materiel, or the weapons of offensive war; and must meet the standards of accountability, training, and lawful conduct established by Constitutional Statute. The individual right to keep and bear arms secured elsewhere in this Constitution is separate from and unaffected by militia service, and neither limits the other.

The prohibition on private armies. Any organized armed body that is not the lawful armed forces, the National Guard, the law enforcement of an accountable government, or a lawful militia meeting the standards of this Article is a prohibited private paramilitary, whatever it calls itself. A group that organizes as an armed force without lawful authorization, that activates itself upon its own judgment, that masks or conceals its members, that stockpiles the materiel of war, that answers to a private leader

rather than to civil authority, or that exists to intimidate, coerce, or use force against other people or against a government — is not a militia and holds no protection of this Constitution. Lawful militia status, once granted, may be suspended and revoked through the fast judicial process established by Constitutional Statute upon proof of such conduct, and a body whose status is revoked or that never held it operates wholly outside the law's protection.

Section 9. The Duty to Execute the Laws; The Prohibition on Nullification

The Constitution gives the power to make and repeal laws to the Congress, and the power to execute them to the President. A President who refuses to enforce a law he cannot repeal seizes the power of repeal for himself, and rules by a power the Constitution denied to kings: the power to suspend the law. This the Constitution forbids.

The President, and every officer of the executive, shall faithfully execute and enforce the laws duly enacted by Congress, whether or not the President agrees with them. Neither the President nor any officer may suspend a law, dispense with its enforcement, or nullify it by declining to enforce it, in whole or against a class, whether by order, by policy, by the withholding of resources, or by the deliberate starving of the officers who enforce it.

This duty does not require the enforcement of every law to its maximum against every violation. The ordinary discretion of enforcement — the declining of a particular case on its facts, the setting of honest priorities among violations, the good-faith allocation of genuinely limited resources toward the most serious harms — remains proper, for that discretion enforces the law equitably; it does not erase it. What is forbidden is the abdication of the duty: the reduction of a law's enforcement to nothing, or so near to nothing that the law is repealed in fact though it stands in words, for a reason other than the honest and evenhanded administration of justice.

No appropriation made by Congress to enforce a law may be impounded, withheld, or redirected to defeat the law's enforcement. Money Congress commands to be spent enforcing the law shall be spent enforcing the law.

This section is enforceable. That the executive has declined to act does not place its nullification beyond the reach of the courts. (Constitutional Statute 31)

ARTICLE TWENTY-SIX

Energy Security and Self-Generation

This Article implements Right 53 and requires a four-fifths vote of both chambers and the ratification of four-fifths of the States to amend — the same protection borne by the rights of Article Two.

SECTION 1. Disconnection That Endangers Life Is Prohibited

No utility, public or private, may disconnect electrical service to an occupied dwelling where disconnection would foreseeably endanger the health or life of any occupant. This protection applies without exception during extreme heat or cold, where an occupant depends on electrically powered medical equipment, and where an occupant is a child, elderly, seriously ill, or disabled. Nonpayment does not extinguish this right. A debt is collected as a debt, through the ordinary law of obligations — it is never collected by turning off the power to a house with a person inside it. A utility that disconnects in violation of this Section is liable to the occupant, and where death or serious injury results, the officers who authorized the practice are personally liable.

SECTION 2. Affordability and Reliability

Essential electrical service shall be available at a cost not exceeding a percentage of household income established by Constitutional Statute, with subsidy below that threshold. The grid is a public trust. Congress shall maintain enforceable reliability standards, and a foreseeable, preventable failure of the electrical system is a violation of this right — not an act of God.

SECTION 3. The Right to Generate Power

Every person has the right to produce, store, and use electrical energy for their own consumption, on property they own or lawfully occupy, by any means they choose. No State, county, municipality, zoning authority, building authority, homeowners association, or other body — public or private — may prohibit self-generation, mandate connection to a utility grid, mandate the purchase of a minimum quantity of utility service, or condition occupancy, permitting, or the lawful use of a dwelling upon being a utility customer.

SECTION 4. The Only Permissible Regulation Is Safety

Self-generation may be regulated only to protect persons from physical harm, and only by standards that are objective, published, technically justified, and applied without regard to whether the person remains a utility customer. Legitimate regulation includes protection of utility workers from backfeed, fire and electrical code compliance, safe installation and containment of energy storage, ventilation and combustion safety, and structural adequacy.

A regulation is void where its purpose or its practical effect is to preserve utility revenue, discourage exit from the grid, or enforce an aesthetic preference. Standby charges, exit fees, minimum-purchase requirements, and permitting delays that function to make self-generation uneconomic are prohibited. Where a person demonstrates that a proposed system is safe and viable, approval is a ministerial duty — not a discretionary act and not a negotiation. The burden rests on the government or association to prove that a restriction is genuinely necessary to prevent physical harm. The burden never rests on the person to justify wanting to leave.

Section 5. Tenants

A tenant may install and operate a self-contained generation or storage system that does not penetrate, alter, or attach permanently to the structure; does not tie into the building's electrical system beyond a standard outlet; can be removed at the end of the tenancy without damage or trace; is confined to the space the tenant lawfully occupies; and complies with applicable safety, fire, and equipment standards. A landlord may not prohibit such a system, and may not penalize, surcharge, or decline to renew a tenancy because of it. The tenant shall give written notice before installation and shall carry any insurance the standard requires.

Any system that penetrates the building envelope, bears on the structure, alters the building's electrical service, occupies common areas, or remains after the tenancy requires the owner's written consent. The owner is under no obligation to grant it and is never obligated to pay for it. An owner may refuse consent for any reason relating to the building — structure, roof, warranty, insurance, fire safety, egress, historic protection, or the owner's own plans for the property. An owner may not refuse consent, or restrict a self-contained system, for the purpose of preserving revenue from the resale of electricity to tenants. Where a landlord sells power to tenants — through submetering, a fee, or an amount folded into rent — the landlord holds a financial interest adverse to the tenant's right, and a refusal made to protect that interest is void. A tenant who cannot practically self-generate retains the full protection of Sections 1 and 2.

Section 6. The Grid Is Not Abandoned

The grid remains a shared asset. Its maintenance shall be funded so that neither those who leave nor those who remain bear a punitive share, and the cost of the network shall never be recovered in a manner designed to trap customers within it.

ARTICLE TWENTY-SEVEN

Freedom from Bondage and the Treatment of the Confined

This Article carries the same protection as the rights of Article Two: it may be amended only by a four-fifths vote of both chambers and the ratification of four-fifths of the States.

SECTION 1. No Forced Labor

No person may be required to perform labor against their will — including as punishment for a crime. The abolition of slavery includes the abolition of involuntary servitude in all its forms. Prison sentences may include incarceration. They may not include compelled labor. The government has the authority to confine. It does not have the authority to compel work from the people it confines. Any system that coerces labor — through threat of punishment, denial of privileges, or adverse consequences for refusal — is forced labor and is prohibited by this Section.

> *Implemented by Constitutional Statute 15, Sections 13 and 13A — voluntariness and compensation standards, government ownership of detention infrastructure, oversight access, and enforcement.*

SECTION 2. Voluntary Prison Labor

Incarceration forbids compelled work, not all work. An incarcerated person may choose to work; that choice must be voluntary under the standard set in Section 1, and the work compensated at no less than the applicable minimum wage, paid to the worker. Any arrangement that penalizes refusal is compelled labor, void under Rights 30 and 31.

> *Implemented by Constitutional Statute 15, Section 13 — compensation standards and a private right of action for twice the wages owed.*

SECTION 3. The Right to Communicate While Incarcerated

Every incarcerated person has the right to free, unlimited written communication with their family members, their support community — including close friends, religious advisors, mentors, and advocates — and their verified legal counsel. No prison system may charge for this communication, limit it as a disciplinary measure, or monitor communication with legal counsel. Incarceration is a deprivation of physical freedom — it is not a deprivation of the right to maintain relationships with family and community or to consult with an attorney. These connections are fundamental to human dignity, to rehabilitation, and to a just legal process.

> *Implemented by Constitutional Statute 15, Section 6 — free and unlimited legal and family correspondence, privileged legal calls, rate caps with no kickbacks, and daily access minimums.*

SECTION 4. The Duty of Care for Those in Custody

Every person held in government custody — in any prison, jail, detention center, or other facility operated by or under the authority of any government entity — is owed a constitutional duty of care by

the government that holds them. That duty includes protection from violence by other inmates and by staff; adequate medical care; adequate nutrition; and conditions of confinement that do not themselves constitute cruel or unusual punishment. Death in government custody triggers automatic civil liability of the custodial institution, with the burden on the government to demonstrate the death was not the result of negligence or deliberate indifference.

> *Implemented by Constitutional Statute 15, Section 4 — in-custody death and serious-injury liability, burden on the government, qualified-immunity abrogation, and pattern-and-practice enforcement.*

Section 5. Freedom from Detention for Profit or Quota

No person may be deprived of liberty to fill a quota, to meet a numerical target, or to generate profit. The power to detain a human being exists to serve justice and public safety, and for no other purpose; it may never be placed in the service of a budget to be spent, a bed to be filled, or a revenue to be earned.

No law, contract, appropriation, or policy may require, guarantee, or reward the detention of any minimum number of people, or make the detention of a person more profitable than their liberty. No person's confinement may be prolonged, and no person may be confined, because a facility must be kept full, a contractual minimum must be met, or a payment depends upon it. Every deprivation of liberty must rest on an individualized, lawful justification particular to the person detained; a quota, a financial incentive, or a contractual target is never such a justification, and any detention resting on one is void.

> *Implemented by Constitutional Statute 15 — Rights Enforcement and Democratic Participation Act, Section 24.*

ARTICLE TWENTY-EIGHT

Protection Against Arbitrary Mental-Health Detention

This Article carries the same protection as the rights of Article Two: it may be amended only by a four-fifths vote of both chambers and the ratification of four-fifths of the States.

No person may be deprived of liberty, or subjected to involuntary treatment, on the grounds of mental illness, psychiatric condition, or incapacity, except under the protections set out here, which may not be waived or abridged. Genuine intervention to protect a person in crisis remains available; what is forbidden is the deprivation of liberty on bare assertion rather than real evidence and lawful process.

SECTION 1. Real Evidence, Not Bare Assertion

Real evidence, not bare assertion. Involuntary detention or treatment requires specific, articulable evidence that the person, as a result of a genuine condition, presents a serious danger to themselves or to others, or is genuinely unable to provide for their own basic survival. The mere belief, opinion, or assertion of an official, a family member, or an institution — unsupported by such evidence — is never sufficient. A person's disagreement with the assessment, or refusal of voluntary treatment, may not by itself be treated as evidence of the condition that would justify detaining them.

SECTION 2. An Independent Clinician, Promptly

A real and independent clinician, promptly. No person may be held on mental-health grounds beyond a brief, defined emergency period without examination by a qualified mental-health professional who is independent of, and is not, the person ordering or requesting the detention. An officer, official, or private party may initiate an emergency hold only to bring a person promptly before such a professional — never to effect or certify the detention upon their own judgment.

SECTION 3. A Neutral Judge, Promptly

A neutral judge, promptly. Any detention or involuntary treatment extending beyond the brief emergency period requires a hearing before a neutral judge, at which the person has the right to be present, to be represented by counsel provided at public expense if they cannot afford it, to see and challenge the evidence against them, and to present evidence of their own. The government bears the burden of proving the grounds for detention by clear and convincing evidence, and the deprivation of a person's liberty on these grounds is a judicial act, never a purely administrative or private one.

SECTION 4. The Least Restrictive Means

The least restrictive means, for no longer than the grounds persist. Detention or involuntary treatment is permissible only where no less restrictive alternative would meet the genuine need, only to

the extent necessary, and only for so long as the grounds genuinely persist — subject to the ongoing-review protections established elsewhere in this Constitution, including periodic adversarial review at which the government again bears the burden.

Section 5. Never a Tool of Control

Never a tool of control. Mental-health detention may never be used to punish, silence, isolate, or control a person for their beliefs, speech, identity, nonconformity, or mere inconvenience to another, and the authority to initiate it may never be delegated to any person to exercise against those they simply deem unwell. A determination of incapacity must rest on the person's demonstrated inability to function, never on the bare conclusion of an authority that the person cannot recognize their own condition.

> *Implemented by Constitutional Statute 38 — emergency-hold time limits, the independent-clinician examination requirement, the prompt judicial hearing and clear-and-convincing standard, and the bar on self-certification; the ongoing-review protections after initial commitment are secured under Constitutional Statute 5B.*

ARTICLE TWENTY-NINE

Freedom from Private Neighborhood Government

This Article carries the same protection as the rights of Article Two: it may be amended only by a four-fifths vote of both chambers and the ratification of four-fifths of the States.

No private association of property owners may exercise governmental power over a person's home or conduct. This right distinguishes what an owner solely owns from what neighbors genuinely share.

SECTION 1. Sole-Owned Homes

Sole-owned homes. For a detached house, a duplex, a townhouse, a rowhouse, or any dwelling whose owner solely owns its exterior walls and roof, no homeowners association, covenant, or deed restriction may control the exterior, appearance, landscaping, or lawful use of the home or its lot — including paint, materials, flags, signs, religious or political displays, solar panels, clotheslines, native or drought-tolerant landscaping, lawful vehicles, or whom the owner houses. Authority over such a home's exterior belongs to the owner alone, subject only to generally applicable law.

SECTION 2. Genuinely Shared Structures

Genuinely shared structures. For a condominium, cooperative, or attached multi-unit building whose exterior walls, façade, roof, or balconies are structurally shared, an association may govern those shared and common elements, because one owner's use of a shared surface affects the others. Such an association may not reach the interior of any unit, except to access shared plumbing, electrical, structural, or similar systems for bona-fide maintenance, on reasonable notice.

SECTION 3. Shared Physical Infrastructure

Shared physical infrastructure. Where owners of otherwise sole-owned homes genuinely share physical infrastructure — a private road, a common well, a shared septic or stormwater system — an association may exist for the sole purpose of maintaining that infrastructure and may levy only proportionate charges for it. It may exercise no authority over the appearance, use, or conduct of any home or owner.

SECTION 4. Powers No Private Association May Hold

Powers no private association may hold. No such association may, over any person: foreclose upon, force the sale of, or evict any person from a primary residence for unpaid dues, fines, or assessments; place a lien on a primary residence that permits its loss, an unpaid debt surviving instead as an ordinary obligation satisfied upon voluntary sale; restrict speech, religious exercise, political activity, or the display of a flag; impose any fine without written notice, a stated rule, a fair hearing before a neutral decision-maker, and proportionality between the fine and the violation; bind any person who did not

knowingly and voluntarily consent in writing; or enforce any rule selectively to target a disfavored person. Every such association shall keep open books, elect its board by its members, and answer to those members.

Article Thirty

The Boundary of the Freedoms of Speech and Press

This Article carries the same protection as the rights of Article Two: it may be amended only by a four-fifths vote of both chambers and the ratification of four-fifths of the States.

Section 1. The Only Permissible Limit

The freedoms of speech and press protect expression, opinion, and viewpoint without exception; there is no idea so false, offensive, or dangerous that government may punish it as such. These freedoms do not, however, shield a statement of fact made with knowledge of its falsity, or with reckless disregard for whether it is true, that causes demonstrable harm to an identifiable person. Against such a statement — and only such a statement — the government, and any person so injured, may investigate and seek redress, proven in every case by clear and convincing evidence before an independent court. Government may also compel, through transparent and generally applicable law, the disclosure of who is speaking, who is funding the speech, and whether content has been manufactured or manipulated.

Section 2. What No Government May Do

No government, court, or official may ever decide which opinions or viewpoints are legitimate; may punish a good-faith error, a matter of opinion, satire, or parody; may treat the correction of falsehood as license to suppress dissent; or may act against speech merely because it is unwelcome, unpopular, or embarrassing to those in power. The remedy for a lie is proof of the truth and redress to the person harmed — never the silencing of a viewpoint, and never the judgment of a government that it alone knows what is true.

> *Self-executing constitutional right and limit. This provision defines the sole boundary of Rights 3 and 4; it is not a grant of power to restrict speech beyond its terms. Standards governing knowing-falsity claims, the identifiable-person and demonstrable-harm requirements, disclosure compulsion, and the clear-and-convincing evidentiary burden are implemented by Constitutional Statute 22 — Free Speech and Press Standards Act. Public-figure defamation standards and anti-SLAPP protections are implemented by Constitutional Statute 12 — Media Accountability and Platform Transparency Act, Section 11.*

ARTICLE THIRTY-ONE

The Rights and Limits of Organizations

This Article carries the same protection as the rights of Article Two: it may be amended only by a four-fifths vote of both chambers and the ratification of four-fifths of the States.

Section 1 — What an Organization Is, and Is Not

An organization — a business, a company, a corporation, a partnership, a union, a charity, a church, a club, or any group of people acting under a common name — is created by people to do together what they cannot do alone. It is a creature of law: the people, through their government, bring it into being and set the terms of its existence.

An organization is not a human being. It holds none of the human rights this Constitution guarantees to persons; it cannot believe, vote, marry, or be imprisoned. But it is not without rights. It holds the rights an organization needs to exist, to function, and to be treated fairly by its government. Those rights are real, and they are enforceable in court.

They are also bounded. An organization has the right to operate, but never the right to rule; the right to prosper, but never the right to buy power; the right to act, but never the right to override the rights this Constitution and its Statutes guarantee to human beings. **Every right in this Article is subordinate to the rights of people. Where the interest of an organization and the right of a human being conflict, the human being prevails.**

Section 2 — The Capacities Every Organization Holds

No government may deny a lawful organization the basic capacities it needs to exist and function: to exist as a single legal entity, distinct from its members, under its own name; to make and enforce contracts, and to be held to them; to own, hold, use, and transfer property; to sue in its own name, and to be sued; to govern its own internal affairs — to adopt its rules, choose its officers, and admit and remove its members — free of government interference in matters that harm no one and deny no person their rights; to continue in existence beyond the lives or departure of its members; to combine with, reorganize, or separate from other organizations, and to wind itself down; and to keep its legitimate confidences, its trade secrets and its privileged legal communications. These capacities are granted by law and defensible at law; an organization may go to court to protect them.

Section 3 — Fair Treatment by Its Government

A government of laws does not treat even an artificial entity arbitrarily. No organization may be deprived of its property or its existence except by fair process of law; no government may single out a particular organization for punishment by name, nor treat like organizations unlike, without a reason the law recognizes; an organization's premises, records, and communications are protected against

unreasonable search and seizure, subject always to the lawful inspection of activities the public legitimately regulates; and in any proceeding against it, an organization is entitled to the fair-trial protections the law provides, including trial by jury in civil matters and protection against being tried twice for the same offense.

Regulation is not a taking. If a government takes an organization's property for public use, it shall pay for what it takes. But an organization has no right to payment merely because a law reduces its profit, its value, or its convenience.

Section 4 — Speech, Press, Worship, and Association: Protected as Activities, Not as Weapons

People do not surrender their rights by joining together, and a government may not suppress a protected activity by striking at the organization through which people carry it out. A government may not censor, license, impose prior restraint upon, or retaliate against the press — or any organization engaged in publishing, reporting, art, or expression — because of the content of what it communicates; this protects the act of journalism and expression itself, and is not a right the outlet holds against the people, but a limit the people place on their government. A government may not forbid people from associating, nor compel an organization to hand the government its members or supporters, except as narrowly necessary to prevent a concrete and serious harm. And a government may not intrude into the internal religious life of a house of worship — its worship, its doctrine, or its choice of its own clergy — in any matter that harms no one and denies no person the rights this Constitution guarantees.

These protections shield the activity — expression, worship, association — from government power. They are not a license to escape the laws that protect other people, and they carry no right to spend money to influence who governs, as Section 6 provides.

Section 5 — Limited Liability, Without a Hiding Place

The law may shield the members, owners, and investors of an organization from personal liability for the organization's ordinary debts. This is what lets ordinary people start and join a venture without risking everything they own, and it is preserved.

But the shield is not a hiding place. It does not protect any person or organization from responsibility for fraud, for the deliberate evasion of law, or for harm the organization causes to the rights this Constitution or its Statutes guarantee. In those cases the law shall reach through the organization to the human beings who directed the wrong. An organization may protect its officers from the cost of honest mistakes; it may never shield them from the consequences of violating the rights of others.

Section 6 — What No Organization May Do

An organization exists to serve the people who form it and the public that charters it. It is never entitled to convert its wealth or its size into power over the government, or over other people. No organization of any kind holds any right: **To decide who governs.** No organization may spend money or deploy its

resources to elect, defeat, or reward a candidate for public office, or to enact, defeat, or purchase legislation. It has no right of campaign speech, campaign finance, or electioneering. The people within it remain free to speak, give, and organize as individuals — but those individual rights do not pass to, expand through, or pool within the organization. An organization may not be used as a vehicle to do together what the people within it may not lawfully do themselves.

To capture its regulators. No organization has a right to lobby that carries immunity for doing so, to write the rules that govern it, or to place its own people in charge of its oversight. It may petition its government only openly, on the public record, and on equal terms with every other petitioner.

To escape the people's rights behind a claim of its own. No organization may invoke religion, conscience, speech, property, or any right or capacity in this Article to exempt itself from a law protecting the constitutional or statutory rights of human beings — including their rights to fair and equal treatment, safe work, honest dealing, privacy, health, and a livable environment. The rights of people are not a cost an organization is entitled to avoid.

To place itself above regulation. No organization has a right to be unregulated, to withhold from the public truthful information the public is owed, or to treat a lawful duty of disclosure as an infringement of its "speech."

To grow into dominance. No organization has a right to a monopoly, to market power, or to combine with others in order to obtain it. Combination is a privilege the people may grant, condition, or forbid in order to prevent the concentration of economic power.

Section 7 — One Standard, Not a Race

The rules that hold an organization accountable belong to the people who charter it — all of them — not to whichever state offers the most permissive terms. No organization may shop among jurisdictions for the weakest oversight and then carry that weakness across the country. There shall be a single national floor of accountability for organizations that operate across state lines — a minimum standard of honest governance, fair dealing, and public disclosure beneath which no organization may fall, whatever its place of chartering. A state remains free to charter organizations and to require more of them than the national floor requires; a state may never require less, and no organization may use its choice of chartering jurisdiction, or its relocation from one to another, to fall beneath the national floor or to escape the rights this Constitution and its Statutes guarantee. The governance of an organization that operates nationally is subject to that national floor regardless of the state in which it is chartered.

The specific standards of the floor — and their revision as new forms of organization arise — shall be set and kept current by Constitutional Statute, so that the principle endures while its mechanics keep pace with the times.

Section 8 — Rights Belong to People

Nothing in this Article diminishes the rights of any human being. The people within an organization — its workers, its owners, its members, its congregants — keep every right this Constitution guarantees them, and may exercise those rights fully, alone and together. What this Article withholds, it withholds only from the organizational form itself, and only where that form would otherwise become a means of escaping accountability or ruling those it was created to serve.

An organization may sue in its own name to protect its lawful interests, and may be sued by any person it has wronged; it has standing to enforce the capacities and protections of this Article, and any person whose rights an organization infringes has standing to hold that organization to account. An organization is subject to civil liability for the harms it causes, and may be prosecuted and punished for crimes committed in its name, on its behalf, or through its operations — by the sanctions appropriate to an entity, including fines, forfeiture, and dissolution. That an act was taken by or through an organization is never, in itself, a defense: the organization answers for the act, and the human beings who directed it remain personally answerable to the full extent of the law. Neither may hide behind the other.

> *Implemented by Constitutional Statute 9 — Anti-Oligarchy Implementation Act, Sections 35–39: the national accountability floor, floor-follows-the-organization, the non-waivable fiduciary-duty floor, and coverage by function rather than label.*

Article Thirty-Two

The Safety of Public Transportation and Critical Infrastructure

Section 1. Certification as a Public Trust

The power to certify that a vehicle, aircraft, vessel, railcar, pipeline, or any transportation product or system is safe for the public is a public trust. It shall not be delegated to, contracted to, or exercised by the person who designs, builds, operates, or profits from the thing certified. Such a person may test its product and shall stand behind that testing; it shall not be the authority that certifies the product safe.

Section 2. The Independent Determination

Every safety-critical certification rests with a public authority that employs its own qualified technical staff, competent to examine the work and to reach an independent judgment. Where specialized testing can be performed only by the maker, the authority shall independently review that testing, retest whatever it judges necessary, and bear sole and final responsibility for the determination. The finding shall rest on the evidence and on nothing else, and not on the maker's schedule, commercial pressure, or standing.

Section 3. The Duty and Right to Halt

Any engineer, inspector, or official with a reasonable basis to believe that a safety-critical defect exists has both the right and the duty to halt the certification or operation at issue until the question is resolved. No person shall be dismissed, demoted, reassigned, silenced, or retaliated against in any form for raising a safety concern in good faith or for exercising this duty. Retaliation against such a person is a felony, and the one who suffers it is entitled to full reinstatement, restoration, and damages.

Section 4. Fees May Fund, but Never Steer

Fees, charges, or assessments paid by a regulated maker or operator may fund the safety authority but shall not condition, accelerate, soften, or influence a safety finding. No certification shall be purchased, expedited for payment, or shaped by the financial interest of the party seeking it. A determination shown to have been influenced by the interest of the fee-payer rather than by the evidence is void, and the officials who permitted it are personally accountable.

Section 5. The Integrity of Public Infrastructure

The roads, bridges, transit systems, ports, waterways, and air-traffic systems upon which public life depends shall be maintained to published safety standards, and their inspection records shall be public. Deferred maintenance that creates a known and serious danger to the public is a breach of the government's duty, not a budgetary convenience; where danger is known, the duty to warn and to

remedy is immediate. The public's right to know the true condition of the infrastructure it relies upon shall not be subordinated to the reputation of any agency or contractor.

> *Implementation — Constitutional Statute 42.*

Article Thirty-Three

The Nation's Obligation to Those Who Served

This Article establishes a trust the nation owes to those who have served in its defense. The trust it establishes may be enlarged by law, but shall not be diminished.

Section 1. Benefits Earned, Held in Trust

The benefits earned through military service — disability compensation, pension, health care, education, home and burial benefits, and the benefits owed to the families and survivors of those who served — are earned by service and sacrifice. They are a debt the nation has already incurred, held in trust for those who served; they are not a gratuity the government may withdraw, ration, or trade away when it finds them inconvenient. The nation that asks a person to risk everything in its defense is bound by what it promised in return.

Section 2. No Diversion to Private Profit

The funds, facilities, and capacity dedicated to the care of those who served shall not be diverted to private profit except where private delivery is shown, on published and independent evidence, to meet or exceed public delivery in quality, access, timeliness, and cost. The burden of that showing rests on those who propose the diversion, and shall be met before, not after, the care of veterans is placed in private hands. A veteran's right to care shall not be reduced, delayed, or degraded in order to create a market in it, and no entity may profit by denying, delaying, or diminishing the care the nation owes.

Section 3. No Toll on an Earned Benefit

No person shall charge a veteran a fee to obtain, claim, advise upon, or expedite a benefit the veteran has already earned, beyond the accredited and fee-capped representation the law permits. Free accredited assistance shall remain available to every veteran, and a fee charged in violation of this Section is void and recoverable. The nation does not sell back to those who served what their service has already bought.

Section 4. Decided in Time

A benefit owed but endlessly delayed is a benefit denied. Claims for the benefits this Article protects shall be decided within a reasonable time set by law, and a backlog that leaves those who served without the care or support they are owed is itself a harm the government is bound to remedy, not a condition it may tolerate. Timeliness is part of the debt.

> *Implementation — Constitutional Statute 43.*

Article Thirty-Four

Foundational Provisions: Severability, Effective Date, and Interpretation

Section 1. Severability

Every provision of this Constitution is severable from every other. If any provision is found unenforceable by a court of competent jurisdiction, all other provisions remain in full force and effect. No court may use the invalidity of one provision as grounds for declaring any other provision unenforceable, unless the invalid provision is so integral to the dependent provision that the dependent provision cannot function independently and the drafters clearly intended the provisions to stand or fall together. The burden of demonstrating non-severability rests on the party asserting it and must be met by clear and convincing evidence.

Section 2. Adoption and the Authority of the People

This Constitution derives its authority from the People of the United States, in whom all sovereign power resides. That authority is original and inherent; it does not depend upon the permission of any prior framework of government, including the Constitution this document replaces. As the framers of 1787 replaced the Articles of Confederation through a convention and ratification of their own design, without the approval the Articles required, so the People retain the same authority to ordain a new fundamental law when the established order no longer secures the purposes for which government exists.

Two paths to ratification. This Constitution may be adopted by either of two paths, and the validity of its adoption does not depend on which is used. First, through the amendment process of the prior Constitution: by a convention called on the application of two-thirds of the States and ratification by three-fourths — thirty-eight — of the States. Second, where that process is obstructed, denied, or held inapplicable to a comprehensive revision, through direct ratification by the People: by conventions or referenda in the several States, ratified by three-fourths of the States measured by the same standard, with each State's ratification expressing the sovereign consent of its people. The People's direct ratification is a sufficient and independent source of this Constitution's authority; no court may hold this Constitution void for having been adopted by the People directly rather than through the prior framework's machinery, for the authority to adopt a constitution belongs to the People and not to the government the prior constitution created.

Certification of ratification. The certification that a State has ratified this Constitution, and that the threshold of thirty-eight States has been reached, is a ministerial act subject to the same standards established in Article Twenty-Five, Section 5. A State's ratification is certified by the authority that conducted its convention or referendum, on the basis of the recorded vote, without discretion to refuse

or alter a result the vote produced. The count of ratifying States, and the declaration that the thirty-eighth has ratified, is performed by a Ratification Canvassing Board composed of the chief election officer or equivalent officer of each ratifying State, which certifies the aggregate on the basis of the States' own certified results and has no discretion to disregard a State's valid ratification or to count an invalid one. A dispute over whether a particular State has validly ratified is resolved exclusively by the judicial process, on an expedited basis, and never by the unilateral refusal of any certifying officer or by any body substituting its judgment for the recorded vote. No official at any step holds discretion to substitute their will for the expressed consent of the People, consistent with Article Twenty-Five, Section 5.

The threshold is the same. By either path, this Constitution takes effect upon ratification by thirty-eight States. Ratification by fewer States binds only those States that have ratified, as to matters within their own authority, and does not bring this Constitution into force as the supreme law until the thirty-eighth State ratifies.

Continuity of governance through the transition. To prevent any vacancy of lawful authority, the transfer from the prior constitutional order to this one is continuous and without gap. Upon ratification: every person holding federal office under the prior Constitution continues to hold that office and to exercise its lawful powers under this Constitution until a successor is selected or the office is reconstituted under this Constitution; all existing federal law remains in force except where it conflicts with this Constitution, in which case this Constitution controls and the conflicting law is superseded as provided in the Constitutional Transition Act; all pending obligations, debts, treaties, and proceedings of the United States continue undisturbed; and the ordinary functions of government — the courts, the armed forces, the payment of obligations, the delivery of services — continue without interruption. No person may invoke the transition to claim that the government has ceased to exist, to refuse a lawful obligation, or to seize power outside the processes this Constitution establishes. The safeguards of Article Twenty-Five against the seizure of power apply in full from the moment of ratification.

No dual claimant. Upon ratification by the thirty-eighth State, this Constitution is the single supreme law of the United States, and the prior Constitution is superseded in its entirety. There is no interval of competing constitutions and no lawful claimant to authority under the superseded framework. An attempt to govern under the authority of the superseded Constitution after ratification is without legal effect and is subject to the safeguards of Article Twenty-Five.

Section 3. Effective Date and Transition

This Constitution takes effect upon ratification as provided in Section 2 of this Article (Adoption and the Authority of the People). As to cases pending on the effective date: the more protective of this Constitution's provisions and the prior constitutional standard applies to any issue not yet finally adjudicated. No final judgment entered before ratification is retroactively disturbed. As to currently serving officials: congressional term limits count service beginning from the date of ratification; pre-ratification service does not count toward the limit. Presidential term limits apply from ratification with

existing terms credited. Supreme Court Justices serving on the effective date may elect to transition to the 18-year active term structure or remain under their prior appointment terms; no Justice is compelled to change status. All other transition questions are governed by the Constitutional Transition Act, which takes precedence over any conflict with prior federal law during the transition period.

Section 4. Interpretation

This Constitution is a living document, interpreted in light of its text, its structural principles, its underlying values, and the evolving understanding of human dignity, democratic governance, and the rights of persons. Where the text is specific, the specific language controls. Where the text establishes principles, courts apply those principles to circumstances the drafters did not anticipate, consistent with the document's values and purposes. No provision of this Constitution is to be interpreted so narrowly as to drain it of its intended protective effect, nor so broadly as to usurp the authority reserved to the legislative process.

The burden of justifying any government action that restricts, qualifies, or limits a right enumerated in Article Two of this Constitution rests on the government. The person asserting a right bears no burden to prove entitlement to it. This allocation of burden applies in all judicial, administrative, and legislative proceedings in which an enumerated right is at stake. Ambiguity in constitutional text is resolved in favor of the individual against the government; clarity in constitutional text is enforced as written regardless of the government's preferred interpretation.

Section 5. Adjustment of Numeric Parameters

This Constitution distinguishes between the rights, principles, structures, and protective floors it establishes, which are permanent and alterable only by amendment or by the supermajority this Constitution requires, and the specific numeric parameters by which those guarantees are presently calibrated, which may require adjustment as economic and social conditions change.

What may be adjusted. A specific numeric parameter stated in this Constitution — such as a dollar threshold, a copay or fee amount, a percentage cap, or a comparable figure that sets the present calibration of a guarantee — may be adjusted by ordinary legislation to keep pace with changed conditions, provided that every such adjustment honors the principle and the protective floor the parameter serves and moves only in the direction that preserves or strengthens the guarantee for the person it protects.

What may never be adjusted by this Section. This Section authorizes the adjustment of a parameter; it never authorizes the weakening or elimination of the underlying guarantee. No adjustment under this Section may reduce a right below the floor this Constitution sets, defeat the purpose the parameter serves, or accomplish through the recharacterization of a protection as a mere parameter what the supermajority and amendment requirements forbid. The structural thresholds of this Constitution — including the supermajority requirements themselves, the constitutional tax bands of Article Seven, the petition and ratification thresholds, and any figure this Constitution expressly designates as fixed —

are not parameters within the meaning of this Section and may be changed only as this Constitution otherwise provides.

The direction of adjustment. Where a parameter sets a ceiling on what a person may be charged or burdened — a maximum copay, a maximum share of income, a maximum fee — it may be lowered by ordinary legislation but raised only within the limits and by the process the relevant Article or Constitutional Statute provides. Where a parameter sets a floor of protection or provision, it may be raised by ordinary legislation but lowered only by that process. In every case the permissible direction of ordinary adjustment is the one that serves the person the guarantee was written to protect, never the one that erodes it.

Section 6. Interpretation: No Revival of Economic Substantive Due Process

The Lochner error is foreclosed. No provision of this Constitution — including any guarantee of due process, liberty, property, or equal protection — shall be construed to create or contain a "liberty of contract," a doctrine of economic substantive due process, or any comparable implied economic right by which courts may strike down legislation. The era in which courts invalidated minimum-wage laws, maximum-hours laws, worker protections, and consumer safeguards as violations of an unwritten freedom of contract — the error of *Lochner v. New York* (1905) and its progeny — is repudiated and may not return under this Constitution or any provision of it.

Economic and social legislation is reviewed with deference, not hostility. Legislation regulating wages, hours, working conditions, labor organizing, prices, competition, consumer protection, financial practices, health, safety, the environment, or the general economic welfare shall be upheld against substantive challenge if it bears a rational relation to a legitimate public purpose. No such law may be invalidated on the ground that it interferes with the freedom of a person or entity to set the terms of an economic bargain, nor on the ground that it diminishes private profit, property value, or economic advantage. This section governs substantive review only; it does not lessen any procedural protection, any enumerated right, or the heightened scrutiny this Constitution expressly assigns elsewhere.

The floor may not be attacked as a ceiling on liberty. Where this Constitution or a Constitutional Statute establishes an affirmative economic guarantee — a wage floor, a right to organize, a protection against a predatory term — that guarantee is a right of the person it protects, and may not be recharacterized as an infringement of the liberty of the party it constrains. A protection for the worker is not a deprivation of the employer's freedom; a shield for the consumer is not a taking from the seller. The stronger party's preference for an unregulated bargain is not a constitutional right.

This Constitution was created by the People of the United States to build a government that works for all of us equally — not for the powerful, not for the wealthy, not for any faction or party, but for every American. Every rule in this document exists to protect that promise. No power granted here can ever be used to defeat the reason it was given.

A complete rewrite of the United States Constitution. 54 rights. 32 articles. 41 implementing statutes. Ratified by the authority of the People — through the Article V convention process, or by direct popular ratification in the States where that process is obstructed; 38 States bring it into force.

Division Two

The Constitutional Statutes

The Instruments That Implement the Constitution

CONSTITUTIONAL STATUTE 1

Congressional Operations and Ethics Implementation Act

Implementing Article Three; Right 34.

SECTION 1. Term Limits: Credit for Prior Service and Transition

The term limits established in Article Three, Section 4-A — eight years in the House and twelve years in the Senate — take effect upon ratification of this Constitution. The transition is governed by the following rules, which are designed to honor reasonable expectations while ensuring that no member serves beyond the constitutional maximum:

Credit for prior service: Every member serving at the time of ratification receives credit toward their applicable limit for all years served in that chamber, consecutive or not, up to but not exceeding the constitutional limit. A member who has served nine years in the House at ratification has reached their limit and their current term is their last. A member who has served five years in the House at ratification has three years remaining — enough to complete one more full term. A member who has served four years has four years remaining. Credit is calculated in full years of service; partial years below six months do not count. Service in different chambers is tracked separately.

Current terms complete: No member currently serving a term that began before ratification is removed from office mid-term by the application of term limits. The term limits apply from the end of the current term forward. A member who has reached their limit completes their current term and is ineligible to seek re-election to that chamber.

No grandfathering beyond the limit: The transition rules provide for orderly service completion — not for extending any member's career beyond the constitutional maximum. No member may serve more than eight years in the House or twelve years in the Senate in total, counting all service before and after ratification. Any provision of state or federal law that purports to grandfather members beyond their constitutional limit is void.

Administration: The Clerk of the House and the Secretary of the Senate each maintain a public record of every member's years of service, their applicable limit, and the date on which their limit is reached. This record is updated within five business days of any member's election certification and is publicly searchable. A member who is certified as having reached their limit is administratively ineligible for placement on a primary or general election ballot for that chamber; state election authorities are required to implement this eligibility determination upon receipt of written notification from the Clerk or Secretary.

SECTION 2. LPR Voting: Real Verification Without Administrative Suppression

The right of qualifying lawful permanent residents to vote in federal elections is real and must be made practically accessible. The verification system must confirm genuine eligibility — that the voter holds

LPR status, has held it for at least seven consecutive years, and has an active naturalization application in good standing — without creating administrative barriers designed to suppress eligible voters through bureaucratic complexity. The following system achieves both:

USCIS-EAC real-time data integration: USCIS and the Election Assistance Commission shall establish a secure, real-time data sharing protocol within 18 months of this statute's effective date. USCIS transmits to the EAC, on a continuous basis, a certification file identifying every LPR who: has held LPR status for at least seven consecutive years; has a pending naturalization application; and whose application is in good standing — meaning USCIS has not issued a final written denial, the applicant has not filed a written withdrawal, and the applicant has not failed to respond to a Request for Evidence within the statutory period. The EAC uses this file to maintain a Qualifying LPR Voter Roll in each state.

Registration: An LPR who appears on the USCIS certification file may register to vote in federal elections through the standard voter registration process, with a single additional step: submission of their USCIS registration number and a statement that they have held LPR status for seven or more consecutive years and have an active naturalization application. The EAC verifies the statement against the USCIS certification file within five business days. No in-person visit to any USCIS office is required for registration. No additional documentation beyond the USCIS registration number is required.

Status changes: When USCIS removes an LPR from the certification file — because their application was denied, withdrawn, or forfeited — USCIS notifies the EAC within five business days. The EAC notifies the voter in writing at their registered address and at their registered email address, if any, with a 30-day opportunity to demonstrate that their qualifying status is current before their name is removed from the Qualifying LPR Voter Roll. The voter may contest a status removal by providing USCIS documentation of their current good standing; the EAC must resolve the contest within 14 days.

No re-verification burden: An LPR registered on the Qualifying LPR Voter Roll is not required to re-verify their status at every election. The USCIS-EAC real-time data integration handles status monitoring continuously; the voter does not bear the burden of periodic re-registration unless their USCIS status changes. The ten-year congressional reauthorization of LPR voting does not require any registered LPR voter to re-register; the reauthorization is a legislative act, not a voter registration requirement.

Reauthorization procedure: No later than 18 months before the expiration of the current reauthorization period, Congress must bring a reauthorization vote to the floor of both chambers. The EAC transmits a written notification to every Member of Congress identifying the reauthorization deadline 24 months in advance and again at 18 months. Failure to vote on reauthorization by the deadline triggers automatic suspension of LPR voting rights until Congress acts. The suspension is administrative, not punitive — LPRs on the Qualifying LPR Voter Roll retain their registration and are automatically restored to active voting status upon congressional reauthorization.

Section 3. Voter ID: Free, Accessible, and Not a Documentation Test

The constitutional requirement that the government provide a free voter ID to every eligible voter at no cost and without undue burden means that the ID must be practically obtainable by every eligible voter, including those who work full-time, lack a car, live in rural areas, or lack certain documents through no fault of their own. The following standards define what "without undue burden" means in operational terms:

Geographic access: A free federal voter ID must be obtainable within 30 miles of every eligible voter's registered or prospective registered address. In areas where no fixed-location ID distribution site exists within 30 miles, the EAC funds and operates mobile ID units that serve those areas at least monthly and within 30 days of any federal election primary or general election date.

Hours of access: ID distribution sites must be accessible during hours that accommodate persons who work standard business hours — meaning at least four hours per week outside the 9am-5pm Monday-Friday window, including some weekend availability. Mobile units operating in underserved areas must be scheduled during non-standard hours.

Mail application: Every eligible voter may apply for a federal voter ID by mail or through an online portal. No in-person visit is required unless biometric data — photograph and signature — must be captured for the first time. A voter who has a valid biometric record on file with any federal or state agency may authorize its use for voter ID purposes without appearing in person. Completed IDs are mailed to the voter's registered address within 15 business days of application.

Documentation standards: A federal voter ID application requires proof of identity and proof of citizenship or qualifying LPR status. The acceptable documentation for proof of identity includes any one of the following: a current or recently expired state-issued ID or driver's license; a U.S. passport (current or expired within 12 years); a military ID; a tribal ID; a school or university ID combined with proof of enrollment; or a signed affidavit of identity witnessed by any notary, postmaster, or elected official. The acceptable documentation for proof of citizenship or LPR status includes any one of the following: a U.S. birth certificate; a U.S. passport; a certificate of citizenship or naturalization; a Social Security statement (for citizens); or a USCIS documentation of LPR status. No combination of documents may be required that a significant percentage of eligible voters — determined by the EAC based on census data — cannot reasonably be expected to possess. Where a voter lacks documents, a signed affidavit attesting to citizenship or LPR status — subject to penalty of perjury — combined with corroborating secondary documentation (utility bills, tax records, employer records) is acceptable. Providing false documentation or a false affidavit is a federal offense.

Federal ID acceptance: The federal voter ID issued under this provision is accepted as valid voter identification for federal elections in every state, regardless of any contrary state law. States may maintain their own voter ID requirements for state elections; they may not refuse to accept the federal voter ID for federal election voting.

Section 4. Stock Trading Ban: Scope, Blind Trusts, and Enforcement

The stock trading prohibition of Article Three, Section 5 applies to Members of Congress, their spouses, their dependent children under 26 years of age, and any entity in which the Member holds a 5% or greater ownership interest or in which the Member exercises investment discretion. The prohibition covers: the purchase or sale of any individual stock, bond, option, future, or other security of any specific issuer; commodity contracts; cryptocurrency of any specific issuer or protocol; and any other financial instrument whose value depends on the performance of a specific identified company, industry, or asset class (as distinct from broad market index funds, U.S. Treasury securities, and municipal bonds, which are not covered by this prohibition).

Compliance window: Upon taking office — whether by election, appointment, or succession — a Member has 90 days to achieve full compliance by either: (a) divesting all covered holdings, with the proceeds placed in permissible investments; or (b) establishing a qualified blind trust meeting all requirements of this section. No covered trading may occur after the 90th day in office regardless of whether the compliance transition is complete. Trading during the 90-day transition window that is initiated by the Member is a violation; trading initiated by an independent trustee pursuant to a pre-existing investment plan is not.

Qualified blind trust requirements: A blind trust is "qualified" under this provision only if all of the following are true: (a) the trustee is a licensed fiduciary with no personal, professional, or financial relationship with the Member or any immediate family member; (b) the Member does not know the contents of the trust — meaning the trustee is prohibited from communicating any information about the trust's specific holdings to the Member, and the Member is prohibited from directing any investment decisions; (c) the trust's creation, the trustee's identity, and the trust's aggregate value (but not specific holdings) are publicly disclosed in the Member's financial disclosure; and (d) the trust is reviewed annually by the Office of Congressional Financial Compliance for ongoing compliance with these requirements. A trust that does not meet all four requirements is not qualified; a Member relying on a non-qualifying trust is in violation of the prohibition from the date the trust was created.

Enforcement — Office of Congressional Financial Compliance: The Office of Congressional Financial Compliance, established within the Government Accountability Office, administers the stock trading prohibition. The Office conducts quarterly audits of all Member financial disclosures. All covered trades by any covered person are reportable to the Office within 5 business days of execution. Late reporting is a violation. When the Office identifies a potential prohibited trade, it notifies the Member and the relevant chamber Ethics Committee within 30 days and issues a preliminary finding within 90 days. The preliminary finding is a public document.

Penalties: Civil penalty for any prohibited trade: forfeiture of 100% of any gain realized on the trade (or, for a losing trade, 100% of the amount invested), plus a civil fine equal to 200% of the gain or $50,000, whichever is greater, payable to the Treasury. Willful violations — meaning trades made with knowledge of the prohibition and knowledge that the specific trade was covered by it — are referred to

the Department of Justice for criminal prosecution and to the relevant chamber for consideration of removal. Criminal conviction for a willful violation is grounds for mandatory removal from office.

Section 5. Full-Time Congress: Attendance, Outside Employment, and Pay Accountability

No outside employment: No Member of Congress may hold any other paid employment, compensated advisory position, paid board seat, paid speaking engagement exceeding $2,500 per appearance in any calendar year, or any other position from which they receive income, during their time in office. Exceptions: book royalties from books written before taking office; investment income from permissible investments as defined under the stock trading ban; income from the rental of property owned before taking office, provided the Member plays no active management role. Violations are reported to the relevant chamber Ethics Committee and result in forfeiture of the improperly received compensation plus a civil fine equal to twice the improperly received amount.

Attendance requirements: All recorded votes — floor votes, committee votes, and procedural motions — are public. The Clerk of the House and Secretary of the Senate publish daily attendance records on a public-facing website updated within two hours of each recorded vote. An absence is "unexcused" unless it falls within one of the following defined categories: documented medical emergency or planned medical procedure for the Member or an immediate family member (spouse, parent, child, sibling) requiring the Member's presence; official congressional travel certified in advance by a committee chair or floor leader; active military service or training; natural disaster or declared state of emergency directly affecting the Member's district requiring the Member's presence; or any other absence specifically approved in advance by the Speaker or Majority Leader with same-day public disclosure of the approval and the stated reason.

Pay forfeiture: In any calendar quarter in which a Member misses more than 20% of recorded votes without excuse, the Member's congressional pay for that quarter is automatically forfeited to the U.S. Treasury. Forfeiture is automatic — it does not require action by the Ethics Committee or a vote of the chamber. The Office of Congressional Financial Compliance calculates the forfeiture amount, notifies the Disbursing Office of the relevant chamber, and publishes the forfeiture publicly within 10 business days of the quarter's end. Forfeited pay is not deferred and may not be recovered retroactively. A Member who contests their attendance record has 30 days to provide documentation of excused absences; any excused absences demonstrated within that window are credited to the calculation retroactively.

Section 6. Private Bills Prohibition: Standing and Enforcement

The prohibition on private bills — laws that confer specific benefits on fewer than ten identifiable persons or entities based on their identity rather than on criteria equally available to all similarly situated persons — is enforced through the following mechanisms:

GAO pre-enactment advisory review: Any Member of Congress may request a GAO advisory opinion on whether a pending bill or provision constitutes a private bill under Article Three, Section 1.

The GAO must issue its advisory opinion within 30 days. The advisory opinion is not binding but is a public document. A bill enacted despite a GAO advisory finding of private bill status is not automatically void — but the advisory finding establishes a strong presumption in any subsequent judicial challenge.

Standing: Any person who can demonstrate a concrete, specific disadvantage arising from the special benefit conferred by the law — including any competitor of the benefited party, any person who sought but was denied the same benefit, any taxpayer whose funds fund the benefit, any Member of Congress who voted against the measure, or any state Attorney General on behalf of residents of that state who are similarly situated to the named beneficiary and denied the same benefit — has standing to challenge the law in federal district court as a private bill in violation of Article Three, Section 1.

Standard of review: Courts review private bill challenges de novo. A law is a private bill if, in its text and practical effect, it confers a benefit, immunity, exemption, or privilege on fewer than ten persons or entities identified by name, description, or criteria not available to all similarly situated persons. The stated intent of Congress is not determinative; the practical effect of the law is the operative test.

Remedy: A provision found to be a private bill is void and severable from the rest of the enacted law. The severing court may not void the entire law in which the private bill provision was embedded unless the provision was essential to the law's overall operation. Prevailing challengers are entitled to attorneys' fees. There is no statute of limitations on private bill challenges; a law may be challenged as a private bill at any time after enactment.

Section 7. Balanced Budget Pay Suspension: Determination and Mechanics

The constitutional pay suspension for failure to pass a balanced budget is administered by the Comptroller General of the United States through the following procedure:

What counts as balanced: A budget is balanced when total federal outlays for a fiscal year do not exceed total federal revenues for that fiscal year. For purposes of this calculation: (a) outlays attributable to ring-fenced trust funds — Social Security, Medicare, the Healthcare Trust Fund, the Highway Trust Fund, and any other fund in which revenues are dedicated by law to specific purposes and may not be used for general budget purposes — are excluded from both sides of the calculation; (b) outlays authorized by emergency supplemental appropriations enacted during a congressionally declared national emergency or during an active AUMF are excluded for the fiscal year of the emergency only; and (c) the calculation uses actual outlays and actual revenues as reported by the Treasury, not projections.

Determination: Within 90 days of the close of each fiscal year, the Comptroller General publishes a written determination identifying whether the federal government operated with a balanced budget for that year using the above calculation. The determination is a public document. The Comptroller General's methodology and underlying data are published alongside the determination. The determination is not subject to executive branch review or modification. **Trigger:** If the Comptroller

General publishes three consecutive annual determinations of an unbalanced budget — meaning three fiscal years in a row in which outlays exceeded revenues under the above calculation — Member pay is automatically suspended from the date of the third determination until the date on which Congress enacts a balanced budget for the current fiscal year as certified by the Comptroller General. Pay suspension is automatic; it does not require any additional action by the Comptroller General, the Office of Congressional Financial Compliance, or any other body.

Resumption: Member pay resumes automatically on the date the Comptroller General certifies that Congress has enacted a budget for the current fiscal year that is projected to be balanced. The projection uses the CBO baseline methodology. Pay suspended during the suspension period is permanently forfeited — it is not deferred, accrued, or recoverable retroactively under any circumstances.

Immutability: The pay suspension schedule may not be modified, paused, or overridden by any act of Congress, executive order, or administrative action. The only mechanism for altering it is a constitutional amendment. Congress may enact a balanced budget at any time to end a suspension; it may not enact legislation that purports to waive or defer the suspension itself.

Section 8. Anti-Nepotism: Enforcement and Remedies

The anti-nepotism prohibition of Article Five, Section 2 of the Constitution — which prohibits any federal appointing official from appointing any person related within the second degree of consanguinity or equivalent relationship to any paid or unpaid federal position — is enforced through the following mechanisms:

Scope: "Related within the second degree of consanguinity" means: spouses and domestic partners; parents and parents-in-law or equivalent; children and children-in-law or equivalent; siblings and siblings-in-law or equivalent; grandparents and grandparents-in-law or equivalent; and grandchildren and grandchildren-in-law or equivalent. Adoptive relationships are treated identically to biological relationships. The prohibition applies regardless of whether the appointing official nominates, recommends, approves, or informally facilitates the appointment. It covers paid positions, unpaid advisory positions, formal board appointments, and any position in which the appointee exercises governmental authority or has access to non-public government information.

OPM expedited review: Any person may file a complaint alleging a nepotistic appointment with the Office of Personnel Management. OPM must complete its review and issue a written determination within 30 days of receiving a complete complaint. The complaint and OPM's determination are public documents. If OPM finds a nepotistic appointment, the appointment is void from the date of appointment — not from the date of the finding. The improperly appointed person must vacate the position within 14 days of the finding.

Compensation recovery: All salary, fees, and compensation received by the improperly appointed person from the date of appointment through the date of vacating must be repaid to the United States

Treasury within 60 days of the OPM finding. The federal government may seek recovery through civil action if repayment is not made voluntarily.

Appointing official accountability: The official who made the nepotistic appointment is referred to the relevant inspector general for investigation and to the Department of Justice for criminal referral if the appointment was willful. "Willful" means the appointing official knew of the familial relationship and knew the appointment was prohibited. A willful nepotistic appointment is an impeachable high crime under Article Five, Section 2 for the President and vice-presidential-succession officers; for other federal officials, it is a federal felony carrying removal from office, a fine of $100,000, and a five-year bar from federal employment.

Official acts protected: The void appointment does not automatically invalidate official acts taken by the improperly appointed person during their tenure if those acts were taken in good faith reliance on the apparent validity of their appointment, before the OPM finding was issued, and in accordance with the duties of the position. The void appointment eliminates all ongoing authority from the date of the OPM finding; it does not retroactively void acts taken before that date.

Section 9. Congressional Review Act: Specificity Requirements and Re-Regulation

When Congress overturns a federal agency regulation under the CRA authority of Article Three, Section 7, the written objections required by that provision must meet all of the following specificity standards. Written objections that do not meet these standards are not valid CRA objections — they do not trigger the 180-day prohibition on re-regulation and do not constitute valid exercise of the CRA authority:

Required content of valid objections: Every valid CRA written objection must identify, for each provision of the regulation being overturned: (a) the specific regulatory provision being overturned, identified by section and paragraph number; (b) the specific statutory authority that Congress contends the agency exceeded or misinterpreted in promulgating that provision, identified by statutory citation; and (c) a plain-language explanation, of at least one paragraph, of why the cited regulatory provision exceeds the cited statutory authority — meaning an explanation of what the statute permits and why the regulatory provision goes beyond it. General statements that a regulation is "burdensome," "overreaching," or "contrary to congressional intent" without a specific statutory basis do not satisfy this requirement.

Judicial review of objection validity: The agency whose regulation has been overturned may challenge the validity of the CRA objections in the United States Court of Appeals for the D.C. Circuit within 30 days of the CRA vote. The court reviews de novo whether the objections meet the specificity standards of this section. If the court finds the objections do not meet the standards, the CRA vote is void and the regulation remains in effect. If the court finds the objections are valid, the regulation is overturned as of the date of the CRA vote.

Re-regulation after 180 days: When a regulation is validly overturned, the agency may issue a revised regulation after 180 days. A revised regulation is presumptively valid if it either: eliminates the specific provisions identified in the valid objections and addresses the remainder of the regulatory need through compliant means; or provides a reasoned explanation, citing specific statutory text, of why the identified provisions do fall within the agency's statutory authority — in which case the revised regulation may be immediately challenged under the same judicial review standard. A revised regulation issued within the 180-day period, or a revised regulation that is functionally identical to the overturned regulation without addressing the specific stated objections, is void.

Protection of constitutionally required programs: No CRA objection may be used to permanently eliminate any regulatory program that implements a constitutional right under this Constitution. Congress may use the CRA to require revision of the implementing mechanism; it may not use the CRA to functionally nullify a constitutional obligation by permanently blocking all regulatory implementation.

Section 10. Election Day Holiday: Employer Obligations and Enforcement

All federal election days — primary elections and general elections for federal offices — are paid civic holidays. The following obligations apply to ensure that the right to vote is practically accessible to all eligible voters regardless of employment circumstances:

Employer obligations — all employers with 15 or more employees: Every employer with 15 or more employees — including part-time, seasonal, and temporary employees who are eligible to vote — must provide each eligible voting employee a minimum of two consecutive paid hours during voting hours to cast their ballot on any federal election day. The two-hour window is in addition to any meal break and may not be counted against any leave balance. Employers may specify the time of the two-hour window based on business needs — for example, requiring that some employees vote in the morning and others in the afternoon — provided that every eligible voting employee is given a window that falls within the voting hours of their polling location. Advance notice of at least five business days is required when the employer designates the voting window.

Gig, contract, and platform workers: Any person who provides services to an entity through a platform, app, or contract arrangement and who is eligible to vote is entitled to deactivate or pause their platform availability for two consecutive hours during voting hours on any federal election day without any adverse consequence — including no reduction in algorithmic ranking, no account flags, no reduction in assignment priority, and no reduction in ratings or reviews. Platform companies may not use any mechanism to penalize, disfavor, or deprioritize any worker for exercising this right.

Anti-retaliation: No employer, supervisor, or platform may take any adverse action against any employee or worker for exercising their right to vote, requesting their voting window, or enforcing their rights under this provision. "Adverse action" includes termination, demotion, reduction in hours, schedule changes that eliminate voting access, negative performance evaluations, and any other action

that penalizes the exercise of this right. Anti-retaliation protections apply for 90 days following any federal election day. **Enforcement:** The Department of Labor enforces this provision for covered employees. Any employee who believes their employer has violated this provision may file a complaint with the Department of Labor within 180 days of the violation. The Department must investigate and issue a determination within 60 days. Prevailing complainants are entitled to: reinstatement where applicable; back pay for any lost compensation; and a civil penalty payable to the complainant equal to the greater of $1,000 or three times the actual harm suffered. Willful violations carry an additional civil penalty of $10,000 per violation payable to the Treasury. The Department of Labor publishes an annual report on complaints received, investigations completed, and penalties imposed.

Section 11. Budget Process: Automatic CR Mechanics and Impoundment Enforcement

Article Three, Section 9 of the Constitution establishes three interlocking mechanisms: the automatic continuing resolution, the debt ceiling abolition, and the impoundment prohibition. This Section implements the operational details the Constitution does not specify and establishes the enforcement authority.

Automatic CR activation and ECI adjustment. The automatic continuing resolution takes effect at 12:01 AM on October 1 of any year in which Congress has not completed all appropriations. The Office of Management and Budget determines whether appropriations are complete and publishes that determination by September 28 of each year. The Employment Cost Index adjustment is calculated by the Bureau of Labor Statistics using the 12-month change in the ECI for civilian workers as of the most recent available quarter preceding October 1, with a floor of 0% and a ceiling of 3%. The adjusted CR levels apply agency by agency using the relevant agency's prior-year enacted appropriation as the base. If a prior-year appropriation was itself an automatic CR, the chain continues from the last enacted full-year appropriation with cumulative ECI adjustments.

Congressional pay suspension mechanics. The suspension of Member pay during an automatic CR period is administered by the Chief Administrative Officer of the House and the Secretary of the Senate. Beginning on October 1 of any year in which appropriations are incomplete, the CAO and Secretary shall suspend payroll processing for all Members of Congress. The suspension ends on the date all required appropriations have been enacted and signed. Suspended pay is permanently forfeited — it is not held in escrow, accrued, or retroactively restored. A Member who challenges the pay suspension in court bears the cost of any litigation without fee recovery regardless of outcome.

Debt ceiling abolished — no implementing mechanism needed. The debt ceiling is abolished by direct constitutional command. No administrative procedure, GAO determination, or supermajority vote is required in connection with the federal government's authority to borrow to pay obligations lawfully incurred by Congress. Treasury is automatically authorized to borrow whatever is necessary to honor outstanding obligations. Any statute purporting to reimpose a debt ceiling is void upon enactment without further judicial action.

Impoundment enforcement. Any person or entity that would have directly benefited from appropriated funds that a President has withheld, frozen, or redirected may bring a civil action in the United States District Court for the District of Columbia seeking: a declaratory judgment that the impoundment is unconstitutional; an injunction requiring immediate obligation and expenditure of the withheld funds; and attorney's fees and costs. The court shall issue a preliminary injunction requiring release of funds within 10 business days of filing absent extraordinary circumstances. Congress may bring a direct action on behalf of the institution without establishing individual harm. A presiding officer of either chamber may authorize legal representation for Congress in such proceedings without a floor vote.

Section 12. Congressional Transparency: What the Public Has a Right to Know

Congress exercises power on behalf of the American people. The people have a constitutional right to know how that power is exercised and who is trying to influence it. The following transparency requirements are self-executing and administered by the Office of Congressional Financial Compliance in coordination with the Clerk of the House and Secretary of the Senate:

Financial disclosure — quarterly updates: Every Member of Congress must file quarterly financial disclosure updates within 30 days of the end of each calendar quarter identifying any change in their assets, liabilities, or income sources above $5,000 since their most recent disclosure. Annual disclosures continue to be required and must include all holdings, income sources, and transactions. All disclosures are published on a publicly searchable database within five business days of filing. The annual disclosure must include, for each asset held: the asset type and issuer; the approximate value range; any transactions during the year; and any income received. No asset, liability, or income source may be disclosed only as "over $1,000,000" without additional specificity — Members must disclose approximate values using standardized ranges: $1M-$5M, $5M-$25M, $25M-$50M, $50M-$100M, and over $100M.

Lobbyist meeting disclosure — 48 hours: Every Member and senior congressional staffer — including chiefs of staff, legislative directors, and any staffer whose primary duties include advising on legislation — must publicly disclose within 48 hours any meeting, call, or written communication with a registered lobbyist, foreign agent, or paid advocate about any pending or anticipated legislation, executive action, or regulatory matter. Disclosure must identify: the name of the lobbyist or advocate; their client or employer; the date of the meeting or communication; and the bill number, regulatory docket, or general subject matter discussed. Disclosures are published in a searchable database organized by Member, by lobbyist, and by bill or subject matter. The 48-hour clock runs from the conclusion of the meeting or communication.

Lobbyist-to-bill searchability: The public may search the lobbyist meeting disclosure database by bill number or subject matter to identify every registered contact made to any Member or senior staffer regarding a pending bill. This searchability is the critical transparency mechanism — citizens can see, before a vote, who has been lobbying their representatives on a specific piece of legislation.

Think tank and advocacy organization disclosure: Any organization that spends more than $250,000 per year on activities directly aimed at advancing or opposing specific federal legislation — including publishing reports, placing advertisements, organizing congressional meetings, or funding congressional travel — must register with the Office of Congressional Financial Compliance and disclose quarterly: all funders contributing more than $10,000 per year; all expenditures by subject matter and bill number; and all Members and staff contacted. Organizations that fail to register are subject to civil penalties of $50,000 per quarter of non-compliance plus an amount equal to 200% of the expenditures that should have been disclosed.

GAO Tax Summary: The Government Accountability Office publishes an annual two-year federal tax summary for every Member of Congress — identifying total income, total taxes paid, effective tax rate, and major income categories — based on returns filed with the IRS. Members consent to this publication as a condition of taking the oath of office. The publication occurs within 90 days of the tax filing deadline each year. A Member who fails to file federal tax returns on time forfeits their congressional pay until all returns are filed and current.

Section 13. The One-Amendment Rule: Enforcement, Standing, and Remedies

Article Three, Section 3 of the Constitution provides that the Senate may propose only one substantive amendment per bill. This constraint is designed to prevent the practice of loading bills with unrelated provisions — an abuse that conceals legislation from public scrutiny and bypasses the committee process. This Section establishes how the rule is enforced and what remedies apply when it is violated. This Section is distinct from, and complementary to, the single subject and anti-rider procedure established under Section 23 of this Act, which addresses unrelated provisions present in a bill's original drafted content rather than added by amendment.

Substantive vs. technical amendments. A substantive amendment is one that changes the legal rights, obligations, benefits, or burdens created by the bill — including its scope, its effective date, its funding level, or any operative provision. A technical amendment is one that corrects a clerical error, adjusts a cross-reference, or conforms language to established drafting conventions without changing any operative provision. The one-amendment limit applies to substantive amendments only. A dispute about whether a proposed amendment is substantive or technical is decided by the Senate Parliamentarian, subject to appeal to the presiding officer, and subject to judicial review in federal court by any Senator or any person directly affected by the bill.

Standing to challenge. Any Member of Congress may challenge a bill's compliance with the one-amendment rule by raising a point of order before final passage. Any person whose legal rights or obligations are directly and specifically affected by a bill that passed the Senate with more than one substantive amendment may challenge the bill's validity in federal court within 90 days of enactment.

Remedies. When a court finds that a Senate bill was enacted with more than one substantive amendment in violation of Article Three, Section 3, the remedy is severance: the court identifies which

amendment was the first proposed and severs all subsequent amendments from the enacted law, leaving the bill minus the offending additions in full force. Where severance produces a result that the bill's sponsors could not plausibly have intended — because the first amendment was purely incidental and the substance of the legislation was in subsequent amendments — the court shall vacate the entire act and return it to Congress for reconsideration.

Section 14. Senate Vacancy Election Enforcement

Article Three, Section 4 requires that when a Senate vacancy occurs, a special election must be held within 120 days — or, if within 6 months of a regularly scheduled general election, at that election. The 6-month window is calculated from the date of the vacancy to the date of the scheduled general election; a vacancy occurring exactly at the 6-month mark is resolved in favor of the special election requirement. If a state fails to schedule the required special election within the required period: any registered voter in the affected state may petition the federal district court for that state for an order compelling the election; the court must rule on the petition within 14 days; and upon a finding of non-compliance, the court shall order the election to be held within 30 days of the order, with the state election authority directed to conduct the election in compliance with applicable federal election law. The costs of federal judicial enforcement proceedings brought as a result of a state's failure to hold the required election shall be assessed against the state.

Section 15. Invalid Pardons: Enforcement and Criminal Liability

Article Four, Section 2 of the Constitution prohibits the President from pardoning themselves, their immediate and extended family, or any person whose offense arose from conduct forming the basis of an investigation involving the President personally. A pardon issued in violation of these restrictions is void ab initio — it has no legal effect and does not bar continued or resumed prosecution.

Declaring a pardon void. Any federal court with jurisdiction over the underlying prosecution may declare a specific pardon void upon petition by: the Special Counsel; the Department of Justice; or any person who was convicted of the underlying offense and whose prosecution was purportedly ended by the invalid pardon. The court determines validity by examining whether the pardon falls within any of the three prohibited categories on its face or based on the documented record. A pardon that facially purports to cover all federal offenses committed during a specified period, or that covers a family member by name or description, is presumptively void without further inquiry.

Resumption of prosecution. A declaration that a pardon is void restores the underlying prosecution to the status it held immediately before the purported pardon. Any statute of limitations that was running at the time the purported pardon was issued is tolled from the date of the pardon to the date of the court's void declaration — the invalid pardon does not count as time in which prosecution was available. Jeopardy does not attach to any proceeding that was dismissed solely in reliance on a subsequently voided pardon.

Criminal prosecution of the pardoning President. Article Four, Section 2 designates the knowing issuance of a prohibited pardon as a personal federal offense. The Special Counsel — or the Attorney General acting independently of any direction from the President — may bring criminal charges against a former President for knowingly issuing a prohibited pardon without obtaining a prior judicial declaration of invalidity. "Knowingly" means the President was aware the pardon fell within a prohibited category at the time of issuance — the President's own post-hoc claim that they did not know the recipient was under investigation related to their own conduct is not sufficient to defeat knowing-issuance where the record demonstrates the President had access to information establishing the connection.

Section 16. Presidential Power Zones: Definitions and Judicial Enforcement

Article Four, Section 9 establishes three zones of presidential authority based on congressional action. This Section defines the terms that determine which zone applies and establishes the judicial framework for enforcing the zone boundaries.

Determining the applicable zone. Courts determine which zone applies based on the most recent specific expression of congressional will on the subject matter in question — not on the general scope of the President's claimed constitutional authority. "Express authorization" requires a statute or joint resolution specifically addressing the action the President has taken or proposes to take; general grants of executive authority do not constitute express authorization for specific actions within their scope unless the specific action is addressed. "Express prohibition" requires a statute or joint resolution specifically prohibiting the action; the absence of authorization does not constitute prohibition. Where Congress has addressed a subject partially, the President may act within the space Congress has left open but not in conflict with what Congress has addressed.

"Active combat operations" defined. The Section 9 exception permitting presidential action in the lowest zone for up to 30 days applies only to "active combat operations in a theater of active combat." Active combat operations means ongoing exchange of fire between United States armed forces and an identified enemy in a designated combat theater. Economic sanctions, diplomatic pressure, covert operations that do not involve direct engagement, and domestic deployments do not constitute active combat operations. The designation of a combat theater requires a presidential determination made on the record, subject to congressional review within 48 hours of deployment.

"Physically unable to convene" defined. The Section 9 exception applies only when Congress is physically unable to convene within the required timeframe. Physical inability means Congress cannot be assembled because of enemy attack, catastrophic natural disaster, or other physical emergency that makes travel to or communication from Washington D.C. impossible for a majority of Members. Political disagreement, the President's preference for speed, congressional recess, or the anticipated difficulty of obtaining authorization does not constitute physical inability. A President who claims physical inability must document the specific physical barrier to congressional convening in the record transmitted to Congress within 48 hours of taking action.

Judicial enforcement. Any Member of Congress has standing to challenge a presidential action as falling within the lowest zone without the Section 9 exception in the United States Court of Appeals for the D.C. Circuit, which must rule within 30 days on the jurisdictional and zone-determination questions. No deference to the President's zone determination is owed by any court — the applicable zone is a question of constitutional law that courts determine independently.

Section 17. AUMF Expiration: Force Withdrawal and Congressional Standing

Article Four, Section 8 requires that every Authorization for the Use of Military Force identify a specific enemy or theater, set a maximum duration not exceeding two years, and expire automatically at the end of its stated duration. This Section establishes the force withdrawal obligation and the enforcement mechanism when the President does not withdraw forces after AUMF expiration.

Force withdrawal obligation. When an AUMF expires without renewal — whether by reaching its stated end date, by congressional repeal, or by automatic expiration — the President has 60 days from the date of expiration to withdraw all United States armed forces that were deployed under the authority of that AUMF. Within 7 days of AUMF expiration, the President must transmit to Congress a withdrawal plan specifying the timeline and logistics for completing withdrawal within the 60-day period. Forces may not continue offensive operations after AUMF expiration; they may take defensive action necessary to protect personnel during the withdrawal period only.

Residual force authority. An AUMF expiration does not eliminate the President's inherent authority under Article Four, Section 8 to protect and evacuate American citizens in immediate danger. If American personnel are in imminent danger during the withdrawal period, the President may take the minimum action necessary to protect them pending completed withdrawal, for a period not exceeding 30 days. Any extension beyond 30 days requires a new AUMF or a specific joint resolution authorizing the extended protection mission.

Congressional standing to enforce withdrawal. If forces remain deployed beyond 60 days after AUMF expiration without a new AUMF and without a documented imminent-danger exception, any Member of Congress has standing to file an enforcement petition in the United States Court of Appeals for the D.C. Circuit seeking an injunction requiring the President to present a specific withdrawal timeline to the court and to Congress within 14 days, and to comply with that timeline. The court must rule on the enforcement petition within 30 days. Political question doctrine does not bar judicial enforcement of the specific 60-day withdrawal obligation established by this Section — the question whether forces remain deployed past the constitutional deadline is a factual question, not a political one.

Section 18. Diplomatic Funding Floor: Enforcement and Standing

Article Seventeen of the Constitution requires that diplomacy, foreign assistance, and international development be funded at no less than 10% of the defense appropriation each fiscal year, with a three-

fifths supermajority of both chambers required to reduce this floor. This Section establishes who may enforce this requirement and how.

The 10% calculation. The diplomatic funding floor is calculated as a percentage of the total enacted defense appropriation for the same fiscal year, including all Department of Defense appropriations, overseas contingency operations funding, and any emergency supplemental defense appropriations enacted during that year. The calculation is performed by the Government Accountability Office within 30 days of each defense appropriation's enactment and published in the Federal Register. Diplomacy, foreign assistance, and international development for purposes of this Section means all appropriations for the Department of State, the United States Agency for International Development, international broadcasting entities, and all other federal programs whose primary purpose is diplomatic engagement, foreign assistance, or international development.

Enforcement standing. The following have standing to enforce the diplomatic funding floor in federal court: the Secretary of State, who may seek a declaratory judgment that a specific appropriation violates Article Seventeen; any Member of Congress who voted against an appropriation that falls below the 10% floor; and any organization whose programmatic activities depend primarily on State Department or USAID funding and whose operations are materially affected by the funding shortfall. An enforcement petition may be filed in the United States District Court for the District of Columbia within 60 days of the enactment of the deficient appropriation.

Remedy. When a court finds that an appropriation falls below the 10% floor without the required three-fifths supermajority, the court shall declare the shortfall void and order Congress to enact a supplemental appropriation sufficient to reach the constitutional floor within 90 days. During the pendency of enforcement proceedings, the prior year's diplomatic appropriation remains in effect on a continuing basis to prevent disruption of ongoing diplomatic operations.

Section 19. Congressional Vote Obligation: Contempt Mechanism and Ministerial Scheduling

Article Nineteen, Section 4 provides that if Congress fails to bring required implementing legislation to a recorded vote within the specified deadline, any person has standing to sue to compel a recorded vote, and that institutional contempt fines enforce compliance. This Section implements the contempt mechanism in a manner consistent with the Speech or Debate Clause while giving the judicial order meaningful force.

What is compelled and what is not. A court order under Article Nineteen, Section 4 compels the scheduling and conduct of a recorded floor vote — it does not and cannot compel how any Member votes, constrain the content of debate, or dictate the outcome. The obligation is ministerial: the leadership of the relevant chamber must place the required legislation on the floor calendar and bring it to a vote within the time ordered by the court. Individual Members' voting decisions — including voting no, voting present, or abstaining — are protected by the Speech or Debate Clause and cannot be

compelled, penalized, or reviewed by any court. The institutional obligation is distinct from the individual legislative act.

Who bears the obligation and how contempt is enforced. The ministerial scheduling obligation falls on the Speaker of the House and the Majority Leader of the Senate in their respective chambers, acting in their institutional capacity — not as individual legislators. A failure to schedule the required vote within the time ordered by the court is a failure of the institutional scheduling function, not a legislative act protected by Speech or Debate. The court enforces compliance through: daily institutional fines assessed against the operating account of the non-compliant chamber, at a rate of $50,000 per day beginning 5 days after the deadline; a court order directing the Clerk of the House or Secretary of the Senate to place the required legislation on the floor calendar, which the Clerk or Secretary must execute as a ministerial duty within 48 hours; and, if the chamber's leadership physically prevents a vote from occurring after scheduling, referral to the relevant Inspector General for investigation of obstruction of a constitutional function. Fines accumulate in an escrow account held by the Treasury and are returned to the chamber's operating account upon completion of the required vote.

Section 20. Constitutional Statute Protection: The 60% Supermajority Requirement and Enforcement

Article Nineteen, Section 3 provides that Constitutional Statutes require a 60% supermajority of both chambers to enact, amend, or repeal, and may not be defunded, circumvented through appropriations riders, or suspended by executive order. This Section establishes the enforcement framework for these protections.

What requires a 60% supermajority. The 60% requirement applies to: any bill that amends the text of any Constitutional Statute; any bill that repeals any Constitutional Statute or any provision thereof; any appropriations rider or provision that conditions or reduces funding for any program or obligation established by a Constitutional Statute; any executive order, proclamation, or directive that suspends, delays, or otherwise prevents the operation of any Constitutional Statute; and any bill that purports to supersede, override, or render inoperative any provision of any Constitutional Statute. A bill that creates a new Constitutional Statute also requires 60% of both chambers.

Standing and judicial review. Any person has standing to challenge legislation that amends, repeals, defunds, or circumvents a Constitutional Statute without the required 60% supermajority. The challenge may be filed in any federal district court with jurisdiction, and the court must issue a ruling within 60 days of filing. The challenger must demonstrate: the legislation purports to amend, repeal, defund, or circumvent a Constitutional Statute; and the recorded vote in one or both chambers fell below 60% of the full membership of that chamber. The government bears the burden of demonstrating that either the legislation does not affect a Constitutional Statute or that the required supermajority was achieved. No standing requirement of individual injury is imposed — the protection of Constitutional Statutes is a structural constitutional guarantee that any person may invoke.

Remedy. Legislation enacted without the required 60% supermajority that purports to amend, repeal, defund, or circumvent a Constitutional Statute is void as enacted. The Constitutional Statute remains in full force as if the offending legislation had never been enacted. Any government action taken in reliance on void legislation is itself void, and any person harmed by such action has a private right of action for damages and injunctive relief against the implementing agency or official.

Section 21. Tribal-State Funding Parity: Report Enforcement and Trust Responsibility Remedy

Article Twenty, Section 6 of the Constitution requires Congress to appropriate funds to tribal governments at a per-capita level comparable to funding for equivalent state services, requires OMB to publish an annual Tribal-State Funding Parity Report, and requires Congress to respond to each identified shortfall with either appropriations or written findings. This Section establishes the enforcement mechanism when Congress fails to respond adequately.

The OMB Report. The Office of Management and Budget must publish the Tribal-State Funding Parity Report no later than March 1 of each calendar year for the preceding fiscal year. The Report must: identify each category of governmental service for which tribal governments and state governments receive federal funding; calculate per-capita federal funding for each service category separately for tribal governments and state governments; express any shortfall as both an absolute dollar amount per tribal member and as a percentage below the state equivalent; project the total annual appropriation that would be required to achieve parity in each shortfall category; and identify any service categories for which tribal governments receive no federal funding despite state governments receiving federal funding for equivalent services. The methodology must be developed in government-to-government consultation with tribal nations and published for 60-day public comment before adoption. Any material change to the methodology must be preceded by the same consultation and comment process.

Congressional response obligation. Within one year of each Report's publication, Congress must, for each identified shortfall: appropriate funds sufficient to address the shortfall in the current or next fiscal year; or adopt a written resolution, approved by majority vote of both chambers, explaining with specificity why equivalent funding is not required for the specific service category and what alternative means of meeting the trust responsibility exists for that category. A failure to do either within one year is a failure of the congressional trust responsibility obligation under Article Twenty, Section 6.

Enforcement. If Congress neither appropriates to address an identified shortfall nor adopts the required written findings within one year of the Report's publication, any tribal government whose members are affected by the shortfall may bring an enforcement action in the United States District Court for the District of Columbia. The court must issue a ruling within 90 days of filing. The presumption in the enforcement action is that the shortfall constitutes a violation of the federal trust responsibility under Article Twenty, Section 3 — Congress bears the burden of rebutting this presumption by demonstrating either that the shortfall does not exist as measured by the OMB Report's methodology, or that an adequate alternative means of fulfilling the trust responsibility for the specific

service category exists and is currently operative. A court finding of trust responsibility violation may order Congress to bring specific appropriations legislation to a recorded vote within 180 days, consistent with Article Nineteen's judicial enforcement authority over mandatory congressional voting obligations.

Section 22. Amendment Petition Enforcement: The 10% Voter Petition and Congressional Vote Obligation

Article One, Section 3 of the Constitution provides that a petition signed by 10% of registered voters in 30 or more states forces Congress to bring the proposed amendment to a recorded vote within 90 days. This Section establishes the certification process, the enforcement mechanism, and the relationship between the petition right and the two-thirds passage threshold.

Certification of qualifying petitions. A petition qualifies under Article One, Section 3 when: it proposes a specific text of a constitutional amendment; it has been signed by at least 10% of registered voters in each of at least 30 states, as measured by the most recent official voter registration figures for each state; and signatures have been collected within a 24-month window. The Government Accountability Office is responsible for certifying whether a petition meets these requirements. Upon submission of a completed petition to the GAO, the GAO must: verify the signature count in each state within 60 days using a statistically valid sampling methodology; certify qualifying petitions as valid or report specific deficiencies within 60 days; and transmit the certified petition and proposed amendment text to the Speaker of the House and the Senate Majority Leader within 5 days of certification. A petition that the GAO certifies as deficient may be supplemented and resubmitted; the 90-day floor vote clock does not begin until the GAO issues a valid certification.

Congressional floor vote obligation. Within 90 days of the GAO's transmission of a certified petition to congressional leadership, the House of Representatives and the Senate must each hold a recorded floor vote on the proposed amendment. The House votes first; if the House approves by two-thirds, the Senate must hold its vote within 30 days of the House vote. The 90-day clock runs on the House vote; the Senate's 30-day window begins on the date of the House vote. A failure by either chamber to hold the required vote within the applicable deadline is a violation of Article One, Section 3.

Enforcement. If Congress fails to bring a certified petition to a floor vote within 90 days of the GAO's transmission, any person who signed the certified petition, any organization that organized the petition, or any Member of Congress may petition the United States Court of Appeals for the District of Columbia Circuit for a writ of mandamus compelling the required vote. The D.C. Circuit must rule within 30 days. A writ of mandamus issued under this Section directs the House Clerk to schedule the proposed amendment for a floor vote within 14 days of the writ's issuance. The same institutional contempt mechanism established in Section 19 applies: daily fines against the chamber's operating account, beginning 5 days after the writ's deadline, until the vote occurs. As with all vote-compelling orders, the writ compels the act of voting — it cannot dictate the outcome or how any Member votes.

Section 23. Single Subject Enforcement and Anti-Rider Procedure

This Section implements Article Three, Section 6's requirement that every law address a single subject stated in its title. This Section is distinct from, and complementary to, the one-amendment rule established under Section 13 of this Act: Section 13 limits the Senate's ability to load unrelated provisions onto a bill through the amendment process; this Section limits a bill's original drafted content, regardless of whether any amendment is offered, ensuring a bill cannot simply be introduced already containing the unrelated provisions Section 13 would otherwise catch if added by amendment.

Germaneness standard. A provision of a bill is germane to the bill's stated subject only if it directly implements, funds, or is substantively necessary to carry out that subject; a provision is not germane merely because it relates to the same general policy area, the same federal department, or the same fiscal year. For an appropriations bill specifically, the germane subject is the allocation of funds to the programs, agencies, and purposes the bill identifies; a provision changing existing substantive law, rather than allocating funds, is presumptively non-germane to an appropriations bill unless that substantive change is itself necessary to give effect to a specific appropriation in the same bill.

Point of order and automatic strike. Any Member of either chamber may raise a point of order that a specific provision of a pending bill is not germane to the bill's stated subject. The presiding officer, applying the germaneness standard above, rules on the point of order; a ruling that the provision is not germane results in the automatic striking of that provision from the bill, unless three-fifths of the chamber votes to override the ruling and retain the provision. A point of order under this Section may be raised against a specific provision without requiring a vote on the bill as a whole, and striking a provision under this Section does not require restarting the legislative process for the remainder of the bill.

Reading and review time. A bill may not receive a final floor vote in either chamber until its complete text has been publicly available, without further amendment, for not less than 72 hours, or one additional hour per 20 pages of bill text beyond the first 500 pages, whichever is longer. This requirement may be waived only by a two-thirds vote of the chamber, taken as a separate, recorded vote distinct from the vote on the bill itself.

Judicial enforcement. Where a chamber's presiding officer declines to rule on a point of order raised under this Section, or where the point-of-order process is circumvented through a procedural mechanism designed to avoid this Section's requirements, any Member who raised the point of order, or any person with standing affected by the non-germane provision, may petition the United States District Court for the District of Columbia for a declaration that the provision violates Article Three, Section 6. A court finding a violation orders the non-germane provision severed from the law; severance does not invalidate the remainder of the law unless the court finds the non-germane provision was not severable from the law's valid subject matter.

No effect on bill content within a single subject. This Section does not limit the volume, complexity, or number of distinct funding lines a bill may contain, provided every provision is germane to the bill's

single stated subject under the standard above; this Section targets the bundling of unrelated subjects, not the length or detail of legislation addressing one subject.

Section 24. Plain-Language Summary of Chamber Rules

Before either chamber may vote to adopt its standing rules at the start of a new Congress, or to adopt any substantive amendment to its standing rules during a session, the Congressional Research Service must publish a plain-language summary of the proposed rules or rule change.

Content and structure. The summary must be organized section by section, with each section cross-referenced to the specific rule number or rule text it describes, and must explain in ordinary language: what the rule actually permits or prohibits in practice; who within the chamber gains or loses authority, discretion, or procedural advantage as a result of the rule; and what practical effect, if any, the rule has on the public's ability to track, access, or participate in the legislative process. The summary may not simply restate the rule's text in different words; it must explain the rule's real-world operation in language comprehensible to a reader without legislative training.

Readability standard. The summary must achieve a Flesch-Kincaid reading ease score, or successor standard of comparable function, indicating comprehension at a 10th-grade reading level or lower. The Congressional Research Service shall certify compliance with this standard upon publication.

Independence. The Congressional Research Service prepares this summary independently of chamber leadership and party caucuses; leadership and individual Members may submit explanatory material to accompany the summary, but may not edit, suppress, or delay the Congressional Research Service's own summary text.

Timing and publication. The summary must be published on a publicly accessible government website not less than 72 hours before the chamber votes to adopt the rules or rule change it describes. A chamber may not vote to adopt its standing rules, or any substantive amendment to those rules, until this requirement is satisfied; this is a structural precondition to the vote, not a basis for invalidating rules after the fact, and does not create a private right of action.

Scope. This Section applies to the standing rules of the House of Representatives and the Senate, including each chamber's rules governing committee procedure, floor debate, and amendment process. This Section does not apply to internal party caucus or conference rules, which are not rules of the chamber itself.

Constitutional Statute 2

Judicial Ethics Commission Act

Implementing Article Five (Sections 1, 3, 4, and 6-9).

Section 1. The Judicial Ethics Commission: Composition and the Ninth-Member Problem

The Judicial Ethics Commission has nine members. The composition is designed to provide both the legal expertise necessary to evaluate complex judicial conduct questions and the independence from the judiciary necessary to actually hold judges accountable — the current federal judiciary's self-policing system having demonstrated the inadequacy of the latter:

The eight appointed members: (a) Two retired federal appellate judges, appointed by the Chief Justice of the United States from among federal appellate judges who have been retired from active service for at least five years; (b) Two legal ethicists or law professors specializing in legal ethics, professional responsibility, or judicial conduct, appointed by the President and confirmed by a 60% vote of the Senate; (c) Two members of the public who are not lawyers and who have demonstrated engagement with issues of judicial accountability or democratic governance, appointed by the majority and minority leaders of the Senate jointly — one from each; (d) Two members of the public who are not lawyers, appointed by the Speaker and Minority Leader of the House jointly — one from each. No more than five of the eight appointed members may be affiliated with the same political party. Members serve five-year staggered terms. They are removable only for cause by a two-thirds vote of the Commission itself.

The ninth member — lot selection: The ninth member, who serves as the Commission's presiding officer, is selected by lot from a pool of retired federal appellate judges who: have been retired from active service for at least three years; are in good standing with the Commission (meaning no pending Commission investigation involving them personally); are willing to serve; and are not affiliated with any political party in a registered or documented manner. The pool is maintained by the Commission and updated annually. The lot selection occurs at a public drawing administered by the Commission's staff. The ninth member serves a three-year term. If the selected judge declines to serve or becomes unavailable, a new selection is made from the same pool. The deliberate randomness of the selection is the feature: no party, no administration, no interest group, and no judge can lobby or pressure a member who was selected by chance from a qualified pool. The ninth member is the only member whose selection is genuinely immune to political targeting.

Staff and budget: The Commission maintains a permanent professional staff including investigators, legal counsel, and administrative personnel. Its budget is a dedicated appropriation that may not be reduced below its ratification-era level adjusted for CPI. The Commission's staff is appointed through competitive civil service processes and serves regardless of changes in Commission membership.

Section 2. Grounds for Disciplinary Action: Four Specific Grounds Only

The Commission may initiate a disciplinary proceeding against any federal judge — Article III or non-Article III — only upon credible evidence of one or more of the following four grounds. No other grounds are available. The Commission may not take disciplinary action based on a judge's judicial decisions, legal reasoning, written opinions, or legal philosophy, even if those decisions are widely criticized, legally controversial, or subsequently reversed on appeal:

Ground 1 — Willful misconduct in office: Conduct by the judge, in their official capacity, that constitutes a deliberate violation of applicable legal or ethical standards, taken with knowledge that the conduct is prohibited. Willful misconduct includes: accepting gifts, travel, or financial benefits from parties or counsel who have or are reasonably likely to have matters before the court, in violation of the requirements of this Act; deliberate failure to recuse in circumstances where recusal is required by this Act; deliberate falsification or material omission in financial disclosure filings; and using official position to obtain personal benefits that are unavailable to the public. Willful misconduct expressly does not include: legal errors, however egregious; unpopular or controversial legal rulings; reversal by a higher court; scholarly criticism of a judicial opinion; or exercise of judicial discretion in a manner that others disagree with.

Ground 2 — Felony offense: Conviction of a felony offense under the law of any jurisdiction, or a finding by the Commission supported by clear and convincing evidence that the judge committed a felony act regardless of whether criminal charges were filed or resulted in conviction. The Commission's finding of felony conduct under this ground requires the evidentiary standard of clear and convincing evidence and is subject to judicial review in the United States Court of Appeals for the D.C. Circuit.

Ground 3 — Material undisclosed conflict of interest: A financial or personal relationship between the judge and a party or counsel in a pending matter that: (a) required recusal under the standards of this Act; (b) was not disclosed to the parties in the matter; and (c) was material — meaning a reasonable person informed of the relationship would have questioned the judge's impartiality. This ground requires all three elements. A conflict that was disclosed, or that was disclosed and the parties waived recusal, or that was genuinely unknown to the judge, does not meet this ground. The Commission must find specific evidence that the judge knew of the relationship and chose not to disclose it.

Ground 4 — Permanent incapacity: A medical or physical condition that permanently prevents the judge from performing the essential functions of their judicial office, as determined by a panel of three independent physicians appointed by the Commission, with the concurrence of the Commission on the basis of the medical findings. Temporary incapacity, mental health treatment, or physical illness from which recovery is possible or ongoing does not meet this ground.

Section 3. Senate Confirmation Timeline: Enforcement and Mandamus

Article Five, Section 1 requires the Senate to hold a floor vote on any judicial nomination within 180 days of the nomination. This obligation exists to prevent the indefinite blockade of judicial nominations — a practice that has historically been used to hold circuit and district courts below functional capacity and to deny a President their constitutional appointment authority. This Section establishes the enforcement mechanism.

The 180-day obligation. The 180-day period begins when the President formally submits a nomination to the Senate. The Senate Judiciary Committee has 90 days to report the nomination to the full Senate, with or without a favorable recommendation; failure to report does not stop the 180-day clock or excuse the full Senate from its floor vote obligation. A nomination that has not received a floor vote within 180 days is subject to judicial enforcement under this Section.

Mandamus to compel a vote. If the Senate has not held a floor vote on a judicial nomination within 180 days of the nomination, the nominee may petition the United States Court of Appeals for the District of Columbia Circuit for a writ of mandamus compelling the Senate to hold a floor vote. The D.C. Circuit must rule on the mandamus petition within 30 days of filing. A writ of mandamus is appropriate when: the 180-day period has elapsed; no floor vote has been held; and no valid constitutional reason — such as a legitimate dispute about the nominee's eligibility under this Constitution — justifies the delay. A writ of mandamus issued under this Section orders the Senate to hold a floor vote within 14 days of the writ's issuance. The writ does not dictate the outcome of the vote.

What the writ does not do. A mandamus writ under this Section compels a vote; it does not determine its outcome. The Senate retains full constitutional discretion to confirm or reject a nominee — the only obligation is that it exercise that discretion in a timely vote rather than through indefinite inaction. A Senator may vote against any nominee for any reason. The constitutional obligation is the act of voting, not the direction of the vote.

Section 4. Nationwide Injunctions: What Is Prohibited and What Is Permitted

Article Five, Section 4 prohibits individual district court judges from issuing nationwide injunctions. This Section defines the scope of that prohibition and distinguishes prohibited nationwide injunctions from permitted class-wide relief.

The prohibition: single-party extraterritorial injunctions. A district court may not issue an injunction that: applies to persons, entities, or conduct in geographic areas outside the district court's territorial jurisdiction; binds government officials with respect to persons who are not parties to the case before the court; or otherwise operates as a universal bar on the enforcement of a law or policy against everyone everywhere, based on a single party's challenge. This is the "nationwide injunction" that Article Five, Section 4 prohibits. It is prohibited because it allows a single district court judge, anywhere in the country, to paralyze national policy based on one party's case — before any appellate

review — creating a practical veto power that is constitutionally disproportionate to a district court's limited jurisdiction.

What is permitted: class-wide relief. The prohibition does not apply to injunctive relief issued in connection with a properly certified class action. When a district court certifies a class of plaintiffs under the applicable rules of civil procedure, the court may issue an injunction that applies to all members of the class, wherever they are located — because the class members are parties before the court. A nationwide class produces nationwide relief through proper judicial process, not through a single party's claim for universal application. The distinction is: who is bound? A class injunction binds those who are parties through the class certification process. A nationwide injunction binds everyone through a single party's extraterritorial reach.

Circuit court and Supreme Court authority. Article Five, Section 4 restricts only district court judges. Circuit courts of appeals and the Supreme Court retain full authority to issue injunctions with whatever geographic scope the case requires. A district court that believes a case requires broader-than-district relief may certify the matter for expedited appeal to the circuit court, which may then issue the broader relief if warranted.

Section 5. State Non-Compliance with Federal Injunctions: Enforcement Mechanisms

Article Five, Section 4 preserves Ex parte Young prospective injunctive relief against state officers who enforce unconstitutional laws or practices. This right is meaningless if states can simply refuse to comply with federal court injunctions. This Section establishes the enforcement framework when a state officer defies a federal court injunction issued under Ex parte Young authority.

Civil contempt and daily fines. A state officer who refuses to comply with a valid federal court injunction is in civil contempt of court. The court may impose daily monetary fines on the officer personally — not on the state treasury — at a level sufficient to compel compliance. The fines begin accumulating from the date of non-compliance and continue until compliance is achieved. The officer may purge the contempt at any time by complying with the injunction. Fines are personal and may not be indemnified by the state — a state may not protect its officers from personal financial consequences of defying federal court orders by agreeing to cover their contempt fines.

Federal marshal enforcement. When civil fines have proven inadequate to compel compliance within 30 days of the contempt finding, the court may order the United States Marshals Service to take such action as is necessary and proportionate to enforce the injunction. This authority includes directing federal marshals to physically enforce the injunction's requirements where doing so is practically possible and does not require the use of force against persons protected by the injunction. The Marshals Service acts under the court's authority, not the President's — the President may not direct the Marshals to delay, limit, or withdraw from enforcement of a court order.

Congressional notification and funding suspension. When a state officer's non-compliance has continued for more than 60 days despite civil contempt sanctions and available marshal enforcement,

the court shall certify the fact of continued non-compliance to Congress. Congress may, by majority vote of both chambers, suspend federal funding to the non-compliant state for programs related to the subject matter of the injunction until compliance is certified by the court. The suspension is limited to related programs — a state that defies an injunction about voting rights does not lose highway funding; it loses funding related to election administration. Congress's decision to suspend or not suspend funding is discretionary; the court's certification obligation is mandatory.

Section 6. Supreme Court Term Limits: 18-Year Active Service

Justices of the Supreme Court of the United States serve an active term of 18 years. At the conclusion of their active term, justices transition to senior status, during which they retain their salary, title, and the ability to sit on lower federal courts by designation. The following rules govern the implementation of 18-year active terms:

New appointments — 18-year active term: Every Justice appointed after the ratification date serves an 18-year active term on the Supreme Court. At the conclusion of 18 years, the Justice transitions automatically to senior status. Senior Justices may not participate in Supreme Court decisions but may be designated to sit on any federal circuit court of appeals. Senior Justices retain their salary for life. A vacancy on the Supreme Court is created when a Justice's active term expires; the President nominates and the Senate confirms a new Justice for the next 18-year active term.

Staggered terms — two seats per presidential term: The 18-year staggered term structure is designed so that one Supreme Court seat's active term expires every two years, creating two vacancies per four-year presidential term in the ordinary course. This predictable appointment structure removes the lottery of life tenure from Supreme Court composition and ensures that every two-year presidential term includes at least one Supreme Court appointment. The specific schedule of expiring terms is set by the Chief Justice in consultation with the Commission and published in the Federal Register within one year of ratification.

Current Justices — transition to new framework: Justices of the Supreme Court serving at the time of ratification retain their active Supreme Court service until the earlier of: the date on which their total years of service on the Supreme Court reaches 18 years from their original appointment date; or their voluntary retirement. Justices who have already served 18 or more years at ratification transition to senior status within one year of ratification, with their seat becoming the first vacancy under the new framework. This transition is not a forced removal — it is the application of the new framework to existing service records. A Justice who transitions to senior status under this provision receives the same benefits as a Justice who completes an 18-year term under the new appointment schedule.

Vacancies mid-term: When a vacancy occurs mid-term — because a Justice dies, resigns, or is removed — the appointed replacement serves the remainder of the original 18-year term, not a new full 18-year term. If fewer than nine years remain in the original term, the replacement Justice serves

those years and then becomes eligible for appointment to a new full 18-year term if a vacancy occurs in the ordinary course.

Third vacancy deferral: When a third Supreme Court vacancy arises during a President's four-year term, the nomination and confirmation process for that seat does not begin until the start of the next presidential term — whether that term is held by the same President following re-election or by a successor. The seat remains vacant during the deferral period; the Supreme Court operates with eight Justices for purposes of any case decided during that period. A four-four decision resulting from the vacancy does not constitute a ruling on the merits and the case is set for reargument once the seat is filled, unless all parties agree to accept the lower court's judgment as final. The deferral period begins on the date the third vacancy arises and ends on the date the next presidential term begins. A vacancy that arises within 90 days of the end of a presidential term counts toward the next term's two-appointment allowance rather than the expiring term's allowance, regardless of when the President submits a nomination for it.

Section 7. Recusal Standards: Financial Conflicts and Gift/Travel Donors

Every federal judge must recuse from any matter in which recusal is required by the following standards. Self-recusal is required; where a judge fails to self-recuse, the Commission has authority to order recusal as provided in this Act:

Mandatory financial recusal: A judge must recuse from any matter in which: the judge, the judge's spouse or domestic partner, or the judge's minor children holds any financial interest — including stocks, bonds, real property, business ownership, or any other investment — in any party to the matter; the judge or an immediate family member has received, within the preceding five years, income, gifts, travel, or other financial benefits from any party or from any counsel of record in the matter, with a cumulative value above $250; the judge knows that any entity in which the judge has a financial interest has a direct stake in the outcome of the matter even if that entity is not formally a party; or the judge's financial relationship with any donor, sponsor, or benefactor creates a reasonable appearance of conflict with the impartial resolution of the matter.

Mandatory recusal for gift and travel donors: A judge must recuse from any matter in which any party, any counsel of record, or any entity with a direct financial stake in the outcome has paid for or provided any gift, travel, lodging, meals, entertainment, or other personal benefit to the judge or any immediate family member within the preceding five years, regardless of the value of the benefit. The five-year lookback applies to the date the matter is filed or the judge is assigned to it, whichever is earlier. Gifts or travel received before the five-year lookback period do not require recusal but must be disclosed.

Commission-reviewable recusal — prior extrajudicial statements: A judge is not required to recuse based on prior judicial opinions, legal scholarship, or public statements about general legal principles or constitutional theory. However, a party in any matter may petition the Commission for a recusal

review when a judge has made a specific extrajudicial statement — meaning a statement outside of a prior judicial proceeding — expressing a predetermined position on a specific factual question or specific contested legal question that is directly at issue in the pending matter. The Commission reviews such petitions within 30 days and may order recusal where the judge's prior statement would lead a reasonable, informed observer to question the judge's impartiality on the specific contested issue. The Commission's review is limited to specific extrajudicial statements; it may not order recusal based on a judge's judicial decisions, legal writings, or general jurisprudential philosophy.

Party waiver: Where a financial conflict or gift/travel donor conflict requires recusal, the parties to the matter may unanimously waive the recusal requirement in writing after the conflict has been fully disclosed. Waiver is valid only when all parties — including amicus curiae who have filed briefs addressing the conflicted issue — confirm in writing that they have reviewed the disclosure and consent to the judge's continued participation. The Commission must be notified of all waivers and publishes them in its public database.

Section 8. Financial Disclosure: Annual Requirements and the Gift and Travel Ban

Every federal judge must file an annual financial disclosure report with the Judicial Ethics Commission within 60 days of the end of each calendar year. All reports are published on the Commission's public website within 10 business days of filing and are maintained in a publicly searchable database for a minimum of 20 years:

Required disclosure: Annual financial disclosure reports must include: all sources and amounts of income received during the year, including salary, investment income, royalties, speaking fees, consulting fees, and any other income from any source; all assets held at year-end with approximate value ranges; all liabilities exceeding $10,000; all gifts received with a value of $100 or more, identifying the donor, the date, and a description of the gift; all travel and lodging provided or paid for by any person or entity other than the federal government or an immediate family member, identifying the provider, the dates, the destination, and the estimated value; all positions held outside the judiciary, including board memberships, advisory roles, and organizational affiliations; and all purchases, sales, or other transactions in investments valued above $1,000.

The gift and travel ban for litigant-connected entities: A federal judge may not accept any gift, payment, travel, lodging, meals, or other personal benefit from any person or entity that has or is reasonably anticipated to have a matter before the judge's court within the next five years, or that has had a matter before the judge's court within the preceding five years. This ban applies regardless of the stated purpose of the gift or travel — the ban covers gifts framed as "speaking fees," "educational programs," "judicial seminars," or any other label when the underlying provider is a litigant-connected entity. An entity is "litigant-connected" for purposes of this ban if: it is a party to or counsel in any pending matter; it regularly appears as a party or counsel before the court; or it is an organization whose primary financial supporters are entities that regularly appear before the court.

The educational exception — narrow and specific: A judge may accept travel, lodging, and meals to attend a genuine academic program — meaning a structured educational event at an accredited university, a federal judicial education program, or an equivalent academic institution, with a substantive educational curriculum published in advance — without triggering the litigant-connected entity ban, subject to the following conditions: the educational program must be operated by an institution that does not receive more than 20% of its funding from entities that regularly appear before federal courts; the program content and curriculum must be published publicly before the event; the specific program, provider, and value of the benefit must be disclosed in the annual financial disclosure report; and the judge must file a written attestation that no private meetings with litigants or their counsel occurred during the trip. Travel to events that are primarily networking opportunities, social events, or advocacy gatherings — regardless of whether they include any academic content — is not covered by the educational exception.

Section 9. Commission Enforcement Authority: Binding Powers and Congressional Referral

The Commission's authority varies by the type of judge and the severity of the sanction. This differentiated authority respects the constitutional distinction between Article III judges — who have lifetime tenure and can be removed only by Congress — and non-Article III judges who do not:

Authority over all federal judges — binding: For all federal judges, including Article III judges, the Commission has binding authority to: issue a formal public reprimand, which is published in the Federal Register and on the Commission's public website and becomes part of the permanent judicial record; order mandatory recusal from specific pending matters or categories of matters where a conflict of interest exists; order compliance with financial disclosure filing requirements and impose civil penalties of up to $10,000 per day for continuing non-compliance; order the return of any gift, travel benefit, or financial benefit received in violation of this Act; and require remedial ethics training as a condition of continued active service.

Authority over non-Article III judges — includes removal: For magistrate judges, bankruptcy judges, immigration judges, and all other federal judicial officers who do not hold appointments under Article III of this Constitution, the Commission has full disciplinary authority including removal from office. Removal of a non-Article III judge requires a two-thirds vote of the full Commission, supported by written findings on the applicable ground, and subject to review in the United States Court of Appeals for the relevant circuit. Removed non-Article III judges may not be reappointed to any federal judicial position for ten years.

Congressional referral for Article III judges — with published findings: For Article III judges, the Commission may refer the matter to the House of Representatives for consideration of impeachment proceedings. A referral requires a two-thirds vote of the full Commission. The referral must include: a written statement of the specific ground under which the referral is made; the specific factual findings supporting each element of that ground; the evidence reviewed by the Commission; and a written explanation of why the Commission concluded that the conduct warrants referral rather than a lesser

sanction. The referral and all supporting findings are public documents. Congress is not bound by the Commission's referral — it may decline to act — but the Commission's public findings become part of the permanent record. A referral without supporting findings is void.

Complaint and investigation process: Any person may file a complaint with the Commission. The Commission must acknowledge receipt within 14 days and complete a preliminary review within 60 days. If the preliminary review finds credible evidence of a ground under this Act, the Commission opens a full investigation. The judge under investigation is notified at the beginning of the full investigation and has the right to submit a written response and to appear before the Commission before any final action is taken. The investigation must be completed within 12 months of opening. All investigative proceedings are confidential until the Commission takes final action; final actions and their supporting findings are public.

Code of Conduct and Lower Court Standards

The Judicial Ethics Commission maintains the Code of Conduct for United States Judges, which applies to all federal judges — Supreme Court justices, circuit judges, district judges, magistrate judges, and bankruptcy judges — as a uniform national standard. The Code must be consistent with and may not be less protective than the standards established in this Act. The Commission reviews and updates the Code every five years and publishes proposed revisions for public comment before adoption:

Canon on independence and impartiality: A judge must maintain and visibly demonstrate independence from political parties, partisan organizations, advocacy organizations, and any interest group that appears before or could appear before the court. Participation in partisan political events — including fundraisers, rallies, endorsements, or partisan candidate appearances — is prohibited for all federal judges. Attendance at policy conferences sponsored by advocacy organizations that take positions on legal issues before federal courts is permitted only when the judge's attendance is limited to passive participation in educational sessions and does not involve private meetings with advocacy organization leadership.

Canon on public comment: A judge must not make extrajudicial statements about pending or impending matters that could reasonably be expected to affect the outcome of those matters or to create an appearance of predetermined judgment. A judge may comment on the law, the legal system, and the administration of justice in general terms. A judge may not publicly comment on the merits of any specific pending case, any specific litigant, or any specific legal question that will be before their court in a pending or reasonably anticipated matter.

Canon on speaking fees: A judge may not accept any speaking fee from any person or entity. A judge may receive reimbursement of reasonable travel and lodging expenses for speaking engagements at nonprofit educational institutions, subject to the educational exception requirements of this Act.

Nonprofit organizations that are primarily funded by entities that regularly appear before federal courts are not educational institutions for purposes of this canon.

Constitutional Statute 3

Essential Care System Implementation Act

Implementing Right 37 and Article Eleven.

Section 1. The Essential Care Services Basket

The Essential Care basket includes: all medically necessary inpatient and outpatient medical care consistent with established clinical guidelines; prescription drugs on the Essential Care formulary; mental health and substance use disorder treatment at full parity with medical and surgical benefits with no separate deductible, no separate visit limit, and no separate prior authorization track; preventive care at zero cost-sharing; maternity and newborn care; emergency services; rehabilitative and habilitative services; laboratory services; pediatric services; reproductive healthcare services including contraception, abortion services, fertility treatment, miscarriage management, and all pregnancy-related care from conception through postpartum — covered from Day One, with no additional prior authorization tier for any reproductive healthcare service covered by established ACOG or equivalent specialty board clinical guidelines; annual preventive dental cleanings and examinations, treatment of cavities and decay, medically necessary extractions, and tooth replacement when teeth cannot be saved — covered from Day One of this statute's effective date; annual vision examinations and corrective lenses — covered from Day One; hearing screenings and diagnostic audiology — covered from Day One.

Hearing aids and hearing treatment — staged coverage: Hearing aids and audiological treatment are covered under the following schedule, which advances automatically without further congressional action: from Day One through the end of Year Two — covered with cost-sharing of 0% for households below 200% of the federal poverty level, 10% for households at 200–390% FPL, and 20% for households above 400% FPL, with cost-sharing capped at $500 per pair of hearing aids regardless of income or household size; from Year Three through Year Five — same cost-sharing structure with the cap reduced to $250 per pair; from Year Six and permanently thereafter — covered at zero cost-sharing for all eligible persons, no cap, no income test. The National Healthcare Cost Board may accelerate the Year Six full coverage date by up to two years if it certifies in a written public finding that provider capacity is sufficient in all geographic regions and that the actuarial cost of full coverage falls within the Essential Care system's projected 10-year budget without requiring a reduction in any other basket service. No act of Congress is required to implement an acceleration certified by the Board.

The Board updates the basket annually based on clinical evidence and cost data. Any basket addition that would increase annual per-capita system cost by more than 5% requires a congressional affirmation by simple majority within 180 days of the Board's recommendation. If Congress does not act within 180 days, the recommendation is returned to the Board, which must resubmit a revised proposal — either scaled to remain below the 5% threshold, phased in over a period not to exceed three years, or adjusted to achieve equivalent clinical benefit at lower cost. A resubmitted proposal that

falls below the 5% threshold takes effect without further congressional action. A resubmitted proposal that still exceeds the 5% threshold is again subject to the 180-day congressional affirmation requirement. The Board may resubmit no more than twice for any single basket addition; a proposal rejected by congressional inaction twice is withdrawn for a minimum of two years before it may be reintroduced.

Section 2. The Overhead Cap: Automatic Phase-In

Insurance companies providing Essential Care are regulated utilities. Their overhead — meaning all administrative costs, executive compensation, marketing, lobbying, shareholder returns, and net profit — is subject to the following cap schedule, which takes effect automatically on each date specified without further congressional action and without any certification, gate, or vote:

Year 1 effective date: 25% of total premium revenue

Year 2: 22%

Year 3: 20%

Years 4–5: 18%

Year 6 and permanently thereafter: 15%

Any insurer that exceeds the applicable cap in any calendar year must calculate the excess amount — meaning total overhead expenditures minus the cap percentage of total premium revenue — and remit that full amount as a rebate to enrolled policyholders within 90 days of the close of the calendar year. Rebates are distributed proportionally based on premiums paid during the year. An insurer that exceeds the cap for three consecutive years is subject to state insurance commissioner review and may be required to restructure its overhead categories to demonstrate a credible path to compliance. An insurer that exceeds the cap by more than 10 percentage points in any year is subject to mandatory rate review and may be required to reduce premiums in the following year by the full excess amount rather than rebating it.

The phase-in schedule may not be paused, extended, or reversed by any act of Congress, executive order, or administrative action. The only mechanism for altering the phase-in schedule is a constitutional amendment under Article One, Section 3 of this Constitution. Congress may accelerate the schedule by simple majority; it may not decelerate it.

Section 3. Prior Authorization: Three-Tier Framework

Prior authorization for Essential Care services is governed by the following three-tier framework. No insurer, managed care organization, or government program may require prior authorization outside these tiers, impose additional documentation requirements beyond what this section specifies, or apply authorization requirements in a manner that functions as systematic delay or denial of care.

Tier One — No authorization, ever. Prior authorization is categorically prohibited for any treatment, medication, procedure, or service covered by established clinical guidelines from any of the following bodies: the major specialty boards of the American Board of Medical Specialties; the American Heart

Association; the American Cancer Society; the American Diabetes Association; the American College of Physicians; the American Academy of Pediatrics; the American College of Obstetricians and Gynecologists; the American Psychiatric Association; the American College of Emergency Physicians; and any other body designated by the National Healthcare Cost Board. When the guidelines of these bodies say this is the appropriate treatment for this condition, an insurer's role is to pay, not to review. This tier covers the substantial majority of Essential Care services.

Tier Two — Expedited authorization only. Prior authorization is permitted, but subject to strict timelines, for: treatments not yet covered by Tier One guidelines where the cost exceeds $50,000 per episode of care; newly approved medications in their first three years of market availability; and procedures designated by the National Healthcare Cost Board as appropriate for Tier Two review based on cost and clinical complexity. Maximum response time: 72 hours for non-emergency requests from the time all required clinical documentation is received; immediate — meaning before care is rendered or within 1 hour of the request — for emergency or urgent requests where delay would cause clinically documented harm. Denial of a Tier Two request requires a written determination signed by a board-certified physician who holds active clinical practice in the specific specialty relevant to the requested treatment. Administrative reviewers, nurses, and non-physician staff may not issue denials for Tier Two requests. Every insurer must publish quarterly reports identifying its Tier Two denial rate by treatment category, by condition, and by demographic group, with the data publicly searchable at no charge.

Tier Three — Standard authorization. Prior authorization at standard timelines — maximum 30 days — is permitted for high-cost experimental treatments not yet included in established Tier One guidelines and not qualifying for Tier Two. The critical protection: a treating physician may invoke a patient's *no-other-viable-option certification* — a written, signed, documented clinical finding that the requested treatment is the only clinically viable option for that specific patient's specific condition based on documented treatment history and the patient's individual clinical profile. A no-other-viable-option certification automatically converts a Tier Three request to a Tier Two expedited request. The insurer may challenge the certification in a clinical review, but the treating physician's certification creates a rebuttable presumption that the Tier Two standard applies, and the insurer bears the burden of overcoming it with a contrary clinical opinion from a physician in the same specialty.

Section 4. Drug Pricing: Differentiated Premium Structure

The federal government, through the National Healthcare Cost Board, negotiates prices for all drugs on the Essential Care formulary. The pricing framework differentiates between privately funded and publicly funded research:

Privately funded drugs: For drugs where documented private funding accounted for 50% or more of total development costs through FDA approval, the price ceiling for the first seven years following initial FDA approval is the international reference price plus a 20% premium. The international reference price is the median price of the same drug in Australia, Canada, France, Germany, Japan, and

the United Kingdom, converted to U.S. dollars at current exchange rates, updated annually. After seven years, the ceiling is the international reference price with no premium. The following factors bear on the constitutional analysis of this pricing framework: pharmaceutical companies voluntarily participate in a federally regulated market and may exit it; the ceiling preserves a positive return on genuinely private investment and does not eliminate reasonable profit; drugs developed with federal research funding carry no premium because the public investment has already been rewarded through the initial research authorization; and the government's authority as the dominant healthcare purchaser is commensurate with the pricing authority exercised here. These factors establish that participation in the Essential Care formulary is a voluntary commercial relationship, not a compelled surrender of property, and that the pricing framework operates within the range of permissible regulatory conditions on market participation.

Publicly funded drugs: For drugs where federal funding — NIH grants, BARDA contracts, federal research partnerships, or any combination — accounted for more than 50% of documented total development costs: no premium period. The price ceiling is the international reference price from the day of FDA approval. Taxpayers funded the research. They do not pay a second time through a premium that primarily benefits shareholders.

Anti-evergreening: Indication extensions — when an existing drug receives FDA approval for a new use or new patient population — reset the seven-year premium clock for the new indication only. The original indication continues at the post-seven-year international reference price immediately upon the extension approval. Minor reformulations — new dosage forms, new delivery mechanisms, new combination packaging — that do not provide documented clinically superior outcomes compared to the original formulation do not reset the clock for any indication. The National Healthcare Cost Board determines whether a reformulation provides clinically superior outcomes based on head-to-head clinical trial data.

Formulary inclusion: A drug denied formulary inclusion must be accompanied by a written explanation identifying a therapeutically equivalent alternative covered on the formulary, or coverage must be provided under the no-other-viable-option mechanism of the prior authorization framework. No drug for which there is no therapeutically equivalent alternative may be excluded from the formulary.

Section 5. The Public Option: State-Federal Public Benefit Corporations

The constitutionally required public option is implemented through a network of State-Federal Public Benefit Corporations — one per state or regional grouping of states. These are not federal government agencies — meaning they are not subject to federal administrative procedure law, the Freedom of Information Act, civil service requirements, or federal procurement rules. As entities exercising governmental authority by delegation of the Essential Care mandate under Article One, Section 6 of this Constitution, however, they are bound by the constitutional rights of enrolled members and the public they serve to the extent of that governmental function. They are not-for-profit public benefit

corporations with the following required characteristics: **Governance:** A board of directors composed in equal thirds: one-third elected directly by enrolled plan members on a one-member-one-vote basis; one-third elected by participating providers — physicians, hospitals, and allied health professionals enrolled in the plan — on a proportional basis; and one-third appointed by the relevant state governor or governors in multi-state corporations, subject to confirmation by the relevant state legislature or legislatures. No member of the board may be a current employee of any private insurer, pharmaceutical manufacturer, or hospital system that operates as a for-profit entity. No board member may receive compensation from the corporation beyond documented out-of-pocket expenses for board service.

Pricing: Premiums are set at actuarial cost — the full projected cost of providing Essential Care to the enrolled population, plus an administrative reserve not to exceed the current year's overhead cap for private insurers under this statute. The public option does not receive general revenue subsidies to price below actuarial cost. It competes on quality, transparency, and the absence of shareholder extraction — not on artificial price advantage. This is the foundational commitment: the public option proves its value by operating honestly, not by undercutting competitors with taxpayer-funded subsidies.

Overhead: The 15% overhead cap applies to the public option from Day One — not phased in. The public option demonstrates immediately what Essential Care delivery looks like without profit-driven overhead. Its overhead reports are published quarterly alongside private insurer reports, enabling direct public comparison.

Provider rates: Medicare rates plus 15%. This pays providers more than Medicare (addressing the common provider objection that Medicare underpays) while costing less than typical private commercial rates. The 15% premium above Medicare is reviewed by the Board every three years and may be adjusted between 10% and 25% of Medicare rates based on provider participation data and actuarial cost projections.

Geographic reach: The public option is available in every county in the country. In counties without sufficient participating providers to form an adequate network, the corporation enters automatic participation agreements with all Federally Qualified Health Centers, community health centers, rural health clinics, and Indian Health Service facilities in the county. No county may be left without a public option network.

Enrollment: Open to all eligible persons. No eligibility restrictions based on employment, income, prior health history, or any other characteristic. Open enrollment periods align with private market enrollment periods. Special enrollment is available upon loss of other coverage within 60 days.

Sustainability: Each corporation must maintain an actuarial reserve equal to three months of projected claims. If a corporation's reserve falls below two months, it must submit a remediation plan to the National Healthcare Cost Board within 30 days. Federal bridge financing — not a subsidy, but a loan at the 10-year Treasury rate — is available to cover temporary reserve shortfalls. Bridge loans must be repaid within three years through premium adjustments or reserve rebuilding. **Automatic enrollment**

from birth — children first. Every child born in the United States is enrolled in the public option automatically and effective from the moment of birth, as a function of the birth record itself. The registration of a birth operates as enrollment; no application, parental paperwork, or affirmative act is required, and no child experiences any gap in coverage between birth and enrollment. A parent or guardian may at any time opt the child out of the public option and into private, employer-sponsored, or other qualifying coverage; the public option is the default, and affirmative action is required to leave it, never to obtain it. Every child remains default-enrolled through age eighteen, and a child whose other coverage lapses for any reason is automatically returned to the public option effective immediately, with no gap. Because the years of early childhood carry the highest mortality risk of any period before old age, the enrollment of children admits no waiting period, no phase-in, and no delay of any kind.

Enrollment-data firewall. The birth records, enrollment records, and any database used to effect or maintain automatic enrollment under this Section may be used only to enroll, cover, and serve the enrolled person and to administer their care. They may not be queried, accessed, repurposed, or cross-referenced for immigration enforcement, for locating or detaining any person or that person's parent, guardian, or household, or for any general law-enforcement or surveillance function, consistent with the database firewall established in Article Twenty-Three, Section 9. A child's enrollment, and the enrollment of any person under this Section, does not depend on the immigration status of the child or of any parent or guardian; every child born in the United States is enrolled regardless of parentage, and enrollment data may never be turned into an instrument of enforcement against the family it was collected to serve. Evidence derived from a violation of this firewall is inadmissible in any proceeding, and a query in violation of it is unlawful.

Automatic enrollment at life-triggers — the working-age ramp. Beyond birth, automatic default enrollment in the public option also attaches at defined coverage-transition points: a person aging off a parent's or guardian's plan; a person entering the workforce without employer coverage; a person losing employer-sponsored or other coverage for any reason; and any person otherwise uninsured. In each case enrollment is automatic and the burden is on the individual to opt out into other qualifying coverage, not to opt in — on the model of universal default registration, where inclusion is automatic and exit requires an affirmative act. To protect provider-network adequacy and the orderly functioning of the labor market, Congress shall phase in the working-age default-enrollment triggers on a defined schedule as the public option's provider networks reach adequacy in each region; this phase-in governs working-age enrollment only and may never delay or condition the immediate, automatic enrollment of children, which is effective in full from the first day this Act takes effect.

Risk equalization. A risk-equalization mechanism operates among the public option and all private insurers offering Essential Care, so that no plan is rewarded for enrolling the healthy or penalized for enrolling the sick. Each plan's payments into or receipts from the risk-equalization pool are adjusted for the documented health risk of its enrolled population, measured by transparent and published methodology, so that a plan enrolling a sicker-than-average population is compensated and a plan

enrolling a healthier-than-average population contributes. This prevents the adverse-selection death spiral in which private insurers retain healthy members and shed costly ones onto the public option; it ensures the public option competes on efficiency and quality rather than being saddled with an artificially costly risk pool. The risk-equalization methodology is set by the National Healthcare Cost Board, published in full, and may not be designed to advantage or disadvantage any plan on any basis other than the actual health risk of its enrolled population. Risk equalization takes effect in full from the first day this Act takes effect and is not phased in.

Section 6. Criminal and Civil Liability: Two-Track System

Personal liability for executives who design or operate systematic Essential Care denial attaches on two independent tracks. Both tracks apply to any officer, director, or senior employee of any entity — insurer, managed care organization, pharmacy benefit manager, or government program administrator — with authority to approve, direct, ratify, or terminate a denial policy.

Criminal track — federal felony: Criminal liability attaches upon proof beyond a reasonable doubt of all three elements: (a) *Actual knowledge* — the defendant had actual, personal knowledge that the denial policy at issue was systematically resulting in the denial of medically necessary Essential Care to a significant category of patients — meaning the defendant received or reviewed data, reports, clinical findings, or complaints that, taken together, would put a reasonable person in their position on clear notice of the systematic harm; (b) *Personal authority and action* — the defendant personally approved, directed, ratified, or knowingly failed to terminate the policy after acquiring actual knowledge of the systematic harm and having the organizational authority to alter or end it; and (c) *Knowing harm* — the defendant acted with knowledge that continuation of the policy would result in patients being denied medically necessary care and suffering harm as a foreseeable consequence. This is a high bar by design. It captures the executive who reviews denial data, understands what it means, and instructs continuation. It does not capture the executive who delegated clinical review to qualified professionals and had no reason to know the system was systematically wrong.

Civil track — personal civil liability: Civil liability attaches when a patient is denied Essential Care and suffers documented physical harm — meaning a clinically documented deterioration in health condition, delay in treatment resulting in disease progression, or death — that is directly caused by the denial. The standard is gross negligence: the executive approved or ratified a denial policy without the care that a reasonable person in their position, exercising reasonable diligence, would have applied given the information available to them. Civil liability is personal — it runs to the executive, not merely to the corporation. Corporations and their insurers may not indemnify executives for civil liability arising under this provision. Damages include actual harm, all medical costs incurred as a result of the denial, and attorneys' fees. A separate statutory penalty is available without proof of actual damages where the court finds the denial policy was systematic and willful. The penalty is $500,000 per enforcement action, plus $10,000 for each patient demonstrably affected by the systematic denial policy, up to a maximum of $50,000,000 per enforcement action. The per-patient component is

intended to scale deterrence to the scope of harm without producing penalties so disproportionate as to invite constitutional challenge. Nothing in this provision limits the recovery of actual damages proven at trial, which are available in addition to and not instead of the statutory penalty.

Good-faith affirmative defense — complete for both tracks: An executive has a complete affirmative defense to both criminal prosecution and civil liability if they can demonstrate contemporaneous, documented reliance on: (a) clinical guidelines published by one of the Tier One recognized bodies at the time of the decision, applied consistently and without manipulation; or (b) a written clinical opinion from a board-certified physician in the relevant specialty who had no financial relationship with the company at the time of the opinion, who reviewed the patient's specific clinical profile, and whose opinion was not overridden without documented clinical justification from a second independent physician of equivalent qualification. The defense must be raised affirmatively and the burden of establishing it is on the defendant. The defense is not available where the defendant received contrary clinical information that a reasonable person would have found disqualifying and disregarded it.

Section 7. The National Healthcare Cost Board: Independence with Structured Advisory Input

The National Healthcare Cost Board has eleven members appointed by the National Academy of Sciences and the National Academy of Medicine from their respective memberships in clinical medicine, public health, health economics, and health systems research. No member may have received more than $10,000 in total compensation — including salary, consulting fees, speaking fees, research grants, or any other form of remuneration — from any private insurer, pharmaceutical manufacturer, hospital system, pharmacy benefit manager, or healthcare lobbying organization in the five years preceding appointment or during their service. Members serve staggered seven-year terms. They are removable only for willful misconduct, a felony offense, a material conflict of interest violation as defined by the Board's ethics code, or permanent incapacity. Policy disagreement, including disagreement with administration pricing or coverage decisions, is not cause for removal.

The Board's budget is a dedicated appropriation that may not be reduced below its ratification-era level adjusted for medical inflation. No elected official may communicate with any Board member regarding the substantive content of any pending Board determination outside of formal public comment processes. Any such communication must be disclosed publicly within 48 hours.

Healthcare Industry Advisory Council: A twelve-member Advisory Council provides structured non-voting input to the Board. Two members are appointed from each of six constituencies: private insurers; pharmaceutical manufacturers; hospital systems; physician organizations; nurses and allied health professionals; and patient and consumer advocacy organizations. Council members serve four-year terms. Before the Board publishes any annual price ceiling schedule, any formulary update, or any basket modification, the Board must transmit its proposed determination to the Advisory Council and receive written submissions within 45 days. The Board must publish each Advisory Council submission alongside its final determination and must include a written response to each submission

explaining, provision by provision, why the Board accepted, modified, or rejected each recommendation. The Advisory Council's input is public record. The Board's responses are public record. The Advisory Council may not delay or veto any Board determination — its role is to ensure the Board's reasoning is visible and accountable, not to give industry a veto over clinical and actuarial decisions.

Section 8. Surprise Billing Prohibition

Balance billing and surprise billing for Essential Care services are illegal. No provider — in-network or out-of-network — may bill an Essential Care patient for any amount beyond their applicable cost-sharing for any service rendered at a participating facility or in connection with a procedure performed by an in-network provider. When an out-of-network provider renders care at an in-network facility or in connection with an in-network procedure — including but not limited to anesthesiology, radiology, pathology, assistant surgery, and emergency medicine — the patient's financial obligation is limited to the in-network cost-sharing amount. Payment disputes between providers and insurers are resolved through the arbitration process established by the National Healthcare Cost Board; the patient is not a party to those disputes and bears no financial risk from their outcome.

Section 9. Single Billing System

All Essential Care claims are submitted using a single, uniform federal billing format administered by the Department of Health and Human Services. No insurer, managed care organization, or government program may require or accept Essential Care claims in any proprietary or non-standard format for billing, prior authorization requests, or clinical documentation. The federal billing system is open-source, publicly available, and updated by a technical standards committee appointed by the National Healthcare Cost Board. Providers may not be charged fees for using the federal billing system. The transition to the uniform system must be complete within three years of this statute's effective date; HHS must provide free technical assistance and transition support to all participating providers during this period.

Section 10. Medicare Buy-In at 60; Hospital Antitrust

Medicare buy-in is available to all persons between 60 and 64 years of age on a sliding-scale premium basis. Premiums are set at 0% of income for persons below 138% of the federal poverty level; at a sliding scale from 0% to full actuarial cost for persons between 138% and 390% FPL; and at full actuarial cost for persons above 400% FPL. The Medicare buy-in program is administered by CMS and uses the same provider network and Essential Care basket as the existing Medicare program. No hospital system, physician group practice, or integrated health system may control more than 30% of the healthcare market — measured by patient volume, revenue, or employed provider count — in any Metropolitan Statistical Area or rural health service area as defined by HHS. The Federal Trade Commission enforces this market share cap through the structural remedy authority established in Constitutional Statute 9.

Section 11. Healthcare Trust Fund; Strategic Essential Medicines Reserve

The Healthcare Trust Fund receives the following dedicated revenues: all Essential Care premium payments; all federal appropriations designated for Essential Care; all civil penalty payments collected under the liability provisions of this statute; and all savings certified by the National Healthcare Cost Board as resulting from the drug pricing framework, calculated annually against a baseline of pre-ratification prices. The Trust Fund is maintained as a separate account and may not be used to offset the unified federal budget deficit, borrowed against, or redirected to any non-Essential-Care purpose without a constitutional amendment. Congress may not reduce Trust Fund revenues below the level necessary to maintain the four constitutional floors of Right 37.

The Strategic Essential Medicines Reserve maintains a federal inventory of medications and medical supplies identified as essential and vulnerable to supply disruption by the National Healthcare Cost Board. When private market supply of any Reserve medication falls below a 90-day national inventory level, the federal government has authority to: purchase available supply at any price necessary; invoke the Defense Production Act to prioritize domestic manufacturing; license generic production at negotiated royalty rates; and manufacture directly at federal facilities. The Reserve inventory is publicly reported quarterly. Congress may not reduce Reserve funding below the level necessary to maintain the Board-certified minimum inventory.

Section 12. Mental Health and Substance Use Disorder Parity

Mental health care and substance use disorder treatment are healthcare. They are not a separate category of lesser coverage, not a discretionary benefit, and not a class of care subject to stricter management than physical health care. No essential care plan, public option plan, employer-sponsored plan, or any other plan regulated by this Act may apply any financial requirement — including copays, coinsurance, deductibles, and annual or lifetime out-of-pocket limits — to mental health or substance use disorder benefits that is more restrictive than the predominant financial requirement applied to substantially all medical and surgical benefits covered under the same plan and benefit classification.

Non-quantitative treatment limitations. No plan may apply any non-quantitative treatment limitation — including prior authorization requirements, concurrent review requirements, step therapy or fail-first protocols, frequency limits, visit limits, day limits, or any criterion for medical necessity — to mental health or substance use disorder benefits that is more restrictive in practice or in writing than the limitations applied to substantially all analogous medical and surgical benefits. Parity applies to the actual application of these limitations, not merely to their written terms — a plan that applies prior authorization to 80% of mental health admissions but to only 5% of medical admissions violates this provision regardless of what its plan documents say.

Network adequacy. A plan's network of mental health and substance use disorder providers must be adequate to provide covered services without unreasonable travel distance or wait time. A plan that imposes different network adequacy standards — including different provider-to-enrollee ratios,

different maximum travel distances, or different maximum appointment wait times — for mental health providers than for primary care or specialty medical providers is in violation of this provision. Network adequacy for mental health and substance use disorder services is assessed annually by the responsible federal agency, and deficiencies must be remediated within 90 days of identification.

Transparency and enforcement. A plan that denies a mental health or substance use disorder claim on the basis of medical necessity must apply the same clinical criteria it applies to analogous medical and surgical claims. Upon request by any enrollee, covered dependent, or treating provider, the plan must produce in writing the specific clinical criteria used to evaluate the claim, the specific basis for any denial, and the criteria for any analogous medical or surgical benefit. Failure to produce this information within 10 business days is a separate violation. Failure to maintain parity in non-quantitative treatment limitations is an independent violation of this Act enforceable by the responsible federal agency and by private right of action, with remedies including full coverage of the denied benefit, compensatory damages, and attorney's fees for prevailing claimants.

Section 13. Pandemic Preparedness and Public Health Emergency Framework

The COVID-19 pandemic killed more than 1.2 million Americans and demonstrated with catastrophic clarity that pandemic preparedness is a matter of national security and constitutional obligation, not a discretionary public health expense. The right to healthcare established in Right 37 of the Constitution requires that the government maintain the systems necessary to fulfill that right when it is most urgently needed — during a public health emergency.

Strategic National Health Reserve. The federal government shall maintain a Strategic National Health Reserve consisting of: personal protective equipment sufficient to supply the healthcare system for a minimum of 90 days of a major pandemic event; antiviral medications and therapeutics for the most probable pandemic pathogens; ventilators and critical care equipment; and vaccines or vaccine manufacturing capacity for a rapidly deployable response to novel pathogens. Reserve levels are set and audited annually by the responsible federal health agency. Congress may not reduce Reserve funding below the level necessary to maintain these minimums.

Pathogen surveillance. The federal government shall maintain continuous, real-time surveillance systems for novel and emerging pathogens — including robust participation in international early warning networks — and shall maintain the diagnostic laboratory infrastructure capable of rapidly identifying, sequencing, and characterizing novel pathogens within 72 hours of receipt of samples. No administration may dismantle or defund these surveillance systems. The Public Health Emergency Preparedness index shall be published annually; a score below 80% triggers mandatory congressional review and remediation funding.

Emergency powers and civil liberties. Public health emergencies require temporary collective action. They do not suspend the Constitution. Emergency public health measures — including vaccination requirements, isolation orders, and gathering restrictions — must be: based on current scientific

evidence of actual risk; the least restrictive means available to achieve the public health objective; time-limited and subject to automatic expiration within 90 days unless renewed by congressional authorization; subject to judicial review on an expedited basis; and applied without discrimination based on race, religion, political affiliation, or any other protected characteristic. If Congress cannot convene due to the public health emergency itself — as documented by the Continuity of Government Coordinator and confirmed by the Archivist — emergency measures may be extended in 30-day increments by joint action of the Speaker and Senate Majority Leader, with a publicly updated scientific justification. This fallback expires once Congress can convene; Congress must ratify or terminate extended measures within 14 days. No emergency public health measure may permanently suspend any constitutional right. The emergency ends when the emergency ends — not when it becomes politically convenient.

Antibiotic stewardship. Antimicrobial resistance is a long-term public health threat of the same order as pandemic disease. No antibiotic or antimicrobial agent approved for human therapeutic use may be administered to livestock or poultry for the purpose of promoting growth or as routine disease prevention in lieu of adequate living conditions. Antibiotics approved for human use shall be reserved for human therapeutic use. Congress shall establish antimicrobial stewardship requirements for hospitals and prescribers to prevent the emergence of resistant organisms.

Section 14. Algorithmic Denial Prohibition and Human Review

No insurer, managed care organization, or government program may deny, in whole or in part, any claim for Essential Care based solely on the output of an algorithm, artificial intelligence system, or other automated process. Every denial of a claim for medically necessary care must be personally reviewed and approved by a licensed physician or other qualified medical professional in the same or a substantially related specialty as the treatment requested, who must document the specific clinical basis for the denial. Automated systems may flag claims for review, prioritize claims, or assist a human reviewer, but may not be the final decision-maker.

No insurer employee or administrator without an active medical license may overrule the determination of a treating physician. An insurer's medical determination may only be overridden by a physician of equal or greater qualification in the same specialty as the treating physician, following the peer-to-peer review procedures established under Section 3.

Prior authorization requests must be approved or denied within 72 hours for standard requests and 24 hours for urgent requests. If an insurer fails to issue a determination within the applicable period, the request is automatically approved. Requests for care related to a medical emergency, as defined by Section 18, must be reviewed on an expedited basis and determined within 4 hours.

Section 15. Price, Ownership, and Financial Transparency

Every hospital, clinic, laboratory, imaging center, pharmacy, and ambulance provider participating in Essential Care must maintain a public, searchable, machine-readable price list disclosing the cash price

and all negotiated rates for every service, item, and drug it provides, updated at least quarterly. Before any non-emergency treatment, a patient must receive a good-faith written estimate of all expected costs, including facility fees, physician fees, and anticipated ancillary charges, no later than 3 business days before the scheduled treatment or, for treatment scheduled with less notice, before the treatment is rendered.

Identical medical services performed under substantially similar clinical circumstances by the same provider must be billed at substantially equivalent rates regardless of the patient's insurance status, insurer, or lack of insurance, except for rates negotiated through the public option established under Section 5.

Every healthcare entity participating in Essential Care must publicly disclose, no less than annually: (a) all beneficial ownership interests exceeding 5%; (b) executive compensation for all officers and the five most highly compensated employees; (c) all rebates, discounts, commissions, and referral payments received or paid in connection with patient referrals, drug formulary placement, or service utilization. Executive compensation at any entity receiving Essential Care public funds may not exceed 50 times the entity's median employee compensation; an entity exceeding this ratio forfeits eligibility for such funds until compliant.

Pharmaceutical manufacturers must publicly disclose and provide written justification for any price increase on an Essential Care formulary drug exceeding the annual rate of medical inflation as published by the Bureau of Labor Statistics, including the documented cost basis for research, development, manufacturing, and marketing attributable to that drug, consistent with the disclosure framework already required for pricing-tier determination under Section 4.

Every patient has the right to know the identity of every party receiving a referral fee, rebate, or other financial benefit connected to their specific course of treatment, disclosed in writing upon request within 5 business days. All contracts, reimbursement schedules, and negotiated rates involving public Essential Care funds are public records, subject to redaction only of individually identifiable patient information.

Section 15A. Corporate Control of Medical Decisions

No private equity firm, hedge fund, or investment entity holding an ownership or controlling interest in a healthcare provider, insurer, or pharmacy benefit manager may direct, override, or influence an individual patient's medical treatment decision. Medical decisions affecting individual patients must be made solely by licensed healthcare professionals exercising independent clinical judgment, free from corporate directives tied to cost targets, volume quotas, or profit metrics.

Pharmacy benefit managers are prohibited from: receiving rebates, fees, or spread pricing that are not passed through in full to the plan sponsor or patient; owning or being owned by a pharmacy with which they negotiate reimbursement rates, unless firewalled under standards established by the National Healthcare Cost Board; and steering patients to an affiliated pharmacy through differential cost-sharing.

No merger or acquisition between healthcare entities that would result in a combined entity controlling more than 30% of a relevant geographic or service market may proceed without prior approval from the National Healthcare Cost Board, which may approve the transaction only upon a clear and convincing showing that the transaction will reduce costs to patients and improve measurable patient outcomes within 3 years. The Board's approval is subject to judicial review and automatically lapses if the demonstrated cost and outcome benefits are not realized within 5 years, at which point the Board may order divestiture.

Section 16. Patient Records, Medical Debt, and Network Protections

Every patient has the right to immediate electronic access to their complete medical record at no charge through a patient portal, and the right to transfer their complete medical record to any other provider within 24 hours of request, at no charge and without requiring a signed release beyond the patient's electronic authorization.

Medical debt may not be reported to any consumer credit reporting agency. Medical debt may not be used as a basis to deny or condition employment, housing, professional licensing, insurance coverage, or access to credit.

When a provider's network status changes from in-network to out-of-network during an ongoing course of treatment for a serious condition, the patient's cost-sharing obligation remains at the in-network rate for the duration of that course of treatment. When medically necessary Essential Care is not available from an in-network provider within a reasonable geographic distance, as defined by the National Healthcare Cost Board, the patient's obligation is limited to the in-network rate and the insurer must reimburse the out-of-network provider directly.

Section 16A. Independent External Appeals

Every patient whose claim for Essential Care is denied, reduced, or terminated has the right to an independent external appeal before a review panel composed of licensed medical professionals with no financial relationship to the insurer or provider involved, administered by the National Healthcare Cost Board. The external review must be completed within 30 days for standard appeals and within 72 hours for appeals involving an ongoing course of treatment or urgent medical need. The decision of the external review panel is binding on the insurer and is subject to judicial review only for arbitrary and capricious error.

Section 17. Reproductive Access Floors: State Regulation Standards and Physician Protections

Right 36 of the Constitution establishes reproductive freedom and prohibits state requirements that eliminate access. This Section establishes the minimum access standards that define when state regulation crosses into constitutional violation, and the physician protections that ensure medical judgment governs viability determinations.

The four access floors. No state may impose requirements that — individually or in combination — have the effect of: (1) reducing providers below one per 100,000 persons of reproductive age in the state; (2) requiring travel of more than 100 miles to obtain services; (3) imposing mandatory delays exceeding 24 hours for non-surgical procedures or 48 hours for surgical procedures; or (4) imposing physical plant or staffing standards not demonstrably related to patient safety for the specific procedure performed. Each floor is assessed individually and collectively — a state that passes four individually permissible regulations that together eliminate access has violated Right 36.

The cumulative impact test. When a person challenging state abortion regulations demonstrates that the combined effect of applicable regulations produces an access barrier exceeding any of the four floors, the burden shifts to the state to demonstrate by clear and convincing evidence that no cumulative access barrier exists. The state may not satisfy this burden by pointing to theoretical access in a neighboring state.

Physician protections. No hospital, medical board, regulatory body, insurer, or employer may impose adverse action — including license revocation, contract termination, or disciplinary proceedings — on a physician based solely on a good-faith viability determination documented in the patient's medical record. Disagreement with a viability determination does not constitute grounds for professional discipline absent a finding of fraud or willful disregard of established medical standards by a neutral peer review panel convened under established credentialing procedures.

Funding obligation. Federal healthcare programs must cover reproductive healthcare including abortion on the same terms as any other covered medical procedure. No appropriations rider, executive order, or administrative rule may restrict federal funding for abortion in a way that effectively denies access to low-income persons while leaving access intact for those with resources. The right to abortion is not meaningful if it exists only for those with the financial ability to travel, pay, and take time away from work.

Interstate travel protection. A state may not criminalize, penalize, impose civil liability on, or otherwise burden a resident's travel to another state to obtain reproductive healthcare that is lawful in the destination state. A state may not impose civil or criminal liability on any person — including family members, friends, healthcare providers, rideshare drivers, or any other individual — who assists another person in traveling outside the state for reproductive healthcare. A state may not require physicians, pharmacists, nurses, counselors, or any other healthcare provider to report, disclose, or notify any state authority about a patient's reproductive healthcare decisions, intentions, or out-of-state travel for reproductive care. Any state law, regulation, or enforcement action that attempts to reach conduct occurring entirely in another state — including the decision to obtain reproductive care, the act of traveling, or the receipt of care — is void as an extraterritorial exercise of state power, a violation of the constitutional right to interstate travel, and a violation of Right 36. A state subpoena, warrant, or legal process directed at healthcare providers in another state to obtain records of a patient's

reproductive care is void and unenforceable. No state official may transmit information about a resident's reproductive healthcare decisions to law enforcement in any other state.

Section 18. Healthcare Adequacy: The Four Dimensions and the Burden for Reductions

Right 37 of the Constitution establishes the right to healthcare and makes any reduction below ratification-era levels presumptively unconstitutional. This Section defines the four dimensions of adequacy and the evidentiary burden the government must meet to justify any reduction.

The four adequacy dimensions. The Essential Care right is meaningful when: (1) coverage is available to all eligible persons — no eligible person is excluded from enrollment; (2) the full Essential Care services basket is available without categorical exclusions; (3) annual per-capita federal expenditure meets the floor established by this Statute, adjusted for medical inflation using the Medical Care component of the CPI; and (4) Essential Care providers are available in every geographic region such that no person must travel more than 30 miles or wait more than 30 days for non-emergency care.

Burden for reductions. Any reduction below ratification-era levels in any of the four dimensions is presumptively unconstitutional. The government bears the burden of demonstrating by clear and convincing evidence that any reduction is: (a) necessary to address a severe fiscal emergency; (b) the least restrictive reduction available; and (c) accompanied by a specific, time-bound plan for restoration. The presumption of unconstitutionality is not rebutted by a showing that fiscal pressures are real — it requires a showing that no less restrictive alternative was available.

Federal funding obligation for reproductive healthcare. Federal healthcare programs — including Medicaid, Medicare, the Children's Health Insurance Program, the Essential Care program established under Article Eleven, and any other federally funded or federally administered healthcare program — must cover reproductive healthcare on equal terms with all other covered medical procedures. Reproductive healthcare for purposes of this provision includes: contraception in all medically appropriate forms; abortion services as permitted under Right 36 and the treating physician's medical judgment, without categorical exclusion of coverage based on the stage of pregnancy; prenatal care throughout pregnancy; labor and delivery care; postnatal care; miscarriage management; treatment for ectopic pregnancy and other pregnancy-related emergencies; and any other healthcare related to the reproductive system. The Hyde Amendment and any equivalent statutory restriction on federal funding for reproductive healthcare is superseded by Right 36 and this provision and has no continuing legal effect. A coverage exclusion, prior authorization requirement, or benefit limitation that applies specifically to reproductive healthcare and not to comparable medical procedures of equivalent clinical complexity and cost constitutes a denial of equal access on the basis of sex, in violation of Right 36 and Right 32, and is void. Federal funds may not be conditioned on a state's restriction of reproductive healthcare access, and no state that restricts access below the floors of Constitutional Statute 3, Section 17 may receive federal healthcare program matching funds for any program that excludes reproductive healthcare coverage.

Mental health parity. Mental health and substance use disorder services — including diagnosis, outpatient therapy, inpatient psychiatric care, crisis intervention, medication management, and substance use disorder treatment — are essential medical care under Right 37 and must be included in the Essential Care services basket on equal terms with physical healthcare. Mental health parity means equal treatment in all respects: mental health services may not be subject to more restrictive prior authorization requirements, more stringent utilization review, lower coverage limits, higher cost-sharing, narrower provider networks, or any other benefit design that imposes materially greater barriers to mental health care than to comparable physical healthcare. A services basket or benefit design that covers physical conditions more generously than comparable mental health conditions violates Right 37. The assessment of comparability is functional — whether the conditions present similar levels of clinical severity, functional impairment, and need for ongoing treatment — not categorical. Eating disorders, post-traumatic stress disorder, anxiety disorders, and depression are medical conditions of the same constitutional standing as cancer, heart disease, and diabetes. Coverage decisions, prior authorization denials, and network adequacy determinations for mental health services are subject to the same enforcement mechanisms and judicial review standards as equivalent physical healthcare determinations.

Section 19. Medical Aid in Dying: Minimum Procedural Safeguards

Right 48 of the Constitution establishes medical aid in dying as a protected exercise of medical autonomy for terminally ill, mentally competent persons. States may regulate but may not prohibit it. This Section establishes the minimum procedural safeguards that apply in all jurisdictions.

Eligibility. A person is eligible for medical aid in dying when: (1) they have a terminal illness with a prognosis of six months or less to live, confirmed by two independent physicians; (2) they are mentally competent — meaning they have decision-making capacity at the time of the request, as confirmed by a licensed mental health professional where any doubt exists; (3) they have made two oral requests and one written request, with the oral requests separated by at least 15 days; and (4) they are physically capable of self-administering the medication, or have documented inability to do so.

Physician protections. No physician may be compelled to participate in medical aid in dying. A physician who conscientiously objects must refer the patient to a willing provider within 5 business days. Referral is mandatory — a conscientious objection does not include the right to obstruct access.

State authority. States may add procedural safeguards beyond these minimums. States may not impose requirements that effectively eliminate access — including requirements that produce waiting periods exceeding 30 days in total, that require more than two independent physician confirmations, or that categorically exclude eligible persons based on the type of terminal illness.

Informed consent standards for all medical care. The right to make medical decisions under Right 48 requires that every competent adult receive adequate information to make a genuinely informed choice. Before any non-emergency medical procedure, treatment, or significant intervention, the

treating physician must obtain the patient's informed consent by providing: the diagnosis and its nature; the proposed treatment or procedure and its purpose; the material risks — meaning any risk that a reasonable patient in the circumstances would consider significant in deciding whether to proceed; the benefits reasonably expected; the available alternatives, including the option to decline treatment; and the prognosis if the patient declines treatment. Consent must be voluntary — not obtained through pressure, time constraint, or withholding of information about alternatives. Consent obtained without these disclosures, or under conditions that prevent meaningful deliberation, is not legally valid.

Decision-making capacity. A person has decision-making capacity when they can understand the relevant information, appreciate its application to their situation, reason about alternatives, and communicate a decision. Capacity is presumed for every adult. A provider who believes a patient lacks capacity must obtain a formal capacity assessment from a qualified clinician before proceeding over the patient's objection or before involving surrogate decision-makers. A capacity assessment must be documented in the medical record. Cognitive impairment, mental illness, and disability are not automatic bases for finding incapacity — the assessment must be specific to the decision at hand.

Surrogate decision-making. When a person lacks decision-making capacity and has not executed an advance directive covering the specific situation, a surrogate decision-maker must be identified and authorized through a documented process. Surrogates must apply the substituted judgment standard — deciding as the patient would have decided based on known values and preferences — not the best interests standard, except when the patient's values and preferences cannot be established. A surrogate may not authorize withdrawal of life-sustaining treatment over the express prior objection of the patient as documented in an advance directive or contemporaneous statement.

Advance directive enforcement. Every provider must have systems to identify whether a patient has an executed advance directive before beginning non-emergency treatment. States must maintain accessible advance directive registries searchable by providers in emergency contexts. A provider who ignores or overrides a patient's valid advance directive — except in a documented clinical emergency where honoring the directive would cause immediate, irreversible harm before the directive's application can be confirmed — has violated Right 48. A provider who ignores an advance directive is liable for the patient's actual damages including the medical and emotional costs of unwanted treatment.

Section 20. Continuation of Employer-Sponsored Coverage

Continuation of employer-sponsored coverage. An individual who loses employer-sponsored health coverage due to termination of employment, reduction in hours, or another qualifying event may continue that same coverage for up to 18 months by paying the actual cost of the premium, including the portion previously paid by the employer, plus a reasonable administrative fee not to exceed 2% of the premium. An employer or plan administrator must notify an individual of this right within 14 days of the qualifying event.

Section 21. Guaranteed Coverage and Pre-Existing Condition Protection

No health coverage provider, whether public or private, may deny, cancel, decline to renew, or limit health coverage, or charge a higher premium or impose any different term, on the basis of a person's health status, medical history, genetic information, pre-existing medical condition, disability, or expected future health needs. Coverage must be offered on a guaranteed-issue basis: a provider offering coverage to any member of the public must offer it to every applicant on the same terms, subject only to permissible variation by age and geographic region within limits Congress establishes. This Section applies to the essential coverage guaranteed under Article Eleven and to any supplemental, private, or employer-sponsored coverage offered in addition to it. A waiting period, exclusion period, or benefit limitation applied specifically to a pre-existing condition is prohibited.

Section 22. Patient Drug Affordability: Flat Copays, Tiered Subsidy, and the Pharmacy Benefit Manager Prohibition

The price a patient pays for a prescription drug is separated from the price the government negotiates with its manufacturer under Section 4. The government pays the manufacturer the negotiated fair price; the patient pays only the flat, affordable copay this Section establishes; and the public absorbs the difference. No patient is ever charged the full market or manufacturing cost of a drug.

Flat copay tiers. A patient's out-of-pocket cost for any drug on the Essential Care formulary is a flat copay set by tier — never a percentage of the drug's price and never the drug's actual cost. Tier 1, essential maintenance and life-sustaining drugs, including insulin, epinephrine auto-injectors, asthma inhalers, and any drug the National Healthcare Cost Board designates as life-sustaining: a copay not to exceed $35 per month's supply, and $0 for the lowest-income patients. Tier 2, standard prescription drugs: a flat copay not to exceed $35 per prescription. Tier 3, specialty and high-complexity drugs, including biologics, oncology drugs, and cell and gene therapies: a flat copay not to exceed $100 per prescription, with the entire remaining cost absorbed by public subsidy.

Annual out-of-pocket maximum. No patient may pay more than $2,000 in total out-of-pocket prescription drug costs in any year, regardless of the number or tier of their prescriptions. Once a patient reaches this cap, all further prescriptions for the year are provided at no cost. The Board must offer a prepayment option allowing chronic patients to pay the annual maximum in affordable monthly installments rather than facing large costs early in the year.

Broad exemptions from all copays. No copay of any kind applies to: children; persons over the age of 65; pregnant and postpartum persons; persons below an income threshold Congress sets; or any patient managing a chronic or life-threatening condition the Board designates. The copay structure of this Section reaches only working-age adults above the income threshold, consistent with the principle that cost must never be a barrier to a prescribed medicine.

The public subsidy obligation. The difference between the negotiated price paid to the manufacturer and the patient's copay is paid from the Healthcare Trust Fund. The manufacturer receives its full

negotiated fair price under Section 4; the affordability of the drug to the patient is achieved through public subsidy, not by forcing the manufacturer to sell below the negotiated price. This preserves both patient access and continued supply, and prevents the manufacturer withdrawal that an unsustainable below-cost price cap would cause. **Pharmacy benefit managers prohibited.** No entity may operate as a pharmacy benefit manager — an intermediary that negotiates drug prices, rebates, or formulary placement between manufacturers, insurers, and pharmacies and derives profit from the spread between those prices or from undisclosed rebates. Because the government negotiates all drug prices directly and transparently under Section 4, the pharmacy benefit manager function is redundant, and the opacity and spread-pricing on which it profits are prohibited. Pharmacies are reimbursed directly under Section 23 at the negotiated price plus a fair, published dispensing fee.

Section 23. Drug Price Negotiation, Payment, Reconciliation, and Legal Foundations

This Section establishes how a negotiated price is reached, who pays it, how pharmacies are reimbursed, how payment errors are corrected, and the legal foundation on which the entire structure rests.

The negotiation procedure. For each drug on or proposed for the Essential Care formulary, the National Healthcare Cost Board conducts a negotiation on a defined schedule. The manufacturer must disclose, under penalty for material falsity, its actual cost of production, its research and development cost net of public funding, the prices it charges in the reference countries, and the volume of public funding that supported the drug's development. The Board determines an opening price under the methodology of Section 4, the parties negotiate for a defined period not to exceed 180 days, and if they reach agreement the price is binding for the agreed term.

Binding resolution of genuine impasse. Where the Board and a manufacturer cannot agree within the negotiation period — as distinct from a manufacturer's outright refusal to participate, which is governed by the refusal fallback of Section 4 — the matter proceeds to binding baseball-style arbitration, in which each party submits a final price supported by the disclosed cost data and a neutral arbitration panel selects one of the two submitted prices. The panel may not split the difference; this structure pressures both parties toward a reasonable final number. The selected price is binding for the term.

The administrative payer. The Essential Care Administration, established within the system Article Eleven creates, is the single administrative payer. It processes claims, reimburses pharmacies and providers, disburses the public subsidy from the Healthcare Trust Fund, and maintains the payment records this Section requires. Payments to manufacturers, pharmacies, and providers are drawn from the Healthcare Trust Fund and may not be diverted to any other purpose.

Pharmacy reimbursement and dispensing fee. A pharmacy that dispenses a formulary drug is reimbursed by the Essential Care Administration at the negotiated price of the drug plus a fair dispensing fee set on a published, uniform schedule. The dispensing fee is the same for a given

category of dispensing regardless of the drug's price, so that a pharmacy has no incentive to favor a higher-priced drug. Reimbursement must be made within 30 days of a clean claim; a late reimbursement accrues interest. **Payment tracking and reconciliation.** The Essential Care Administration maintains a complete, auditable record of every negotiated price, every claim, every reimbursement, and every subsidy payment. Each payment is reconciled against the negotiated price and the dispensing schedule. A discrepancy between the amount paid and the amount owed must be identified and resolved; the Administration publishes an annual reconciliation report, and an independent audit of the drug payment system is conducted not less than once every two years and published.

Avenues of correction. Where the Administration has overpaid — whether through error, a manufacturer's false cost disclosure, or a billing irregularity — it recovers the overpayment with interest, and a knowing false disclosure that produced the overpayment is subject to penalty in addition to recovery. Where a pharmacy, provider, or manufacturer has been underpaid, it may bring a payment dispute, which the Administration must decide within a defined period, with a right of appeal to a neutral adjudicator and ultimately to the courts. No party — patient, pharmacy, provider, or manufacturer — is left without a remedy for a payment error.

Legal foundation — why participation may be conditioned. The obligations of this Section and of Section 4 rest on independent grounds, any one of which is sufficient, and the primary grounds do not depend on characterizing the relationship as voluntary. First and principally, the regulation of the price of an essential medicine is a legitimate exercise of the constitutional power to protect public health and is not a taking of private property; price regulation in the public interest has never required compensation, and no person holds a constitutional right to a monopoly or unregulated price for a medicine. Second, a patent or other exclusive right in a medicine is a public grant of a limited monopoly, conditioned on service to the public good; where a manufacturer declines to supply an essential medicine on reasonable terms, the public may license its production for a reasonable royalty or manufacture it directly under the refusal fallback of Section 4, and the manufacturer's remedy is the royalty, not a veto over the public's access. Third, and as a supporting consideration only, participation in the Essential Care formulary is also a commercial relationship a manufacturer is free to decline; this consideration reinforces the foregoing grounds but is not necessary to them, and the validity of the pricing framework does not depend on the relationship being characterized as voluntary. The constitutional anchor for all of the foregoing is stated in Article Eleven. A manufacturer remains free to decline to sell; it may not both withhold an essential medicine and prevent the public from obtaining it through licensed or public production.

Section 24. Enhanced Employer Health Plans and the Employer Care Contribution

The floor is inviolable. Essential Care covers all medically necessary care as defined in the services basket of Section 1. An enhanced plan may cover only benefits above that floor — elective and cosmetic procedures, expedited non-emergency scheduling, private rooms and comparable

accommodations, expanded provider networks and out-of-network choice, wellness and concierge services, and similar amenities. No enhanced plan may cover, gate, delay, or price any medically necessary service in a way that makes the floor worse for anyone; any term purporting to do so is void, and the service remains fully available through Essential Care.

Voluntary enrollment. An employee enrolls in an enhanced plan by a change-of-status filing and may decline or withdraw at any time. No employee may be penalized, surcharged, or disadvantaged in Essential Care, wages, or employment for declining. There is no individual mandate and no tax penalty on any individual for not holding an enhanced plan.

The Employer Care Contribution (graduated, no cliff). Every employer owes an annual Employer Care Contribution that rises continuously with the employer's number of workers and total revenue, on a smooth schedule set by law with no step, bracket edge, or threshold at which a small change in size or revenue produces a large change in the amount owed. The smallest employers owe at or near zero; the largest and most profitable owe the most. The schedule is set so that the marginal cost of adding a worker or a dollar of revenue never creates an incentive to stay below a line, to cut a worker's hours, or to split or restructure the business to reduce the obligation.

Play-or-pay. An employer satisfies the Contribution to the extent it funds a qualifying enhanced plan for its eligible workers. Any shortfall is paid into the public Essential Care fund. An employer that offers no enhanced plan pays its full Contribution into the fund. Amounts received strengthen the Essential Care floor and may not be diverted to protect private insurers.

Twenty-hour eligibility. Where an employer offers or contributes to an enhanced plan, every worker engaged twenty or more hours per week — including part-time, seasonal, and temporary workers — is eligible on equal terms. An employer may not condition enhanced-plan eligibility on exceeding twenty hours, and hours may not be averaged across weeks to defeat eligibility. Deliberate reduction of a worker's hours below twenty to exclude them from an enhanced plan is an unlawful evasion, remediable by making the worker whole.

Anti-evasion. Misclassification, business splitting, sham contracting, and hours manipulation undertaken to reduce the Employer Care Contribution or defeat twenty-hour eligibility are unlawful; the four-part ABC test of Constitutional Statute 6 and its make-whole remedies apply. The contribution schedule, definitions, filing and audit procedures, and enforcement are set by law, subject to the smoothness and no-cliff requirements of this Section and of Right 37.

Constitutional Statute 4

Progressive Tax Framework Act

Implementing Article Seven, Sections 2 and 6.

Section 1. Individual Income Tax Bracket Schedule

The following individual income tax bracket schedule takes effect upon ratification of this Constitution and the enactment of this Act. These specific rates implement Article Seven's structural constitutional requirement — at least five brackets with a top rate at least 1.5 times the rate applied at the median income level. The specific rates in this schedule are statutory, not constitutional: they may be changed by a majority vote of Congress within the structural bounds that Article Seven sets. Changes to Article Seven's structural requirement itself require the 60% supermajority. All bracket thresholds are indexed annually for inflation using the Consumer Price Index for All Urban Consumers (CPI-U) beginning in the second calendar year after ratification. The indexing is automatic — it requires no annual legislative action and cannot be suspended by executive order or administrative action:

These rates are the starting schedule. They may be adjusted by Congress within the constitutional floors and ceilings by a 60% supermajority of both chambers, as required for all Constitutional Statutes. Congress may accelerate the progression toward the constitutional ceiling (70%) by 60% supermajority. Congress may not reduce the top rate below the constitutional floor (50%) or increase the bottom rate above the constitutional ceiling (25%) under any circumstances.

Clarification of the rate-change threshold. Two distinct protections operate on this tax code, and they must not be conflated. First, the constitutional floors and ceilings of Article Seven — the 50-to-70 percent band within which the top rate must fall, the requirement of at least five progressive brackets, and the rule that the bottom rate may never exceed 25 percent — are structural constitutional requirements. They may be altered only by the 60% supermajority that protects every provision of this Constitution against simple-majority repeal. Second, the specific rates set in this schedule, where they fall within those constitutional bands, are statutory and may be adjusted by ordinary majority vote — but only in a manner that preserves the progressive structure. A majority may raise any rate, may lower a rate so long as the schedule remains progressive and every constitutional floor and ceiling is honored, and may accelerate the progression toward the 70 percent ceiling. A majority may not, however, flatten the schedule, compress the upper brackets, or reduce the number of brackets below the constitutional minimum; any such change alters the progressive structure itself and therefore requires the 60% supermajority. Where this Act elsewhere refers to the 60% supermajority as protecting the rates, it means this: the progressive structure of the rates is protected at 60%, while movement of an individual rate within the bands, consistent with that structure, is a majority action.

Joint filer brackets: For married persons filing jointly, all bracket thresholds are multiplied by 1.5 — not 2.0 — to prevent marriage penalties without creating the full marriage bonus of prior law. The 1.5

multiplier reflects the genuine economies of shared household expense while preventing the wealthiest filers from effectively halving their top marginal rate through the choice to file jointly.

What these rates apply to: These rates apply to all taxable income — wages, salaries, tips, business income, interest, dividends, rents, royalties, and all other income from any source, including capital gains and investment income as provided in this Act. There is no separate rate schedule for any category of income except as specifically provided for in the transition schedule for long-term capital gains below.

Section 2. Capital Gains and Investment Income: Ordinary Income Treatment with Transition

The three-year phase-in reflects several considerations. No investor holds a vested constitutional right in the continuation of any specific tax rate; tax law has always been subject to prospective legislative change. The phase-in reduces the risk of large-scale tax-motivated asset liquidation that would disrupt capital markets and harm investors not themselves selling. The constitutional provision reflects the democratic judgment that income from money should not be systematically taxed at lower rates than income from work; the transition schedule implements that judgment without treating pre-ratification appreciation as if the new standard had always applied. The transition applies only to pre-ratification long-term appreciation — gains accruing after ratification are taxed at full ordinary income rates immediately upon realization.

The Constitution provides that capital gains and investment income are taxed as ordinary income — no preferential rate for money made from money. This principle takes effect upon ratification. The transition schedule below applies only to long-term capital gains on assets held for more than one year that were acquired before the ratification date and that have appreciated in value before ratification. It does not apply to any new appreciation accruing after ratification on any asset.

Short-term capital gains (assets held one year or less): Taxed at ordinary income rates as provided above, effective upon ratification. No transition period. There is no constitutional basis for treating short-term investment income differently from wage income, and the transition rationale (protecting gains already accrued under the prior legal regime) applies only to long-term appreciation.

Long-term capital gains transition schedule for pre-ratification appreciation: For assets acquired before the ratification date, the gain accrued before ratification — measured as the difference between the asset's fair market value on the ratification date and its tax basis — is subject to the following transition schedule: Year 1 (the first calendar year after ratification) — taxed at 30% for gains that would otherwise be taxed above 30% under the full ordinary income rates; Year 2 — taxed at 50% for gains that would otherwise be taxed above 50%; Year 3 and all subsequent years — taxed at the full ordinary income rates applicable to the taxpayer's income bracket. Any appreciation accruing after the ratification date is taxed at full ordinary income rates in the year of realization regardless of when the underlying asset was acquired. The transition schedule is automatic — it advances without further congressional action and may not be extended by any act of Congress below a 60% supermajority.

Investment income: Dividends, interest, and all other investment income are taxed at ordinary income rates as provided in the bracket schedule above, effective upon ratification. The prior qualified dividends preferential rate is abolished. The prior long-term capital gains preferential rate is abolished except as provided in the transition schedule. No new preferential rate for any category of investment income may be created without a constitutional amendment.

Section 3. Closing the Stepped-Up Basis Loophole: Deemed Realization at Death and Gift

The most significant mechanism by which the wealthy have avoided capital gains taxation under prior law is the "stepped-up basis at death" — the rule that when assets are inherited, the heir's tax basis is reset to the fair market value at the date of death, permanently eliminating any income tax on decades of appreciation. Under this rule, a family could hold appreciating assets across generations, never selling, never paying capital gains tax, and ultimately passing the assets to heirs with a fresh tax basis and zero accumulated tax liability. The ordinary income treatment of capital gains established by the Constitution is undermined by this loophole if it is preserved. This Act closes it:

Deemed realization at death: For income tax purposes, a decedent is treated as having sold all appreciated assets at their fair market value on the date of death. The resulting gain — the difference between the fair market value at death and the decedent's original basis — is recognized as income in the decedent's final income tax return and taxed at the ordinary income rates applicable to the decedent's income in the year of death. The estate is liable for this tax as a debt of the decedent. The heir's basis in inherited assets is reset to fair market value at date of death, but the gain has been taxed in the decedent's final return rather than eliminated.

Deemed realization for gifts: For income tax purposes, a donor who transfers appreciated assets by gift is treated as having sold those assets at their fair market value at the date of the gift. The resulting gain is recognized as income in the year of the gift and taxed at the donor's ordinary income rate. The donee's basis is the fair market value at the date of the gift. This rule applies to all gifts of appreciated assets valued at more than $25,000 per calendar year in aggregate to any single donee. Gifts of appreciated assets valued at $25,000 or less per calendar year per donee are excluded — this exclusion preserves ordinary inter-family gift-giving from the deemed realization rule.

Coordination with inheritance-as-income: The deemed realization at death rules under this provision are separate from and in addition to the inheritance-as-income rules that apply to the recipient of an inheritance above $5 million. Both apply: the decedent's estate pays income tax on deemed capital gains in the final return; the heir also pays income tax at their ordinary income rate on the value of the inheritance above $5 million. The $5 million exemption for heirs does not offset the deemed capital gains tax in the decedent's estate.

Liquidity hardship provisions: Where deemed realization at death would require payment of income taxes that exceed the liquid assets of the estate — meaning the estate holds primarily illiquid assets like closely-held business interests, real estate, or farmland — the estate may elect to pay the deemed

capital gains tax over a period of not more than 10 years, with interest at the federal funds rate plus 1 percentage point. This liquidity provision is available only to estates with less than 20% of their assets in liquid form at the date of death. Estates that qualify may not make distributions to heirs until the deferred tax is paid in full except for distributions of illiquid assets subject to the tax payment obligation.

Section 4. Inheritance Tax: The $5 Million Threshold and the Operating Continuity Exemption

Inheritance above $5,000,000 per recipient is taxed as ordinary income to the recipient in the year received, at the marginal rate applicable to the recipient's total income for that year including the inheritance. The $5,000,000 threshold is indexed annually for CPI beginning in the second calendar year after ratification; the indexed threshold is published by the Treasury Department each December for the following tax year. The constitutional language establishing this threshold as "$5 million" means the threshold may not be raised above its inflation-indexed value without a constitutional amendment; the indexing maintains the real value of the threshold over time without requiring legislative reauthorization.

What counts toward the $5 million threshold: The threshold applies per recipient per decedent — meaning a recipient who inherits from multiple decedents in the same year applies the $5 million exclusion separately to each inheritance. Gifts received from a decedent within the 3 years preceding the decedent's death are added to the inheritance for purposes of calculating the threshold, preventing deathbed gifting as an avoidance mechanism.

The operating continuity exemption — scope and requirements: The Constitution provides a specific, narrow exemption: "family farm and family business operating continuity." This exemption is available only when all of the following conditions are met: (a) the inherited asset is a farm, ranch, or operating business — meaning real property used for agricultural production, or a business entity engaged in the active production of goods or services, not including passive investment vehicles, holding companies, or entities whose primary activity is holding appreciated assets; (b) the heir personally assumes a principal management or operational role in the farm or business within six months of the inheritance — "principal role" means the heir works in the management or operation of the farm or business for a minimum of 1,000 hours per year and assumes documented responsibility for operational decisions; (c) the heir maintains this principal operational role for at least 10 consecutive years following the inheritance; and (d) the farm or business is not sold, transferred, or converted to a passive investment vehicle during the 10-year period. A passive investment in a family business — meaning an heir who receives ownership shares but does not personally work in the management or operation of the business — does not qualify for the exemption regardless of the business type or the heir's family relationship to prior owners.

Recapture if exemption conditions fail: If an heir who claimed the operating continuity exemption fails to maintain the required operational role for the full 10 years — whether through voluntary departure, sale of the business, or conversion to passive investment — the deferred inheritance tax

becomes due within 90 days of the event triggering recapture, with interest accrued at the federal funds rate plus 2 percentage points for each year of the deferral period. The IRS maintains a public registry of operating continuity exemption elections, updated annually, to facilitate monitoring of the 10-year requirement.

The exemption protects continuity, not dynastic scale. The operating continuity exemption is not a shelter for unlimited wealth. It applies in full to the first $15,000,000 of qualifying operating-business or farm value per recipient, indexed annually for CPI on the same schedule as the $5,000,000 threshold. This ceiling exists because the exemption's purpose is to prevent a working family from being forced to sell the enterprise they operate in order to pay the tax — a purpose fully served at that scale, and not served by exempting fortunes many times larger from the inheritance tax that reaches everyone else.

Value above the ceiling is taxed — but never through forced sale. Qualifying operating-business or farm value above the indexed ceiling is subject to the inheritance tax of this Section, but the heir who meets and maintains the operating-continuity conditions may elect to pay that tax in equal annual installments over fifteen years, with interest at the federal funds rate. So long as the heir continues to operate the enterprise and meets the installment schedule, no sale, mortgage, or liquidation of the enterprise may be compelled to satisfy the tax. The protection the exemption was written to provide — that a family is never forced to sell the farm to pay the tax — is preserved in full; what ends is the use of that protection to pass a dynastic fortune untaxed.

No aggregation of active hours across passive heirs. The operating-continuity conditions must be met by each recipient claiming the exemption or the installment election as to that recipient's own inherited interest. One heir's active management does not qualify a sibling's passive interest. A recipient who does not personally meet the 1,000-hour principal-role requirement holds a passive interest, taxed under the ordinary rule of this Section regardless of another family member's participation.

Section 5. Corporate Income Tax: Progressive Rate Schedule

Corporate income is taxed progressively between 21% and 35% as required by the Constitution. The following schedule applies to all corporations, including C-corporations, publicly traded entities, and all other entities taxed as corporations under federal tax law. All taxable income thresholds apply to annual taxable income of the entity as a whole, not to the individual segments or subsidiaries of a corporate group:

Anti-fragmentation rule: A corporate group that is under common ownership or control — including parent-subsidiary relationships, affiliated companies, and related party entities — is treated as a single corporation for purposes of determining which tax bracket applies to its income. The anti-fragmentation rule prevents large corporations from dividing their operations into multiple nominally independent entities each earning just below the first bracket threshold, effectively capping their rate at

21%. Common ownership for this purpose means 50% or more ownership by the same person or group of related persons. **Minimum corporate tax:** A corporation with annual gross revenue above $1 billion must pay a minimum effective corporate tax rate of 21% on its adjusted financial statement income — the income reported to shareholders in its audited financial statements — regardless of deductions, credits, or other reductions that might reduce its taxable income below that threshold. The minimum tax is calculated separately from and in addition to regular corporate income tax obligations; where regular tax liability exceeds the minimum, only regular tax applies.

Stock buyback excise tax: A corporation that repurchases its own shares pays an excise tax of 4% of the value of shares repurchased in any calendar year. This tax applies to all domestic corporations and to foreign corporations listed on U.S. exchanges to the extent of their U.S.-listed share repurchases. The stock buyback excise tax is not deductible from corporate taxable income.

Section 6. The Four Permitted Deductions: Specific Definitions and Caps

The Constitution permits no more than four categories of federal income tax deductions. These four categories — and only these four — are established by this Act. Additional deduction categories may be created only by an act of Congress enacted by a 60% supermajority of both chambers. Any provision of prior law, any Treasury regulation, and any IRS guidance that establishes or expands any deduction category not listed below is superseded by this Act upon its effective date.

Deduction Category 1 — Charitable contributions: Cash and property contributions to organizations holding current tax-exempt status under the equivalent of section 501(c)(3) of the Internal Revenue Code — meaning organizations organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes that do not distribute earnings to private shareholders or individuals. Deductible contributions do not include: contributions to organizations that are primarily political advocacy organizations regardless of their tax status; contributions for which the donor receives any goods or services in return except for goods or services of insubstantial value; and contributions to donor-advised funds that have not yet been distributed to operating charitable organizations. Annual deduction cap: 25% of the taxpayer's adjusted gross income. Contributions in excess of the annual cap may be carried forward for up to five years.

Deduction Category 2 — Home mortgage interest: Interest paid on debt secured by the taxpayer's primary residence — defined as the residence in which the taxpayer lives for more than 183 days per calendar year. Primary residence is singular — a taxpayer may have only one primary residence in any calendar year. The deduction applies to interest on acquisition debt only — debt used to purchase, construct, or substantially improve the primary residence. Home equity debt, cash-out refinancing proceeds used for non-acquisition purposes, and debt secured by vacation homes, investment properties, or second homes are not deductible under this category. Annual cap: interest on acquisition debt with an original principal balance up to $500,000, indexed annually for CPI beginning the second year after ratification.

Deduction Category 3 — State and local taxes paid: State income taxes, state and local property taxes on the taxpayer's primary residence, and state sales taxes paid during the calendar year (using either the actual amounts paid or the IRS optional sales tax tables). Annual cap: $20,000, indexed annually for CPI beginning the second year after ratification. The cap applies in the aggregate to all state and local taxes in this category — a taxpayer who pays $18,000 in state income tax may deduct no more than $2,000 in additional property taxes under this category. State and local taxes on investment properties, business properties, and non-primary residential properties are not deductible under this category.

Deduction Category 4 — Technology-neutral clean energy investment: Documented expenditures for the purchase, installation, and commissioning of: solar photovoltaic systems; wind generation systems; geothermal energy systems; hydroelectric systems; battery storage systems of 3 kWh or greater capacity designed for use with renewable generation; electric vehicles and plug-in hybrid vehicles with documented greenhouse gas emissions below 50 grams of CO_2-equivalent per mile; energy efficiency improvements to buildings certified by an independent energy auditor as reducing annual energy consumption by 20% or more; and any other technology or system designated as qualifying by the National Climate Science Board based on documented lifecycle greenhouse gas emissions below a threshold it sets and updates annually. This category does not include: investments in fossil fuel production, processing, or transportation, regardless of how they are characterized or marketed; natural gas distribution infrastructure; carbon capture systems attached to fossil fuel burning facilities; or any technology whose primary energy input is a fossil fuel. Annual cap: actual documented investment, no upper limit, but the deduction may not reduce taxable income below zero, and may not reduce an individual taxpayer's effective federal income tax rate — measured as total federal income tax paid divided by adjusted gross income — below 15%, regardless of the deduction's documented value. This is a deduction, not a refundable credit.

Section 7. Pass-Through Income: Ordinary Income Treatment and Anti-Abuse

Income received through pass-through entities — including sole proprietorships, partnerships, S-corporations, limited liability companies taxed as partnerships, and any other entity whose income is attributed to the owners for federal income tax purposes — is taxed at the owner's ordinary income rates as provided in the bracket schedule of this Act. Pass-through income is already ordinary income under this Act's bracket schedule; no separate preferential rate applies. This provision establishes the anti-abuse rules that prevent high-income individuals from converting ordinary income into capital gains through pass-through structures:

Anti-recharacterization rule: Any distribution from a pass-through entity to an owner that represents the owner's share of the entity's active business income — meaning income from the production of goods or services, the employment of labor or capital in active business operations, or any other income arising from the entity's active commercial activity — is taxed as ordinary income regardless of how the distribution is characterized in the entity's books, partnership agreement, or operating

agreement. A provision of any partnership agreement, operating agreement, or other organizational document that characterizes active business income as a capital gain, a return on invested capital, or any other category that would otherwise receive preferential tax treatment is disregarded for federal income tax purposes.

Reasonable compensation requirement: Any owner of a pass-through entity who provides services to the entity and who receives distributions from the entity must pay themselves reasonable compensation for those services — meaning compensation comparable to what would be paid in an arm's-length transaction to a non-owner employee performing equivalent services — and include that compensation in their ordinary income. An owner may not substitute below-market compensation with distributions that receive different tax treatment. The IRS establishes annually published safe harbor reasonable compensation benchmarks by industry and role; an owner who pays themselves within the safe harbor range is presumed to have met the reasonable compensation requirement.

The safe harbor is a floor, not a shield for the large split: The annually published safe harbor establishes the minimum reasonable compensation an owner must report; paying within it satisfies the requirement only where the owner's total distributions for the year do not exceed three times the safe-harbor compensation for their services. Where an owner's distributions exceed that ratio, the safe-harbor presumption does not apply, and the burden is on the owner to prove by clear and convincing evidence that the compensation reported reflects the full arm's-length value of the services they provided to the entity. Substance governs over form: the labels the entity, the owner, or their agreements place on the split between compensation and distribution do not control, and a return characterized as a yield on capital that in substance rewards the owner's personal services is compensation, taxed as ordinary income.

Personal services may not be repriced as capital: Where the income of a pass-through entity is derived principally from the personal services, judgment, or reputation of one or more owners — rather than from the deployment of the entity's own invested capital at risk — distributions to those owners are presumed to be compensation for services to the extent they exceed a reasonable return on the capital those owners actually placed at risk. This presumption is rebuttable only by the owner, and only by clear and convincing evidence identifying the specific invested capital at risk and the market return attributable to it. **Capital gains transition period and pass-throughs:** During the 3-year capital gains transition period established in this Act, pass-through entities may not recharacterize accumulated ordinary business income as long-term capital gains for purposes of claiming the transition period's reduced rates. The transition period rates apply only to appreciation in the fair market value of capital assets — it does not apply to accumulated retained earnings of pass-through entities that are distributed during the transition period.

Section 8. Global Minimum Tax and Foreign Income

Individual worldwide income: Citizens and permanent residents of the United States are taxed on their worldwide income at the rates established by this Act, regardless of where the income is earned.

This continuation of the worldwide income taxation principle is consistent with the constitutional mandate for a progressive tax that captures all income. Foreign tax credits are available for income taxes paid to foreign governments on the same income, up to the U.S. tax liability on that income; the credits prevent double taxation of the same income but do not allow foreign tax payments to reduce U.S. tax liability on domestic income.

Corporate global minimum tax: Every U.S. corporation — and every foreign corporation with substantial U.S. business operations, defined as generating 25% or more of its annual gross revenue from U.S. customers or U.S.-based operations — must pay a minimum effective tax rate of 21% on all of its global income, regardless of where that income is earned or where it is reported for accounting purposes. Where a corporation's income in a particular foreign jurisdiction is taxed by that jurisdiction at a rate below 21%, the United States imposes a top-up payment bringing the effective rate to 21% on that jurisdiction's income. The 21% global minimum tax is calculated on a jurisdiction-by-jurisdiction basis using country-by-country reporting as required by Treasury regulation.

Anti-inversion rule: A U.S. corporation that reincorporates in a foreign jurisdiction — or that is acquired by a foreign corporation in a transaction that shifts the nominal tax residence of the combined entity — while retaining substantial U.S. management, U.S. operations, and U.S.-based revenue, is treated as a U.S. domestic corporation for federal income tax purposes regardless of its nominal foreign incorporation. "Substantial U.S. operations" means that more than 50% of the combined entity's officers and employees are based in the United States, or more than 50% of its assets are located in the United States, or more than 50% of its sales are to U.S. customers. The anti-inversion rule applies to transactions completed after the ratification date regardless of when they are announced.

Offshore profit shifting: The Treasury Department has authority — and the obligation — to issue regulations preventing the shifting of domestic profits to foreign subsidiaries through intercompany pricing, royalty payments, management fees, and other intra-company transactions that lack economic substance. The standard for challenging offshore profit shifting is arm's-length pricing for the specific transaction at issue, not a country-level effective tax rate comparison. Treasury regulations implementing this provision must be published within 18 months of this Act's effective date.

Section 9. IRS Enforcement: Mandatory Audit Rates and Funding Floor

The constitutional mandate for a progressive tax code requires that the tax be collected as progressive — meaning that high-income individuals and corporations pay the rates established by this Act, not just the rates they are willing to pay absent enforcement. An IRS that audits low-income wage earners at higher rates than wealthy investors and complex business owners is not enforcing a progressive tax; it is administering a regressive one. This provision establishes minimum enforcement standards:

Minimum audit rates: The IRS must audit the following minimum percentages of returns filed by high-income individuals each fiscal year: individual returns showing adjusted gross income of $1,000,000 or more: not less than 2.5% of all such returns filed in the prior year; individual returns

showing AGI of $5,000,000 or more: not less than 5% of all such returns filed in the prior year; individual returns showing AGI of $10,000,000 or more: not less than 10% of all such returns filed in the prior year; corporate returns with gross receipts of $1,000,000,000 or more: not less than 100% of all such returns filed in the prior year — meaning every return from corporations with over $1 billion in gross receipts must receive at least a correspondence audit and be reviewed for potential examination. These minimums are floors — the IRS may exceed them based on its assessment of compliance risk. The IRS Commissioner must certify compliance with these minimums in annual congressional testimony and in the IRS's annual data book.

IRS funding floor: Annual appropriations for the Internal Revenue Service must fund IRS operations at a level sufficient to close the documented annual tax gap — the difference between taxes owed and taxes voluntarily paid — by not less than 15% per year. If the tax gap is $600 billion (the documented estimate at ratification), IRS funding must be sufficient to collect not less than $90 billion per year from the tax gap through enforcement. The Treasury Department calculates the tax gap annually using established estimation methodology and publishes the estimate publicly. If Congress appropriates less than the amount necessary to meet the 15% gap closure target, the IRS must notify both chambers in writing within 30 days and identify the specific enforcement activities that will not be funded.

Audit rate transparency: The IRS publishes annually, in its annual data book, the audit rate for returns filed in each AGI bracket — the percentage of returns in each bracket that received any form of IRS examination in the prior year. This data is published in a publicly searchable format enabling comparison of audit rates across income levels over time. A persistent pattern — across three or more consecutive years — in which audit rates for returns in the lowest income brackets exceed audit rates for returns in the highest income brackets will be treated as evidence of non-compliance with this provision and will trigger an Inspector General review of IRS audit selection practices.

Section 10. Amendment Procedure and the 60% Supermajority Protection

As a Constitutional Statute under Article Three, Section 6 of the Constitution, this Act may be amended only by a 60% supermajority of both chambers of Congress. This protection derives from the Constitution itself, not from this Act, and binds every Congress on the same authority as the Constitution's other supermajority requirements. This protection applies to all provisions of this Act — including the specific tax rates in the bracket schedule, the deduction definitions and caps, the capital gains transition schedule, the inheritance threshold, and the corporate rate schedule. No provision of this Act may be modified, suspended, or circumvented through: budget reconciliation procedures; continuing resolutions; appropriations riders; executive orders; Treasury regulatory action; or any other mechanism that does not involve a 60% vote of both chambers. Any attempt to use these mechanisms to alter the effective tax rates, deduction availability, or enforcement standards of this Act without a 60% supermajority vote is null and void from its enactment or issuance.

What the 60% supermajority protects: The progressive structure of the tax code is the constitutional requirement; the specific rates in this Act are the statutory implementation of that requirement within

the constitutional bands. The 60% protection means that a simple-majority Congress cannot cut the top rate from 60% to 50% in a partisan tax bill. It cannot eliminate the SALT deduction cap for wealthy filers. It cannot expand the clean energy deduction to include fossil fuel infrastructure. All of these changes require genuine cross-party agreement — which is what the Constitutional Statute protection is designed to ensure.

What the 60% supermajority does not protect: The constitutional floors and ceilings themselves — the 50-70% top rate band, the ≤25% bottom rate, the 21-35% corporate band — are in the Constitution. They cannot be changed by Congress at any supermajority level; they require a constitutional amendment. Constitutional Statute 4 operates within those constitutional constraints. A 60% supermajority Congress could move the top rate from 60% to 55% or from 60% to 65% — both are within the constitutional band. A 60% supermajority Congress could not move the top rate to 49% — that is below the constitutional floor and requires a constitutional amendment regardless of how many votes it receives in Congress.

Inflation indexing as automatic: The inflation indexing of bracket thresholds, deduction caps, and the inheritance threshold under this Act is automatic and does not require annual legislative reauthorization. The Treasury Department publishes updated thresholds and caps each December for the following tax year. Congress may suspend indexing for a specific year only by a 60% supermajority vote, with specific written findings identifying why suspending indexing is warranted. Automatic indexing is a structural feature of the statute designed to prevent the bracket compression and deduction erosion that occurred under prior law when inflation gradually pushed more taxpayers into higher brackets without any change in real income.

Section 11. Social Security Trust Fund: Ring-Fencing, Benefit Floor, and Enforcement

Article Seventeen of the Constitution prohibits reducing Social Security benefits below ratification-era levels, increasing the retirement age, reducing the payroll tax cap, and ring-fences the Social Security Trust Fund from the general federal budget. This Section implements these protections operationally.

Trust Fund ring-fencing. The Social Security Trust Fund — including the Old-Age and Survivors Insurance Trust Fund and the Disability Insurance Trust Fund — is constitutionally ring-fenced from the general federal budget. Ring-fencing means: the Trust Fund revenues, assets, and projected obligations may not be included in the unified federal budget for any purpose, including for scoring the federal deficit or surplus, for budget reconciliation calculations, or for calculating compliance with any statutory or constitutional budget limit; the Trust Fund may not be borrowed against, pledged as collateral, or used as a source of general government revenue under any statutory authority; and any legislation that includes Social Security Trust Fund balances in a unified budget calculation, borrows from the Trust Fund, or reduces the fund's dedicated revenue streams — the payroll tax and its associated employer contributions — below their ratification-era rates is void as enacted, without requiring any judicial proceeding.

Benefit floor and retirement age protection. The benefit floor under Article Seventeen means no act of Congress may reduce the Social Security benefit formula below the level in effect at the time this Constitution takes effect, as calculated for any individual based on their lifetime earnings history. A reduction in the benefit formula is distinct from actuarial adjustments that maintain the real value of benefits for a given earnings history — the constitutional protection is the formula itself. No act of Congress may increase the full retirement age above the level in effect at ratification for any person born after ratification. No act of Congress may reduce the payroll tax cap — the maximum earnings subject to Social Security taxes — below its ratification-era level in inflation-adjusted terms.

Enforcement standing. Any current or prospective Social Security beneficiary has standing to seek a declaratory judgment that proposed legislation would violate Article Seventeen's protections before that legislation takes effect. The Attorney General may also bring an enforcement action on behalf of affected beneficiaries as a class. A court finding that enacted legislation violates Article Seventeen declares the offending provision void; the benefit formula, retirement age, and Trust Fund integrity in effect before the offending legislation's enactment are automatically restored.

Section 12. Debt Ceiling Void: Treasury Authority and Implementation

Article Three, Section 6 voids the federal debt ceiling and provides Treasury with automatic borrowing authority for all congressionally authorized obligations, with operational mechanics established in Article Three, Section 9. This Section implements those provisions.

Existing debt ceiling statutes superseded. All federal statutes establishing or implementing a debt ceiling — including any provision of 31 U.S.C. or any other title of the United States Code that limits the amount of federal debt that may be outstanding at any time — are superseded by Article Nineteen, Section 1 upon ratification and have no continuing legal effect. Treasury is not required to seek any statutory or congressional authorization to borrow money to fund obligations that Congress has already enacted by appropriation or other legislative action. The Secretary of the Treasury may not be directed, compelled, or instructed by any officer of the executive branch, any congressional resolution, or any other authority to prioritize payment of some congressionally authorized obligations over others due to any borrowing constraint.

Treasury's automatic borrowing authority. The Secretary of the Treasury has automatic constitutional authority to issue any debt instruments — including Treasury bills, notes, bonds, inflation-protected securities, and any other instruments — necessary to fund all obligations that have been authorized and appropriated by Congress. This authority is self-executing from the date of ratification. No additional legislation, resolution, or executive order is required to give it effect. Any market participant, rating agency, or foreign counterparty that questions whether Treasury has authority to issue debt for congressionally authorized obligations is advised that the constitutional authority is automatic and unconditional.

Comptroller General certification. The Comptroller General of the United States shall certify annually, in a public report transmitted to Congress, that all outstanding federal debt was issued pursuant to congressional authorization, that no debt was issued for purposes not authorized by Congress, and that the automatic borrowing authority established by Article Nineteen, Section 1 has been exercised consistently with its constitutional scope. The certification report is due by March 1 of each calendar year for the preceding fiscal year.

Section 13. Property Tax Standards: Land Valuation, Assessment Caps, and Long-Term Owner Exemption

This Section implements Article Seven, Section 6 of the Constitution.

Land and structure, defined separately. For purposes of property tax assessment, "land" means the parcel itself, independent of any structure, improvement, or use built upon it. "Structure" means any dwelling, building, or other improvement constructed on or affixed to the land. A state or local assessor must maintain separate, itemized valuations for land and structure for every assessed parcel; a combined valuation that does not separately state the land component does not satisfy this Section.

One-time structure taxation for owner-occupied homes. Where a dwelling is occupied as a primary residence by its owner or by an immediate family member of the owner, the structure's value is taxed, if at all, only once: at the time of its construction, completion, or purchase, through the same sales, transfer, or use tax mechanism a state or locality applies to other purchased goods or construction. Such a structure may not be separately included in the recurring annual property tax assessment. Renovation or expansion of such a home may be taxed once, at the time it is completed, limited to the value it adds. This one-time treatment does not apply to investment, rental, or commercial property, whose structures are subject to recurring property tax on their full assessed value together with the land, as provided below.

Land assessment cap. A parcel's assessed land value, for purposes of calculating recurring property tax, is set at the land's assessed value at the time of the parcel's most recent sale and may increase by not more than 1% per year above that value for as long as the same owner holds continuous ownership, regardless of the land's actual market value. Upon a parcel's sale to a new owner, the land is reassessed at its then-current market value, and the 1% annual cap begins again from that new value.

Application to land; full-value taxation of non-home property. The land valuation and 1% assessment cap standards of this Section apply uniformly to the *land* component of residential, commercial, industrial, agricultural, and resource-extraction parcels alike, so that high-value commercial or resource land receives no lower relative burden than an ordinary residential parcel of equivalent land value; a parcel's value attributable to mineral, oil, gas, or other subsurface resource rights is reflected in its land assessment under the same rules as any other parcel. The one-time structure treatment and the assessment cap on structures, however, are reserved to owner-occupied homes. Property that is rented or leased to another, used for commercial purposes, or not occupied by

its owner or an immediate family member as a primary residence is subject to recurring property tax on its full assessed value, including both land and structures, without the structure exemption; this full-value taxation of investment and commercial property is the principal base that funds local roads, schools, and services.

Long-term owner exemption. An owner who has held continuous ownership of a specific owner-occupied home for not less than 25 years, who has reached the age the federal government recognizes, under the Social Security Act, as full retirement age, and who owns the home free of any mortgage or other lien, is exempt from land property tax on that property for as long as they continue to own and occupy it as their primary residence. Upon that owner's death, a surviving spouse or family member who occupied the property as their own primary residence before the death, and who continues to occupy it as their primary residence, retains the exemption regardless of their own age or independent tenure on the property. This exemption is personal to the qualifying owner and to such a surviving occupant; it terminates upon sale or transfer of the property to any other person, and the new owner's land assessment and tenure clock begin fresh under this Section's ordinary rules.

Assessment appeals. A property owner who disputes their land assessment, the separation of land from structure value, or eligibility for the long-term owner exemption may appeal to an independent state or local assessment review board, and from that board to state court; the assessor bears the burden of justifying a contested valuation by a preponderance of the evidence.

Enforcement. A property owner whose assessment was conducted in violation of this Section — including a structure improperly included in recurring assessment, a land assessment increased beyond the 1% annual cap, or a wrongful denial of the long-term owner exemption — is entitled, upon prevailing in an appeal under this Section or in court, to a full refund of any tax improperly collected, with interest at the statutory rate, and reasonable attorney's fees. A property owner need not exhaust the administrative appeal process before bringing an action in federal district court where the owner alleges a pattern or practice of noncompliance with this Section by the assessing jurisdiction, rather than a dispute over a single parcel's valuation.

A state or locality that maintains an assessment practice designed to evade this Section's standards — including reclassifying structure value as land value, or any other method of disguised noncompliance — is subject to suit by the Attorney General of the United States for injunctive relief, and a finding of such a pattern or practice by a federal court is grounds for the withholding of federal infrastructure or community development funding to the noncompliant jurisdiction until the practice is corrected.

State revenue authority preserved. Nothing in this Section limits a state's authority to set its own property tax rate, allocate property tax revenue among schools, emergency services, and other local government functions, or levy other forms of taxation, provided that any such taxation is consistent with the standards established in this Section and Article Seven, Section 6.

Section 14. The Taxing Power May Not Be Delegated

A tariff is a tax. It is paid by the importer, passed to the purchaser, and collected by the Treasury, and it does not become something else because it is levied at a border or called a duty, an impost, or a fee. Article Three vests the power to lay and collect taxes in Congress. That power may be exercised by Congress. It may not be given away.

The prohibition. Congress may not delegate to the President, to any officer, agency, or department, or to any other body the power to impose a tax, to establish or raise a tariff, duty, or impost, to extend one, or to determine the goods, persons, or nations to which one applies. A statute purporting to make such a delegation is void, and a tariff imposed under it is void from the beginning. Amounts collected under a void tariff shall be refunded.

What Congress may still do. Congress may set tariff rates and schedules itself by ordinary legislation. It may authorize the President to negotiate trade agreements, subject to congressional enactment of any resulting tariff change. It may delegate the ministerial administration of a tariff Congress has enacted — collection, classification of goods, valuation, and enforcement against evasion — provided the rate and its scope are fixed by Congress and the administering officer exercises no discretion to raise, extend, or create.

The security pretext. The invocation of national security, an emergency, an unfair trade practice, or a balance-of-payments concern does not convert a tax into something other than a tax, and does not create authority this Section withholds. A determination by any officer that circumstances warrant a tariff is a recommendation to Congress and has no operative effect until Congress acts.

The narrow emergency exception. Where the United States is under armed attack or faces an imminent threat of one, and Congress is physically unable to convene, the President may impose a temporary trade restriction for a period not exceeding 90 days. It expires automatically at 90 days and may not be renewed or reissued. If Congress convenes and declines to enact it, the restriction is void from the beginning and collected amounts are refunded. This exception does not reach economic disputes, industrial policy, or disagreement with a trading partner.

Existing delegations. Every existing statutory delegation of tariff or taxing authority to the executive expires two years after ratification. Tariffs in force at that date remain in effect only if enacted by Congress within that period.

Standing and review. Any person who pays a tariff, any competitor affected by one, any State, and any Member of Congress has standing to challenge a tariff as an unlawful delegation. Courts shall decide the question independently and shall not defer to an executive characterization of a tariff as a security measure, a regulation, or a fee.

Section 15. Valuation Discounts: The Honest Case Preserved, the Manufactured Case Closed

A genuine minority stake in a genuine business is worth less than its arithmetic share. A person who inherits a tenth of a working restaurant cannot sell it easily and cannot direct it, and the law should value it accordingly. That principle is sound. What is not sound is manufacturing that condition on paper — placing liquid assets into an illiquid wrapper of one's own design, gifting fractions to one's own children, and claiming a discount for a lack of control the family never actually gave up. This Section preserves the first and ends the second.

Family control is counted. In valuing any transferred interest, the interests held by the transferor, the transferor's spouse, ancestors, descendants, siblings, and the spouses of those persons, and by any entity or trust they control, are aggregated. Where those interests collectively constitute control of the entity, no discount for minority status or lack of control is allowed on the transferred interest. A family that retains command of an enterprise has not surrendered control merely by dividing the paper among its members.

Manufactured illiquidity earns no discount. No discount for lack of marketability is allowed to the extent the interest derives its value from assets that were marketable before being contributed to the entity, or that would be marketable if held directly. Assets not used in the active conduct of a trade or business — including marketable securities, cash and cash equivalents, debt instruments, commodities, collectibles, and real estate in which the transferor does not materially participate — are valued at their own fair market value without discount, regardless of the form of the entity holding them.

Self-imposed restrictions are disregarded. A restriction on transfer, liquidation, withdrawal, or participation that was created, imposed, or is removable by the transferor or the transferor's family is disregarded in valuation. A person may not lower the taxable value of property by writing a document that makes the property harder to sell, and then citing the difficulty they created.

What remains allowed. A discount is allowed where an interest is genuinely a minority interest in an operating business not controlled by the transferor's family; where illiquidity arises from the nature of the underlying business rather than from a structure erected for transfer; or where a restriction is imposed by law, by an unrelated party at arm's length, or by a bona fide business purpose independent of tax. The burden of establishing entitlement to a discount, and its amount, rests on the person claiming it, by clear and convincing evidence.

Substance governs. A series of steps undertaken with the principal purpose of generating a valuation discount is evaluated as a single transaction according to its substance. The formation of an entity, the contribution of assets, and the transfer of interests occurring within three years are presumed to be a single transaction for this purpose.

Appraiser accountability. A person who prepares a valuation supporting a discount disallowed under this Section, and who did so without a reasonable basis, is subject to penalty and to suspension of the privilege of preparing valuations for federal tax purposes. Valuation reports supporting a claimed discount shall be submitted with the return and retained as public record in aggregate statistical form.

Section 16. Trusts That Outlive Death: Periodic Realization and the End of Perpetual Wealth

Section 3 taxes appreciation when its owner dies. Section 4 taxes inheritance when it is received. Both rest on a fact so ordinary it is easy to overlook: people die, and property passes. A trust does not die. Where a jurisdiction permits a trust to endure forever, a family may place property beyond the reach of both provisions permanently — no death, no transfer, no realization, no tax — while the benefit passes down a bloodline for centuries. That is not an estate plan. It is a mechanism for converting wealth into a permanent inheritance immune to the law that governs everyone else.

Periodic deemed realization. Every covered trust, domestic or foreign, holding property for the benefit of any person is treated for income tax purposes as having sold its appreciated assets at fair market value on the thirty-fifth anniversary of its funding, and on each thirty-fifth anniversary thereafter. The resulting gain is recognized and taxed at the rates applicable under Section 1. This applies whether or not any distribution occurs and whether or not any beneficiary has died. The thirty-five year interval approximates the interval at which individually held wealth is taxed as it passes between generations; the trust pays on the schedule the family would have paid.

The ten million dollar floor. This Section applies only to a trust, or a group of aggregated trusts, holding assets of $10,000,000 or more. The threshold is indexed annually for CPI beginning in the second calendar year after ratification, published by the Treasury Department each December for the following tax year. The threshold is tested on each valuation date and not only at funding: a trust that grows past the threshold becomes covered from that date, and the anniversary schedule runs from its original funding date. A trust below the threshold is exempt from the periodic realization requirement but remains subject to every other provision of this Section.

Aggregation. For purposes of the threshold, all trusts sharing a common grantor, sharing grantors within one family as defined in Section 15, or having substantially overlapping classes of beneficiaries, are aggregated and treated as a single trust. The division of property among multiple instruments does not create multiple thresholds. Where aggregated trusts exceed the threshold, each is covered.

Generational transfer is a taxable event. Where the beneficial interest in a trust passes, in whole or in part, from one generation to a succeeding generation — by death, by the terms of the instrument, by the expiration of an interest, or by the exercise or lapse of a power — the property passing is treated as an inheritance received by the succeeding generation and is subject to Section 4. A transfer that skips a generation is treated as though it passed through each generation skipped.

No escape by situs. This Section applies to any trust holding property located in the United States, any trust with a United States beneficiary, and any trust funded by a person subject to United States taxation, regardless of the state or nation whose law governs the trust, where it is administered, or where its trustee resides. A transfer of situs, a change of governing law, a decanting into a new instrument, or a migration of the trust does not restart the thirty-five year period or extinguish an accrued obligation. The new instrument succeeds to the funding date of the original.

Retained control is retained ownership. Where the grantor, or a person the grantor controls, retains the power to direct investments, to add or remove beneficiaries, to substitute assets, or to remove and replace the trustee, the trust property is treated as owned by the grantor for purposes of Sections 3 and 4. A person who has given away nothing they cannot take back has given away nothing.

What remains permitted. Nothing in this Section restricts a trust established for a person with a disability, a trust for a minor terminating at majority or at a reasonable age thereafter, a bona fide charitable trust subject to the distribution requirements of federal law, an employee benefit or retirement trust, or an ordinary trust used to manage property during life or to settle an estate. This Section reaches only the use of a trust to hold wealth beyond the span of the lives it was created to serve. **Reporting.** Every trust holding assets above the threshold established by this Section shall report annually its assets, its beneficiaries by class, its funding date, and the date of its next deemed realization. A trust that fails to report is presumed to have been funded on the earliest date evidenced by any record, and the presumption may be rebutted only by the trustee.

Section 17 — Financial Transparency for Large Tax-Exempt Organizations

Tax exemption is a public subsidy: the public forgoes revenue so that an organization may serve a public purpose, and in exchange is owed an honest accounting. Every organization exempt from federal income taxation — including a church, a religious organization, an association of churches, and a private foundation — shall file annually the public financial disclosure required of tax-exempt organizations: its revenues, its expenditures, its assets, the compensation of its officers and highest-paid employees, and the information required of comparable exempt organizations. The disclosure is public.

The one-million-dollar floor. This requirement applies only to an organization whose annual gross receipts exceed $1,000,000, or whose total assets exceed $1,000,000 measured at fair market value. Either threshold triggers the requirement, so that an organization rich in assets but modest in yearly receipts — a foundation or endowment holding a large sum while reporting little annual income — is not exempt merely because a given year's receipts are small. Both figures are indexed annually for CPI beginning in the second calendar year after ratification. An organization below both thresholds files only the simplified notice required of small exempt organizations. Transparency is owed where the money is large enough to matter; it is not worth the burden on the small congregation, the neighborhood charity, or the volunteer group. Aggregation applies: affiliated or commonly controlled organizations are measured together, so that a large operation may not divide itself into many small ones to stay beneath the floor.

The end of the religious exemption above the floor. The historic exclusion of churches and religious organizations from this filing is ended for those above the floor. An organization large enough to exceed it is large enough to account for what it raises and spends. This Section reaches financial transparency only; it grants no authority over doctrine, worship, membership, or the internal religious affairs protected by Article Thirty-One and by the Religious Liberty Standards Act.

Donor privacy where the Constitution protects it. Where the disclosure of a donor's identity would expose that person to the associational harms Article Thirty-One, Section 4 guards against, that protection applies, and the identity is shielded to the same extent it is shielded for any other exempt organization.

Section 18 — The Dead Hand Sunsets: Adapting a Founder's Instructions to the Living, Under Court Supervision

An organization or trust may endure beyond the life of its founder, but the binding force of a dead founder's specific instructions does not endure forever. The living are not to be governed in perpetuity by the fixed commands of a person who has died and cannot adapt them to a world they never saw. This Section provides an orderly and faithful way to update those commands — never to discard the founder's purpose, only to serve it under changed conditions.

The sunset. Ninety years after an instrument takes effect — the traditional horizon beyond which the law has long refused to enforce dead-hand control — the specific administrative and dispositive terms fixed by its founder cease to bind absolutely and become modifiable as provided in this Section. The instrument's core purpose is not extinguished; only the rigidity of its particular terms is opened to adaptation.

Modification by petition, never by fiat. After the sunset, a beneficiary, trustee, member, or other person with a legitimate interest may petition a state court — a judge or magistrate of competent jurisdiction — to modify a term that has become impractical, obsolete, wasteful, unlawful, or contrary to the interests the instrument was created to serve. No such term may be altered unilaterally. Every modification requires the approval of the court.

The faithfulness standard. The court shall approve a modification only where it finds that the change serves the founder's original purpose as nearly as present circumstances allow — that it honors the spirit of what the founder sought to accomplish, even as it departs from the letter of how the founder specified it. A modification that would divert the instrument to a purpose the founder would not have embraced, or that would enrich the petitioner at the expense of the founder's intent, shall be denied. The burden of showing faithfulness to the original purpose rests on the petitioner, and the court shall enter written findings explaining how the modification keeps faith with it.

What is preserved. Nothing in this Section permits any government to seize, redirect, or tax property beyond what other law provides; it governs only the terms by which private and charitable instruments operate. A genuine perpetual institution — a university, a hospital, a conservation trust, a pension, a house of worship — continues in full; the sunset reaches the dead hand's rigid commands, not the institution's existence, and the faithfulness standard ensures that adaptation preserves rather than betrays what the founder built.

Coordination. This Section complements Section 16, which taxes perpetual trusts on the schedule a family would pay: together they ensure that a perpetual instrument is both fairly taxed and, in time,

adaptable by the living — always under the eye of a court sworn to the founder's own purpose.

Section 19 — Enforcement Capacity: No Exemption by Attrition

A tax owed but never collected is a tax shifted onto those who cannot afford a lawyer to make it disappear. Article Seven, Section 7 forbids starving tax enforcement to shield the powerful; this Section sets the floor beneath which capacity may not fall.

The coverage floor. Congress shall set, and fund, a minimum rate of audit and examination coverage for the highest-income individual returns, the largest corporations, partnerships, and trusts, and the most complex returns, calibrated to the number, income, and complexity of the filers in each tier. The enforcement agency shall publish its coverage rate by income and asset tier each year. Where coverage of any top tier falls below the floor, the shortfall is a reportable violation and the agency shall present Congress a funded plan to cure it.

The one-way ratchet. The coverage floors and the enforcement funding that sustains them may be raised by simple majority; they may be lowered only by the supermajority this Constitution requires for the weakening of a protection. Enforcement capacity shall not be reduced through a general budget cut, a hiring freeze, a reorganization, or any device whose effect is to lower coverage of the powerful below the floor.

Proportion, not persecution. This Section directs capacity toward those whose returns are largest and most complex; it creates no quota against any person and no presumption of wrongdoing. Enforcement remains bound by every protection of Rights and by due process. The object is that the law reach the powerful as reliably as it reaches the wage-earner whose tax is withheld before it is ever paid.

Constitutional Statute 5

Public Campaign Finance and National Referendum Act

Implementing Article Eight.

Section 1. Qualifying Thresholds: Who Gets Public Funds

To qualify for a public campaign account, a candidate for federal office must demonstrate genuine electoral viability through a minimum threshold of small-dollar qualifying contributions from voters in the relevant electoral jurisdiction. The following thresholds apply:

House of Representatives: 750 qualifying contributions of $5 or less from registered voters who reside in the congressional district the candidate seeks to represent. Qualifying contributions must come from at least 5 different zip codes within the district. A candidate may collect qualifying contributions during any 12-month period ending on the filing deadline for their primary election.

Senate: Qualifying contributions from registered voters who reside in the state the candidate seeks to represent, at the following thresholds scaled by state registered voter population: states with fewer than 1,000,000 registered voters — 500 qualifying contributions; states with 1,000,000 to 3,000,000 registered voters — 1,000 qualifying contributions; states with 3,000,000 to 8,000,000 registered voters — 2,000 qualifying contributions; states with more than 8,000,000 registered voters — 3,000 qualifying contributions. Qualifying contributions must come from at least 10 different counties, parishes, or equivalent jurisdictions within the state.

President: 40,000 qualifying contributions of $5 or less from registered voters nationally, with at least 500 qualifying contributions from each of at least 20 states. Presidential candidates collect qualifying contributions during any 18-month period ending on the date of the earliest state primary for which they intend to appear on the ballot.

What counts as a qualifying contribution: A qualifying contribution is a donation of between $1 and $5 made by a registered voter using a verifiable payment method — credit card, debit card, check, or electronic transfer — that allows the OPCF to confirm the donor's identity and voter registration status. Cash contributions do not qualify. Contributions from persons who are not registered voters in the applicable jurisdiction do not qualify. A single person may make only one qualifying contribution per candidate. A candidate may not count more than 5% of their qualifying contributions from any single zip code.

Bonus for exceeding thresholds: Candidates who qualify with qualifying contributions exceeding double the minimum threshold receive a 10% bonus on their total campaign account amount. Candidates who qualify with qualifying contributions exceeding triple the minimum threshold receive a 20% bonus. This bonus structure rewards candidates who build broad grassroots support beyond the minimum required to demonstrate viability.

Section 2. Account Funding Amounts: Designed to Be Competitive

A public campaign finance system that provides inadequate funding is not a public campaign finance system — it is a nominal system that candidates will immediately seek to supplement through workarounds. Account amounts are set at the following levels, designed to fund genuinely competitive campaigns that can effectively communicate with voters through multiple channels:

House of Representatives: $750,000 for the primary campaign account; $750,000 for the general election campaign account. Total: $1,500,000 per election cycle. Primary account is disbursed upon qualifying; general election account is disbursed upon winning the primary. A candidate who loses in the primary forfeits any unused primary account balance to the public campaign finance fund.

Senate: Senate campaign accounts are scaled by the number of registered voters in the state: base amount of $2,000,000 plus $0.75 per registered voter in the state as of the most recent voter registration data, maximum total of $20,000,000. For primary and general elections combined, this produces accounts ranging from approximately $2.5 million in the smallest states to $20 million in the largest. The account is disbursed 60% for the primary campaign and 39% for the general election campaign.

President: $75,000,000 for the primary campaign account; $75,000,000 for the general election campaign account. Total: $150,000,000 per election cycle. Presidential primary accounts are disbursed upon qualifying; general election accounts are disbursed upon securing the nomination through primary elections.

Account amounts indexed for inflation: All account amounts are indexed annually for inflation using the Federal Election Commission's media cost index — reflecting actual changes in the cost of political advertising rather than general inflation — beginning in the second election cycle after ratification. The indexing is automatic and requires no legislative reauthorization.

Supplemental debate fund: A separate supplemental fund of $100,000 per eligible candidate (House and Senate) and $500,000 per eligible presidential candidate is available specifically for debate preparation, logistics, and live-event participation. This supplemental fund is separate from the campaign account and may be used only for debate-related expenses.

Section 3. The Coordination Definition: Specific, Bilateral, and Bright-Line

The coordination prohibition is the most important enforcement provision in this Act. Its purpose is to prevent the $25,000 individual independent expenditure right from becoming a mechanism for wealthy individuals to run what are functionally unlimited campaign contributions characterized as "independent" through the absence of explicit agreements. The definition below is structured as a specific bilateral list — a prohibited conduct list and a safe harbor list — with no catch-all provisions that either side can exploit through ambiguity.

PROHIBITED CONDUCT — any of the following constitutes coordination that renders an expenditure illegal:

Non-public polling: Sharing, receiving, discussing, or relying upon any polling data that has not been publicly released before the expenditure decision is made, with any person who has a current or recent relationship with the candidate's campaign — meaning a current employee, current contractor, or person who was employed by or contracted to the campaign within the preceding 120 days.

Non-public opposition research: Sharing, receiving, or relying upon any research, investigation, or analysis of the candidate's opponent that has not been publicly released before the expenditure decision, with any person who has a current or recent relationship with the campaign as defined above.

Strategy sharing: Any meeting, communication, or exchange in which the content, placement, timing, or targeting of an independent expenditure is discussed with any person who has a current or recent relationship with the campaign as defined above.

Candidate scheduling: Receiving the candidate's non-public schedule of appearances, events, or travel for the purpose of coordinating the timing, placement, or geographic targeting of an independent expenditure.

Shared vendors: Using any vendor — advertising agency, digital firm, pollster, direct mail company, printing company, or any other paid service provider — who is simultaneously under contract to provide paid services to the candidate's campaign. "Simultaneously" means both the vendor's service to the campaign and the vendor's service to the independent spender are active at the same time.

Recent campaign staff: An independent expenditure made by a person who was employed by, contracted to, or in a senior volunteer role (campaign manager, chair, deputy chair, finance director, or equivalent) for the same candidate's campaign within the preceding 120 days.

Candidate-requested expenditure: Any independent expenditure made in response to a specific, direct, or indirect communication from the candidate or the candidate's campaign expressing a desire for the expenditure, identifying a topic to be addressed, or suggesting a medium, market, or timing for the expenditure.

SAFE HARBOR CONDUCT — none of the following constitutes coordination:

Using publicly released polling data — meaning polling data published in any medium accessible to

the general public before the expenditure decision was made

Producing issue advocacy content in response to publicly reported news events or publicly announced legislative developments

Both the candidate and the independent spender attending the same public event without private communication about the expenditure

A person who left the campaign more than 120 days before making an independent expenditure, provided they are not using non-public information acquired during their campaign service

Discussing a candidate's publicly stated policy positions in any public forum

Purchasing advertising on the same media platform or in the same media market as the candidate's campaign, using different ad buyers with no communication between the buyers about the specific placement

Voting registration and non-partisan GOTV activities that do not mention any specific candidate by name or identifiable description

Section 4. Issue Advocacy vs. Candidate Advocacy: The Bright-Line Window Test

The $25,000 individual independent expenditure right covers "issue advocacy not coordinated with any candidate or party." Issue advocacy means: political communication about specific legislative or regulatory proposals, governmental actions, or matters of public policy that do not advocate for or against the election of any specific candidate. The following definition provides a bright-line test that prevents both over-breadth (sweeping in genuine policy discussion) and under-breadth (allowing thinly veiled campaign advertising to masquerade as issue advocacy):

Candidate advocacy — per se: Any communication that falls within the following electioneering communication period is treated as candidate advocacy regardless of content: any communication that names or clearly identifies a specific federal candidate — by name, by image, by role description, by nickname, or by any description that a reasonable person familiar with the election would recognize as referring to the candidate — within 60 days before a general election or 30 days before a primary election for the office sought. The electioneering communication period creates a bright line: within 60 days of a general election, naming a candidate = candidate advocacy. Outside that window, substantive content determines the category.

Issue advocacy — outside the electioneering window: Communications produced and distributed outside the electioneering communication windows defined above qualify as issue advocacy if they address a specific legislative or regulatory matter by its content, bill number, regulatory docket, or policy substance, and do not use language that constitutes an express call to electoral action — meaning language that, taken in context, would be understood by a reasonable person as urging

viewers to vote for or against a specific candidate. Communications that address a candidate's voting record, statements, or official conduct, without using language calling for electoral action, may qualify as issue advocacy outside the electioneering window.

Disclosure requirements regardless of category: Any person who makes a qualifying independent expenditure — whether characterized as issue advocacy or candidate advocacy — must file a public disclosure with the OPCF within 48 hours of making the expenditure identifying: the person's full legal name, address, employer, and occupation; the amount of the expenditure; the medium in which it was placed; the geographic targeting of the communication; and a description of the communication's subject matter. Disclosure is required for issue advocacy and candidate advocacy alike; the category determines legality, not disclosure obligation.

Section 5. Political Party Activities: The Permitted and Prohibited List

Political parties — national, state, and local party committees and any party-affiliated organization — are organizations for purposes of the constitutional prohibition on organizational spending in connection with federal elections. The following defines what parties may and may not do:

Parties MAY:

- Administer primary elections for their party, including voter outreach to registered party members about the existence, date, and location of the primary
- Conduct voter registration drives that encourage eligible voters to register, without reference to any specific candidate or the desirability of any specific electoral outcome
- Conduct non-partisan get-out-the-vote activities that inform registered voters about election dates, polling locations, absentee ballot procedures, and voter ID requirements, without naming or depicting any specific candidate or urging any specific electoral outcome
- Hold party conventions, platform drafting sessions, candidate nomination events, and other internal party governance activities
- Provide administrative and compliance support services to publicly funded candidates at documented cost — including office space at fair market rent, compliance training, and administrative staff support — provided the cost is fully reimbursed from the candidate's public campaign account
- Publish voter guides that factually describe each candidate's stated positions on issues, provided the voter guide applies consistent criteria to all candidates of all parties for the same office

Parties MAY NOT:

- Run, fund, or facilitate any advertising — broadcast, cable, digital, print, or direct mail — that names, depicts, or clearly refers to any specific federal candidate in a way that constitutes candidate advocacy under the definitions of this Act

Make any financial transfer to any federal candidate's public campaign account or to any independent expenditure fund

Fund any independent expenditure on behalf of any federal candidate

Hire, retain, or pay any consultant, pollster, media buyer, digital strategist, or other political professional who simultaneously provides paid services to any federal candidate's campaign

Conduct voter registration or GOTV activities that are geographically or demographically targeted in a manner demonstrably designed to benefit specific federal candidates rather than to inform the general electorate

Use any party funds for any activity that a reasonable observer would understand as supporting or opposing the election of any specific federal candidate

Enforcement: The OPCF has civil enforcement authority over party activities that violate this provision. Violations by national party committees are subject to penalties of up to $10,000,000 per violation. Violations by state and local party committees are subject to penalties scaled to the committee's annual operating budget, not exceeding 50% of the prior year's budget per violation. Party officials who personally direct prohibited activities are personally civilly liable for penalties up to $500,000 per violation, not indemnifiable by the party organization.

Section 6. Religious and Civic Organizations: No Exception for Organizational Treasuries

The constitutional prohibition on organizational spending in connection with federal elections applies to all organizations — including religious organizations, labor unions, trade associations, professional associations, civic organizations, and all other entities that are not individual natural persons. No exception exists in the Constitution; this Act creates none. The following clarifications resolve the specific arguments that will be raised:

Religious organizations: The treasury of any religious organization — church, synagogue, mosque, temple, or equivalent — may not be used for any expenditure in connection with any federal election. This applies to direct candidate advocacy, issue advocacy during electioneering windows, voter mobilization targeted to benefit specific candidates, and any other election-related expenditure. Individual religious leaders retain their full individual constitutional rights — including the $25,000 individual IE right — when acting in their personal capacity. A pastor who personally donates $25,000 to an independent issue advocacy effort, using their personal funds, is exercising an individual constitutional right. A church that makes a $25,000 payment from its operating treasury to the same effort is making an illegal organizational expenditure. The religious leader's personal speech is protected. The organization's treasury is not available.

The pooling argument: An organization may not facilitate the pooling or bundling of its members' individual IE contributions — meaning it may not collect individual contributions from members and aggregate them into a single organizational expenditure, even if the aggregate does not exceed the sum

of each individual member's $25,000 right. The $25,000 right is individual — each person exercises it individually, makes their own expenditure decisions, and bears individual responsibility for disclosure. Routing individual contributions through an organizational vehicle is organizational spending regardless of the organizational label placed on the vehicle.

501(c)(4) and similar vehicles: Any entity organized under any section of the tax code — including 501(c)(4) social welfare organizations, 527 political organizations, and any other organizational form — is an organization subject to the spending prohibition. The constitutional prohibition applies to organizational spending regardless of the organization's tax status, organizational purpose, or stated mission. An organization that was created after ratification primarily to make federal election expenditures that would otherwise be prohibited is itself an illegal organizational expenditure vehicle and its organizers are personally liable for the expenditures made through it. An unincorporated association — including any informal collective, coalition, or coordinated group of persons acting under a common name or shared identity without formal legal incorporation — is subject to the organizational spending prohibition to the same extent as a formally incorporated entity. The organizational character of spending is determined by whether the funds are controlled or directed by a collective entity acting under shared authority; collective-entity control constitutes organizational spending regardless of whether the entity holds formal legal status.

Section 7. The Office of Public Campaign Finance: Structure, Independence, and Enforcement

The Office of Public Campaign Finance administers the public campaign finance system, enforces the spending prohibitions and disclosure requirements of this Act, and manages the national referendum process. It is structured to avoid the partisan deadlock that rendered the Federal Election Commission ineffective for decades:

Leadership structure — five-member Commission, odd number, no partisan deadlock by design: The OPCF is led by a five-member Commission rather than a single Director. The FEC's six-member, even-split structure was designed for partisan deadlock; this Commission avoids that design flaw through an odd number and a confirmation process that does not guarantee party balance. Commissioners are appointed by the President and confirmed individually by a 60% vote of the Senate — a threshold high enough to require genuine bipartisan support for each appointee, breaking the historical pattern of automatic partisan slate confirmation. No more than two Commissioners may be members of the same political party at the time of their appointment. Commissioners serve staggered five-year terms, with one seat expiring each year for the first four years and the fifth seat's term set at five years from the Commission's initial formation, so that no single President appoints a majority of the Commission during a single term absent a vacancy. A Commissioner may be removed only by impeachment by the House and conviction by the Senate, or upon a finding by the United States Court of Appeals for the D.C. Circuit of willful misconduct, a felony offense, a material ethics violation, or permanent incapacity. Policy disagreement — including disagreement with a Commissioner's enforcement votes — is not cause for removal. The Commission acts by majority vote of those present;

three Commissioners constitute a quorum. The Chair is elected by the Commission from among its members for a two-year term and may not serve consecutive terms as Chair.

Budget — self-funding through the public finance system: The OPCF's operating budget is funded from a 3% administrative fee on all public campaign account disbursements. This self-funding structure means the OPCF's enforcement capacity grows with the system's use and cannot be reduced through the appropriations process. Congress may appropriate additional funds to the OPCF but may not reduce the OPCF's budget below the 3% fee level without a 60% supermajority of both chambers.

Civil enforcement authority: The OPCF has civil subpoena authority — authority to compel the production of documents, data, communications, and financial records from any person or entity — in connection with any investigation of violations of this Act. The OPCF may assess civil penalties of up to $100,000 per violation for spending prohibition violations by individuals; up to $10,000,000 per violation for organizational spending violations; and up to 300% of the amount involved for coordination violations — meaning the illegal coordinated expenditure plus three times its value as a penalty. Penalties are payable within 30 days of a final OPCF order. **Criminal referrals:** The OPCF must refer credible evidence of willful violations — meaning violations made with knowledge that the conduct was prohibited — to the Department of Justice within 30 days of completing an investigation that finds willful conduct. The DOJ is not bound by the OPCF's findings but must respond in writing within 60 days of any referral identifying whether it will open a criminal investigation and, if not, the specific reasons for declining. The OPCF's referrals and the DOJ's responses are public documents.

Whistleblower rewards: Any person who reports a violation of this Act to the OPCF, and whose report results in a civil penalty or criminal conviction, receives a whistleblower award equal to 20% of the total monetary penalty collected. This reward structure creates powerful economic incentives for insiders to report coordination, illegal organizational spending, and disclosure violations that the OPCF would otherwise have difficulty detecting through external observation alone.

Coordination violation: enforcement and penalties. When the Office finds that an independent expenditure that was reported as non-coordinated was in fact coordinated with a candidate or their campaign within the meaning of Constitutional Statute 5, Section 2, the following consequences apply automatically: (a) the expenditure is reclassified as an in-kind contribution to the candidate, which is prohibited under Article Eight; (b) the candidate whose campaign benefited from the coordinated expenditure forfeits their remaining public campaign funding for that election cycle, effective upon the finding — if the finding is made after the election, the candidate forfeits an amount equal to the remaining unspent public funds plus a surcharge equal to the value of the coordinated expenditure; (c) the person or organization that made the coordinated expenditure is subject to a civil penalty equal to three times the amount of the coordinated expenditure; and (d) if the coordinated expenditure occurred within 60 days of a primary or 90 days of a general election, the Office must determine whether the coordination materially affected the election outcome and report that finding to Congress within 30 days of the election. A finding that coordination materially affected a federal election outcome is

certified to the relevant chamber of Congress, which determines what remedy — if any — is appropriate under its constitutional authority to judge the elections and returns of its members. The individual $25,000 independent expenditure cap is adjusted annually for inflation using the CPI from the year this Constitution takes effect; the Office publishes the adjusted cap no later than January 15 of each year.

Section 8. Media Rates and Advertising Caps: Equal Access and Spending Discipline

Equal rate requirement: Any broadcaster holding an FCC license must provide to all qualifying publicly funded federal candidates the lowest unit rate (LUR) — the lowest price charged to any advertiser for equivalent advertising time in the same time period — for all political advertising purchases made in the 60-day general election window and 30-day primary window. The LUR requirement applies to all formats: broadcast television, broadcast radio, and cable systems. Broadcasters may not condition the LUR on advertising volume, package purchases, or any other criterion that would allow large-budget campaigns to obtain more favorable rates than smaller-budget campaigns in the same market. **Digital platform equal rate requirement:** Any digital advertising platform with more than 1,000,000 daily active users in the United States must offer all qualifying publicly funded federal candidates equal rates for equivalent advertising placements — meaning the same cost-per-impression, cost-per-click, or cost-per-view for equivalent targeting parameters and placement quality. A digital platform may not charge a qualifying candidate a higher per-unit rate than it charges any other political advertiser for equivalent placement. Platforms may continue to use auction-based pricing systems provided all qualifying candidates have equal access to the auction for equivalent placements. This requirement regulates the price charged for an advertising placement a platform has already agreed to sell; it does not regulate, and may not be construed to regulate, what content a platform carries, removes, or moderates, or any platform's editorial judgment regarding non-advertising content. This is a nondiscriminatory pricing requirement for a commercial transaction, analogous to other federal prohibitions on discriminatory commercial pricing, and is independent of and does not depend upon any characterization of a platform as a common carrier for purposes of content moderation.

Advertising spending cap — 60% of account: No more than 60% of a candidate's total public campaign account may be spent on paid advertising in any medium, including broadcast, cable, digital, direct mail, outdoor, and print. The remaining 40% must be available for staff compensation, field operations, voter outreach, events, travel, compliance, and other campaign expenses. This cap prevents the complete digitization and atomization of campaigns into advertising-only operations, which reduce democratic campaigns to marketing exercises and eliminate the field organizing that builds lasting civic capacity. Candidates may spend less than 60% on advertising; they may not exceed 60%.

Free airtime — public interest obligation for FCC licensees: Every broadcast television and broadcast radio station holding an FCC license must provide, during the 60-day general election period and 30-day primary period, a minimum of: 2 hours per week of free broadcast time for joint candidate

debates and forums, coordinated by the OPCF; and 30 seconds of free airtime per week to each qualifying candidate for the federal offices in the station's licensed broadcast area, for use as the candidate sees fit. Free airtime is in addition to, not a replacement for, the LUR obligation.

Section 9. National Referendum: Petition Through Outcome

The national referendum process established in Article Eight is administered by the Office of National Referendum within the OPCF. The following procedures govern each stage of the process from petition to certified result:

Stage 1 — Petition filing and verification: A petition proposing a national referendum must: state a single, specific question answerable by yes or no; identify the existing or proposed federal law or constitutional amendment that the referendum would enact, modify, or repeal; and be accompanied by signatures from registered voters in at least 30 states, with signatures from at least 10% of the registered voters in each of those states. Signatures must be collected on standardized federal petition forms, obtainable from the OPCF. Upon submission, the OPCF conducts statistical verification using a stratified random sample of at least 5% of the submitted signatures per state, with a minimum sample of 1,000 signatures per state. A petition is certified as meeting the threshold in a given state if the statistical analysis demonstrates, at a 95% confidence interval, that the state's valid signature count meets or exceeds 10% of its registered voter population. The OPCF must complete verification and issue a written certification or rejection for each state within 60 days of petition submission.

Stage 2 — Ballot language review: Upon certification of a valid petition meeting the threshold in 30 or more states, the OPCF publishes the proposed referendum question as submitted by the petition organizers. The question must be a single yes/no question stated in plain language at an eighth-grade reading level or below. The OPCF may not alter the substantive content of the question — it may correct grammatical errors and ensure the question is syntactically a yes/no question with the consent of the lead petition organizer. If the OPCF and the petition organizer disagree about whether a proposed change is purely grammatical or substantive, the United States District Court for the District of Columbia resolves the dispute on an expedited basis within 14 days.

Stage 3 — Congressional scheduling: Within 90 days of petition certification, Congress must schedule the referendum by concurrent resolution. The referendum is held concurrently with the next federal general election if it falls within 18 months of certification; otherwise, a special referendum election is held within 120 days of certification. Congress may not delay, condition, or refuse to schedule a certified referendum; refusal to schedule within 90 days gives any registered voter standing to seek a federal court order compelling scheduling.

Stage 4 — Campaign period: The 90-day period before the referendum vote is the official campaign period. During this period: campaign spending by individuals for or against the referendum question is treated as issue advocacy and is subject to the $25,000 per person IE limit of this Constitution; organizational spending by any organization on referendum advocacy is prohibited under the same

terms as organizational spending in federal candidate elections; and all spending for or against the referendum must be disclosed within 48 hours under the same disclosure requirements as federal candidate advocacy.

Stage 5 — Voting and counting: The referendum is conducted using the same ballot and voting procedures as the concurrent federal general election or the special election conducted for the referendum. Each voter in each state votes yes or no on the referendum question. The referendum passes in a state if a simple majority of valid ballots cast in that state vote yes. A state's result is certified by the state's chief election official within 30 days of the vote.

Stage 6 — National certification and effect: The OPCF certifies the national result within 45 days of the vote. A referendum passes nationally if it receives a yes majority in 26 or more states. A passed referendum has the same legal force and effect as a law enacted by Congress and signed by the President — it becomes effective 90 days after national certification unless the referendum question specified a different effective date. A passed referendum may be amended or repealed by Congress only by a 60% supermajority of both chambers within the first four years following certification; after four years, it is subject to ordinary majority amendment or repeal, subject to any applicable constitutional constraints. A failed referendum may not be re-petitioned on the same or substantially equivalent question for four years following the certification of its failure.

Section 10. Qualifying Threshold Standards and Third-Party Access

The qualifying thresholds for public campaign funding must be designed to ensure that candidates with genuine grassroots support — not only those with established organizational infrastructure — can qualify. The OPCF shall set qualifying thresholds meeting the following constitutional requirements: the minimum threshold for qualifying may not be set so high that meeting it requires the fundraising capacity of an established major-party political organization; the minimum number of unique donors required must not exceed 1,000 for House races, 2,000 for Senate races, and 5,000 for presidential races; the minimum donation amount for a qualifying contribution may not exceed $10; and the matching rate for small-dollar qualifying contributions must be applied uniformly to all qualifying candidates regardless of party affiliation, incumbency status, or prior electoral history.

Major-party incumbents may not receive qualifying thresholds lower than those applied to challengers or candidates from other parties for the same office. Any threshold that in practice bars minor-party candidates and independent candidates from the public financing system on equivalent terms to major-party candidates is unconstitutional under this provision. The OPCF shall publish an annual report documenting the demographic and partisan distribution of qualifying candidates, and must adjust thresholds if the report documents systematic exclusion of any class of candidates.

Candidates who choose not to participate in the public financing system are not entitled to public funds and may raise private funds subject only to the contribution limits and disclosure requirements of this Statute. The public financing system is incentive-based, not mandatory. A participating candidate who accepts public funds accepts expenditure limits for the duration of the campaign. A non-

participating opponent's excess spending above the expenditure limit triggers proportional supplemental public funding for the participating candidate, up to the expenditure limit multiplied by two.

Section 11. Political Disclosure: Dark Money, 501(c)(4)s, and Foreign Money

The prohibition on organizational spending in Section 6 of this Statute eliminates the primary vehicle for dark money in federal elections. This Section addresses what remains: organizations that claim to be engaged in "issue advocacy" — not electoral advocacy — while spending on communications that effectively function as electoral advocacy, and organizations that receive undisclosed donations for political purposes. Disclosure is the constitutional floor; suppressing it is not a legitimate governmental interest where federal elections are concerned.

Electioneering communications disclosure. Any organization that spends more than $10,000 in a calendar year on communications that: (a) name a federal candidate; (b) are distributed within 90 days of a federal general election or 60 days of a primary; and (c) reach more than 50,000 persons in the relevant jurisdiction — must disclose to the OPCF within 48 hours: the name of the organization; the name and address of every donor who contributed $200 or more to the organization in the calendar year; and the total amount spent on the communication. The 90-day window is a bright line; communications that reach it trigger disclosure regardless of whether the organization characterizes them as issue advocacy or electoral advocacy.

501(c)(4) political spending disclosure. Any organization claiming tax-exempt status under section 501(c)(4) of the Internal Revenue Code that spends more than $25,000 on electioneering communications in any calendar year must: register with the OPCF before the first such expenditure; disclose all donors who gave $500 or more for political purposes within 30 days of the expenditure; and file quarterly reports with the OPCF detailing all political expenditures and donor sources. An organization that receives a donation designated for political activity must disclose that donor regardless of amount. "Donor" includes any entity that transferred funds to the organization, which the organization must trace to the ultimate human source — pass-through transfers through other nonprofits do not eliminate the disclosure obligation.

Foreign money prohibition. No foreign national, foreign government, foreign corporation, or any entity in which a foreign national holds a 5% or greater ownership or control stake may contribute to, coordinate with, or spend in connection with any federal election in any amount. No domestic organization may accept funds from a foreign source for use in connection with a federal election. Any organization that cannot affirmatively demonstrate that its political expenditures are funded exclusively by domestic sources is prohibited from making those expenditures. The OPCF has subpoena authority to trace funding to its original sources in any investigation of potential foreign money. Violation is a federal crime subject to criminal penalties up to 150% of the amount involved and permanent registration disqualification.

Shell company prohibition. No LLC, partnership, corporation, or trust with fewer than two identifiable natural persons as beneficial owners may contribute to any federal political committee or make any independent expenditure. Single-member LLCs and entities created within 18 months of the election in which they participate face a rebuttable presumption of being a vehicle for anonymous contribution. The OPCF may pierce the corporate form to identify the natural person or persons behind any political expenditure.

Constitutional Statute 6

Workers' Rights Implementation Act

Implementing Article Thirteen (Workers' Rights) including Workplace Safety, ERISA Pension Protections, and Paid Family Leave.

Section 1. Regional Minimum Wage: How Regions Are Defined

The federal minimum wage is set regionally at 50% of the Bureau of Labor Statistics median hourly wage, updated every two years by the Department of Labor based on the most recent BLS Occupational Employment and Wage Statistics data. "Regional" is defined as follows, using a two-tier calculation that ensures both geographic accuracy and genuine adequacy:

Tier One — State median (default floor): The baseline floor for every state is 50% of the BLS median hourly wage for all occupations statewide, as measured by the annual OEWS survey. This is the minimum wage applicable to all employers and workers in the state who are not covered by the Tier Two metropolitan calculation.

Tier Two — Metropolitan override: For any Bureau of Labor Statistics Metropolitan Statistical Area with a population of 250,000 or more persons in which the BLS-measured median hourly wage for all occupations exceeds the statewide median by more than 20%, the minimum wage for employers physically located in or having workers physically performing work in that MSA is 50% of the MSA-specific median, not the statewide median. Where a worker performs work in multiple MSAs or in both MSA and non-MSA areas within a workweek, the highest applicable minimum wage applies for the entire workweek if more than 50% of hours worked were performed in the higher-wage area; otherwise, each hour is compensated at the minimum wage applicable to the area where it was performed.

Remote work: For workers who perform all or substantially all of their work remotely, the applicable minimum wage is the higher of: the minimum wage of the state in which the worker's home office is located; or the minimum wage of the state in which the employer's primary place of business is located.

Update cycle: The Department of Labor publishes updated regional minimum wages on December 1st of every even-numbered year, effective January 1st of the following year. Employers have 31 days to adjust wages to the new floor. No retroactive adjustment is required for wage rates that were compliant with the prior minimum.

Single-subject rule: The minimum wage floor is a floor. Nothing in this provision limits any state, locality, or employer from paying wages above the floor. No state or local minimum wage may be preempted, reduced, or eliminated by federal action. Where state or local minimum wages exceed the federal floor, the higher standard governs.

Section 2. Subminimum Wages: Complete Elimination with Transition

The Constitution's prohibition on subminimum wage categories for any class of worker is effective upon ratification. No subminimum wage — however named, however structured, and regardless of the category of worker — is lawful after the effective date of this statute. This includes: tipped worker subminimum wages (tip credits); youth training wages; productivity-based wages for workers with disabilities under the 14(c) certificate program; and any other statutory or regulatory mechanism that authorizes payment below the applicable minimum wage to any category of worker.

Tip credit phase-out — mandatory timetable: The elimination of the tip credit is scheduled on the following timetable, which advances automatically without further congressional action and may not be paused, extended, or reversed by any act of Congress, executive order, or administrative action: Year 1 from effective date — employer must pay not less than 60% of the applicable regional minimum wage in direct wages; Year 2 — not less than 80%; Year 3 and permanently thereafter — the full applicable regional minimum wage in direct wages. During the phase-out period, tips received by a tipped worker may not be counted toward or credited against the employer's direct wage obligation. Tips are the exclusive property of the worker who received them; employers may facilitate tip pooling among workers who customarily receive tips, but only with all participating workers' written consent, and no portion of tip pools may be directed to managers, supervisors, or owners. At the end of the phase-out, tipped workers earn the full minimum wage plus whatever tips customers voluntarily leave — tips become gratuities above a living wage, not subsidies for employer wage obligations.

14(c) certificate elimination: The issuance of new 14(c) certificates authorizing payment below minimum wage to workers with disabilities is suspended from the effective date of this statute. Existing 14(c) certificates expire on their current renewal date and may not be renewed. Employers currently operating under 14(c) certificates must transition to full minimum wage payment within 24 months of their certificate's expiration. The Department of Labor administers transition support grants to employers of workers with disabilities to facilitate wage compliance, fund supported employment services, and develop alternative productivity-based incentive structures that do not involve below-minimum wages.

Section 2A. Overtime: No Averaging, No Exceptions, No Misclassification Escape

Overtime compensation is calculated on a workweek basis — a fixed, regularly recurring period of 168 consecutive hours. No employer may calculate overtime on any basis other than the individual workweek: not on a biweekly basis, not on a monthly basis, not on an annualized basis, and not through any averaging mechanism that reduces weekly overtime hours by crediting undertime in other weeks.

Hours worked between 40 and 47 in any workweek are compensated at not less than 1.5 times the worker's regular rate. Hours worked above 50 in any workweek are compensated at not less than 2 times the worker's regular rate. The "regular rate" for overtime purposes includes all compensation

paid to the worker for that workweek divided by all non-overtime hours worked, including the value of any in-kind compensation and any non-discretionary bonuses allocated to that workweek. The regular rate may not be suppressed by inflating base salary to avoid overtime calculations — the regular rate is calculated on actual hours worked.

Exempt employee threshold: The salary threshold for exempting executive, administrative, and professional employees from overtime requirements is set at 150% of the applicable regional minimum wage for a 40-hour workweek, updated annually. No worker earning below this threshold may be classified as exempt regardless of their job duties. The Department of Labor reviews the duties test for executive, administrative, and professional exemptions every five years and may tighten but not loosen the duties tests by rulemaking.

Section 3. Permanent Striker Replacement: The Operative Definition

The constitutional prohibition on permanent replacement of striking workers requires a definition of "permanent" that gives the prohibition genuine effect. "Permanent replacement" means any person hired to perform work covered by a striking worker's position under terms that do not include, at the time of hire, an explicit written notice — signed by both the employer and the replacement worker — stating all of the following: (a) that the position is being filled on a temporary basis while a labor strike is in progress; (b) that a striking worker has a right to reinstatement in this position or an equivalent position upon the conclusion of the strike and upon the striking worker's unconditional offer to return to work; and (c) that the replacement worker's continued employment in this specific position after the conclusion of the strike is contingent on there being no striking worker seeking reinstatement to the position.

A replacement worker who does not receive this written notice at the time of hire is a permanent replacement as a matter of law. No subsequent oral statement, email, or informal communication transforms a permanent replacement into a temporary replacement after the fact. The written notice must be provided before or at the time of the replacement worker's first day of work in the striking worker's position — not at any later time.

Temporary replacements — permissible: An employer may hire temporary replacements who receive the written notice described above. A temporary replacement who receives the written notice has no right to continued employment in the position once the striking worker seeks reinstatement, and their termination upon a striking worker's reinstatement is not a wrongful discharge under any federal or state law. The replacement worker's temporary status entitles them to the same wages and conditions as the striking worker held; employers may not offer temporary replacements lesser terms than they offered the striker in order to make striking more costly by signaling wage concession tolerance.

Section 4. Mandatory Reinstatement: Procedures and Remedies

Upon the conclusion of a strike — meaning the date on which the collective bargaining unit formally notifies the employer that the strike has ended and that workers are ready and willing to return — the

employer must reinstate all striking workers to their prior positions or to equivalent positions within five business days. "Equivalent position" means a position with the same pay grade, the same or greater total compensation, the same scheduled hours, the same benefits, the same seniority credit, and the same classification or title as the position held before the strike. A demotion in any of these dimensions is not an equivalent position.

Position elimination — what qualifies: An employer may decline to reinstate a striking worker only if the specific position held by the striking worker has been genuinely eliminated. A position is genuinely eliminated only if: (a) the decision to eliminate the position was made, documented in writing by a management official with authority to make the decision, and communicated internally before the collective bargaining unit voted to strike; or (b) the elimination resulted from a complete closure of an entire business unit, product line, or facility for documented economic reasons that are affirmatively unrelated to the strike, and the closure decision was documented in writing before the strike conclusion. The burden of establishing genuine elimination is on the employer, demonstrated by a preponderance of the contemporaneous written evidence. Post-strike documentation created after the return-to-work request does not establish pre-strike decision-making.

Remedies for failure to reinstate: An employer who fails to reinstate a striking worker within five business days without establishing genuine position elimination is liable to the striking worker for: reinstatement with full back pay for every day of delay after the fifth business day; compensatory damages for any losses caused by the delay; and a civil penalty of $10,000 per worker per week of delay, payable to the affected worker. If the employer fails to reinstate within 30 days, the NLRB may seek a federal court order compelling immediate reinstatement plus treble damages for each day of continued non-compliance after the court order. Willful refusal to reinstate following a court order is contempt of court and grounds for federal criminal prosecution of the responsible management officials.

Section 5. Voluntary Union Membership: What the Constitution Requires

The Constitution provides that union membership is voluntary and that no worker may be compelled to join a union or pay dues as a condition of employment. This Act implements that provision as follows:

Prohibited payments: No employer, collective bargaining agreement, or labor organization may require any worker to pay, as a condition of obtaining or maintaining employment, any sum to any labor organization, union, or union-affiliated entity — regardless of how the payment is described. The prohibition covers: membership dues; agency fees; fair share fees; representation fees; service fees; and any other labeled or unlabeled payment that a worker must make to a labor organization as a condition of working in a covered position. "Condition of employment" means the worker would face termination, suspension, demotion, reduction in hours, or any other adverse employment consequence for failure to pay.

Optional services model: A labor organization that represents workers in a collective bargaining unit may offer additional individualized services — personal legal representation in disciplinary proceedings, individualized contract negotiation assistance for senior classifications, individual grievance representation beyond what the CBA provides as a general right — on an optional, voluntary, fee-for-service basis to workers who choose to opt in and pay for those services. These optional service fees are not conditions of employment; a worker who does not pay them receives all rights and benefits under the collective bargaining agreement and may not be treated differently from workers who do pay. Labor organizations must clearly distinguish between services available to all unit members under the CBA and services available only to optional fee-paying members.

Union organizing and collective bargaining protected: Nothing in this provision limits the right of workers to join unions voluntarily, to organize collectively, to pay union dues voluntarily, or to participate in collective bargaining. The voluntary principle applies only to compelled payment as a condition of employment — it does not diminish the constitutional right of workers who choose union membership to exercise that membership fully.

Section 6. Organizing Rights: NLRA Reform and Compressed Election Timeline

The constitutional right to organize, join a union, and bargain collectively is meaningful only if the process for exercising it is not designed to make success impractical. This provision reforms the National Labor Relations Act to align it with the constitutional right:

Election timeline — maximum 15 business days: From the date a valid representation petition is filed with the NLRB — meaning a petition supported by signed authorization cards from at least 30% of the proposed bargaining unit — to the date of the secret ballot election, the maximum time is 15 business days. The NLRB must schedule and conduct the election within this window. No procedural challenge, no hearing on unit appropriateness, and no employer objection may delay the election beyond 15 business days from a facially valid petition. Post-election hearings on objections and challenges are held after the election, not before. The purpose of the 15-day limit is straightforward: it prevents the employer's most powerful tool — sustained months-long pressure campaigns against organizing — from being the determining factor in whether workers exercise their constitutional right.

Equal time rule: During the 15-day pre-election period, the employer may hold mandatory all-employee meetings to discuss unionization — but for each hour of mandatory employer-organized meeting time in which unionization is discussed, workers are entitled to one hour of compensated time, on company premises and during working hours, to meet with union organizers or to discuss organizing among themselves without management present. The equal time obligation is calculated cumulatively across all meetings during the 15-day period and rounded to the nearest half-hour. Workers may waive the equal time by written unanimous consent of the bargaining unit.

Prohibited employer conduct: During the pre-election period and throughout any organizing campaign, the following employer conduct is an unfair labor practice subject to immediate injunctive

relief in addition to standard NLRB remedies: threatening plant closure, layoffs, reduction in benefits, or other adverse consequences as a result of union organizing or a favorable election outcome; promising benefits, wage increases, or other improvements conditioned on a vote against unionization; interrogating workers about their union sympathies or organizing activities; surveilling organizing activities including through digital monitoring of communications about union activity; and disciplining, transferring, or changing the working conditions of any worker known to be involved in organizing activity. "Immediate injunctive relief" means the NLRB or any affected worker may seek a federal court temporary restraining order within 24 hours of a credible allegation of the above conduct, without waiting for the standard NLRB administrative process.

Permissible employer speech: Employers may: state factual information about the company's current wages, benefits, and working conditions; express opinions about unionization provided those opinions do not constitute threats or promises; and provide workers with information about the NLRB election process. Employer speech that is factually accurate, not coercive, and not accompanied by any explicit or implicit threat or promise is protected.

Section 7. ABC Test: Strict Conjunctive Implementation

The ABC test for gig worker employment classification is implemented as a strict conjunctive four-part test: all four conditions must be independently satisfied by the engaging entity for the worker to be classified as an independent contractor. Failure to satisfy any single condition is sufficient to establish the employment presumption — the engaging entity need not fail all four. The four conditions are:

Condition A — Control: The engaging entity does not control or direct the performance of the work, either under the contract of service or in fact. "Control" means the right to control the manner and means by which the work is accomplished — including the tools and equipment used, the methods and sequence of tasks, the speed and pace of work, and the specific hours during which work must be performed. An entity that requires workers to be available during specified hours, to use specific apps or platforms to perform work, to wear specified uniforms, or to follow specific service protocols controls the manner and means of work and fails Condition A.

Condition B — Course of business: The work performed is outside the usual course of the engaging entity's business. "Usual course of business" means the central activities that define the entity's commercial purpose — the things it sells, the services it provides to customers, and the operations necessary to deliver those things. A transportation network company's drivers perform transportation — the entity's core commercial activity. The entity fails Condition B.

Condition C — Independent trade: The worker is customarily engaged in an independently established trade, occupation, or business of the same nature as the work performed. "Customarily engaged" means the worker independently solicits clients, independently sets their rates, independently advertises their services, and has an established business with multiple clients. A worker who works

exclusively or primarily through one platform, uses that platform's pricing, and does not independently solicit business outside the platform is not customarily engaged in an independently established trade.

Condition D — Rate independence: The worker independently sets their own rate of pay for the services performed, free of any constraint, suggestion, or default established by the engaging entity. An entity that sets, suggests, or defaults the pricing visible to customers — even if the worker can theoretically opt out — fails this condition because the effective rate is entity-established for the large majority of workers who do not deviate from the default. **Implementation:** The engaging entity bears the burden of establishing all four conditions by a preponderance of the evidence in any enforcement proceeding brought by a worker, the Department of Labor, or any state labor authority. Workers are entitled to all employment protections of this statute from the date the 50%-of-income-over-90-days threshold first was crossed, not from the date of any formal administrative or judicial determination of employment status.

24-month regulatory guidance period: Within 90 days of this statute's effective date, the Department of Labor shall publish sector-specific regulatory guidance explaining how the four-part test applies in common factual patterns across industries. During the 24-month period following publication of this guidance, an engaging entity that has documented, contemporaneous evidence of good-faith reliance on the published regulatory guidance — meaning the entity's practices were specifically designed to satisfy the guidance and the guidance addresses the specific factual pattern at issue — may present that reliance as a mitigating factor in assessing civil penalties. Documented good-faith reliance is a mitigating factor; it is not a defense to liability, and it does not excuse the entity from making workers whole for back wages, benefits, and protections owed from the date of misclassification.

No industry carve-outs: No industry, sector, occupation, or category of engaging entity is exempt from the four-part ABC test. Requests for industry-specific exemptions are not within the Department of Labor's authority to grant — only Congress by 60% supermajority may create exceptions to this statute.

Section 8. Pay Transparency: Registry, Ranges, and Statistical Disparity Presumption

Pay transparency is the most cost-effective mechanism for reducing discriminatory wage gaps: it requires no enforcement action, no investigation, and no litigation — it simply makes wage information available so that workers can identify and challenge disparities. The following requirements are self-executing:

Job posting pay ranges — all employers: Every employer — regardless of size — must include in every job posting, whether published directly or through any platform, the pay range for the position: a minimum and maximum annual salary or hourly wage that the employer genuinely intends to pay for the position. The range may not be so broad as to be meaningless — a range spanning more than 50% of the midpoint is presumptively meaningless and is treated as if no range was disclosed. Employers who fill a position at a wage outside the posted range must document the specific reason and provide it

to the candidate. Systematic failure to post ranges or posting of non-genuine ranges is subject to the civil penalties of this section.

Annual pay equity registry — employers with 50 or more employees: Every employer with 50 or more full-time equivalent employees must file an annual pay equity report with the Equal Employment Opportunity Commission within 90 days of the end of each calendar year. The report must identify, for each job category containing 10 or more employees, the median hourly total compensation — including wages, bonuses, commissions, and the value of equity grants — disaggregated by gender and by race/ethnicity using the EEOC's standard racial/ethnic categories. The report is filed using a standardized EEOC format, is a public document published on the EEOC's public registry, and is searchable by employer, by industry, and by demographic group.

Statistical disparity presumption: When a pay equity report shows a disparity in median total compensation between any gender group and all other employees combined, or between any racial/ethnic group and all other employees combined, exceeding 10% in any job category with 10 or more employees, that disparity creates a rebuttable presumption of wage discrimination against the lower-paid group. The burden shifts to the employer to demonstrate by a preponderance of the evidence that the disparity results entirely from legitimate, documented, non-discriminatory factors — meaning factors such as documented differences in experience, tenure, performance ratings, geographic location, and specialized credentials that are (a) actually applied by the employer in setting pay, (b) documented contemporaneously and not created after the disparity is identified, and (c) applied consistently across demographic groups. Unexplained differences in how factors are applied between groups are themselves evidence of discrimination.

Section 9. Data Pricing: Disclosure, Opt-Out, and Enforcement

When any seller — any entity that offers goods or services to consumers — uses any data about an individual consumer's behavior, demographics, browsing history, purchase history, location, or inferred characteristics to set a price higher than the price offered to consumers who have not provided such data or who have opted out of personalized pricing, the following requirements apply:

Disclosure at point of sale: The seller must disclose to the consumer, at the point of sale and before the transaction is completed, that the price they are being offered has been set using personal data, and that a standard non-personalized price is available upon request. The disclosure must be clear, prominent, and in plain language — not in fine print, not in a terms-of-service link, and not in a manner that requires the consumer to take additional steps to see it.

Standard price on request: Any consumer who requests the standard non-personalized price — the price the seller offers to consumers who have not provided personal data or who have opted out — must receive that price. The consumer may not be penalized, subjected to reduced service quality, required to take additional steps beyond a single request, or denied any feature of the product or

service for exercising this right. The standard price must be offered within the same transaction session in which the request is made.

Enforcement: The Federal Trade Commission enforces this provision through its administrative authority. In addition, any individual consumer who was not provided the required disclosure, was denied the standard price upon request, or was penalized for requesting the standard price has a private right of action in federal court for statutory damages of $500 per violation, actual damages if greater, and attorneys' fees. Class actions are available when the same violation affected 100 or more consumers and the violations resulted from a common policy or practice. The FTC maintains a consumer complaint registry for data pricing violations and publishes quarterly enforcement reports.

Section 10. Offshoring: Definitions, Notice, Severance, and Federal Benefit Ineligibility

Who is covered: The offshoring protections of Article Thirteen apply to any corporation that is: incorporated or organized under the laws of any U.S. state or territory; or, if incorporated or organized outside the United States, deriving 60% or more of its annual gross revenue from customers or operations in the United States in the prior 12 months. Foreign corporations below the 60% threshold but operating through U.S.-incorporated subsidiaries are covered to the extent of their U.S. subsidiary operations.

What counts as a covered relocation: A covered relocation is any decision — whether announced publicly or implemented through operational changes — that results in a net elimination of 50 or more U.S.-based positions within any rolling 12-month period, where the eliminated positions are being replaced by positions performing equivalent or substantially similar functions outside the United States, or where the functions of the eliminated positions are being transferred to overseas contractors, franchisees, affiliated entities, or technology systems operated primarily outside the United States. "Net elimination" means the number of U.S.-based positions eliminated through offshore relocation minus the number of new U.S.-based positions created in the same 12-month period that perform equivalent functions.

180-day notice requirement: Before any covered relocation may be implemented — meaning before any U.S.-based position is eliminated or any function is transferred offshore — the employer must provide written notice to each affected worker, to the collective bargaining representative if any, to the relevant state workforce development agency, and to the Department of Labor, at least 180 calendar days before the effective date of the elimination or transfer. Notice must identify: the number of positions to be eliminated; the job classifications and locations of the affected positions; the anticipated date of elimination; and the location to which the functions are being transferred. Failure to provide 180-day notice is itself a violation, separate from and in addition to any violation of the severance requirements.

Severance: Every worker whose position is eliminated in a covered relocation is entitled to severance pay equal to one calendar month of base pay per year of service, measured from the worker's date of

hire to the date of position elimination. The minimum severance for any worker with more than 30 days of service is one month of base pay. Severance is payable as a lump sum on the effective date of the position elimination, not at the end of the 180-day notice period. Severance is in addition to any other compensation owed to the worker and may not be offset against accrued vacation, sick time, or other earned benefits. An employer that provides less than the required 180-day notice must pay an additional penalty equal to the base daily wage of each affected worker multiplied by the number of days of notice not provided.

Federal benefit ineligibility: Corporations that complete a covered relocation without meeting the 180-day notice and severance requirements, and corporations that relocate operations to jurisdictions where workers performing equivalent functions earn less than 50% of the U.S. federal poverty level wage equivalent, are subject to the following ineligibility periods from the date of relocation completion: federal government contracts — 3 years; federal tax credits including clean energy, R&D, investment, and any other general business credit category — 3 years; federal grants, subsidies, and direct financial assistance — 3 years; federal public rescue funds under any program — 5 years. For relocations meeting the notice and severance requirements, no federal benefit ineligibility applies. This condition follows the same principle long applied in U.S. trade law — including the Generalized System of Preferences and Section 307 of the Tariff Act of 1930 — under which Congress has conditioned federal economic benefits on a recipient's labor practices, including labor practices occurring outside the United States. This Section applies that established principle to a covered corporation's own voluntary choice to relocate operations, rather than to an unrelated foreign government's conduct. The Department of Labor maintains a public registry of all covered relocations with their compliance status.

Section 11. First Contract: Bargaining Obligation and Interest Arbitration

Certification of a bargaining unit is the beginning of collective bargaining, not the end of it. The constitutional right to bargain collectively is meaningful only if bargaining produces an agreement. An employer that refuses to bargain in good faith does not eliminate the right — it defeats it by attrition. The following first contract provisions ensure that certification leads to a real agreement:

Good-faith bargaining obligation: Within 30 days of certification, the employer must meet with the certified bargaining representative for initial bargaining sessions. The parties must meet at least twice per month for substantive negotiations. "Good-faith bargaining" under this provision means: attending all scheduled sessions; coming to sessions with authority to make and accept proposals; making written proposals on all mandatory subjects of bargaining; and responding in writing to all union proposals within 15 business days with either acceptance, rejection with specific reasons, or a counter-proposal. Surface bargaining — attending sessions without any genuine intention of reaching agreement, making proposals that are designed to be rejected rather than to advance negotiation, or withdrawing previously accepted terms without changed circumstances — is an unfair labor practice subject to the remedies of the NLRB and this statute.

Interest arbitration at 12 months: If the parties have not reached a first collective bargaining agreement within 12 months of certification, either party may request interest arbitration. The arbiter is selected from a panel maintained by the Federal Mediation and Conciliation Service, appointed by joint agreement of the parties within 15 days of the arbitration request, or by the FMCS if the parties cannot agree. The arbiter sets the terms of the first collective bargaining agreement based on: the parties' final offers on each open issue; comparable collective bargaining agreements in the same industry and geographic area; the employer's ability to pay; and the comparable wages and working conditions in the relevant labor market. The arbiter's award sets the first contract for a term of three years. Neither party may strike or lockout during arbitration proceedings. This mechanism follows the same constitutional foundation as Congress's repeated use of binding contract imposition to resolve unresolved labor disputes under the Railway Labor Act — including the 2022 freight rail intervention — which courts have upheld as a valid exercise of the commerce power. Every employer covered by this Section is, by the operation of this Act, already subject to National Labor Relations Act jurisdiction, which itself requires the same interstate commerce nexus that has supported every Railway Labor Act intervention of this kind.

Second contract and beyond: Upon expiration of the arbitrated first contract, the parties negotiate the second contract through normal collective bargaining without any mandatory arbitration obligation — the interest arbitration mechanism applies only to first contracts. The constitutional right to strike and the employer's right to lockout are both restored for second contract negotiations.

Section 11A. Comprehensive Anti-Retaliation Protections

Every right established in this statute is protected against employer retaliation. The following anti-retaliation framework applies to all provisions of this Act:

Presumption of retaliation: Any adverse employment action taken against a worker within 180 days of the worker's exercise of any right established by this statute — including filing a wage complaint, requesting the standard non-personalized price, participating in organizing activity, requesting reinstatement after a strike, invoking ABC test employment protections, or any other exercise of rights under this Act — creates a rebuttable presumption of unlawful retaliation. The employer bears the burden of demonstrating by clear and convincing evidence that: (a) there was a legitimate, documented, non-retaliatory reason for the adverse action; and (b) the adverse action would have been taken at the same time and in the same manner regardless of the worker's protected activity. The 180-day window is not a limitation period; it is the period during which the presumption applies automatically. Workers who experience retaliation after 180 days may still bring claims without the presumption benefit.

Adverse action defined: "Adverse action" includes: termination; suspension; demotion; reduction in hours, pay, or benefits; change in shift or scheduling that materially disadvantages the worker; negative performance evaluations; transfer to a less desirable location or assignment; exclusion from training or advancement opportunities; threats of any of the above; and constructive discharge — meaning the

creation of working conditions so intolerable that a reasonable worker in the same position would feel compelled to resign.

Remedies: A worker who prevails on a retaliation claim is entitled to: reinstatement with full seniority credit; back pay for all lost wages and benefits from the date of the adverse action; compensatory damages for non-economic harm; and a statutory anti-retaliation penalty equal to twice the economic harm suffered, payable to the worker. Attorneys' fees are available to prevailing workers. Prevailing employers are not entitled to attorneys' fees unless the worker's claim is found by the court to be frivolous and brought in bad faith.

Platform workers: For workers performing services through a digital platform, "adverse action" includes: deactivation, suspension, or termination of platform access; algorithmic demotion — reduction in the frequency, quality, or visibility of job or service assignments as a result of protected activity; negative ratings or reviews placed or solicited by the platform in response to protected activity; and any modification of the terms, rates, or conditions of platform access that is applied to the worker individually in response to protected activity. Systematic algorithmic adverse action against workers known to be engaged in organizing activity is an unfair labor practice subject to immediate injunctive relief.

Section 12. Paid Family and Medical Leave: Size-Based Implementation

Every covered worker is entitled to a minimum of 12 weeks of paid family and medical leave per year for the following qualifying reasons: the birth, adoption, or foster placement of a child; the worker's own serious health condition requiring inpatient care or continuing treatment by a healthcare provider; or the care of an immediate family member — spouse, domestic partner, child, or parent — with a serious health condition. Leave is job-protected; no employer may terminate, demote, reduce the pay or benefits of, or otherwise retaliate against any worker for taking leave under this provision.

Funding mechanism. Paid leave benefits are funded through a joint employer-employee payroll contribution administered by the Social Security Administration, at a combined rate set by Congress not to exceed 1% of covered wages. Benefits replace at least 80% of the worker's average weekly wages up to the national median wage, and at least 60% of wages above that threshold. The SSA administers claims, disburses payments directly to workers, and reimburses covered employers for continuation of any employer-paid benefits during leave.

Tier One — Large employers (50 or more employees): Mandatory, immediate. All employers with 50 or more employees on any day in the preceding 12 months are covered employers under this provision effective upon ratification. Coverage is mandatory, continuous, and not subject to any opt-out election. A Tier One employer that fails to maintain the required payroll contribution or retaliates against a worker for taking leave is subject to civil liability, regulatory fines, and, for willful violations, criminal penalties for responsible officers.

Tier Two — Mid-size employers (15 to 49 employees): Mandatory, phased. Employers with 15 to 49 employees are subject to mandatory compliance on the following schedule: job protection and anti-retaliation provisions take effect immediately upon ratification; payroll contribution and benefit payment obligations phase in over 36 months from the date of ratification at one-third of the full rate per year. During the phase-in period, the federal government supplements worker benefits to the full rate. After 36 months, full compliance is required without exception.

Tier Three — Small employers (under 15 employees) and qualifying startups: Voluntary participation with incentives. Employers with fewer than 15 employees, and any employer that has been in continuous operation for fewer than three years and has not yet reached profitability as documented by federal tax filings, may elect to participate in the paid leave system voluntarily. A voluntarily participating small employer or startup receives a dollar-for-dollar federal payroll tax credit equal to its employer-side contribution, making participation revenue-neutral for qualifying businesses. A small employer or startup that does not elect to participate is not subject to penalty, but must still comply with the job protection and anti-retaliation provisions — an employer of any size may not fire a worker for taking unpaid family or medical leave for a qualifying reason. Workers whose employer has not elected participation may apply directly to the SSA for partial leave benefits at 50% of the standard replacement rate, funded entirely from general federal revenues.

Startup graduation. A startup that reaches profitability or exceeds three years of continuous operation automatically graduates to the Tier Two mandatory schedule at the beginning of the following fiscal year, with full compliance required 24 months after graduation. The Department of Labor maintains a public registry of employer coverage status. Workers may verify their employer's coverage tier before accepting employment.

Anti-evasion. An employer may not restructure its workforce, reclassify employees as independent contractors, or use affiliated entities to maintain a headcount below a coverage threshold for the purpose of evading this provision. The three-tier structure of this provision is constitutionally grounded in the rational basis that small employers face disproportionate cash-flow constraints from payroll-funded leave obligations relative to large employers. The voluntary tier for small employers and qualifying startups is a temporary transition mechanism, not a permanent exemption; Congress shall review the tier structure every five years and may lower the mandatory threshold as the national paid leave fund matures and the economic case for voluntary participation strengthens. The disparity in paid leave rights between workers at different employer sizes is acknowledged, partially mitigated by the direct SSA benefit available to workers at non-participating employers, and justified by the economic capacity differences that make immediate mandates unworkable for the smallest businesses. The ABC worker classification test in Section 7 of this Statute applies in determining whether a worker counts toward an employer's headcount for tier purposes. Deliberate evasion of coverage thresholds is treated as willful non-compliance subject to the full penalty schedule.

Section 13. Workplace Safety: The General Duty Standard and Federal Enforcement

Article Thirteen of the Constitution establishes that every worker has the right to a workplace free from recognized hazards. This Section implements that right: it defines what a recognized hazard is, establishes the inspection and citation authority through which that right is enforced, sets the penalty structure that gives the right meaning, and provides the anti-retaliation protections that allow workers to report violations without fear of losing their jobs.

The General Duty standard. Every employer must furnish each employee a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm. "Recognized hazard" means a condition, practice, or method of operation that: (a) is recognized as hazardous in the relevant industry; (b) is known to the employer or would be known upon reasonable investigation; and (c) is likely to cause death or serious physical harm if not corrected. Recognition can be established by industry knowledge, the employer's own safety records, prior citations, or the testimony of safety professionals. An employer that knows of a recognized hazard and does nothing is not entitled to claim ignorance as a defense. **Industry-specific standards.** The federal workplace safety agency shall maintain binding safety standards for all major industry sectors, covering: machinery guarding and lockout-tagout; respiratory protection and hazardous substance exposure limits; fall protection in construction and general industry; ergonomic hazards that produce cumulative trauma; heat illness in outdoor and hot indoor workplaces; and any other hazard for which a significant body of epidemiological or engineering evidence establishes preventable harm. Standards must be updated on a mandatory 5-year review cycle. When evidence supports a more protective standard, the agency must update within 2 years or publish findings explaining why it has not. Delay is not a safe harbor.

Inspection authority and worker participation. Federal workplace safety inspectors have the right to enter any workplace without advance notice for the purpose of conducting safety inspections. Employers may not be tipped off about inspections in advance except as required for the safety of the inspection itself. Workers have the right to: request an inspection without being identified to their employer; accompany an inspector during a walkaround; participate in the opening and closing conferences; and contest any citation they believe understates the hazard or understates the penalty. A worker who requests an inspection is protected from retaliation under the anti-retaliation provisions of this Section.

Citations and penalties. Serious violations — those likely to cause death or serious physical harm where the employer knew or should have known of the hazard — carry a minimum penalty of $15,000 per violation, adjusted annually for inflation. Willful violations — where the employer intentionally disregarded a known hazard — carry a minimum penalty of $150,000 per violation and may result in criminal referral. Repeat violations within five years carry a penalty multiplier of 10x the original citation. An employer that contests a citation in bad faith — without a genuine factual dispute — faces an additional sanction equal to 25% of the underlying penalty. The agency may not settle citations for less than the minimum penalty without a written finding that the employer is genuinely unable to pay and has entered a comprehensive abatement agreement.

Anti-retaliation and whistleblower protection. No employer may discharge, discipline, threaten, or in any way discriminate against any worker because the worker: reported a workplace safety concern to the employer or to the federal agency; requested an inspection; testified in any workplace safety proceeding; exercised any right under this Section; or refused to perform a task that the worker reasonably believed posed imminent danger of death or serious physical harm and there was no time to eliminate the danger through normal channels. A worker who experiences retaliation may file a complaint with the agency within 180 days; the agency must investigate within 90 days and may order reinstatement, back pay, and compensatory damages. A worker may also bring a direct civil action in federal court without prior exhaustion of administrative remedies.

Section 14. Pension and Retirement Benefits: Enforcement, Bankruptcy Standing, and Federal Insurance

Article Thirteen of the Constitution establishes that vested pension and retirement benefits are a property right that cannot be unilaterally reduced, that plan sponsors have an ongoing fiduciary obligation to maintain adequate funding, and that workers must receive accurate funding information. This Section implements the enforcement mechanisms, the bankruptcy standing provision, the funded status threshold requirements, and the federal insurance guarantee.

Funded status monitoring and mandatory remediation. Every defined benefit pension plan must file an annual actuarial funding certification with the responsible federal agency — the Pension Benefit Guaranty Corporation or its successor — stating the plan's funded percentage, the methodology used to calculate it, and the trend over the prior five years. A plan that falls below 80% of its projected benefit obligations is in a "funding deficit status" triggering the following mandatory requirements: (a) the plan sponsor must notify all participants and beneficiaries within 30 days in plain language disclosing the deficit, the cause, and the remediation plan; (b) the plan sponsor must submit a remediation schedule to the relevant federal agency within 60 days, specifying annual contribution increases sufficient to return the plan to 80% funding within seven years; (c) the plan sponsor may not pay dividends, executive bonuses exceeding the prior year's level, or make share buybacks while the plan remains in deficit status unless the federal agency certifies the payment is consistent with the remediation schedule; and (d) failure to submit or comply with the remediation schedule is itself a federal civil violation subject to penalties of $25,000 per day until compliance is achieved.

Criminal liability for false funding reports. A plan sponsor, plan administrator, actuary, or fiduciary who knowingly provides false or misleading information about a plan's funded status to participants, beneficiaries, or the relevant federal agency is subject to criminal prosecution for securities-equivalent fraud. Knowing falsity means the person was aware at the time of filing that the reported funded percentage materially overstated the plan's actual funding. A material overstatement is any discrepancy of more than 5 percentage points between the reported and actual funded percentage. Penalties include up to ten years imprisonment per false filing, disgorgement of any compensation received in

connection with the false report, and a lifetime bar from serving as a fiduciary of any benefit plan. Each false annual filing constitutes a separate offense.

Bankruptcy and reorganization standing. When a plan sponsor files for bankruptcy or initiates a reorganization proceeding that proposes to reduce, eliminate, or restructure any vested pension benefit, every pension beneficiary whose benefit would be affected is automatically a party in interest in that proceeding. The plan's participants do not need to file individual claims to establish standing — the filing of the bankruptcy or reorganization petition itself establishes their standing. The bankruptcy or reorganization court must: appoint independent counsel for the pension beneficiary class funded from the reorganization estate if the beneficiary class does not have adequate legal representation; make an explicit written finding, before confirming any plan that reduces vested pension benefits, that the reduction is the minimum necessary after all other cost-reduction measures have been exhausted and that it complies with the constitutional protections of Article Thirteen; and schedule an expedited hearing on pension benefit reductions within 60 days of any proposed plan's filing, giving beneficiaries meaningful opportunity to be heard. A plan confirmation that does not include the required explicit constitutional finding is immediately appealable on an expedited basis — the relevant circuit court of appeals must hear and decide the appeal within 90 days of docketing.

Federal insurance guarantee. Congress must maintain a federal insurance program for defined benefit pension plans that guarantees minimum benefits when a plan terminates due to employer insolvency. The insurance program must: provide guaranteed minimum benefits without interruption from the date of plan termination until the insurance determination is complete; calculate premiums based on the funded status and risk profile of each covered plan — plans below 80% funded pay higher premiums on a sliding scale; maintain adequate reserves to cover projected insurance obligations without requiring Congressional appropriation except in extraordinary circumstances; and publish annual reports on the program's financial condition in plain language accessible to all plan participants. The minimum guaranteed benefit floor must be set by the relevant federal agency at a level sufficient to prevent beneficiaries from falling into poverty solely as a result of a covered plan termination, and must be indexed annually to CPI. Congress may not reduce the guaranteed minimum benefit floor below its level at the time this Constitution takes effect without a 60% supermajority vote of both chambers and specific written findings that the reduction is necessary and does not render any affected beneficiary poverty-impoverished.

Section 15. Advance Notice of Mass Layoffs and Plant Closings

Advance notice of mass layoffs and plant closings. An employer with 100 or more employees must provide affected employees, their collective bargaining representative if any, and the relevant state dislocated worker unit not less than 60 days' advance written notice before: a plant closing affecting 50 or more employees at a single site; or a mass layoff affecting 500 or more employees, or 50–499 employees if that number constitutes at least 33% of the employer's active workforce at that site. An employer who fails to provide this notice is liable to each affected employee for back pay and benefits

for each day of violation, up to 60 days, plus a civil penalty of $500 per day of violation payable to the affected local government, unless the employer demonstrates the closing or layoff was caused by business circumstances not reasonably foreseeable at the time notice would have been required, or resulted from actively seeking capital or business that would have avoided the layoff and reasonably believed advance notice would have precluded obtaining it.

Section 16. Equal Pay and the Continuing Violation Rule

An employer may not pay an employee less than it pays another employee for substantially equal work, or for work of comparable value, on the basis of sex, race, or any other protected characteristic. A difference in pay is permissible only where it is based on a bona fide seniority system, merit system, a system measuring earnings by quantity or quality of production, or another genuine factor other than a protected characteristic, and the employer bears the burden of proving the difference is so justified. **Continuing violation rule.** Each paycheck that reflects a discriminatory compensation decision is a separate and independent violation, and the time period for bringing a claim runs from the most recent such paycheck, not from the date the original decision was made.

Pay transparency. An employer may not prohibit, penalize, or retaliate against an employee for disclosing, discussing, or inquiring about their own wages or the wages of another employee; a contract term purporting to bar such disclosure is void.

Section 17. No Forced Arbitration or Secrecy for Harassment and Assault

No forced arbitration. A predispute agreement requiring a worker to arbitrate a claim of sexual harassment, sexual assault, or harassment or assault based on any protected characteristic is unenforceable, at the election of the person bringing the claim. The worker, not the employer, chooses whether to pursue such a claim in court or in arbitration; an employer may not require arbitration as a condition of employment for these claims, and a class or collective action waiver is unenforceable as applied to them.

No forced secrecy. A predispute nondisclosure or non-disparagement clause is unenforceable to the extent it would prevent a worker from disclosing or discussing conduct the worker reasonably believes to be sexual harassment, sexual assault, or unlawful discrimination. A settlement of such a claim may include a confidentiality term only if the worker affirmatively requests it; an employer may not require confidentiality of the underlying conduct as a condition of settlement, hiring, continued employment, or severance.

Enforcement. A provision void under this Section does not void the remainder of an otherwise lawful agreement. A worker may bring an action to establish the unenforceability of a covered provision and for any retaliation for refusing to enter or comply with one, with remedies including injunctive relief, actual damages, and attorney's fees.

Section 18. The Anti-Lochner Enforcement Rule: Making the Firewall Real

Article Thirty-Two, Section 6 forecloses economic substantive due process — the doctrine of *Lochner v. New York* by which courts once struck down wage, hours, and labor laws as violations of an unwritten freedom of contract. This Section makes that foreclosure operational, so the door Section 3 closes cannot be pried open through litigation.

Complete defense, decided first. In any action challenging a law regulating wages, hours, working conditions, labor organizing, prices, competition, consumer protection, health, safety, or the general economic welfare, Article Thirty-Two, Section 6 is a complete defense to any claim that the law infringes a liberty of contract, economic substantive due process, or comparable implied economic right. A court must resolve the Section 3 defense as a threshold question of law, before reaching the merits and before any relief against the law may issue. **No injunction on foreclosed grounds.** No court may issue a temporary restraining order, preliminary injunction, or stay against an economic or social regulation on the ground that it infringes liberty of contract or economic substantive due process. A law within the scope of Section 3 remains in force while any such challenge is litigated; the tactic of freezing a wage or safety law through years of litigation on a foreclosed theory is ended.

The protected class may defend the law. The workers, consumers, or members of the public whom a challenged law protects have standing to intervene as of right to defend it, and are not dependent on a government's willingness or diligence in defending it. A government's failure or refusal to defend an economic or social law does not deprive that law of a defender.

Fee-shifting against the foreclosed challenge. A party that brings a challenge to an economic or social regulation on a theory Section 3 forecloses, and does not prevail, bears the reasonable attorney's fees and costs of the parties who defended the law, including intervenors. Bringing a foreclosed economic-liberty challenge is not a cost-free tactic for tying up democratically enacted protections.

Constitutional Statute 7

National Climate Strategy and Science Board Act

Implementing Article Sixteen.

Section 1. National Climate Science Board: Composition, Independence, and Economic Advisory Panel

The National Climate Science Board evaluates the scientific and technical adequacy of the national climate strategy and certifies whether it meets the constitutional standard. Its composition is designed for genuine independence from both political direction and industry capture:

Board composition — 12 members: The Board consists of 12 members appointed jointly by the National Academy of Sciences and the National Academy of Medicine from their membership in the following disciplines: atmospheric science and climate modeling (minimum 3 members); energy systems engineering and decarbonization technology (minimum 2 members); ecology, hydrology, and earth systems science (minimum 2 members); public health and climate-health interactions (minimum 1 member); economics of energy transition and carbon pricing (minimum 2 members); and environmental justice and community health disparities (minimum 1 member). No member may have received more than $10,000 in total compensation from any fossil fuel company, fossil fuel trade association, or organization whose primary mission is opposing climate regulation in the five years preceding appointment or during service. Members serve staggered seven-year terms and are removable only for willful misconduct, a felony, a material ethics violation, or permanent incapacity. No elected or appointed official of the executive branch may communicate with any Board member about the substantive content of any pending adequacy determination outside formal public proceedings.

Board budget and independence: The Board's budget is a dedicated appropriation that may not be reduced below its ratification-era level adjusted for scientific research cost inflation, as measured annually by the National Science Foundation. No administration may reduce the Board's budget, staff, or technical capacity in response to a pending or anticipated adequacy determination.

Economic Advisory Panel — structured non-voting input: A seven-member Economic Advisory Panel advises the Board. Panel members are appointed as follows: two representing energy-intensive industries (manufacturing, transportation, agriculture); two representing clean energy industries; one representing labor unions with members in energy sectors; one representing consumer and household interests; and one academic economist specializing in energy transition economics. Panel members serve four-year terms. The Panel is non-voting — it provides structured economic analysis to the Board but has no authority to approve or reject any Board finding.

The Board-Panel interaction — public, on-the-record, and responsive: Before the Board issues any adequacy determination, it must transmit its preliminary findings to the Economic Advisory Panel

and allow 45 days for written Panel submissions. The Board must publish every Panel submission alongside its final determination and must include a written response to each submission — not a dismissal, but a substantive response explaining why the Panel's economic analysis was incorporated into the determination, modified, or found insufficient to change the Board's scientific finding and why. Both the Panel's submissions and the Board's responses are public records. This structure ensures economic expertise is visible and accountable — the Board cannot ignore serious economic feasibility concerns, and the Panel cannot claim its input was disregarded when the record shows it was received and addressed.

Section 2. National Climate Strategy: Required Contents, Update Cycle, and Congressional Obligation

The national climate strategy is the federal government's primary mechanism for meeting its constitutional obligation to address climate change. It must be substantive enough to evaluate, specific enough to implement, and updated frequently enough to reflect changing conditions. The following requirements ensure the strategy is a governing document, not a press release:

Required minimum contents: Every national climate strategy must include all of the following: (a) a statement of the federal government's current greenhouse gas emissions baseline, by sector, using EPA national inventory methodology; (b) specific, quantified emissions reduction targets for each of the following sectors, for each 5-year period through 2050: electricity generation; transportation; buildings; industry; agriculture and land use; and federal operations; (c) the specific policy mechanisms — regulations, tax incentives, public investments, standards, and market mechanisms — through which the federal government intends to achieve each sectoral target; (d) a monitoring and reporting schedule specifying how progress toward each target will be measured and reported annually; (e) an identification of major barriers to achieving each target and the federal actions planned to address each barrier; and (f) an assessment, by the National Climate Science Board, of whether the strategy as submitted is constitutionally adequate under the standard of this Act. A climate strategy submission that does not include all of these elements is not a valid strategy submission; the Science Board must return incomplete submissions to Congress within 30 days with written identification of the specific missing elements.

Five-year update cycle: Congress must enact an updated national climate strategy within five years of the previous strategy. The five-year clock begins on the date of enactment of the previous strategy. An updated strategy must address all required minimum contents for the current period and must include a written assessment of performance against the targets set in the previous strategy — specifically identifying which targets were met, which were missed, and by how much. A Congress that fails to enact an updated strategy within the five-year window operates under the previous strategy, which remains in full legal force. The Science Board opens an automatic adequacy review of any strategy that is more than five years old, on the grounds that a strategy that has not been updated to reflect current conditions is by definition operating with stale projections and may be inadequate for current

circumstances. **No climate strategy may reduce ambition below prior strategy's targets:** An updated climate strategy may not set sectoral emissions reduction targets that are less ambitious than the targets in the immediately preceding strategy for any period that has not yet elapsed. Congress may adjust the mechanisms through which targets are achieved; it may not reduce the targets themselves without a 60% supermajority of both chambers and a written finding by the Science Board that the reduced target remains consistent with the constitutional obligation to address climate change.

Section 3. Constitutional Adequacy Review: The Standard and the Process

The constitutional adequacy standard determines whether the national climate strategy is sufficient to meet the constitutional obligation. This is the provision that determines whether the climate obligation has real consequences or is merely aspirational. The standard must be rigorous enough to catch strategies that are scientific fiction while permitting strategies that represent genuine good-faith efforts with realistic uncertainty ranges:

The modeling standard — IEA/IPCC methodology: The Science Board evaluates climate strategy adequacy using integrated assessment models and sector-level emissions modeling consistent with the methodology of the International Energy Agency (IEA) and the Intergovernmental Panel on Climate Change (IPCC). The Board selects the specific modeling approach from among those accepted in the peer-reviewed literature; it publishes its methodology choices and makes them available for public comment before applying them to any strategy evaluation. The modeling standard is scientific and technical, not political — the Board evaluates whether the proposed measures, if fully implemented, would achieve the stated targets. It does not evaluate whether the political will exists to implement them.

The adequacy threshold — 15% miss standard: A national climate strategy is prima facie constitutionally inadequate if the Board's modeling finds that the strategy, if fully implemented as described, is projected to miss the strategy's own stated sectoral targets by more than 15% — meaning the projected emissions in any sector under full implementation of the strategy exceed the stated target for that sector by more than 15%. The 15% threshold is a margin of modeling uncertainty, not a policy flexibility window — it reflects the inherent uncertainty in long-range emissions modeling, not a buffer for political underperformance. A strategy projected to miss its targets by 5% is adequate on its face; a strategy projected to miss by 20% is not.

Government rebuttal right: A prima facie finding of inadequacy is not final. Congress and the relevant federal agencies have 90 days to submit a written rebuttal demonstrating either: (a) that the Board's modeling methodology contains a specific, identified error that, when corrected, brings the projected performance within the 15% threshold; or (b) that the strategy contains elements the Board's model did not fully account for — such as pending regulatory actions, treaty commitments, or technology deployments — that would bring the projected performance within the threshold when included. The Board must review each rebuttal and issue a final finding within 60 days of receiving the

rebuttal. Final adequacy findings are published publicly and are reviewable by the United States Court of Appeals for the D.C. Circuit under the substantial evidence standard.

Consequences of a final inadequacy finding: When the Board issues a final finding that the national climate strategy is constitutionally inadequate, Congress must enact a revised strategy within two years. During the two-year remediation period: no new federal permits for major stationary sources of greenhouse gas emissions may be issued; the federal government must accelerate its own operations net-zero targets by one year; and the DOJ may seek federal court enforcement of any specific federal emissions reduction commitment that is currently required by law but not being implemented. A Congress that fails to enact a revised strategy within the two-year remediation period is in violation of the Constitution, and any citizen or organization may seek a federal court order compelling congressional action.

Section 4. Environmental Burden Registry: Methodology, Thresholds, and Community Consent

The Environmental Burden Registry documents cumulative pollution exposure by community and enforces the constitutional protection against siting new polluting facilities in communities that already bear disproportionate pollution burdens. The Registry is a tool of environmental justice: it prevents the pattern that has historically placed industrial pollution disproportionately in communities with less political power to resist it.

Registry methodology: The EPA administers the Environmental Burden Registry. The Registry measures cumulative pollution burden for every census tract in the United States using the following indicators, updated annually from federal monitoring data: ambient concentrations of the six criteria air pollutants regulated under the Clean Air Act; proximity to and emissions from facilities reporting to the Toxics Release Inventory; proximity to Superfund sites and their cleanup status; proximity to concentrated animal feeding operations; proximity to active mining operations; water quality indicators from EPA drinking water and surface water monitoring; and any additional indicators designated by the National Climate Science Board based on peer-reviewed evidence of harm. Each census tract receives an annual cumulative burden score. The score methodology and all underlying data are publicly available at the census tract level.

Three-tier framework by percentile:

Below 50th percentile nationally — standard permitting: Census tracts below the 50th percentile

of cumulative pollution burden nationally are subject to standard federal and state environmental permitting for new stationary sources of pollution. No additional burden-based restrictions apply.

50th through 74th percentile — community consent and pollution offsets required: A new stationary source of pollution requiring a federal permit may be sited in a census tract whose cumulative burden score falls between the 50th and 74th percentile nationally only if: (a) the local governing body with jurisdiction over the siting location affirmatively votes to approve the siting

after a public hearing at which the facility's projected emissions and cumulative burden impact are disclosed; and (b) the facility commits to verified pollution offsets — meaning documented reductions in emissions of the same pollutants at existing nearby sources, not trading credits — equal to 150% of the projected new emissions, achieved within two years of the facility commencing operations. The offset requirement is 150%, not 100%, because the community is already above the national median burden; new pollution requires net reduction, not just neutrality.

75th percentile and above — absolute prohibition: No new stationary source of pollution requiring a federal permit may be sited in any census tract whose cumulative burden score falls at or above the 75th percentile nationally. No exception, no waiver, no community consent override. A community above the 75th percentile has already exceeded any fair share of the national pollution burden; the constitutional protection is absolute at this threshold. Existing facilities in these tracts may continue to operate under their current permits; they may not expand their emissions beyond currently permitted levels.

Annual publication and notification: The EPA publishes the annual Registry data and percentile rankings no later than June 1st of each year. Any census tract whose ranking crosses a threshold — moving from below 50th to between 50th-74th, or from below 75th to above 75th — receives written notification to its relevant local governing body, county government, and state environmental agency within 30 days of the annual publication. Federal permitting authorities are automatically updated with the current Registry status of all census tracts; permit applications for new polluting facilities must include a current Registry status certification.

Section 5. No New Fossil Fuel Infrastructure: Definition, Scope, and the Maintenance Distinction

The constitutional prohibition on new fossil fuel infrastructure after ratification is self-executing — no new infrastructure of the covered type may receive a federal permit after the ratification date. This Act defines the covered infrastructure with the specificity required to prevent definitional evasion while preserving the operational maintenance of existing infrastructure that communities and industries currently depend on:

Covered infrastructure — definition: "New fossil fuel infrastructure" subject to the constitutional prohibition means any of the following that is newly constructed, newly commissioned, or newly expanded after the ratification date: (a) coal mines of any scale, coal preparation facilities, and coal-fired electric generating units; (b) crude oil refineries with a daily refining capacity above 50,000 barrels and crude oil export terminals with a daily throughput capacity above 100,000 barrels; (c) natural gas pipelines with a daily throughput capacity above 1 billion cubic feet at any single point in the pipeline; (d) liquefied natural gas (LNG) export terminals capable of exporting more than 1 billion

cubic feet of natural gas equivalent per day; and (e) any other fossil fuel infrastructure designated by the National Climate Science Board as incompatible with the national climate strategy based on its projected contribution to greenhouse gas emissions over its operational lifetime. The 4/5 congressional supermajority required by the Constitution applies to any new construction or commissioning of the above; it does not apply to maintenance, repair, or safety upgrades of existing infrastructure.

The maintenance vs. expansion distinction: Existing infrastructure of the covered types may be: maintained in its current operational condition through repair, replacement of components, safety upgrades, and efficiency improvements; operated at any level up to its currently permitted maximum capacity; and adapted to extend its operational life through maintenance-level capital expenditure. Existing infrastructure may not be: expanded beyond its currently permitted capacity through new construction; materially extended in geographic reach through the addition of new pipeline miles, new refinery units, or new terminal capacity; or upgraded in a manner that would increase its maximum emissions beyond currently permitted levels. The distinction between maintenance and expansion is determined by whether the capital expenditure requires a new or amended federal permit; if a new or amended permit is required, the prohibition applies.

4/5 supermajority exception process: Congress may authorize new fossil fuel infrastructure of any covered type by a concurrent resolution passed by four-fifths of both chambers. The resolution must include: written findings that the infrastructure is necessary for national energy security and cannot be met by alternative means within the required timeframe; a specific sunset date not more than 20 years from the authorization date; and a commitment to offset the projected lifetime emissions of the authorized infrastructure through specific federal emissions reductions equivalent to 150% of the projected lifetime emissions. The National Climate Science Board reviews any proposed 4/5 authorization request and issues a written advisory finding within 90 days on whether the stated national security necessity is supported by the evidence and whether the proposed offset commitment is adequate. The Board's finding is advisory; Congress may act contrary to it but must publish a written response to the Board's findings within the resolution.

Section 6. Just Transition Fund: Workers, Communities, and Permanent Authorization

The Just Transition Fund provides direct support to workers and communities whose economic dependence on fossil fuel industries is disrupted by the energy transition. It is funded by a dedicated fee on fossil fuel extraction and by appropriations, and it is permanently authorized — it does not require reauthorization and its authorization does not lapse if Congress fails to act:

Funding mechanism: The Just Transition Fund receives a dedicated fee of $2.00 per metric ton of carbon dioxide equivalent on all fossil fuel extraction from federal lands, federal waters, and tribal lands under federal management, collected at the point of extraction. This fee is indexed to the Social Cost of Carbon as determined annually by the Office of Management and Budget and adjusts as the official Social Cost of Carbon estimate changes. The Fund also receives appropriated funds as

Congress determines; dedicated fee revenue is the floor, not the ceiling. The Fund is a dedicated account that may not be used to offset the unified federal budget deficit.

Worker direct payments: Any worker who is directly employed in coal mining, coal-fired power generation, oil extraction on federal lands, natural gas extraction on federal lands, or LNG export operations, and who loses their job as a direct result of the closure, contraction, or regulatory restriction of those industries after the ratification date, is eligible for: direct monthly transition payments equal to 80% of their prior average monthly wage for up to 36 months while seeking alternative employment; full federal funding of any retraining program the worker elects, with no cost to the worker; and priority placement in federal clean energy project employment programs. Worker eligibility is determined by the Department of Labor through a streamlined application process; applications must be decided within 30 days. Workers who voluntarily participate in retraining programs and complete them are eligible for an additional 12 months of transition payments at 60% of prior wage while establishing themselves in their new occupation.

Community economic development grants: Any county in which fossil fuel extraction or generation employed more than 10% of the county's employed residents within the 10 years preceding ratification is designated as a Fossil Fuel Dependent Community. Designated communities receive annual community economic development grants from the Fund for a period of 20 years from ratification, sized at $2,000 per county resident per year for counties whose fossil fuel employment share exceeded 20%, and $1,000 per county resident per year for counties between 10% and 20%. Grant funds may be used for: infrastructure investments in the county; educational and workforce development programs; small business development; environmental remediation of former fossil fuel sites; and any other economic development activity approved by the county government. Grant funds may not be used to subsidize continued fossil fuel operations or to support legal challenges to federal climate regulations.

State administration — optional with federal default: States may choose to administer the worker direct payment and community grant programs for the designated communities and workers within their borders, using the federal funding and the federal eligibility standards. A state that chooses to administer the programs must certify annually that it is applying federal eligibility standards without modification. A state that declines to administer, or that fails to meet the certification requirement, has the programs administered directly by the Department of Labor and Department of Commerce respectively. A state may not reduce state-level support for fossil fuel transition workers or communities as a condition of or in response to receiving federal Just Transition Fund resources.

Section 7. Net-Zero Federal Operations: Scope, Timeline, and Military Pathway

The Constitution requires the federal government to achieve net-zero greenhouse gas emissions in all operations by 2040. Constitutional Statute 7 defines "all operations," addresses the military's pathway, and establishes contractor accounting standards:

Civilian federal agencies — net-zero by 2040: All civilian departments, agencies, offices, and instrumentalities of the federal government must achieve net-zero greenhouse gas emissions from their operations by December 31, 2040. "Operations" includes: all facilities owned or operated by the agency; all vehicle fleets; all electricity purchases; all business travel; and all contracted services where the contractor performs services primarily for the federal agency's benefit at a federal facility or using federal resources. Each civilian agency must publish an annual net-zero implementation plan beginning one year after ratification, updated annually, identifying specific actions and timelines for achieving net-zero by 2040. The General Services Administration coordinates cross-agency efforts and publishes an annual government-wide progress report.

Military — 50% by 2035, net-zero by 2045: The Department of Defense, all military branches, and all defense agencies must achieve at least a 50% reduction in greenhouse gas emissions from their 2020 baseline by December 31, 2035, and net-zero emissions by December 31, 2045. The five-year extension beyond the civilian target reflects the genuine operational constraints of military systems — combat aircraft, naval vessels, and armored vehicles cannot transition to clean energy on the same timeline as office buildings and civilian vehicle fleets. However, the five-year extension is not a blank exemption: all military procurement of new equipment, vehicles, aircraft, and vessels after ratification must meet the highest available clean energy standards compatible with operational requirements; and military base operations — heating, cooling, electricity, and non-tactical vehicles — must meet the 2040 net-zero standard on the same timeline as civilian agencies. The "operational requirements" standard is determined by the Secretary of Defense and is subject to independent review by the National Climate Science Board, which may identify military equipment categories where clean energy alternatives exist that meet operational requirements.

Contractor scope — Scope 1 and Scope 2 emissions for direct federal work: Any contractor that performs more than $50 million in direct federal work in any fiscal year must report annually to the relevant agency the contractor's Scope 1 emissions (direct emissions from the contractor's operations in performing federal work) and Scope 2 emissions (emissions from electricity and heat purchased for use in federal work). Contractors above $500 million in annual federal work must also report Scope 3 emissions for their federal work activities. Beginning in 2030, contractors with more than $50 million in annual federal work must achieve at least a 30% reduction in their federal-work Scope 1 and Scope 2 emissions from their baseline year emissions; beginning in 2035, at least a 60% reduction. Contractors that fail to meet these targets are ineligible for new federal contract awards for a period of one year following the finding of non-compliance.

Section 8. Environmental Impact Review Before Major Federal Action

Before any agency of the federal government takes any major action that may significantly affect the quality of the human environment, the agency must prepare a written environmental impact assessment. Major actions subject to this requirement include: approving permits for construction, extraction, or industrial operations; issuing licenses for activities with significant environmental

consequences; funding or co-funding projects by non-federal entities; constructing or substantially modifying federal facilities; promulgating rules that alter environmental standards; and any other action that a reasonable person would conclude has the potential to significantly affect air, water, land, biodiversity, or human health in surrounding communities.

Environmental Impact Statement. For actions with potentially significant environmental effects — determined by an initial screening assessment — the agency must prepare a full Environmental Impact Statement (EIS). The EIS must analyze: the environmental consequences of the proposed action in detail; a reasonable range of alternatives to the proposed action, including the no-action alternative, with equivalent detail; cumulative effects of the proposed action considered together with other past, present, and reasonably foreseeable future actions in the same geographic area; and disproportionate effects on communities already bearing elevated pollution burdens as documented by the Environmental Burden Registry established in this Statute. The no-action alternative must receive equal analytical treatment to the preferred alternative — it may not be dismissed as impractical without specific findings.

Public participation. The agency must publish the draft EIS and accept written public comment for a minimum of 60 days. For projects affecting communities documented in the Environmental Burden Registry as bearing elevated cumulative burdens, the comment period is extended to 90 days and must include at least two in-person public hearings held in the affected community at times accessible to working residents. The agency must prepare a written response to every substantive comment received, and those responses must be incorporated into the final EIS before the agency takes final action. A response that merely dismisses comments without substantive engagement does not satisfy this requirement.

Standing and judicial review. Any person, community organization, tribal government, or state or local government may seek judicial review of an agency's failure to prepare a required assessment, failure to consider required alternatives, or failure to respond substantively to public comments. Communities documented in the Environmental Burden Registry as bearing elevated cumulative burdens have standing to challenge any action that would add to those burdens without an adequate showing that cumulative effects were analyzed and found acceptable. A court reviewing an EIS may not defer to the agency's conclusions on environmental effects where the agency failed to engage with substantive contrary evidence in the record. An action taken without a required assessment is voidable at the petition of any person with standing.

Categorical exclusions and emergencies. Congress may establish categorical exclusions for classes of minor actions that do not individually or cumulatively have significant environmental effects — but no categorical exclusion may be applied to any action affecting a community documented in the Environmental Burden Registry as bearing a Tier 1 cumulative burden. In genuine emergencies requiring immediate federal action to protect public health or safety, the environmental review may

follow rather than precede the action, but must be completed within 180 days and must retroactively assess whether the action taken was the least environmentally harmful option available.

Section 9. Biodiversity and Species Protection

The federal government has an affirmative duty to prevent the extinction of species native to or otherwise present within United States jurisdiction. Extinction is irreversible. The loss of a species is permanent in a way that no other environmental harm is. This provision recognizes that the health of human communities — clean air, clean water, stable climate, productive agriculture — depends on the functioning of ecosystems, and that ecosystems depend on biodiversity. The protection of species is not a preference for wildlife over people; it is a recognition that the two are not separable.

Listed species and critical habitat. The responsible federal wildlife agencies shall maintain and periodically update a publicly accessible list of species at risk of extinction, organized by the severity and imminence of the risk. No federal action may jeopardize the continued existence of any listed species or destroy or adversely modify the critical habitat on which that species depends, unless the responsible agency makes a written finding that no reasonable alternative exists, that all feasible mitigation measures have been required, and that the action serves a compelling public interest that cannot be achieved by other means. Such findings are subject to judicial review under a substantial evidence standard with no deference to the agency on the ultimate question of whether the action jeopardizes the species.

Take prohibition. No person may take any listed species. Take means to kill, harm, harass, pursue, hunt, trap, capture, collect, or attempt to engage in any such conduct. Harm includes significant habitat modification that actually kills or injures a listed species by impairing essential behavioral patterns including breeding, feeding, or sheltering. The take prohibition applies to private parties as well as government actors. Incidental take — take that is the unavoidable byproduct of an otherwise lawful activity — may be permitted where the total permitted take across all permitted activities does not jeopardize the species, the permit holder funds mitigation measures proportional to the documented harm, and the responsible agency monitors and enforces the mitigation conditions.

Federal agency consultation. Before taking any action that may affect a listed species or its critical habitat, every federal agency must consult with the responsible wildlife agency. The consultation must result in a written biological opinion assessing the effects of the proposed action on the species and its critical habitat. If the biological opinion concludes the action would jeopardize the species, the action may not proceed as proposed. The biological opinion and all supporting data are public documents subject to full disclosure under Article 4, Section 11.

Recovery plans. For every listed species, the responsible agency must develop and implement a recovery plan with measurable milestones, specific timelines, identified funding sources, and a definition of recovery criteria sufficient to support delisting. Recovery plans must be reviewed every five years and updated to reflect current scientific understanding. Congress shall appropriate funds

sufficient to implement all active recovery plans. An agency that fails to develop or implement a required recovery plan is subject to judicial order requiring compliance within a specified deadline.

Section 10. Polluter Pays: Contamination Liability and Remediation

Those who cause contamination bear the cost of remediation. This is not a policy preference — it is a constitutional principle. When a person or entity releases hazardous substances into the environment, the costs of that release do not disappear. They are paid either by the polluter or by the communities that live with the contamination. This provision ensures the cost falls on the party that created it. **Strict, joint, and several liability.** Any person or entity that releases, or who arranged for the disposal or release of, any hazardous substance at a site is strictly liable for the full cost of remediation of that site. Liability is joint and several among all responsible parties — a party that contributed any fraction of the contamination may be held liable for the full cost of cleanup and may then seek contribution from other liable parties in proportion to their relative fault. The government bringing a cleanup action need not apportion fault among responsible parties to establish liability; each party is liable for the whole.

No escaping through corporate structure. No person or entity that is liable for contamination may avoid that liability by dissolving the responsible corporate entity, transferring its assets to a successor entity, spinning off the contaminated operation into a separate subsidiary, or declaring bankruptcy. Corporate successors that acquire assets from a liable entity acquire that entity's cleanup liability as a matter of law, whether or not the liability was disclosed in the transaction. Officers and directors of a closely held corporation who directed or permitted the release are personally liable. Liability follows the contamination, not the corporate form.

Federal remediation fund. The federal government shall maintain a Hazardous Site Remediation Fund, financed by fees on the domestic production and importation of hazardous chemicals and petroleum products, at a level sufficient to fund cleanup of sites where responsible parties are insolvent, dissolved, or cannot be identified after reasonable investigation. The fee schedule shall be set by the responsible federal agency and updated every three years to reflect the fund's adequacy. Congress may not reduce the fee below the level necessary to maintain the fund's solvency without a specific written finding of an alternative funding source of equivalent adequacy.

Cleanup standards and priority. Cleanup of contaminated sites disproportionately affecting communities documented in the Environmental Burden Registry as bearing Tier 1 or Tier 2 cumulative burdens shall be prioritized in the Remediation Fund's annual allocation. No cleanup standard for any site may be set at a level that permits continued measurable risk to human health simply because achieving a more protective standard is expensive — cost may be a factor in selecting among cleanup methods of equivalent protective value, but cost may not justify accepting a less protective outcome. A community that has lived with contamination for more than 10 years without remediation has standing to compel agency action in federal court.

Section 11. Rights of Future Generations; Intergenerational Equity

The decisions made today about climate, debt, resource extraction, environmental contamination, and the depletion of finite natural resources will be lived with by generations not yet born — who cannot vote, cannot petition, cannot sue, and have no political voice in the decisions that will define the world they inherit. This provision establishes the constitutional framework for considering their interests.

Intergenerational equity standard. In setting the national climate strategy, managing federal lands and natural resources, issuing long-term debt, and taking any other action whose primary consequences will be felt by future generations rather than present ones, every federal agency must conduct and publish an Intergenerational Impact Assessment — an analysis of how the proposed action will affect the welfare, opportunities, and resources available to persons who will be born after the decision is made. This assessment must consider: projected climate impacts at the 2050 and 2100 timeframes; resource depletion rates; long-term debt obligations per capita; and cumulative environmental burdens that will persist beyond the current generation's lifetimes.

Congressional Future Generations Office. Congress shall establish a Future Generations Office — analogous in structure and independence to the Congressional Budget Office — that provides nonpartisan analysis of the long-term consequences of proposed legislation on future generations. The FGO shall publish an annual State of Future Generations Report assessing current trends and projecting long-term impacts. Every major piece of federal legislation must include a Future Generations Impact Statement prepared by the FGO before final passage.

Guardian mechanism. The President shall appoint, with Senate confirmation, a Future Generations Advocate. The Future Generations Advocate has standing to enforce the procedural requirements of this Section — including the requirement that federal agencies conduct and publish Intergenerational Impact Assessments and that Congress obtain Future Generations Impact Statements before final passage of major legislation — and to challenge federal actions taken without satisfying those procedural requirements. The Advocate may also intervene as amicus in any proceeding in which a party has independent standing and the proceeding implicates the intergenerational impacts this Section identifies, and shall publish an independent annual report on intergenerational equity. The Future Generations Advocate has removal-for-cause protections equivalent to those of Inspectors General under Article 10, Section 5 of the Constitution.

Irreversibility doctrine. Federal actions that are genuinely irreversible — the permanent extinction of a species, the permanent destruction of a unique ecosystem, the permanent contamination of an aquifer, the permanent loss of a cultural heritage site — are subject to the highest level of judicial scrutiny regardless of their classification under other provisions. The burden on the government to justify any genuinely irreversible action is the heaviest burden this Constitution provides: clear and convincing evidence of a compelling interest with no less-destructive alternative.

Section 12. Energy Tax Neutrality: Enforcement and Judicial Review

Article Sixteen of the Constitution provides that no fuel source or energy technology may receive preferential federal tax treatment unavailable to competing alternatives. Technology-neutral clean energy credits that are available to all qualifying clean energy sources without discrimination among technologies are a permitted exception. This Section establishes who may challenge a tax preference, the forum for that challenge, and the remedies available when a preference is found unconstitutional.

What constitutes impermissible preferential treatment. A federal tax provision constitutes impermissible preferential treatment under Article Sixteen when it: provides a deduction, credit, exclusion, deferral, or other tax benefit to a specific fuel source or energy technology that is not available on equivalent terms to competing fuel sources or technologies that produce comparable amounts of energy per unit; discriminates among renewable or clean energy technologies by type in a way that advantages one over another without a technology-neutral justification based on measurable emissions or environmental impact; or provides a tax benefit to fossil fuel production, processing, or distribution that is not available to clean energy alternatives producing equivalent energy output. A technology-neutral clean energy credit — one that is available to any energy source meeting a specified emissions threshold, regardless of the specific technology used to meet it — is not impermissible preferential treatment under this Article.

Standing to challenge. The following have standing to challenge a federal tax provision as impermissible preferential treatment under Article Sixteen in federal court: any taxpayer who pays federal income tax and competes in any energy market affected by the challenged preference; any energy company, cooperative, or producer that competes with a beneficiary of the challenged preference in any geographic or product market; any state whose energy policy is materially affected by the challenged preference; and any Member of Congress. A challenge may be filed in the United States Tax Court or in the United States District Court for the District of Columbia, at the challenger's election. Appeals proceed to the United States Court of Appeals for the D.C. Circuit, which must hear and decide the case within 18 months of docketing.

Remedies upon finding of unconstitutionality. When a court finds that a federal tax provision constitutes impermissible preferential treatment in violation of Article Sixteen: the preferential element of the provision is severed from any otherwise constitutional portion of the tax code; the preference is prospectively unavailable for any taxable period beginning after the date of the court's final judgment; the preference is retroactively unavailable for all taxable years after the date the challenged provision was enacted — any taxpayer who claimed the impermissible preference in those years is subject to assessment for the tax benefit improperly received, without penalty if the provision was facially valid when claimed; and Congress must, within two years of the court's judgment, enact a replacement provision available on equivalent terms to all competing energy sources or technologies. A failure to enact a replacement within two years is itself a violation of Article Sixteen subject to judicial enforcement.

Section 13. Market-Based Emissions Reduction Mechanisms

To meet the emissions reduction targets established by the National Climate Science Board, Congress and the responsible agency may employ market-based mechanisms, including a declining cap on total permitted emissions paired with tradeable emission allowances, an emissions fee or tax, or a hybrid of these, provided the mechanism is designed to achieve the Board's science-based targets on the Board's timeline.

Cap-and-trade requirements. A cap-and-trade mechanism under this Section must feature a cap that declines on a fixed schedule to the Board's target, a prohibition on the cap being raised except upon a revised Board finding, and a requirement that a substantial portion of allowance value be returned to the public or invested in affected communities rather than retained as windfall by emitting entities. **Mechanism may not substitute for the target.** This Section authorizes market mechanisms as a means of achieving the constitutional climate mandate; it does not permit a market mechanism to be used as a substitute for meeting the Board's targets, and a mechanism that fails to achieve its target on schedule must be tightened, not extended.

Constitutional Statute 8

Education Investment Act

Implementing Article Fifteen.

Section 1. PEA Student Admissions: The Non-Discrimination Line

A school is eligible to receive Portable Education Account funds only if it does not discriminate in student admissions on the basis of any characteristic protected by this Constitution. This provision is self-executing — eligibility is determined by admissions practices, not by stated policies. A school whose admissions practices produce discriminatory outcomes is ineligible regardless of whether its written admissions policy uses neutral language.

Faith affiliation is permitted: A religious school may require, as a condition of admission, that students and their families are active, practicing members of the school's religious faith community — meaning active participation in religious worship, membership in the relevant congregation, parish, synagogue, mosque, or equivalent religious community, or equivalent religious observance consistent with the school's faith tradition. The school may require documentation of faith affiliation as part of the admissions process. This permission is limited to genuine faith affiliation requirements applied universally to all applicants — it is not a mechanism for excluding specific groups through religious criteria applied selectively.

Sexual orientation and gender identity are not permissible admissions criteria: No school receiving PEA funds may: deny admission to a student because of that student's sexual orientation or gender identity, whether known, disclosed, or perceived; deny admission to a student because of the sexual orientation or gender identity of the student's parent, guardian, or family member; or apply any admissions criterion — including a faith affiliation criterion — in a manner that functions as a categorical screen for LGBTQ+ students or students from LGBTQ+ families. A faith affiliation requirement that in practice excludes substantially all LGBTQ+ students while admitting heterosexual and cisgender students who are otherwise similarly situated in their faith practice is a discriminatory admissions criterion regardless of its neutral framing.

Enforcement: A student who is denied admission to a PEA-receiving school and believes the denial was based on their sexual orientation or gender identity — or that of their family — may file a complaint with the Department of Education within 90 days of the denial. The Department must investigate and issue a preliminary finding within 60 days. If the Department finds a violation, the school's PEA eligibility is suspended pending a formal determination. The school may appeal the preliminary finding and present evidence. A final finding of discriminatory admissions results in permanent loss of PEA eligibility for a period of five years from the date of the final finding, after which the school may apply for reinstatement upon demonstrating changed admissions practices. **Acceptance of PEA funds is acceptance of constitutional conditions.** By accepting Portable

Education Account funds for any student, a school accepts that the non-discrimination conditions in this Section and in Sections 2 and 3 of this Act are constitutional obligations — not merely regulatory eligibility criteria. A school that accepts PEA funds and then violates these conditions is not exercising its constitutional rights; it is breaching the constitutional conditions on which public funding was extended. The public funds condition established in Constitutional Statute 15 applies with full force: acceptance of public resources is voluntary, and the constitutional conditions attached to those resources are not.

Section 2. PEA Code of Conduct: Equal Application vs. Identity Targeting

A PEA-receiving school may maintain and enforce a code of conduct governing student behavior, including conduct codes grounded in the school's religious doctrine. A religiously grounded conduct code does not violate the admissions non-discrimination standard provided it meets all of the following requirements:

Equal application: The conduct standard must be applied to all students equally, regardless of their sexual orientation or gender identity. A standard that is applied more strictly, enforced more frequently, or results in more severe consequences for LGBTQ+ students than for identically situated heterosexual and cisgender students is not equally applied — it is discriminatory enforcement regardless of the neutral language of the standard.

Behavior, not identity: Conduct codes govern behavior — specific acts that a student does. They do not govern identity — who a student is. A conduct code that prohibits specific sexual activity between unmarried persons, and applies that prohibition genuinely to all students regardless of sexual orientation, governs behavior. A conduct code that requires students to affirm a specific religious belief about their own identity as a condition of continued enrollment, or that requires LGBTQ+ students to undergo counseling, change their identity, or conceal their identity as a condition of continued enrollment, governs identity and is prohibited.

No conversion or suppression requirements: No PEA-receiving school may require any student, as a condition of continued enrollment, to: undergo conversion therapy or any practice designed to change or suppress the student's sexual orientation or gender identity; make any written or oral affirmation about the nature of their own sexual orientation or gender identity; refrain from any communication about their sexual orientation or gender identity in contexts that are not explicitly governed by the school's behavioral code for all students; or participate in any religious instruction or counseling that targets their sexual orientation or gender identity specifically rather than addressing their conduct equally with all other students.

Test for genuine equal application: When a PEA-receiving school takes disciplinary action against a student for conduct allegedly prohibited by the school's code of conduct, the Department of Education may review whether the code was applied equally by comparing the documented disciplinary treatment of the student to the documented treatment of students of different sexual orientations and gender

identities who engaged in comparable conduct during the same or recent academic years. Evidence of disparate disciplinary outcomes for LGBTQ+ students compared to non-LGBTQ+ students on identical or comparable conduct, across multiple incidents or academic years, creates a rebuttable presumption of discriminatory enforcement.

Section 3. PEA Staff: Organizing Rights and the Ministerial Exception Applied

A PEA-receiving school must respect the organizing rights of its non-ministerial employees as a condition of PEA eligibility. "Non-ministerial employees" retain the full constitutional right to organize, join a union, bargain collectively, and engage in concerted activity established in Article Thirteen. A PEA-receiving school may not require any non-ministerial employee to waive these rights as a condition of employment, and may not take adverse action against any non-ministerial employee for exercising them.

Who is ministerial — the Morrissey-Berru totality test: An employee is ministerial if their duties include leading religious worship services, prayer services, or devotional activities; providing religious instruction, spiritual counseling, or religious direction to students or congregants; performing religious rites, sacraments, ceremonies, or liturgical functions; or serving as a doctrinal representative of the school's or institution's religious faith in communications with students, families, the public, or other religious communities — even where those duties are performed alongside secular instruction and do not occupy a majority of the employee's working time. Courts assess ministerial status under the totality of the employee's role, giving substantial weight to the religious institution's own good-faith assessment of which employees perform these functions, consistent with Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC and Our Lady of Guadalupe School v. Morrissey-Berru.

Who is not ministerial — specific examples: The following employees are not ministerial and retain full organizing rights regardless of employment at a religious school: teachers whose primary duty is instruction in secular academic subjects including mathematics, science, history, language arts, physical education, and arts; administrative staff including school secretaries, registrars, admissions coordinators, and business office personnel; facilities, maintenance, food service, and transportation staff; counselors and social workers whose primary duty is academic advising or student support services rather than religious counseling; and coaches and extracurricular activity supervisors. A teacher who teaches both secular academic subjects and theology classes is ministerial if the theology instruction involves religious doctrine, faith formation, or devotional content — consistent with the totality test above, this is so even where the theology instruction does not constitute a majority of the teacher's overall duties.

Employment practices for non-ministerial staff: PEA-receiving religious schools may hire non-ministerial staff who are members of their faith tradition. They may require non-ministerial staff to adhere to the school's general code of professional conduct. They may not require non-ministerial staff to hold specific theological beliefs as a condition of employment, to refrain from union activity, or to make any statement about their sexual orientation or gender identity as a condition of continued

employment. They may not take any adverse employment action — including termination, demotion, reduction in pay, denial of promotion, or hostile working conditions — against any non-ministerial employee on the basis of that employee's actual or perceived sexual orientation or gender identity, whether that characteristic becomes known through disclosure, observation, or any other means. The protection against adverse action applies regardless of how the school learns of the employee's sexual orientation or gender identity, and regardless of whether the school's religious doctrine holds views about that characteristic. A non-ministerial employee's sexual orientation or gender identity is not a legitimate basis for any employment decision at a PEA-receiving school.

Section 4. PEA Mechanics: Accreditation, Funding, Disbursement, and Anti-Fraud

Accreditation eligibility: A school is accredited for PEA purposes if it holds current accreditation from a recognized accrediting agency listed in the Department of Education's database of recognized accrediting organizations, OR holds current state authorization as an approved private school under the applicable state's private school licensing or approval statute. Home schools operated by individual families for their own children are not eligible for PEA funding. A micro-school, learning pod, or cooperative education program operated by a licensed entity serving multiple families is eligible if it holds state authorization and meets the non-discrimination requirements of this Act.

PEA funding amount: Each student's annual PEA is funded at 80% of the per-pupil expenditure in the student's school district of residence for the prior academic year, as reported to the Department of Education under standard state reporting requirements. Per-pupil expenditure includes state and federal funds but excludes federal categorical funds specifically designated for disadvantaged students, students with disabilities, and English learners — those funds follow the student separately. The 80% PEA amount is calculated on a per-student basis and updated annually. The 20% retention by the public school system applies whether or not the student uses the PEA and may not be reduced or redirected by the state as a result of PEA elections.

Disbursement: PEA funds are disbursed directly from the administering state agency to the qualifying school upon the school's submission of a quarterly enrollment certification identifying each enrolled PEA-funded student by name, the student's district of residence, and the PEA amount applicable to that student. Funds are not disbursed to families — they flow institution-to-institution. Families direct the enrollment; the money follows the student to the school.

Anti-fraud provisions: Every qualifying school that receives PEA funds must: maintain accurate enrollment records subject to annual audit by the administering state agency; provide written quarterly enrollment certifications signed by the school's chief administrator under penalty of perjury; permit unannounced compliance visits by the state agency during regular school hours; and notify the state agency within 10 business days of any student's withdrawal from enrollment. Fraudulent enrollment certifications — claiming PEA funds for students who are not enrolled or enrolled only nominally — constitute federal program fraud subject to criminal prosecution, repayment of all fraudulently received funds with interest, and five-year PEA ineligibility. **State administration is voluntary; federal**

default administration applies: States that choose to administer PEA programs receive federal administrative support and a 3% administrative fee. Students in states that decline administration have their PEA administered directly by the Department of Education through a federally operated program using the same eligibility standards, funding amounts, and disbursement procedures. No student loses their PEA right because their state declines to administer the program.

Section 5. Free Community College: Program Eligibility and Outcome Transparency

Tuition and mandatory fees at all public community colleges are free for citizens and qualifying lawful permanent residents enrolled in credit-bearing courses or programs leading to a certificate, associate degree, or transfer pathway to a four-year institution. The federal government reimburses 100% of tuition and mandatory fees for all eligible students; room, board, transportation, and personal expenses are not covered by this provision but remain eligible for federal financial aid through existing programs.

Program eligibility — all accredited programs: Every credit-bearing program at an accredited public community college is eligible for free tuition reimbursement. The federal government does not condition free tuition on the type of program, the projected employment outcome of the program, or the alignment of the program with current workforce demands. Education in the humanities, arts, social sciences, liberal arts, and all other disciplines has intrinsic value for students and for society that cannot be captured by short-term employment statistics. No federal agency may deny reimbursement to any institution based on the program mix of its enrolled students.

Outcome transparency — published, not punitive: Every public community college receiving free tuition reimbursements must report annually, for each program with 20 or more completers in the prior five years: the number of students who enrolled, completed, and transferred or entered employment; the median earnings of completers two years after completion; and the percentage of completers who are employed in a field related to their area of study or who transferred to a four-year institution. These outcomes are published on a publicly searchable federal database organized by institution, by program, and by state. Publication of outcomes is mandatory. Funding conditionality based on outcomes is prohibited. The purpose of publishing outcomes is to help prospective students make informed choices — not to allow federal administrators to defund programs they disfavor.

Institutional eligibility requirements: An institution must maintain regional or national accreditation in good standing, offer open or broadly accessible admissions, and maintain an academic calendar and credentialing structure consistent with standard community college practice. Proprietary institutions and online-only institutions that have converted to community college designation to capture free tuition funds are not eligible; the Department of Education reviews conversion applications for genuineness.

Section 6. Public University Tuition Cap: Gap Funding and the Anti-Inflation Mechanism

Annual in-state tuition and mandatory fees at public four-year universities may not exceed 10% of the median household income of the state in which the university is located, as measured by the most recent American Community Survey five-year estimate published by the Census Bureau, updated annually. When a university's tuition exceeds this cap, the federal government provides a gap grant directly to eligible students equal to the difference between the university's actual tuition and the 10% cap amount.

Student eligibility for gap grants: Gap grants are available to citizens and qualifying lawful permanent residents who are state residents enrolled at least half-time in an undergraduate degree program. Income eligibility scales as follows: students from households below 300% of the federal poverty level receive the full gap grant; students from households between 300% and 490% FPL receive 50% of the gap grant; students from households above 500% FPL receive gap grants funded at 25% of the cap difference. No income limit applies — even upper-income students receive partial gap coverage, recognizing that the constitutional provision is about affordability across the income spectrum, not only for the lowest-income students.

Tuition growth cap — the anti-Bennett mechanism: A public university receiving federal gap grants may not increase its annual in-state tuition and mandatory fees by more than the prior calendar year's Consumer Price Index for All Urban Consumers (CPI-U) plus one percentage point. The cap is calculated on the total of tuition plus mandatory fees; universities may not circumvent it by reclassifying tuition as a mandatory fee or by adding new mandatory fees while holding tuition constant. A university that increases tuition beyond the cap in any academic year forfeits gap grant eligibility for the two academic years immediately following the violation. The Department of Education monitors compliance and notifies universities of cap violations within 60 days of annual tuition filings.

Maintenance of state funding effort: Federal gap grants supplement state higher education funding — they do not replace it. A state that reduces per-student state appropriations to public universities by more than 5% in any year compared to the prior year's appropriation — adjusted for enrollment changes — is ineligible for federal gap grant program participation for two years following the reduction. The maintenance of effort requirement is calculated on a per-student basis to account for enrollment fluctuations.

Section 7. Teacher Pay Floor: Two-Tier Calculation and Base Salary Scope

The federal teacher pay floor is a base salary floor — it is the minimum cash wages that must be paid to full-time public school teachers, not a total compensation target. Benefits, pension contributions, and in-kind compensation do not count toward satisfying the floor. This distinction matters because pension benefits that vest after 25 years of service and are held in underfunded systems do not help a teacher in their third year determine whether they can pay their rent.

Floor calculation — two-tier, consistent with Constitutional Statute 6: The federal teacher pay floor is calculated using the same two-tier methodology as the minimum wage under Constitutional Statute 6: (a) *Tier One state floor* — the default floor for every state is the BLS-measured median annual earnings for workers with a bachelor's degree and no advanced degree, working full-time, statewide, updated every two years based on the BLS Current Population Survey; (b) *Tier Two metropolitan override* — for any BLS Metropolitan Statistical Area with a population of 250,000 or more in which the bachelor's-degree median annual earnings exceed the statewide median by more than 20%, the teacher pay floor for teachers employed by school districts physically located in that MSA is 100% of the MSA-specific bachelor's-degree median annual earnings. The two-tier calculation ensures that teachers in high-cost metros are not paid below the floor appropriate to their labor market.

State certification and federal enforcement: States must certify annually to the Department of Education that all full-time public school teachers in the state are paid base salaries at or above the applicable federal floor. States that cannot certify compliance are ineligible for Title I federal education funds for the year of non-compliance. The Department of Education publishes annual compliance reports for every state, identifying the applicable floor, the state's current average teacher base salary, and the compliance gap if any.

Total compensation reporting — optional benchmark: States are encouraged to publish total compensation benchmarking alongside base salary data, including the actuarial present value of pension benefits, health insurance, and other non-wage compensation. Total compensation data is published alongside base salary data on the federal education data portal. States that meet the base salary floor may voluntarily benchmark total compensation against comparable professional benchmarks. Total compensation data does not satisfy the base salary floor — it is supplementary transparency information.

States may exceed the floor: Nothing in this provision prevents states, localities, or school districts from paying teacher salaries above the federal floor. States may structure salary schedules, performance supplements, subject-area differentials, and other compensation elements as they choose, provided the base salary of every full-time teacher meets the federal floor.

Section 8. Universal Childcare: Licensed Providers, Faith-Based Enrollment Non-Discrimination, and Informal Care Exclusion

No working or student family pays more than 7% of gross household income for licensed childcare for children under five. The federal government funds the difference between 7% of the family's gross household income and the actual cost of care at the eligible licensed provider of the family's choice. "Family" for purposes of this provision means all persons sharing a household with the child, including single parents, two-parent households, grandparent caregivers, and other legal guardians.

Eligible providers — licensed center-based care: Any childcare center licensed by the applicable state childcare licensing agency under that state's health, safety, and minimum quality standards is an

eligible provider for the subsidy. A family may use the subsidy at any licensed center of their choosing, including faith-based childcare centers that incorporate religious instruction into their programming. The federal government sets no curriculum requirements and imposes no content restrictions on licensed provider programming. **Eligible providers — licensed family home-based care:** Licensed family home-based childcare — meaning care provided in a caregiver's private home for no more than the number of children permitted under the applicable state's family home licensing standards — is an eligible provider. Home-based providers must hold a current state license. An individual providing care in their own home is not eligible as a provider for this subsidy unless they hold a state license as a family home childcare provider.

Faith-based provider enrollment non-discrimination: A faith-based childcare provider that receives subsidy payments under this provision — whether directly or through a family's subsidy voucher — may not deny enrollment to any child or family on the basis of any characteristic protected by this Constitution, including the sexual orientation or gender identity of a parent or guardian. A faith-based childcare center that discriminates in enrollment loses subsidy eligibility for three years from the date of a final Department of Health and Human Services finding of discrimination. This requirement is limited to enrollment non-discrimination — it does not restrict the religious content or instruction of the provider's programming, which remains entirely within the provider's discretion.

Informal family care — not eligible: Care provided by a parent's relative, family friend, neighbor, or any unlicensed individual is not eligible for the childcare subsidy under this provision. This exclusion is necessary to maintain the fiscal integrity and quality accountability of the program. A caregiver who wishes to provide care for multiple families and receive subsidy payments must obtain a state family home childcare license.

Eligibility — working and student families: A family is eligible for the subsidy if at least one parent or guardian is employed for at least 20 hours per week on average, is enrolled in an educational program at least half-time, or is engaged in a documented job search. Single-parent families in which the parent is temporarily unemployed due to documented illness, injury, or layoff remain eligible for six months during the period of unemployment. The 7% income cap applies to annual gross household income including all sources; the calculation is made at the time of enrollment and updated annually.

Section 9. Parental Rights: Curriculum Transparency, Opt-Out, and the Non-Optable Core

Parents have the right to know what their children are being taught and to direct their own child's education within the limits the Constitution establishes. These rights are real and enforceable — they are not subject to school district discretion and may not be withheld by administrative delay or institutional resistance.

Curriculum transparency: Every public school must make available to parents and guardians, upon request and within five business days of the request, a complete description of the curriculum being taught to their child in any course or subject area for the current academic year, including: the learning

objectives for each unit; the primary instructional materials and assigned texts; and the topics covered in each unit. Schools must also maintain and make accessible on their public-facing website a course catalog that describes the general content of every course offered, updated annually before the start of each school year. No school may refuse, delay, or condition the provision of curriculum information to a parent or guardian of an enrolled student.

Opt-out right — scope and procedure: A parent or guardian may opt their own child out of specific instruction they object to, subject to the non-optable core curriculum established below. The opt-out covers only the parent's own child — a parent who objects to instruction may not seek to have that instruction removed from the curriculum for other students. The school must provide an alternative educational activity for the opted-out period; the student may not be left unsupervised, penalized academically, or excluded from school activities as a result of a valid opt-out. Schools must acknowledge receipt of an opt-out request within 48 hours and implement the opt-out within five school days of the request.

The non-optable core curriculum — defined specifically: Parents may not opt their child out of the following instruction, which constitutes the factually accurate science, history, and civics core that the Constitution explicitly places outside the opt-out right:

Evolutionary biology: Instruction covering the theory of evolution, natural selection, common ancestry, the fossil record, and the genetic basis of heritable traits — as established by the scientific consensus of the American Association for the Advancement of Science, the National Academy of Sciences, and the major biological sciences professional bodies

Climate science: Instruction covering the scientific consensus on human-caused climate change, including the greenhouse effect, the role of carbon dioxide and other greenhouse gases, and the documented effects of climate change on natural systems and human communities — as established by the consensus of the Intergovernmental Panel on Climate Change and the major atmospheric and

Earth science professional bodies

Reproductive biology: Instruction covering the biological mechanisms of human reproduction, the basic anatomy and physiology of reproductive systems, and the biological basis of heredity. This category covers reproductive biology only — it does not include comprehensive sex education addressing sexual behavior, contraception, sexual orientation, gender identity, or relationship dynamics, which are optable for parents of students under 16

Documented history: Instruction covering historical events that are documented in primary sources

accepted as authentic by the historical profession, including events that are uncomfortable or unflattering to national history — including the history of slavery in the United States, the Holocaust, the history of colonialism and its effects, and any other historical event documented in

primary sources regardless of its moral valence. Factual historical events may not be opted out of. Interpretive frameworks for understanding historical events may be discussed with parents and, where a school offers multiple analytical perspectives, parents may request that their child receive instruction emphasizing a particular perspective — but the underlying documented events are not optable.

Civics: Instruction covering the structure and function of government under this Constitution, the rights and responsibilities of citizenship, the process of elections, and the civic institutions through which democratic participation occurs

Optable instruction — what parents may opt out of: The following categories of instruction are optable for parents of students under 16: comprehensive sex education covering sexual behavior, contraception, sexual practices, sexual orientation, and gender identity beyond basic reproductive biology; religious instruction in public schools, which is already generally prohibited but may arise in specific contexts such as comparative religion electives; and any other instruction that a school district, in its discretion, has designated as optable for parental choice. Parents of students 16 and older may make opt-out requests but schools are not required to honor them for students who are legally adults or approaching majority; the opt-out right is primarily a right of parents of younger children.

Section 9A. Maintenance of Effort and Federal Education Funding Protections

Federal education funding under this Act supplements state and local education investment — it does not replace it. The following maintenance of effort requirements apply to all federal education programs under this Act:

PEA maintenance of effort: A state or school district may not reduce per-pupil public school funding in response to PEA elections. The 20% retention amount — the per-pupil share that remains with the public school district when a student elects a PEA — represents the constitutional floor below which public schools may not be reduced. States must certify annually that per-pupil public school spending has not been reduced by the state or any local district in a manner that targets districts with high PEA participation. A state that reduces public school funding in a manner that the Department of Education determines is causally related to PEA participation levels loses federal Title I funds for two years.

Teacher pay maintenance of effort: Federal teacher pay floor compliance does not permit states to reduce their own teacher pay investments below the state's prior compensation levels. A state that was paying teachers above the federal floor may not reduce teacher pay to the floor level and rely on federal compliance certification to justify the reduction. The federal floor is a national minimum — not a target that replaces state investment.

Childcare subsidy maintenance of effort: States that operate state childcare subsidy programs must maintain those programs at current funding levels while receiving federal childcare subsidy funds. The federal program supplements state investment; it does not permit states to withdraw state childcare

funding while the federal program covers the gap. A state that reduces state childcare funding by more than 10% in any year while receiving federal childcare subsidies is ineligible for federal childcare subsidy program participation for two years following the reduction.

Section 9B. Gender Equity in Federally Funded Education (Title IX Implementation)

No educational institution that receives federal financial assistance in any form — including grants, contracts, student loans, and work-study funds — may discriminate on the basis of sex, gender identity, or sexual orientation in admissions, financial aid, academic programs, course offerings, extracurricular activities, or athletics. This prohibition applies to every program and activity of the institution, not only to the program that directly received the federal funds. An institution that discriminates in any program while receiving federal funds for any program is a covered institution subject to the full requirements of this provision.

Athletic equity. Athletic programs at covered institutions must provide equal opportunity to participate, proportional to the student body's enrollment and demonstrated interest. Scholarship funds for athletic participation must be allocated equitably between male and female students proportional to participation opportunities. The provision of equipment, facilities, coaching staff, scheduling, travel, publicity, and support services must be substantially equivalent across programs serving male and female students. Compliance is assessed by the totality of circumstances — an institution may not offset deficiencies in one area against advantages in another.

Title IX coordinator. Every covered institution must designate at least one Title IX coordinator with independent authority to: receive and acknowledge all complaints; conduct or supervise investigations; impose interim protective measures; issue findings and sanctions; and report annually to the institution's governing board and to the responsible federal agency. The Title IX coordinator may not be the institution's general counsel or report solely to the institution's legal department. The coordinator's findings are subject to appeal but may not be overridden by the institution's administration without written justification reviewed by the responsible federal agency.

Sexual harassment. Sexual harassment — including quid pro quo demands by any employee of the institution and hostile environment harassment severe or pervasive enough to deny a student equal access to education — is a form of sex discrimination prohibited by this provision. The institution's liability for sexual harassment by its employees is strict. The institution's liability for student-on-student harassment arises when an institutional official with authority to take corrective action had actual knowledge and responded with deliberate indifference. Deliberate indifference is presumed when the institution fails to initiate its grievance process within 10 business days of receiving a complaint.

Grievance procedures. Every covered institution must maintain grievance procedures that provide a prompt, fair, and impartial investigation of all sex discrimination complaints. The procedures must: notify both parties of all allegations in writing; provide equal opportunity to present evidence and

identify witnesses; prohibit conflicts of interest in the decision-maker; apply the preponderance of evidence standard; provide simultaneous written notification of the outcome to both parties; and allow both parties to appeal on equal grounds. An institution that fails to maintain compliant grievance procedures is subject to loss of federal funding, civil penalty, and individual claims by affected students. Congress shall establish a private right of action for students whose rights under this provision are violated, with remedies including compensatory damages, injunctive relief, and attorney's fees for prevailing parties.

Section 10. Student Debt Relief: Addressing the Existing Crisis While Building the New System

The free community college and tuition cap provisions of this Statute build the forward-looking system. This Section addresses the people who took out loans before that system existed — who made educational decisions under a cost structure that was neither voluntary nor fairly disclosed, who were told that student debt was an investment that would pay off, and who are now carrying approximately $1.7 trillion in aggregate debt that is structurally different from other forms of consumer debt in one crucial way: it cannot be discharged in bankruptcy.

Income-based repayment cap. No federal student loan borrower may be required to make monthly payments exceeding 5% of their discretionary income, defined as gross income above 225% of the federal poverty level. Any borrower whose income falls below 225% of the poverty level has a $0 monthly payment obligation and accumulates no interest during that period. The 5% cap applies regardless of loan amount, loan program, repayment plan elected, or prior payment history. This cap is automatic — no borrower is required to enroll or apply; the servicer must calculate and apply it upon any borrower request and upon any annual income recertification.

Interest rate reform. No federal student loan may accrue interest at a rate exceeding the 10-year Treasury yield at the time of disbursement, plus 2 percentage points. Existing loans disbursed at rates above this ceiling are retroactively recapped at the ceiling rate from the date this Act takes effect. Interest that has already accrued and been added to principal through capitalization is not forgiven by this provision but may not continue to compound at the pre-ceiling rate. Interest may not be charged on federally subsidized loans while a borrower is enrolled at least half-time.

Public service and income-contingent forgiveness. A borrower who has made qualifying payments — including $0 income-based payments — for 20 years on undergraduate debt or 25 years on graduate debt has the remaining balance forgiven and the forgiveness amount is not taxable income. A borrower who works full-time for a government entity, qualifying non-profit, or essential service provider (including teachers, nurses, social workers, public defenders, and emergency responders) for 10 years while making qualifying payments has the remaining balance forgiven after 120 qualifying payments. These timelines run from the date of first payment regardless of which repayment plan the borrower used, provided the plan required monthly payments above $0 at any income above the poverty threshold.

For-profit institution fraud relief. A borrower who attended a for-profit institution that: was closed by regulatory action; lost accreditation due to fraud or misrepresentation; or made material misrepresentations about job placement rates, earnings outcomes, or program quality that induced the borrower to enroll — has their loans from that institution discharged in full. The discharge is automatic upon certification by the accrediting agency or relevant regulatory body. The discharged amounts are recovered by the federal government through enforcement actions against the institution and its principals, not from the borrower.

Bankruptcy dischargeability. Federal and private student loans are dischargeable in bankruptcy under the undue hardship standard, which is defined as: the borrower cannot maintain a minimal standard of living for themselves and their dependents while repaying the loan; and the circumstances are likely to persist for a significant portion of the repayment period. Bankruptcy courts may not add procedural requirements beyond these substantive standards. The undue hardship determination is made on the complete financial record of the borrower, not on assumptions about the type of debt. Private student loans are fully dischargeable in bankruptcy on the same terms as other unsecured consumer debt.

Section 11. Borrower Defense: Discharge When a School That Took Federal Money Defrauded the Student

An institution that accepts federal funds accepts federal accountability. A school that recruited a student with false promises — about what the degree would cost, whether the credits would transfer, whether a job existed on the other side — has not earned the debt it generated, and the student who relied on those promises should not spend a lifetime paying for them. This Section establishes the right to discharge, the presumption that favors the borrower, and the rule that the institution, not the public, bears the cost.

Covered institutions. This Section applies to any educational institution that has received federal financial assistance in any form — including grants, contracts, federal student loans, work-study funds, or Portable Education Account funds — in any program, whether or not the borrower's own program received those funds. Acceptance of federal money is acceptance of this Section as a condition of that money.

Grounds for discharge. A borrower is entitled to full discharge of federal educational debt, and to restitution of amounts already paid, where the institution made a substantial misrepresentation, or omitted a material fact, concerning: job placement rates or employment outcomes; the earnings of graduates; accreditation status, or the prospect or loss of it; the transferability of credits to other institutions; the total cost of the program or the terms of financing; the length of the program or time to completion; eligibility for professional licensure or certification in the field of study; the existence, nature, or extent of relationships with employers; or the selectivity, quality, or nature of the education offered. A misrepresentation is substantial if a reasonable person would have attached importance to it in deciding to enroll or to borrow.

The burden rests on the institution. Once a borrower produces evidence that a misrepresentation was made, the institution bears the burden of proving by clear and convincing evidence that the representation was accurate when made, or that the borrower did not rely on it. Reliance is presumed where the representation was made in recruitment, advertising, or enrollment materials.

Automatic group discharge. Where a court, an accreditor, a State attorney general, or the responsible federal agency finds that an institution engaged in a misrepresentation affecting a class or cohort of students, discharge is automatic and immediate for every member of that class — no individual application, no separate proof of reliance, no requirement that a borrower learn the finding occurred. The agency shall identify affected borrowers from its own records and notify them that their debt is discharged. A borrower is never required to apply for relief the government already knows they are owed. An application backlog, a staffing shortage, or an administrative pause is not a lawful ground to delay a discharge under this section. **The institution pays, not the public.** Upon discharge, the federal government shall recoup the discharged amount from the institution. Where the institution has closed, dissolved, been sold, or transferred its assets, recovery extends to its successors, to any entity that acquired its assets or enrollment, and to the owners or executives who directed or knowingly permitted the misrepresentation, who are personally liable. Corporate reorganization, asset sale, conversion between non-profit and for-profit status, and dissolution are not defenses. The cost of fraud falls on those who committed it before it falls on the taxpayer.

Closure discharge. A borrower whose institution closes before they complete their program, or who cannot complete it because the institution lost accreditation or federal eligibility, is entitled to automatic discharge without any showing of misrepresentation.

No waiver, no arbitration, no silence. A covered institution may not require, as a condition of enrollment or financing, that a student waive a claim under this Section, submit it to mandatory arbitration, forgo participation in a class action, or agree to confidentiality regarding the institution's conduct. Any such term is void. A settlement may not be conditioned on the borrower's silence about the facts underlying the claim.

Eligibility consequences. An institution found to have engaged in a pattern of substantial misrepresentation loses eligibility to receive federal funds and to enroll students using federal educational financing, for a period fixed by law and until it demonstrates correction. The responsible agency shall maintain a public registry of findings under this Section, searchable by institution and by successor entity.

Constitutional Statute 9

Anti-Oligarchy Implementation Act

Implementing Article Eighteen; Article Thirty-One, Section 7.

Section 1A. Essential Market Designation: Who Qualifies

A market, platform, network, or service qualifies for essential market designation under Article Eighteen, Section 1 when the FTC finds by substantial evidence in a written record that it meets any one of the three constitutional criteria. The criteria are operationalized as follows to ensure both rigor and clarity:

Criterion (a) — No practical alternative for a basic need: The entity must have at least 40% market share in the relevant market as defined by standard antitrust methodology, AND quantitative evidence must establish that no single competitor with functionally equivalent capability serves more than 10% of the affected population within a geographic area that is accessible without unreasonable burden — meaning a competitor that a person could realistically substitute for the dominant entity given their geographic location, financial means, and technical capacity. Basic needs include: food and consumer goods distribution; healthcare products and services; housing and shelter; financial services including payments, credit, and banking; communications and internet access; employment platforms; and any other service that the National Academy of Sciences designates as essential to daily human functioning.

Criterion (b) — Prerequisite for full economic or democratic participation: The FTC must document with specific quantitative evidence that persons without access to the specific platform or service face material disadvantage — meaning a documented, measurable negative effect on outcomes — in at least two of the following four domains: (i) employment: persons without access to the platform are demonstrably less likely to learn about, apply for, or be considered for employment opportunities in their field; (ii) commerce: persons without access cannot practically conduct transactions that are standard in their occupation, community, or daily life; (iii) government services: persons without access have demonstrably reduced ability to access, apply for, or receive government services to which they are entitled; (iv) political participation: persons without access face documented barriers to learning about candidates and issues, registering to vote, contacting elected representatives, or engaging in organized civic activity. The entity must serve more than 25% of persons who engage in the relevant domain.

Criterion (c) — Dominant pricing power without competitive constraint: The FTC must demonstrate through market analysis applying standard econometric methodology that the entity can raise the price of its core service — or extract equivalent value through non-price means including data collection, terms of service changes, or quality reductions — by a value equivalent to 10% of its service price without losing more than 5% of its market share to any competitor offering a functionally

equivalent service within 18 months. The relevant market is defined by the FTC using the hypothetical monopolist test applied in standard antitrust analysis.

Meeting any one criterion is sufficient for designation. The FTC is not required to establish all three. Meeting one criterion with strong evidence is more persuasive than meeting three criteria with weak evidence. The administrative record must contain specific factual findings for each criterion — affirmative findings where the criterion is met, and an explanation of why the criterion is not met where it is not relied upon for designation.

Section 1B. The Designation Process: Rigorous, Transparent, and Not Designed to Fail

The essential market designation process proceeds through five phases with defined timelines:

Phase 1 — Investigation (maximum 18 months): The FTC opens an investigation upon: a complaint from any person with documented basis for alleging essential market conditions; a referral from a state attorney general; a petition from a member of Congress; or the FTC's own initiative. The FTC has full civil investigative demand authority during the investigation — it may compel the production of documents, data, and testimony. The FTC staff publishes a preliminary designation report at the conclusion of the investigation, stating the proposed findings on each criterion with supporting evidence. The preliminary report is a public document.

Phase 2 — Entity Response (90 days): The entity subject to potential designation receives the preliminary report and has 90 days to submit written response, evidence, and argument. The entity may submit its own econometric analysis, market definition arguments, and evidence of practical alternatives. The response is a public document.

Phase 3 — Public Comment (90 days): The FTC holds 90 days of public comment on both the preliminary report and the entity's response. Any person may submit written comment. The FTC must hold at least two public hearings — one in Washington, D.C. and one in the geographic area most affected by the entity's market position. All comments and transcripts are public records.

Phase 4 — Final Designation (within 60 days of comment close): The FTC issues a written final designation or non-designation. The final designation must contain: specific findings of fact on each criterion; a reasoned response to the entity's principal arguments; and a statement of the accountability requirements that will apply to the designated entity. The final designation takes effect on the date of issuance. It is not suspended pending appeal unless a court issues an affirmative stay.

Phase 5 — Judicial Review (60-day filing window): The entity may seek review in the United States Court of Appeals for the D.C. Circuit within 60 days of the final designation. Review is under the substantial evidence standard — the court does not conduct de novo review of the FTC's factual findings; it asks whether the findings are supported by substantial evidence in the administrative record taken as a whole. The court may stay a designation only upon a specific finding, supported by clear and convincing evidence in the record, that: (a) the entity is likely to prevail on the merits; AND (b) the entity will suffer irreparable harm from the designation that outweighs the public interest in

immediate accountability. Commercial disadvantage and competitive harm are not irreparable harm for purposes of this provision — the constitution has determined that the accountability requirements serve a compelling public interest.

Designation review: Every designation is reviewed by the FTC at five-year intervals. At each review, the FTC must affirmatively re-find that the designation criteria are still met, or the designation lapses. An entity that no longer meets any criterion is removed from designation. A removed entity may not be re-designated on the same factual basis for five years.

Section 2. Democratic Accountability Requirements for Designated Markets

Every entity designated as an essential market under this Act must comply with the following accountability requirements from the date of designation forward. These requirements are self-executing upon designation — they do not require additional rulemaking to take effect:

Equal access: The designated entity must offer access to its platform, network, or service on equal and non-discriminatory terms to all similarly situated users. "Similarly situated" is determined by objective, publicly disclosed criteria applied consistently. The designated entity may not offer preferential terms to affiliated entities, to paying advertisers (except where payment is the explicit service), or to entities in which its principals hold financial interests.

Interoperability: The designated entity must allow users of its platform to communicate with, transact with, and transfer their data and relationship networks to competing platforms within 24 months of designation. Users must be able to export a complete, machine-readable copy of all their data including their contact networks, transaction histories, and content. The technical standards for interoperability are developed by the FTC in consultation with the National Institute of Standards and Technology within 12 months of this statute's effective date.

Transparency: The designated entity must publish annually, in a standardized format specified by the FTC: all pricing tiers and access terms; any changes to terms of service with 90-day advance notice; the criteria used in any algorithm that determines which users see which content or which products; and the criteria used in any algorithm that determines access, pricing, or terms for business users of the platform.

No self-preferencing: A designated entity that operates both an essential market platform and competing services on that platform may not give its own competing services any advantage not equally available to independent competitors — including advantages in search results, algorithmic ranking, data access, technical integration, or terms of access to the platform's infrastructure.

Annual FTC compliance review: Every designated entity submits to an annual compliance review by the FTC. The review is public. The designated entity must provide access to all systems, data, and personnel relevant to the accountability requirements. Refusal to cooperate with a compliance review is itself a violation subject to the penalty structure of this Act.

Section 3. Anti-Monopoly Structural Remedies: The Proportionality Ladder with Automatic Escalation

Structural remedies are available to the FTC and to federal courts upon a finding of violation of the accountability requirements of this Act, or upon a finding that a designated entity's market dominance has caused harm to competition or to democratic participation. Remedies are applied in the following order of proportionality — but the critical provision is that escalation is automatic: once a lower-level remedy is violated or systematically circumvented, the next level is available without requiring the FTC or any court to re-establish the original violation from scratch.

Level 1 — Behavioral remedies (available upon any accountability violation): Specific injunctive relief requiring compliance with the accountability requirements; civil penalties as specified in this Act; mandatory compliance reporting; appointment of an independent compliance monitor with full access to the designated entity's systems and personnel. Level 1 remedies are ordered by the FTC administratively; enforcement in federal court is available when the designated entity does not comply.

Level 2 — Structural behavioral remedies (available when a Level 1 remedy has been violated or systematically circumvented): "Systematically circumvented" means the designated entity has technically complied with the letter of a Level 1 remedy while acting in a manner that defeats its purpose — using technical, contractual, or operational mechanisms to achieve the same result the Level 1 remedy was designed to prevent. The FTC determines systematic circumvention based on the administrative record; the standard is substantial evidence. Level 2 remedies include: functional separation — requiring the designated entity to operate its essential market function as a legally distinct entity with separate governance, finances, information systems, and personnel from its other business lines; access mandates — requiring the designated entity to provide competitors access to essential infrastructure (networks, data sets, algorithms, or physical facilities) at regulated rates set annually by the FTC; and prohibition on acquisitions — a designated entity that has been found to have violated or circumvented a Level 1 remedy may not acquire any company for a period of three years without prior FTC approval.

Level 3 — Divestiture (available when Level 1 and Level 2 remedies have been applied and the FTC or a federal court finds by clear and convincing evidence that they are insufficient to restore competitive conditions): Mandatory sale, spin-off, or other structural separation of specified business units, assets, or platforms. The scope of divestiture is limited to the minimum necessary to restore competitive conditions — the FTC may not order divestiture of operations unrelated to the essential market finding. Divestiture orders are enforced by federal courts. A divestiture order may not be stayed on appeal absent a specific finding that compliance with the order would cause permanent, irreversible harm to the public that cannot be adequately addressed by an eventual reversal. The interest of shareholders in maintaining the entity's current corporate structure is not irreversible public harm.

The automatic escalation rule: A finding that a Level 1 or Level 2 remedy has been violated opens Level 2 or Level 3, respectively, as an available remedy in the same proceeding, on the same

administrative record. The FTC is not required to open a new investigation. The entity may present evidence that the violation was unintentional and has been remedied, which the FTC considers in deciding whether escalation is warranted — but the burden of demonstrating unintentional violation and genuine remedy is on the entity.

Section 3A. Platform Common Carrier Obligations

Any private entity that owns or operates a communications platform used by 10% or more of the American adult population as a primary source of political news or information is a common carrier for purposes of its political speech functions under Article Eighteen, Section 2. The specific obligations of political speech common carriers — including the nondiscrimination requirements, owner non-interference provisions, cross-ownership prohibitions, and the Digital Communications Accountability Board's jurisdiction and enforcement authority — are established in Constitutional Statute Constitutional Statute 12, which is the authoritative implementing statute for all platform accountability obligations under Article Eighteen, Section 2. This Act establishes that DCAB enforcement authority derives from and is consistent with the broader anti-monopoly framework of Article Eighteen; all cross-references to DCAB in other provisions of this Act are governed by Constitutional Statute 12.

Coordination between FTC and DCAB: When a platform is subject to both an FTC essential market designation under this Act and DCAB jurisdiction under Constitutional Statute 12, the FTC and DCAB must coordinate their enforcement activities to avoid conflicting orders. A joint coordinating committee meets quarterly; where an enforcement action by either body would affect the other's jurisdiction, 30 days' notice to the other body is required before final action. Coordination does not limit the independent authority of either body.

Section 4. Regulatory Capture Prohibition: The Revolving Door

The revolving door between regulated industries and the agencies that regulate them is a structural corruption of democratic governance. This provision closes it. It applies to every person who holds or has held a senior regulatory position at any federal agency. A "senior regulatory position" means any of the following: agency head, deputy head, or assistant head with policy-making authority; commission member with voting authority on regulatory matters; any Senior Executive Service position with direct decision-making authority over the regulated industry — meaning authority to approve or deny regulatory filings, set enforcement priorities, or determine penalty amounts; general counsel with authority over regulatory enforcement actions; and staff economist, staff scientist, or staff attorney whose individual written work product directly and materially affects regulatory decisions affecting specific entities.

Pre-service restriction — seven years: No person may be appointed to a senior regulatory position if they have, within the preceding seven years: worked as a registered lobbyist for the industry the agency principally regulates; served as a senior executive (C-suite, board member, or direct report to

the CEO) of any company primarily operating in that industry; or received more than $500,000 in total compensation — salary, consulting fees, speaking fees, board service payments, stock grants, or any other form — from companies primarily operating in that industry. Compensation for genuinely independent academic research published in peer-reviewed journals does not count toward the $500,000 threshold. Compensation received before age 25 does not count.

Post-service restriction — seven years: After leaving a senior regulatory position, the same seven-year restriction applies in reverse: the former official may not appear before their former agency in any capacity — not as a registered lobbyist, not as an attorney, not as a consultant, not as an expert witness, not as a spokesperson, and not in any other capacity in which they are paid to influence, advise on, or respond to regulatory action; and may not accept employment with or compensation from any of the top 20 companies by annual revenue in the industry they regulated. The employment restriction applies to direct employment, consulting arrangements, board positions, and any arrangement in which the company pays the former official more than $10,000 per year for any service.

Lifetime foreign lobbying ban: Former senior regulatory officials may never register as a foreign agent or perform any function — directly or indirectly, through any entity — that constitutes lobbying, advocacy, or paid influence on behalf of a foreign government or foreign entity, with respect to any matter that touches on the regulatory domain they oversaw. This ban has no exception and no expiration.

Appointments void; criminal penalties: An appointment made in violation of the pre-service restriction is void from the date of appointment. The official must vacate the position within 14 days of the finding of violation. All compensation received must be repaid. Willful violation of the post-service restriction is a federal felony carrying a mandatory minimum sentence of one year, a fine equal to three times the compensation received in violation, forfeiture of all compensation received in violation, and a permanent lifetime bar from any federal office or employment. The Office of Government Ethics refers credible evidence of violations to the Department of Justice within 30 days of discovery. The statute of limitations for post-service restriction violations is ten years from the date of the violation.

OGE Public Registry: The Office of Government Ethics maintains a public, searchable, real-time registry of all covered persons — identifying their government position, the regulated industry they oversaw, the date their service ended, and the date their seven-year restriction expires. The registry is updated within 5 business days of any covered person's departure from government service. Any person may query the registry. Misrepresentation of status to a prospective employer covered by the post-service restriction is a federal misdemeanor.

Section 5. Private Equity: Prohibited Acquisitions of Essential Service Providers

No private equity firm, leveraged buyout vehicle, hedge fund with controlling positions in operating companies, family office with controlling positions in operating companies, or similar financial entity whose business model involves acquiring controlling interests in operating companies for the purpose

of financial return — collectively, "financial acquirers" — may acquire a controlling interest in any of the following entities that meets the geographic threshold of this provision:

Acute care hospitals, including critical access hospitals, trauma centers, and specialty surgical hospitals

Long-term care facilities, including nursing homes, skilled nursing facilities, assisted living facilities, and memory care facilities

Emergency medical service providers, including ambulance services and air medical transport services

Rural health clinics, federally qualified health centers, and community mental health centers

Local newspapers, meaning print and digital news publications whose primary coverage area serves a population of 500,000 or fewer persons with local and regional news not adequately covered by national outlets

Geographic threshold: The acquisition prohibition applies when the target entity is the primary or sole provider of that service category within a 50-mile radius for any population center of 5,000 or more persons. "Primary provider" means the entity that provides more than 50% of the relevant service to persons in the geographic area who use that service. "Sole provider" means no other entity provides that service within the geographic area. The FTC determines primary and sole provider status based on publicly available utilization data, supplemented by data obtained through the pre-acquisition notification process.

Pre-acquisition notification: Any financial acquirer proposing to acquire a controlling interest in any entity in the covered categories must notify the FTC in writing at least 90 days before closing, identifying: the target entity; its service area; all other providers of the same service category within a 50-mile radius; the acquiring entity's current holdings in the same service category within that radius; and the proposed financial structure of the acquisition including projected debt load and management fee structure. The FTC must issue a written determination within 60 days of receiving a complete notification: either approving the acquisition, approving with conditions, or issuing a prohibition finding. Failure to notify is itself a violation subject to the penalties of this Act.

Existing holdings — three-year notification: Any financial acquirer that holds a controlling interest in an entity in a covered category at the time of this statute's effective date must file a notification with the FTC within 180 days identifying all such holdings. The FTC reviews each holding within 18 months and issues a determination of whether the entity meets the primary or sole provider threshold. Existing holdings that meet the threshold are not required to divest — but they are subject to the operational restrictions of this Act from the date of the FTC's threshold determination.

Section 6. Private Equity: Operational Restrictions on Covered Holdings

The following operational restrictions apply to any financial acquirer's controlling interest in any entity in the covered service categories — regardless of whether the entity meets the primary or sole provider geographic threshold. The restrictions apply to all covered category holdings, not only to geographically threshold-meeting entities, because the extraction model causes harm regardless of competitive conditions. These restrictions apply immediately to new acquisitions and within 12 months of this statute's effective date for existing holdings — 12 months is provided for existing contract restructuring, not as a grace period from compliance:

Debt loading limit: Total debt of the acquired entity — including all debt loaded by the acquiring entity at or after acquisition — may not exceed three times the entity's trailing 12-month EBITDA, calculated quarterly using the entity's actual financial results. When debt exceeds three times EBITDA at any quarterly measurement, the acquiring entity must submit a written remediation plan to the FTC within 30 days and must bring debt below the limit within 18 months. Failure to remediate triggers the personal liability provisions of this Act.

Management fee limit: Management fees, monitoring fees, advisory fees, transaction fees, or any other fees charged by the acquiring entity or its affiliates to the acquired entity — by whatever name — may not exceed 2% of the acquired entity's annual gross revenue in any calendar year, measured on an actual basis. Fees are reportable to the FTC annually within 90 days of calendar year end.

Distribution prohibition while obligations are past due: No dividends, distributions, capital returns, debt repayments to the acquiring entity (as distinct from third-party debt service), or other transfers of value from the acquired entity to the acquiring entity or its affiliates may be made while any of the following obligations of the acquired entity are past due by more than 30 days: employee payroll and benefits; regulatory staffing minimums and associated compensation; third-party debt service; vendor payments for goods and services necessary to operations; any government-mandated fees, taxes, or assessments; and any court-ordered payments. "Past due" means the obligation has passed its contractual or statutory due date without payment.

Staffing floor: Total clinical, operational, and direct-care staffing at the acquired entity may not be reduced below the higher of: all applicable federal and state regulatory staffing minimums for the entity's licensed operations; and the total staffing level (measured in full-time equivalent employees) in place at the entity at the time of the financial acquirer's acquisition of controlling interest. A staffing reduction below this floor requires a written finding by the FTC that the reduction is necessitated by a documented, verified reduction in service volume that is not attributable to the financial acquirer's management decisions.

Enforcement and personal liability: An officer or director of a financial acquirer who knowingly approves a transaction, distribution, or management action that violates any of the four operational restrictions of this provision is personally civilly liable to the acquired entity and to the persons served by the acquired entity for actual damages caused by the violation, plus a statutory penalty of $1,000,000 per violation, plus attorneys' fees. The acquired entity and any person harmed may bring a

private civil action. The acquiring entity may not indemnify its officers and directors for liability arising under this provision. The FTC may also seek federal court orders requiring the financial acquirer to divest the covered holding upon a finding of repeated or willful operational restriction violations.

Section 7. Public Rescue Accountability: Mandatory Conditions and the Federal Rescue Oversight Board

When the federal government provides any form of public rescue — defined as financial assistance, credit support, loan guarantees, equity injections, direct asset purchases, special credit facilities, debt forbearance, or any other form of financial support not available on equivalent terms to the general public — to any private entity that meets the essential market threshold of Article Eighteen, Section 1, the following accountability conditions apply automatically and as a matter of constitutional law. These conditions are not subject to waiver, modification, negotiation, or exception by any official of the executive branch, any act of Congress below the two-thirds supermajority level, or any administrative decision. They apply in full from the moment rescue funds are first disbursed:

Equity ownership: The federal government receives equity shares in the rescued entity proportionate to the funds provided, calculated at the lower of: fair market value at the time of the rescue as determined by an independent appraiser appointed by the Federal Rescue Oversight Board; or book value per share as of the entity's most recent audited financial statements. The government's equity position carries full voting rights. The Federal Rescue Oversight Board holds and exercises these voting rights on behalf of the public, including the right to vote on executive compensation, board composition, and major strategic transactions.

Executive compensation cap: No officer, director, or highly compensated employee of the rescued entity may receive total annual compensation — salary, bonus, stock awards, deferred compensation, retirement contributions, perquisites, and all other forms of remuneration — exceeding ten times the median total annual compensation of the rescued entity's full-time non-management employees, calculated in the same calendar year. This cap applies to every form of compensation including deferred and post-rescue compensation vesting during the rescue period. The rescued entity may not design compensation structures — including deferred awards granted before the rescue, golden parachutes, or transition payments — to circumvent this limit. Any compensation paid in violation of this provision must be returned to the rescued entity within 90 days of the finding of violation. The Federal Rescue Oversight Board may refer willful violations to the Department of Justice.

Distribution prohibition: No dividends, stock buybacks, capital returns, executive bonuses above the cap, or other distributions to shareholders or senior management may be made during the rescue period and until all public funds are repaid in full with interest at the 10-year Treasury rate prevailing at the time of each disbursement of rescue funds. A "distribution" includes any transaction that reduces the equity value of the rescued entity for the benefit of existing shareholders or management that is not a normal operational payment at arm's length to unaffiliated parties.

Profit-sharing: During the rescue period and until full repayment with interest, 50% of any net profit earned by the rescued entity in any fiscal year shall be remitted to the United States Treasury and credited against the outstanding principal of the public investment. Net profit is calculated using GAAP and is verified annually by an independent auditor approved by the Federal Rescue Oversight Board. **Structural reform plan:** Within 90 days of receiving rescue funds, the rescued entity must submit to the Federal Rescue Oversight Board a written structural reform plan identifying: (a) the specific causes of the crisis requiring rescue; (b) the specific governance, risk management, compensation structure, and business model changes the entity will implement to prevent recurrence; (c) the specific timeline and measurable milestones for each change; and (d) the specific persons responsible for implementing each change. The plan is a public document. The Board reviews quarterly compliance with the plan and publishes its findings publicly. Material non-compliance with the plan is referred to the Department of Justice and is grounds for the Board to seek a federal court order requiring the rescued entity to repay all outstanding rescue funds within 180 days.

Section 7A. The Federal Rescue Oversight Board

The Federal Rescue Oversight Board is an independent federal agency that administers the public rescue accountability conditions of this Act. The Board has seven members: one appointed by the President; two appointed by the President pro tempore of the Senate from a list provided by both the majority and minority leadership jointly; two appointed by the Speaker of the House from a list provided by both the majority and minority leadership jointly; and one member appointed by the State Attorneys General by majority vote of the Attorneys General Conference; and one member selected by the other six members, who must be a retired federal judge. No more than three members may be affiliated with the same political party. Members serve staggered six-year terms. They are removable only for cause — willful misconduct, a felony, a material ethics violation, or permanent incapacity — by a two-thirds vote of the full Board followed by a concurrent resolution of both chambers of Congress.

The Board has subpoena power over the financial records, communications, and personnel of any entity subject to its oversight. It publishes quarterly compliance reports for every entity receiving public rescue funds. Its budget is a dedicated appropriation that may not be reduced below its ratification-era level adjusted for CPI. The Board's staff is appointed through competitive civil service processes; no staff member may have received more than $50,000 from any financial industry entity in the three years preceding their appointment. The Board may seek enforcement of its orders in the United States District Court for the District of Columbia.

Section 8. Enforcement: Civil Penalties, Personal Liability, and Private Right of Action

Civil penalties — FTC administrative: For each violation of the designation accountability requirements of this Act, the FTC may impose civil penalties of: $100,000 per day for the first 30 days of a continuing violation; $500,000 per day from day 31 through day 90; and $1,000,000 per day from day 91 forward. Penalties are calculated per violation — each separate accountability requirement that

is violated constitutes a separate violation. Maximum civil penalties in any 12-month period are capped at 5% of the designated entity's annual global revenue. These caps are reviewed by the FTC every five years and may be adjusted by FTC rulemaking based on evidence of deterrence effectiveness. **Personal civil liability for executives:** Any officer or director of a designated entity who personally approves, directs, or ratifies a violation of the accountability requirements of this Act — with knowledge that the action violates those requirements — is personally civilly liable for: actual damages caused to persons harmed by the violation; a statutory penalty of $500,000 per violation; and attorneys' fees. The entity may not indemnify executives for personal liability arising under this provision. "Knowledge" for purposes of this section means the executive received specific information identifying the violated requirement and the specific action that would violate it; it does not require proof that the executive knew the action was unlawful.

Criminal liability for pattern violations: An executive who, over any 24-month period, personally approves or directs three or more separate violations of the accountability requirements of this Act — each involving a separate provision — with knowledge of each violation, is guilty of a federal felony carrying a sentence of up to five years, a fine of up to $5,000,000, forfeiture of all compensation received during the period of violations, and a permanent bar from serving as an officer or director of any entity subject to FTC regulation.

Private right of action: Any person harmed by a violation of this Act — including any person denied access to an essential market on discriminatory terms, any person harmed by private equity operational restriction violations, any person denied the benefit of public rescue accountability conditions, and any competitor disadvantaged by self-preferencing or non-interoperability — may bring a civil action in any federal district court. The standard of proof is preponderance of the evidence. Prevailing plaintiffs are entitled to actual damages, treble damages where the violation is proven to have been willful, injunctive relief, and attorneys' fees. No arbitration clause, class action waiver, or contractual choice of forum provision may prevent a plaintiff from bringing an action under this provision in federal court.

State enforcement: State attorneys general may bring civil enforcement actions under this Act in federal district court on behalf of the residents of their states. A state may seek all remedies available to the FTC, including injunctive relief, civil penalties, and structural remedies, upon proof that a designated entity has violated this Act and that the violation has harmed residents of the state. The FTC is notified of all state enforcement actions and may intervene; where the FTC has an active enforcement proceeding involving the same violation, the state and federal proceedings are coordinated to avoid conflicting remedies.

Section 8A. Whistleblower Protections and the Anti-Oligarchy Enforcement Fund

Whistleblower protections: Any employee, former employee, contractor, or other person with direct knowledge of a violation of this Act who reports that violation to the FTC, to a state attorney general, to the Department of Justice, or to Congress receives the following protections: immunity from civil liability for disclosures made in good faith; protection from retaliation — including termination,

demotion, reduction in compensation, blacklisting, and threats — by any entity or individual against whom the disclosure was made; and, if the reported violation results in a civil penalty or recovery under this Act, a whistleblower award equal to 15-30% of the total penalty or recovery, as determined by the FTC based on the significance and quality of the information provided. Retaliation against a whistleblower is itself a federal offense subject to the civil penalty structure of this Act, with the retaliating entity liable to the whistleblower for double the financial harm caused by the retaliation plus $1,000,000 in statutory damages.

Anti-Oligarchy Enforcement Fund: All civil penalties collected under this Act — by the FTC, by federal courts, or by state attorneys general — are deposited into a dedicated Anti-Oligarchy Enforcement Fund. The Fund is used exclusively for: FTC enforcement of this Act; state attorney general enforcement support grants; consumer redress for persons harmed by designated entity violations; whistleblower awards; and funding the Federal Rescue Oversight Board. The Fund may not be used for any other purpose. The FTC publishes quarterly reports on Fund receipts and expenditures. The Fund's existence as a dedicated revenue source insulates enforcement capacity from annual appropriations battles — enforcement is self-funding through the penalties it generates.

Section 8B. Financial Consumer Protection Agency: Independence and Defunding Protection

Right 39 of the Constitution guarantees a dedicated, independent federal consumer financial protection agency. This provision implements the independence protections that make that guarantee meaningful.

Leadership protection. The federal consumer financial protection agency is led by a five-member Commission rather than a single Director. Commissioners are appointed by the President and confirmed individually by the Senate. No more than two Commissioners may be members of the same political party at the time of appointment. Commissioners serve staggered five-year terms, with one seat expiring each year for the first four years, so that no single President appoints a majority of the Commission absent a vacancy. A Commissioner is removable only for: willful misconduct in office; conviction of a felony offense; or permanent incapacity preventing performance of duties. Policy disagreement, congressional pressure, or electoral change of administration is not cause for removal. Any removal must be accompanied by a written statement of the specific grounds, filed publicly with Congress within 48 hours. The Commission acts by majority vote; three Commissioners constitute a quorum.

Defunding protection. Congress may not reduce this agency's appropriation below the level necessary to fulfill its statutory enforcement mission. A budget that eliminates or effectively eliminates the agency's enforcement capacity is a constitutional violation of Right 39 regardless of whether the appropriation is formally reduced or whether the agency is formally abolished. Courts shall evaluate this standard based on the agency's demonstrated enforcement workload and case resolution capacity.

Structural independence. The agency's enforcement decisions, rulemaking priorities, and supervisory activities may not be subject to review, delay, or approval by any other executive agency, including the

Office of Management and Budget, except as expressly authorized by Congress through statute.

Individual private right of action. Any consumer who suffers harm from a deceptive, abusive, or unfair practice in connection with a consumer financial product or service has a private right of action in federal court without prior exhaustion of administrative remedies. Available remedies are: actual damages for all harm caused by the practice, including financial losses, costs incurred to remedy the harm, and consequential damages; statutory damages of $1,000 per violation, regardless of actual harm, for each deceptive, abusive, or unfair act; restitution of all amounts obtained from the consumer through the deceptive or unfair practice; injunctive relief; and reasonable attorneys' fees and costs to any prevailing plaintiff. Class actions are available under the same standards applicable to other consumer protection class actions; a class action waiver in a consumer financial product agreement is unenforceable as a predispute waiver of rights under Right 39. Mandatory arbitration clauses in consumer financial product agreements — including credit cards, mortgages, auto loans, bank accounts, and any other financial product — are unenforceable as to claims under this provision. A financial institution may not condition access to a financial product or service on the consumer's agreement to arbitrate Right 39 claims.

Section 9. Corporate Stakeholder Governance: Implementation of Article Eighteen, Section 5

Purpose. This provision implements the constitutional guarantee of Article Eighteen, Section 5 — the abolition of the shareholder primacy doctrine and the establishment of stakeholder governance as the governing standard for American corporate law. Its purpose is to make that guarantee real: to give officers, directors, founders, and controlling persons a practical, accessible defense when they are subjected to shareholder litigation for rewarding their workers, taking moral business positions, or building value for the long term. The doctrine this provision displaces was never enacted by Congress, never approved by voters, and never reviewed by the Supreme Court. It was imposed by a century of judicial inertia that this Constitution now corrects.

Section 9A — Definitions. As used in this provision and in Article Eighteen, Section 5 of this Constitution:

"Protected stakeholder decision" means any decision falling within the four categories of Article Eighteen, Section 5(a)-(d): worker compensation decisions; moral and ethical business decisions; community and social investment decisions; and long-term value decisions. A single decision may qualify under more than one category.

"Good faith" means that the officer, director, or controlling person: (1) actually believed the decision served one or more of the protected purposes; (2) had a reasonable factual basis for that belief at the time of the decision — meaning facts, circumstances, and information then available to them that a reasonable business leader in the same position could rely upon; and (3) did not make the decision primarily to benefit themselves personally at the expense of the entity or its shareholders. The good faith standard is not satisfied by post-hoc rationalization — the stakeholder purpose must have

been a genuine, contemporaneous motivation for the decision. The good faith standard does not require that the decision succeed, or that it turn out in hindsight to have been correct.

"Derivative proceeding" means any civil lawsuit, arbitration, regulatory proceeding, or legal action brought by or on behalf of a shareholder, member, or partner against an officer, director, founder, or controlling person of a business entity based on their conduct in that capacity, whether styled as a breach of fiduciary duty, waste of corporate assets, breach of the duty of loyalty, breach of the duty of care, or any other theory that has the effect of holding the officer, director, or controlling person personally liable for a protected stakeholder decision.

"Sell-don't-sue remedy" means the right of a dissatisfied shareholder to sell their equity interest in the entity in the open market or, in the case of a private entity, pursuant to the entity's governing documents, as the primary remedy for disagreement with a protected stakeholder decision.

Section 9B — The Mandatory Dismissal Standard. In any federal or state court proceeding in which an officer, director, founder, or controlling person asserts a defense under Article Eighteen, Section 5, the court shall apply the following procedure:

Step 1 — Threshold Showing. The defendant must demonstrate by a preponderance of the evidence that the challenged decision falls within one of the four protected categories of Article Eighteen, Section 5(a)-(d) and was made in good faith as defined in Section 9A. This showing is made on the pleadings and any supporting declarations; no discovery is required before the court rules on a dismissal motion asserting this defense. The burden of production is on the defendant to invoke the protection. Once invoked with a sufficient showing, the burden shifts to the plaintiff to demonstrate that the decision was not made in good faith.

Step 2 — Burden Shift. If the defendant makes the threshold showing, the court shall dismiss the claim unless the plaintiff can demonstrate by clear and convincing evidence that: (a) the decision was not a protected stakeholder decision — it fell entirely outside all four categories; OR (b) the decision was not made in good faith — the defendant did not actually believe a protected stakeholder purpose was served, or the defendant's primary motivation was self-enrichment at the expense of the entity or its shareholders. A plaintiff cannot survive dismissal by showing only that the decision was financially suboptimal for shareholders, that a different decision would have generated higher short-term returns, or that a reasonable person might have made a different choice.

Step 3 — No Discovery Coercion. No court may allow discovery to proceed in a proceeding subject to this section before ruling on a dismissal motion asserting this defense. The purpose of this provision is to eliminate the litigation threat that has historically been used to coerce officers and directors into shareholder-primacy decision-making — discovery is itself coercive regardless of outcome, and this section eliminates it as a tool for that coercion.

Section 9C — Federal Preemption of Inconsistent State Law. Any state statute, common law rule, judicial doctrine, or regulatory requirement that imposes on any officer, director, founder, or controlling person of any business entity a duty to prioritize shareholder financial returns above a

protected stakeholder decision is preempted by Article Eighteen, Section 5 of this Constitution and by this Act. Preemption is not limited to rules that expressly invoke the shareholder primacy doctrine — it extends to any rule that has the practical effect of exposing an officer, director, or controlling person to personal liability for making a protected stakeholder decision in good faith, regardless of how that rule is styled or labeled. Federal courts hearing state law claims subject to this preemption shall apply the dismissal standard of Section 9B as if the claim arose under federal law. State courts hearing such claims are bound by the same constitutional floor and shall apply equivalent procedures. The Department of Justice Civil Rights Division shall maintain a public docket of preemption assertions under this section, updated quarterly, to track the doctrine's application and identify patterns of state law resistance.

Section 9D — Private Right of Action Against Coercive Litigation. Any officer, director, founder, or controlling person who is subjected to a derivative proceeding that a court determines was brought primarily to coerce a protected stakeholder decision — rather than to vindicate a genuine legal injury — has a private right of action in federal court against the plaintiff who brought that proceeding for: all attorneys' fees and costs of defense; compensatory damages for economic harm caused by the proceeding, including disruption to the business and personal financial harm to the defendant; and a civil penalty of not less than $100,000 and not more than $5,000,000 per proceeding, adjusted for the size of the entity and the egregiousness of the coercive conduct. A proceeding is coercive within the meaning of this section when the plaintiff knew or should have known that the challenged decision fell within the protected categories of this section and brought the proceeding anyway — for the purpose of pressuring the officer or director to change course, rather than to obtain genuine legal relief. The FTC shall publish guidance on identifying coercive litigation patterns for the benefit of federal and state courts.

Section 9E — Preserved Liability: The Good-Faith Floor Is Not a License. The following categories of conduct remain fully actionable notwithstanding the protections of this section, and no claim within these categories may be dismissed under Section 9B:

Fraud. Any misrepresentation, omission, or deceptive practice by an officer, director, or controlling person directed at shareholders, workers, customers, regulators, or any other party — regardless of whether the conduct was framed as a stakeholder decision. Making false statements about worker compensation levels to justify reduced shareholder returns is fraud, not a protected stakeholder decision.

Self-Dealing Extraction. Any transaction in which the officer, director, or controlling person receives personal financial benefit at the expense of the entity or its shareholders through mechanisms that cannot be justified as ordinary compensation for services rendered at arm's length — including sweetheart loans, undisclosed related-party transactions, above-market compensation set without independent board approval, and corporate asset transfers to entities in which the protected person holds a personal financial interest. Generously paying workers well is not self-dealing. Generously paying oneself by characterizing it as a "stakeholder" benefit to management is.

Gross Negligence. Any decision made without any reasonable basis — where no rational business leader could have believed the decision served a legitimate purpose — is not protected by good faith. The standard is objective reasonableness, not the sincere but unreasonable belief of the individual decision-maker. The good faith standard is not satisfied by a belief that is genuine but wholly detached from the facts.

Legal Violations. No protection under this section applies to any decision that constitutes a violation of this Constitution, federal law, or applicable state law. Paying workers in violation of wage and hour law is not a protected worker compensation decision. Refusing business with an entity in violation of federal anti-discrimination law is not a protected moral business decision. This section operates within the law; it does not supersede it.

Section 9F — Effective Date and Retroactive Application. This section takes effect on the date of ratification of this Constitution. It applies to any proceeding initiated after the effective date, including proceedings challenging decisions made before the effective date, to the extent that application to such decisions would not constitute an unconstitutional ex post facto punishment — the retroactive defense applies to civil proceedings (which are not punishment) from the effective date. All pending derivative proceedings challenging protected stakeholder decisions as of the effective date are subject to the dismissal procedure of Section 9B upon a motion filed within 180 days of the effective date.

Section 10. Right to Repair: Aftermarket Anti-Monopolization

The aftermarket monopolization principle. A manufacturer's use of market power from the sale of a product to acquire or maintain dominance over the aftermarket for that product's diagnosis, maintenance, or repair is a violation of the general anti-monopoly principle established under Article Eighteen, Section 1 of this Constitution, regardless of whether the manufacturer holds a dominant position in the primary market for the product itself.

The repair obligation. A manufacturer of consumer electronics, home appliances, agricultural equipment, or industrial equipment sold or leased in the United States must make available to the owner and to independent repair providers, on fair and reasonable terms, any diagnostic software, repair documentation, replacement parts, and tools necessary to diagnose, maintain, or repair that product, on terms no less favorable than those the manufacturer provides to its own authorized repair network.

Prohibited lock-in mechanisms. A manufacturer may not use a software lock, parts-pairing mechanism, or digital authentication requirement to prevent a properly diagnosed and installed genuine or functionally equivalent replacement part from operating correctly, and may not void or limit a warranty solely because a repair was performed by the owner or an independent repair provider using a part that was not manufacturer-branded, consistent with the existing prohibition on tied warranty conditions under the Magnuson-Moss Warranty Act.

Trade secret and security limitation. This Section does not require a manufacturer to disclose any trade secret beyond what is necessary to perform the diagnosis, maintenance, or repair itself, and does not require disclosure of materials that would defeat an anti-theft, anti-tamper, or security feature without the owner's authorization.

Scope limitation. This Section does not apply to motor vehicles or to medical devices subject to FDA safety certification; the right to repair for those categories, including any applicable safety, data-privacy, or certification framework, is reserved for separate legislation. **Enforcement.** Enforcement is committed to the Federal Trade Commission under its existing unfair-and-deceptive-practices authority. A manufacturer found in violation is subject to civil penalties consistent with the Commission's existing enforcement framework, and an affected owner or independent repair provider may bring a private action for injunctive relief and actual damages.

Section 11. Software-Induced Obsolescence and Support Disclosure

The degradation prohibition. A manufacturer may not deploy a software or firmware update that, without the consumer's affirmative, separate consent: reduces a product's measurable battery life, processing speed, storage capacity, or network throughput by more than 10% from its performance immediately before the update; or disables or materially impairs a specific feature that was present and functioning in the product at the time of purchase. This prohibition does not apply to a security update that does not also alter performance or features described above, and does not apply where the manufacturer demonstrates the change was technically inseparable from a security fix necessary to address an active, identified vulnerability.

Unbundling requirement. Where a manufacturer combines a security fix with any change described above, the manufacturer must, to the extent technically feasible, offer the security fix as a separate update the consumer may accept independently of the performance or feature change. Where unbundling is not technically feasible, the manufacturer must disclose that fact and the specific reason for it in the notice required below.

Disclosure and consent. Before applying any update governed by this Section, the manufacturer must disclose the performance or feature tradeoff in plain language and obtain the consumer's affirmative consent; a consumer who does not consent retains the right to decline the update. A manufacturer that deploys a covered update without this disclosure and consent is liable to each affected consumer for actual damages, and a pattern of such conduct affecting more than 1,000 consumers is subject to civil penalty under the same revenue-scaled framework established in Constitutional Statute 16's enforcement Section.

Support period disclosure. A manufacturer of any connected or software-dependent consumer product must disclose, in plain language and before purchase, the minimum number of years it commits to providing security updates for that product. A manufacturer may commit to as little as one year but must state whatever period it commits to clearly and may not imply a longer period than it

actually intends to honor. A manufacturer that ceases security support before the disclosed period, without the transition accommodations required under Section 12 of this Act, is liable to each affected consumer for actual damages.

Small business and early-stage exemption. A manufacturer with less than $25,000,000 in annual gross revenue, or fewer than 50,000 units of the covered product sold annually, remains fully subject to the degradation prohibition and the disclosure obligations of this Section, but is not subject to civil penalty under this Section for a first violation cured within 30 days of notice; this exemption does not limit any consumer's right to actual damages.

Section 12. End-of-Support Transition Rights

Notice requirement. A manufacturer that intends to discontinue server-side support, cloud connectivity, or any other infrastructure a connected product depends on to function must provide affected owners with not less than 180 days' advance notice.

Transition obligation. Upon discontinuation, the manufacturer must do one of the following: make available, free of charge, the technical information, protocols, or local-operation firmware necessary for the product to continue functioning in a materially equivalent local or third-party-supported mode; or provide each affected owner a refund prorated to the remaining proportion of the product's disclosed minimum support period under Section 11 of this Act, or a comparable replacement product, at the manufacturer's election.

Trade secret limitation. This Section does not require a manufacturer to disclose any trade secret beyond what is necessary for the product to continue functioning in local or third-party-supported mode, and does not require disclosure of materials that would defeat an anti-theft, anti-tamper, or security feature without the owner's authorization.

Insolvency and bankruptcy. Where discontinuation results from the manufacturer's insolvency or a bankruptcy proceeding, the obligations of this Section are subject to and limited by applicable bankruptcy law, including the automatic stay and the rights of secured creditors with a claim on the relevant technical information as collateral. A bankruptcy trustee or debtor-in-possession must use commercially reasonable efforts, consistent with its obligations to creditors, to facilitate the transition described above, but is not required to take an action a bankruptcy court determines would violate the trustee's fiduciary obligations or a secured creditor's superior claim.

Small business and early-stage exemption. A manufacturer with less than $25,000,000 in annual gross revenue, or fewer than 50,000 units of the covered product sold annually, satisfies this Section by providing the 180-day advance notice and a good-faith effort to provide local-operation continuity; such a manufacturer is not required to provide a prorated refund or replacement if it can demonstrate the discontinuation was necessitated by the manufacturer's insolvency or cessation of business operations.

Section 13. Plain-Language Digital Terms Disclosure

The disclosure requirement. Any end-user license agreement, terms of service, or similar digital contract presented to a consumer must be preceded by a plain-language summary, not exceeding 500 words, stating in ordinary language: what the product or service does and does not include; what warranties, if any, are disclaimed; how the consumer's data may be used or shared; and how disputes are resolved, including whether arbitration is required. The summary must be presented before the consumer is required to accept the full agreement and may not be hidden behind additional clicks, scrolling, or collapsed text.

No effect on underlying terms. This Section does not require any change to the legal substance or enforceability of the underlying agreement — only to the disclosure preceding it. **Small business and early-stage exemption.** None. This obligation is the same regardless of business size, since plain-language disclosure imposes no meaningful compliance cost beyond drafting a single accurate summary.

Section 14. False Description of Digital Goods

The prohibition. A seller of a purely digital good — including software, a software license, or purchased digital media — may not affirmatively misrepresent the good's described function, compatibility, or content at the time of sale. A consumer's remedy for a violation of this Section is repair, replacement, or refund of the purchase price, at the seller's election, and does not include consequential or punitive damages absent a separate showing of bad faith.

Relationship to existing law. This Section applies established consumer-fraud and false-advertising principles to digital goods specifically; it does not create a new implied warranty of merchantability for software, and does not resolve or depend upon the unsettled question of whether software licensing is a sale of goods for purposes of any other body of law.

Platform allocation. Where a digital good is sold through an intermediary platform rather than directly by its creator, liability under this Section runs to whichever party — the creator or the platform — made the misrepresentation; a platform that accurately displays a description provided by a third-party creator is not liable under this Section for that creator's misrepresentation.

Exemptions. This Section does not apply to software or digital goods provided without charge, including free and open-source software, or to software provided as part of a free trial.

Section 15. Natural Monopoly Public Acquisition

Natural monopoly, defined. A designated entity that holds essential market status under Section 1A of this Act, and whose essential market function consists of electric transmission or distribution, water or sewer service, natural gas distribution, or broadband internet infrastructure, is a natural monopoly for purposes of this Section — meaning the relevant infrastructure is a single, geographically-bound

physical network for which competing infrastructure would be economically wasteful rather than competitively beneficial.

The right to acquire. A state or local government has the right to acquire, by eminent domain or negotiated purchase, the natural monopoly infrastructure serving its own jurisdiction, once the relevant entity holds essential market status under Section 1A. This right exists independently of, and in addition to, any remedy available to the FTC under Section 3 of this Act; a state or local government's exercise of this right does not require FTC action, a Section 3 proceeding, or a federal finding of an accountability violation.

Compensation standard. Compensation for acquisition under this Section is limited to the fair market value of the existing physical infrastructure and assets being acquired, determined by the relevant state utility regulatory body or by a court if the parties cannot agree. Compensation may not include projected future revenue, future profits, or any other speculative value the incumbent entity might have earned had the acquisition not occurred. A state law requiring compensation for projected future lost revenue, future profits, or any measure of value beyond the fair market value of existing physical assets is preempted and void as applied to an acquisition under this Section.

Process timeline. A state utility regulatory body presented with a valuation request under this Section must issue a final valuation determination within 180 days of the request. An incumbent entity may not delay the valuation or acquisition process through serial administrative appeals; a single appeal of the valuation determination is permitted, to be resolved by the reviewing court within 180 days of filing.

Funding. A state or local government may finance an acquisition under this Section through revenue bonds backed by the projected revenue of the acquired infrastructure, without obligating the jurisdiction's general tax revenue or general fund; nothing in this Section requires a state or local government to use any particular financing method.

Governance of acquired infrastructure. Infrastructure acquired under this Section must be governed by a board that is either directly elected by the residents served by the infrastructure or appointed by elected officials accountable to those residents, consistent with the democratic accountability requirements of Section 2 of this Act. The acquiring government may not operate the infrastructure for general fund profit extraction beyond the cost of safe and reliable service, debt service, and reasonable capital reserves.

No effect on cooperative ownership. Nothing in this Section limits or preempts existing rural electric cooperatives, mutual water companies, or other member-owned utility structures, which already satisfy this Section's democratic accountability purpose through their existing member-governance models.

Section 16. Large-Scale Computing Infrastructure Cost Allocation and Community Impact

Covered facilities. A large-scale computing facility — meaning a data center, AI training or inference facility, or similar computing installation with a contracted or anticipated electricity demand of 50 megawatts or more — is subject to the requirements of this Section.

Cost-causation pricing. A utility may not allocate the cost of any grid capacity, generation, transmission, or distribution infrastructure built to serve a large-scale computing facility's connection or demand to its general residential or small-business ratepayer base. The full cost of such dedicated infrastructure must be borne by the large-scale computing facility requesting the connection, through a dedicated rate class, direct cost recovery, or equivalent mechanism approved by the relevant state utility regulatory body.

Minimum-take protection against stranded costs. A state utility regulatory body must require a large-scale computing facility to commit to a minimum-payment obligation, calculated to recover the dedicated infrastructure investment made on its behalf, for a period reasonably related to the useful life of that infrastructure. This Section is intended to prevent a large-scale computing facility from causing the construction of dedicated grid infrastructure and then reducing or ceasing operations in a manner that leaves the infrastructure's cost stranded on the general ratepayer base.

Water use disclosure and limits. A large-scale computing facility using water for cooling or any other operational purpose must publicly disclose its water consumption on a quarterly basis to the relevant state water management authority. A state or local government may condition the approval, expansion, or continued operation of a large-scale computing facility on water availability findings, and may deny or limit new large-scale computing facility water use during a declared drought or water emergency, on the same basis it may limit any other large-volume commercial water use during such an emergency.

Tax subsidy transparency. A state or local government offering a tax abatement, credit, grant, or other financial incentive to attract or retain a large-scale computing facility must publicly disclose the full value of the incentive package and a cost-benefit analysis comparing that value to the permanent local jobs and tax revenue the facility commits to provide, before the incentive is finalized. This disclosure must be made available for public comment not less than 30 days before final approval.

Enforcement. A residential ratepayer, ratepayer advocacy organization, or state attorney general may petition the relevant state utility regulatory body, or bring an action in state or federal court, to enforce the cost-causation pricing and minimum-take requirements of this Section. A violation of the water use disclosure requirement is enforceable by the relevant state water management authority and by private right of action for injunctive relief.

Scope. This Section does not apply to a computing facility below the 50-megawatt threshold, and does not limit a state's authority to impose additional, more protective cost-allocation, water-use, or subsidy-transparency requirements beyond what this Section establishes.

Section 17. Credit Discrimination Prohibition

A creditor may not discriminate against any applicant for credit, in any aspect of a credit transaction, on the basis of race, color, religion, national origin, sex, marital status, age, or because the applicant receives income from a public assistance program. This prohibition applies to any extension of credit, including mortgages, credit cards, automobile loans, business loans, and any other form of consumer

or commercial credit, regardless of whether the credit decision is made by a human underwriter, an automated system, or a combination of both.

Adverse action notice. A creditor that denies, revokes, or changes the terms of credit must provide the applicant a written notice stating the specific principal reasons for the action, within 30 days of the decision. A creditor may not give a vague or boilerplate reason where a specific reason was the actual basis for the decision.

Relationship to algorithmic decision-making. Where a credit decision is made in whole or in part by an automated system, this Section applies in addition to, and is not limited by, the bias audit and transparency requirements established for automated decision-making elsewhere in this Act; a credit decision's compliance with those requirements does not establish compliance with this Section's nondiscrimination prohibition.

Enforcement. This Section is enforced by the federal consumer financial protection agency established under Section 8B of this Act, and by private right of action for actual damages, statutory damages of not less than $500 and not more than $10,000 per violation, punitive damages where the violation was willful, and attorney's fees.

Section 18. Fair Credit Reporting Rights

Any person has the right to obtain, free of charge, a copy of their own consumer credit report from any consumer reporting agency that maintains one, not less than once every 12 months, and an additional free copy within 60 days of being denied credit, employment, insurance, or housing based in whole or in part on that report.

Accuracy and dispute rights. A person who disputes the accuracy or completeness of information in their consumer credit report may submit that dispute to the consumer reporting agency, which must investigate and respond within 30 days. Information found to be inaccurate, incomplete, or unverifiable must be corrected or deleted. A consumer reporting agency that fails to conduct a reasonable investigation, or that reinserts previously deleted information without notifying the consumer, is liable to the affected person for actual damages, statutory damages of not less than $100 and not more than $1,000 per violation, and attorney's fees.

Permissible purpose. A consumer reporting agency may furnish a consumer credit report only for a permissible purpose, including a credit transaction, employment screening with the consumer's written consent, insurance underwriting, or a legitimate business need in connection with a transaction the consumer initiated. A consumer reporting agency or any person who obtains a report under false pretenses or without a permissible purpose is liable for actual damages or statutory damages of not less than $1,000 per violation, whichever is greater, and is subject to criminal penalty for a knowing violation.

Adverse action notice. Any person who takes adverse action against a consumer based in whole or in part on a consumer credit report must notify the consumer of that fact, identify the consumer reporting

agency that furnished the report, and inform the consumer of their rights under this Section to obtain a free copy of the report and dispute its contents.

Enforcement. This Section is enforced by the federal consumer financial protection agency established under Section 8B of this Act, and by the private rights of action established in this Section.

Section 19. Executive Certification of Financial Statements

The chief executive officer and chief financial officer of a publicly traded corporation, or a privately held corporation above a size threshold Congress establishes, must each personally certify, in writing, that the corporation's published financial statements fairly and accurately present its financial condition and do not contain any material misstatement or omission. An officer who knowingly certifies a financial statement that is materially false is personally liable for resulting losses, is subject to civil penalty and forfeiture of any bonus or incentive compensation awarded on the basis of the misstated results, and is subject to criminal penalty for a knowing and willful false certification.

No delegation of responsibility. The certifying officer may not avoid liability by delegating preparation of the financial statements to subordinates, outside auditors, or consultants; the certification is the officer's personal representation.

Auditor independence. A firm that performs the independent audit of a corporation's financial statements may not simultaneously provide that corporation consulting, advisory, or other non-audit services that would compromise the auditor's independence.

Section 20. Small-Investor Capital Access and Crowdfunding

A business may raise capital from the general public, including from investors who are not wealthy or professionally accredited, through a registered crowdfunding offering below a dollar threshold Congress establishes, without completing the full securities registration required of a large public offering, provided the business makes honest, adequate disclosure of its finances, its risks, and the use of the funds.

Investor protection. An offering under this Section remains fully subject to the prohibition on fraud and material misrepresentation; the reduced registration burden lessens paperwork, not honesty. An investor in such an offering retains the right to accurate disclosure and a remedy for fraud identical to that available in any other securities transaction, and Congress shall set per-investor investment limits calibrated to the investor's income or net worth to prevent a person from risking more than they can absorb.

No accredited-investor monopoly. Access to early-stage investment opportunity may not be restricted solely to wealthy or accredited investors where adequate disclosure and proportionate investment limits make participation safe for ordinary investors; the purpose of this Section is to open capital formation and investment opportunity beyond the wealthy, not merely to reduce regulatory cost for businesses.

Section 21. Systemic Risk Prevention: No Institution Too Big to Fail

The public rescue accountability of Section 7 addresses what happens after an institution's failure threatens the economy. This Section addresses the prevention of that threat, so that rescue is the rare exception and not the standing expectation.

The core principle. No financial institution may be permitted to grow so large, so leveraged, or so interconnected that its failure would force the public to choose between rescuing it and accepting systemic collapse. An institution that has reached that position holds the economy hostage, and that condition is itself a violation of the anti-oligarchy principle of Article Eighteen. **Systemic designation and heightened obligation.** Congress shall maintain a process, administered by an independent body, to designate financial institutions whose size, leverage, or interconnection makes their failure a systemic threat. A designated institution is subject to heightened capital and leverage requirements calibrated so that it can absorb its own losses without public support, enforceable resolution planning demonstrating it can fail without systemic harm, and restrictions on further growth by acquisition while designated. The standards are set by the best available economic evidence and may not be weakened below the level necessary to prevent a taxpayer-funded rescue.

Structural remedy. Where heightened requirements are insufficient to remove the systemic threat, the designating body may require the institution to reduce its size or divest interconnected operations, applying the proportionality ladder of Section 3. An institution may not remain both systemically dangerous and intact merely because dismantling it is inconvenient.

Anti-capture. The designation body's standards may not be set, waived, or relaxed by the institutions subject to them. Evidence that a designated institution participated in drafting, funding, or lobbying for a relaxation of these standards is admissible on whether the relaxation is void as regulatory capture under Section 4.

Section 22. The Wall Between Banking and Speculation

An ordinary deposit institution holds the wages, savings, and payment accounts of the public. That money is not a fund for speculation, and the public's access to it may not be placed at risk in pursuit of trading profit.

The separation. An institution that accepts federally insured deposits, or that operates the payment and account infrastructure the public relies on for ordinary life, may not engage in proprietary speculative trading, may not own or be owned by an entity whose primary business is speculative trading, and may not use insured deposits to fund speculative positions. Congress shall maintain the wall separating public-facing deposit and payment banking from speculative investment activity.

Why the wall stands. When these functions are combined, the public guarantee that protects deposits silently subsidizes speculation, and the losses of the trading desk become a threat to the account holding a family's paycheck. The separation ensures that a speculative failure falls on those who chose the risk, not on depositors who did not.

No evasion by structure. The wall may not be evaded through affiliates, holding-company structures, off-balance-sheet vehicles, or the relabeling of speculative activity as hedging or market-making beyond what is genuinely necessary to serve customers. The burden is on the institution to prove an activity is genuinely customer-serving rather than proprietary speculation.

Enforcement. Violations are subject to the civil penalties, personal officer liability, and private right of action of Section 8.

Section 23. The Money System Serves the Public: Central Bank Purpose and Insulation from Capture

The authority to issue the nation's currency and govern the money supply is a public power, held in trust for the people. It exists to serve the stability and prosperity of the public as a whole, and it must be insulated from capture — both by the private institutions it regulates and by short-term political power.

Public purpose. The central banking system shall be operated for the public purposes of stable prices, sound employment, and the stability and integrity of the financial system — not for the profit of any private institution and not for the electoral advantage of any officeholder.

Insulation from political reach. No President, member of Congress, or other elected or appointed official may direct, instruct, pressure, or interfere with the monetary-policy decisions, interest-rate decisions, or supervisory decisions of the central banking system. The sole permissible political action with respect to its officers is removal for cause — willful misconduct in office, conviction of a felony, a material ethics violation, or permanent incapacity — and for no other reason, and never on the basis of disagreement with a monetary or policy decision. An attempt to coerce a monetary decision by threat of removal, defunding, or reprisal is a constitutional violation.

Insulation from financial capture. The governance of the central banking system, and its regulatory decisions, may not be controlled or captured by the private financial institutions it supervises. Persons who supervise or set policy for financial institutions are subject to the revolving-door restrictions of Section 4. No regulated institution may hold a governing or controlling interest in the body that regulates it.

Independence is not sovereignty. The insulation of the central banking system protects its individual decisions from interference — it does not place the institution above the people or beyond correction. The system does not define its own mandate, expand its own powers, or set the boundaries of its own authority; those are fixed by this Constitution and by Congress acting through open, published law of general application, not by pressure on any decision. The system remains bound by every right in this Constitution, subject to judicial review for acting beyond its lawful authority, and accountable to the public through the transparency this Section requires. Insulation from political reach is a protection of honest decision-making, never a grant of unaccountable power. A money system that becomes a power unto itself is as dangerous as one captured by any faction, and this Constitution forbids both.

Accountability through daylight, not control. Because its decisions answer to no officeholder, the central banking system answers to the public directly, through transparency. It shall disclose — on a delayed basis where necessary to preserve market stability — the recipients and terms of its lending and emergency support, so the public can see whom the money system was used to assist. Emergency support that functions as the rescue of a specific institution is subject to the public-rescue accountability conditions of Section 7.

The floor. These are constitutional obligations. The money system may not be restructured in a manner that subordinates its public purpose to private profit, exposes its decisions to political direction, or removes its accountability to the public.

Section 24. No Entity May Certify Its Own Safety

Section 4 prohibits the capture of a regulator by moving people between the agency and the industry. This Section prohibits a more direct form: handing the regulated party the regulator's job outright. Where the public's safety depends on an independent judgment that something is safe, that judgment may not be made by the party whose product, profit, or schedule depends on the answer.

The principle. Where federal approval, certification, licensing, or inspection is required before a product, vehicle, aircraft, vessel, rail system, pipeline, structure, facility, drug, device, chemical, or safety-critical software may be placed in service or offered to the public, the entity seeking approval may not perform that certification, may not control who performs it, and may not employ, pay, supervise, evaluate, promote, or discipline the persons who perform it. A certification made in violation of this Section is void, and any approval resting on it is void.

What the applicant may still do. An applicant may generate test data, perform its own internal quality assurance, and submit engineering analysis. The evaluation of that data, the judgment whether the standard is met, and the decision to approve belong to the government or to a genuinely independent certifier. Submission of test data that is false, materially incomplete, or selected to conceal a known hazard is fraud, and the resulting approval is void from the beginning.

Genuinely independent certifiers. Where Congress permits certification by a body outside the government, that body qualifies only if it is financially and organizationally independent of every entity it certifies; is compensated through a pooled or agency-administered mechanism rather than by the applicant directly; derives no material portion of its revenue from any single applicant; and may not have its personnel removed, reassigned, or financially penalized at the instance of an applicant. A certifier that may be fired by the party it certifies is not independent, whatever it is called.

Agency capacity may not be starved into delegation. The responsible agency shall maintain the technical staff, expertise, and funding necessary to perform the certifications this Section reserves to it. A reduction in that capacity below ratification-era levels, or a delegation justified by a lack of capacity the government itself created, is presumptively unconstitutional. Inability to do the job is not a lawful reason to give the job to the applicant.

No pressure on the certifier. No applicant may condition business, employment, or future work on a certification outcome, and no officer of an applicant may communicate a demand, inducement, or threat to a person performing a certification. An attempt to influence a certification outcome by pressure on the certifier's employment or compensation is a violation, whether or not the certification changed. Consistent with Constitutional Statute 31, Section 7, an instruction from a superior to certify against the certifier's professional judgment is void and confers no protection on the person who obeys it.

Disclosure. The certification record — the standard applied, the data relied upon, the identity and independence of the certifier, and any dissent or unresolved objection raised during the process — is public. An unresolved safety objection raised by a certifier or engineer, and overruled, shall be published with the approval.

Liability and enforcement. A person harmed by a product or system approved in violation of this Section has a private right of action against the applicant, against any certifier that acted without independence, and against the officers who directed the arrangement, who are personally liable. Statutory damages, actual damages, and attorney fees are available; where death or serious injury results, the conduct is referable for criminal prosecution. An applicant may not assert regulatory approval as a defense where the approval was obtained in violation of this Section.

Section 25. Non-Delegation of Inherently Governmental Functions

Section 24 bars the regulated party from being handed the regulator's job in the narrow case of safety certification. This Section states the general rule of which that is one instance: the authority of government may not be sold, leased, or contracted to private hands. The public grants power to a government it can hold accountable; that accountability is destroyed when the power is exercised by a private entity the public did not elect, cannot remove, and often cannot even see.

Inherently governmental functions, defined. A function is inherently governmental, and may not be performed by a private entity, where it involves the exercise of public authority, sovereign power, coercion, or binding discretion. This includes, without limitation: making, interpreting, or enforcing law or regulation; adjudicating any right, claim, benefit, or penalty; the arrest, detention, imprisonment, supervision, or use of force against any person; commanding or directing armed or security forces in the exercise of state power; setting the standards or rules by which an industry, or the government itself, is measured or overseen; determining eligibility for, granting, denying, or terminating a public benefit or entitlement; assessing or collecting taxes and penalties; and controlling, directing, or supervising the performance of any other inherently governmental function. The test is the nature of the power exercised, not the identity of who exercises it: a function does not cease to be governmental because it is convenient, technical, or cheaper to contract out.

The line between service and authority. The government may lawfully purchase goods and ordinary commercial or professional services — construction, equipment, logistics, research, technical analysis,

and like support. It may not purchase the exercise of its own authority. A private party may gather facts, provide expertise, model options, and recommend; a public officer, accountable to the public and removable by lawful process, must make every decision that binds, coerces, penalizes, or dispenses public power or public money. Where private support so dominates a decision that the public officer merely ratifies what the contractor has effectively decided, the function has been unlawfully delegated in substance regardless of its form.

No self-regulation; no self-audit. Consistent with Section 24, no private entity may write, or be paid to write, the regulations, standards, guidance, or oversight rules that govern its own industry or its own conduct; nor may any entity audit, inspect, certify, or attest to its own compliance where independent judgment is required. An industry may be consulted; it may not hold the pen. **The contractor revolving door.** Section 4 bars the revolving door between a regulator and the industry it regulates. This Section closes the parallel door between an agency and its major contractors: no person may, for seven years before or after, move between a senior position at a private entity holding substantial government contracts and a senior position at the agency that awards, administers, or oversees those contracts, where the movement would let that person direct, influence, or benefit from the award or oversight of contracts to their former or future employer. Appointments in violation are void; post-service violations carry the penalties provided in Section 4.

Return to public control. Any delegation of an inherently governmental function to a private entity is void. The function returns to public control, performed by public officers; no contract term, confidentiality clause, intellectual-property claim, or transition cost may prevent, delay, or penalize its return. Where an existing arrangement must be unwound, the transition shall be orderly and prompt, but the presumption is restoration of public control at the earliest practicable date, and the burden is on any party asserting that a function is *not* inherently governmental.

Transparency of public functions and public money. No private entity performing work for the government, and no recipient of public funds, may treat the performance of a public function or the use of public money as a private secret. The public retains the right to inspect, audit, and account for the use of public funds and the performance of any contracted function, subject only to genuine and narrowly drawn security or privacy protections that may never be invoked to conceal waste, capture, or the exercise of public authority.

Enforcement. Violations of this Section are enforced through the civil penalties, personal liability, and private right of action established in Section 8. Any citizen, any affected person, and any Member of Congress has standing to seek a declaratory judgment that a function has been unlawfully delegated and an order returning it to public control.

Section 26. Fair Dealing for Dependent Agricultural Producers: The End of the Tournament Trap

Section 25 forbids the sale of government's power to private hands. This Section addresses a private power just as coercive: the domination of a nominally independent farmer by the firm that is that farmer's only buyer. Where the seed provisions of Constitutional Statute 32 protect a grower trapped by a dominant *supplier*, this Section protects a grower trapped by a dominant *buyer* — the integrator who supplies the animals, feed, and medicine, sets the terms, controls the data, and holds the power to end the farmer's livelihood at will.

The dependent producer defined. A dependent agricultural producer is one who raises livestock, poultry, or crops under contract with a firm holding market power in the relevant market, who has made or must make significant capital investment to perform the contract, and who depends on that firm for inputs, for the sale of output, or for both. Such a producer's formal independence does not diminish the protections of this Section; the greater the producer's dependence and sunk investment, the greater the firm's duty of fair dealing. **The end of zero-sum tournament pay.** No firm may structure producer compensation so that one producer's gain is funded by the reduction of another's pay. Ranking or "tournament" systems that pay top-ranked producers by docking the earnings of lower-ranked producers — pitting neighbor against neighbor while the firm bears no cost — are prohibited. A firm may reward performance, but any bonus is paid by the firm, not extracted from other producers. Every dependent producer is guaranteed compensation sufficient to cover documented, reasonable costs of production and the service of debt the firm required them to incur, before any performance adjustment.

Contract stability proportional to the capital demanded. Where a firm requires a producer to make long-term capital investment as a condition of doing business, the firm must offer a contract whose guaranteed duration and volume are sufficient to allow that investment to be repaid. A firm may not hold a producer to decades of debt while binding itself only flock-to-flock or season-to-season under a contract the firm may cancel at will. No contract with a dependent producer may be canceled or non-renewed except for good cause, stated in writing, with reasonable notice; where a firm ends the relationship for reasons not the producer's fault, it bears responsibility for the stranded debt it induced, by buyout or by continued performance.

Transparency and the right to verify. A dependent producer has the right to the full formula by which they are paid; to the quality, quantity, and cost of the inputs the firm supplies, including the animals, feed, genetics, and medication; to the data and rankings used to determine their compensation; and to independently weigh, sample, and verify inputs and output. A firm may not compensate a producer by a formula the producer cannot see, using data the producer cannot check.

No retaliation; the right to organize. A firm may not retaliate against a dependent producer — by supplying inferior animals, feed, or inputs; by manipulating rankings; by canceling or declining to renew a contract; or by any other adverse action — because the producer complained, reported a violation, testified, organized or joined with other producers, bargained collectively, or asserted any right under this Constitution. Dependent producers have the right to organize and to bargain

collectively with the firms they depend on, free of retaliation, consistent with the labor rights of Constitutional Statute 6.

Control follows responsibility. A firm that controls the animals, genetics, feed, medication, and methods of production bears the responsibility that accompanies that control, and may not offload onto the producer the risks arising from decisions the firm reserved to itself. Responsibility follows control, not paperwork.

Enforcement. The protections of this Section may not be waived by contract, and any term purporting to waive them is void. A dependent producer harmed by a violation may recover their losses, the debt induced by the firm's conduct, consequential damages, costs, and fees, through the private right of action and remedies of Section 8, and a pattern of violations is a harm cognizable under the anti-monopoly provisions of this statute.

Section 27. Public Money and Private Gatekeepers: Accreditation and Eligibility for Public Funds

Section 25 establishes that inherently governmental functions may not be delegated to private hands. This Section applies that rule to a specific and consequential case: the decision of who may receive public funds. Where the government makes access to public money — student aid, grants, reimbursement, or any public benefit — depend on the approval of a private gatekeeper, that gatekeeper wields public power and is bound by the duties of one. The recognized abuse is concrete: private accreditors, their boards staffed by executives of the very institutions they judge, channeled billions in public education funds to schools that defrauded their students, while the accreditor served as a protective club for its industry rather than a guardian of the public's money.

The eligibility decision is governmental. The determination of whether an institution or entity is eligible to receive public funds is an inherently governmental function within the meaning of Section 25. It may be informed by private expertise and private review, but the final decision to open or close the flow of public money must be made by an accountable public officer, subject to public standards, and may not be surrendered to a private body.

Independence of private reviewers. Where the government relies on private accreditors or reviewers to assess quality as a condition of public funding, those reviewers must be genuinely independent of the institutions they review. A person who is an officer, director, employee, owner, or paid consultant of an institution, or of the sector under review, or who has been within the preceding four years, may not sit in judgment of that institution or sector or set the standards by which it is judged. A review body whose governance is controlled by, or substantially drawn from, the institutions it reviews is not independent, and its judgments carry no weight toward eligibility for public funds. This is the no-self-regulation rule of Section 25 applied to the gatekeepers of public money: the reviewed may not be the reviewers.

Standards serve the public, not the incumbents. The standards by which eligibility for public funds is determined must serve the students, borrowers, and taxpayers the funds are meant to benefit — not the incumbent institutions' interest in access to those funds or in excluding competitors. Standards must be public, must measure genuine outcomes and protection of those served, and may not be designed or applied to shield failing recipients or to entrench incumbents against new entrants.

Transparency and accountability of gatekeepers. A private body performing any gatekeeping function toward public funds is subject to the transparency obligations of Section 25: its standards, decisions, conflicts of interest, and the basis for granting or withholding access to public money are matters of public record. A gatekeeper that certifies an institution as eligible while disregarding evidence of fraud or failure, and any of its members acting under a conflict of interest, bears personal responsibility, and its recognition is subject to withdrawal by the responsible public officer.

Continuity of protection for those served. When a gatekeeper's recognition is withdrawn, or an institution loses eligibility, the individuals who relied in good faith — students, borrowers, beneficiaries — may not be made to bear the loss caused by the gatekeeper's or institution's failure. Their access to relief, transfer, or discharge is preserved, consistent with the public-money accountability of Article Eighteen and the remedies of this statute.

Section 28. No Public Money to Lobby for Public Money

Section 25 requires that public money carry public accountability. This Section closes one specific abuse of it: the use of taxpayer funds to extract more taxpayer funds. A contractor was found to have billed the government for a multi-year campaign lobbying Congress for the continued funding of its own contract — charging the public for the work of prying loose more public money. That is not advocacy; it is the public paying for its own capture.

The rule. No recipient of public funds — whether by contract, grant, subsidy, loan, guarantee, reimbursement, or any other transfer — may use those funds, directly or indirectly, to lobby, to fund lobbying, or to finance any campaign to influence the award, renewal, expansion, or continuation of the funds it receives or of any other public money. Public money may be spent only on the public purpose for which it was provided, and influencing the government to provide more of it is not that purpose.

No indirect evasion. This rule may not be evaded by accounting: by treating lobbying as overhead, general and administrative cost, or an allowable indirect charge; by routing public funds through an affiliate, subsidiary, parent, trade association, or third party that lobbies; or by using public funds to backfill other money freed up to lobby. A recipient that both receives public funds and engages in lobbying bears the burden of demonstrating, through segregated accounts, that no public money financed the lobbying.

Disclosure and recovery. A recipient that lobbies on any matter affecting its public funding shall disclose that lobbying and the source of funds used, consistent with the transparency obligations of

Section 25 and the disclosure rules of Constitutional Statute 1. Public funds spent in violation of this Section are recoverable in full, with a penalty in equal amount; the responsible officers of the recipient are personally liable; and a pattern of violation is grounds for debarment from future public funds.

What this does not restrict. This Section restrains the use of *public* money, not the right to petition. A recipient remains free to lobby, advocate, and petition the government using its own private funds, consistent with the petition rights of this Constitution. The line is the source of the money: private funds may speak; public funds must serve the purpose for which they were given.

Section 29. The Regulated May Not Fund the Regulator: Independence of Regulatory Agencies from Those They Oversee

A regulator that depends on the industry it regulates for the money to exist is captured at the root. The problem is not that a private party pays a fee; it is that the agency comes to depend on that payment, that the payer is permitted to negotiate the terms of its own regulation as the price of paying, and that the money is steered toward the payer's interest — toward speed of approval and away from the oversight of what has already been approved. This Section breaks that leverage. It does not forbid user fees; it forbids the control that has traveled with them. **Decoupling of funds from the agency.** Fees, assessments, or other payments collected from a regulated industry, or from the entities whose products or conduct an agency reviews, shall be deposited into the general treasury, and the agency shall be funded by regular appropriation. The agency's budget, staffing, and continued operation may not depend on the volume of fees collected, on the number of applications submitted, or on the payments of any regulated party. No regulated entity, by paying or withholding a fee, may enlarge, shrink, accelerate, or delay the regulatory attention it receives.

No negotiation of one's own regulation. The terms, standards, timelines, and priorities by which an industry is regulated are set by the public, through its accountable officers, and may never be made the subject of negotiation with the regulated industry as a condition of that industry's funding. An industry may comment, through open and public process available equally to all, on rules that govern it; it may not bargain, in exchange for fees, over the stringency of its own oversight, the speed of its own approvals, or the resources devoted to policing its own products. Any such negotiated term is void.

No funding-driven bias. Regulatory resources may not be structured to favor the interests of those who pay. Funding may not be dedicated so as to accelerate approvals while starving the oversight of products already in use; the surveillance of approved products, the policing of harm, and the protection of the public after a decision is made shall be funded and staffed no less robustly than the decision to approve. The agency shall determine the allocation of its resources according to the public interest, not according to the preferences of those whose payments it collects.

Insulation of the decision. The judgment whether a product is safe, effective, or lawful, and every core regulatory determination, shall be made free of the funding relationship: no reviewer's position, evaluation, or advancement may depend on the fees generated by the applicants they review, and no

performance metric may treat the approval, or the speed of approval, of a paying party's application as a measure of the reviewer's success. Speed serves the public only when it does not purchase the outcome.

Conflicts on advisory bodies. Consistent with Section 25 and Section 27, a person with a financial interest in the entity or sector under review, or who has had one within the preceding four years, may not serve as a voting member of a body that advises on or determines the approval, safety, or regulation of that entity or sector. Independent expertise shall be sought; captured expertise shall not be mistaken for it.

Application. This Section applies to every federal agency that regulates, licenses, approves, or oversees an industry or its products, wherever that agency is funded in whole or in part by the entities it oversees. It does not prohibit the collection of fees to defray the cost of regulation; it requires only that the fee never buy the outcome, the terms, or the dependence.

Section 30. The Public's Fair Return on Its Own Resources; No Self-Reported Valuation

The minerals, oil, gas, timber, and other natural resources of the public lands belong to the people. When a private party is permitted to extract and sell them, it extracts and sells what the public owns, and it owes the public a fair return. The recognized abuse is a system in which the extractor reports to the government how much it owes, the government takes the extractor at its word, and the public is quietly shortchanged of billions — a pitcher calling his own strikes and balls.

The public's fair return. Any private party permitted to extract publicly owned natural resources for sale or commercial use shall pay the public a fair return reflecting the market value of what is extracted. No category of publicly owned resource may be given away for extraction at no return, or at a return set below fair market value, as a favor, a subsidy, or an inducement. Where a return is set by law or lease, it shall be set to secure the public's fair share, and reviewed as market conditions change so that it does not decay into a giveaway by the passage of time.

No self-reported valuation. The amount owed to the public may never rest on the extractor's own unverified report of the volume, the value, or the allowable deductions. The extractor shall report and pay, but the public's claim shall be independently measured, verified, and audited by the public's own officers, using data the extractor is obligated to produce in full and to substantiate. The burden of proving that a payment is complete and correct rests on the party that owes it, not on the public to discover the shortfall. Self-reported figures accepted without independent verification are not compliance; they are the abuse this Section forbids, and they carry no presumption of correctness.

Independent accounting and audit. The functions of setting the value owed, auditing payments, and collecting what is due are inherently governmental within the meaning of Section 25 and may not be delegated to, contracted to, or performed by the regulated industry, its members, or any body they control. The officers who verify and collect the public's return shall be independent of the industry that pays it, subject to the conflict-of-interest and revolving-door bars of this statute and of Article

Eighteen. A settlement forgiving or reducing a claim for the public's return shall be documented, justified in writing, and made public, and may not be granted as a favor to a well-connected payer.

Recovery of what is owed. Resources extracted without payment of the public's fair return, and returns underpaid through self-serving valuation, remain a debt to the public, recoverable in full with interest, without any time bar running in favor of a party that concealed or understated what it owed. A party that knowingly underreports or undervalues what it owes the public is liable for the shortfall and an equal penalty, and its responsible officers are personally liable; a pattern of underpayment is grounds for suspension or termination of the privilege to extract public resources.

Where the return goes. The public's return on its resources shall be paid into the Permanent Public Trust established in Section 31, held for the people — above all for the people who bear the burden of the extraction and processing from which this wealth is drawn.

What this does not do. This Section does not prohibit the extraction of public resources, nor set any particular royalty rate; those remain matters for law and lease, provided they secure the public's fair return. It requires only that the public own what is the public's, be paid fairly for it, and never be made to take the word of the party that owes the money as to how much is owed.

Section 31. The Permanent Public Trust: Public Equity and the People's Share

Article Eighteen requires that when public money rescues or capitalizes a private enterprise, the public take an ownership stake proportionate to what it provided. This Section establishes what becomes of that stake and its returns, joins them with the public's return on its natural resources in a single permanent trust held for the people, and pays that wealth to the people who bear the burden of the enterprises and extractions from which it is drawn.

The public's equity is held for the people. Any equity, share, or ownership interest the public acquires in a private enterprise — through rescue, strategic investment, capitalization, or as a condition of public support — is held in trust for the people. It may not be sold, transferred, or surrendered to the enterprise's officers, controlling owners, or insiders, nor on terms unavailable to the public, nor quietly divested to unwind the public's interest as a favor. The dividends, proceeds, and capital gains on the public's stake belong to the people and shall be paid into the Permanent Public Trust.

One trust, two sources. The Permanent Public Trust receives both the public's fair return on its natural resources under Section 30 and the returns on the public's equity under this Section. The two sources are held together as one body of public wealth, under one set of protections, so that it tells one plain story: this is the people's wealth, held for the people.

Principal preserved; the people paid from earnings. The principal of the Trust shall be preserved and may not be spent, raided, borrowed against, pledged, or diverted to any purpose, by any government or officer. Only the earnings on the principal may be distributed. This secures the wealth for the people now and for future generations alike: today's people are paid from the earnings, while

the principal — which can never be recreated once the resource is gone — endures for those not yet born.

Paid to the people who bear the burden. The earnings shall be paid to the residents of the communities that bear the burden of the extraction, processing, or industrial exploitation from which the Trust's wealth is drawn. The burden that qualifies a community includes: the environmental burden, including pollution, contamination, and elevated rates of disease; the infrastructural burden, including strain on roads, water, and the electrical grid; and the economic burden, including increases in the cost of electricity or other necessities borne by residents where a facility consumes a community's resources.

The burden outlives the extraction. A community does not cease to bear the burden when the company departs. The Trust shall also serve legacy communities — places where extraction, processing, or heavy industry has left a demonstrated, persisting burden, whether ongoing contamination, elevated disease, or the economic devastation of a place used and abandoned — for as long as that burden persists. The wealth of this country was drawn in great part from places that were exploited and then forgotten; this Trust refuses to forget them.

How the earnings are paid: direct dividend and community remediation. The earnings shall be paid in two forms. First, no less than half shall be paid directly to the residents of the qualifying communities, as a share belonging to them — not means-tested, conditioned, or withdrawn. Second, the remainder shall fund remediation in those same communities, restricted to qualifying projects alone: environmental cleanup and monitoring; health screening and treatment for burden-related illness; and repair of infrastructure damaged or strained by the extraction or processing. The direct dividend belongs to the people; the remediation belongs to the place.

Accountability for remediation funds. A community that receives remediation funds bears the burden of proving, on the public record, that every dollar was spent on qualifying projects; the burden of showing proper use rests on the recipient, not on the public to discover misuse. A community that cannot demonstrate proper use, or that diverts funds to any other purpose, shall be suspended from further remediation funding until it comes into compliance and shall return the misused funds; officials who divert remediation funds are personally liable and subject to the penalties for self-dealing against the Trust. A suspension of remediation funding does not reduce or suspend the direct dividend owed to residents, which belongs to the people and continues regardless of the conduct of their officials.

Citizen watchdog and whistleblower protection. Any resident of a qualifying community, and any citizen oversight body drawn from such a community, has standing to inspect the accounting of trust and remediation funds, to demand documentation, and to bring an action to compel proper use or recover misused funds. Any person who reports misuse of trust or remediation funds — whether a resident, employee, contractor, or auditor — is protected against retaliation under the whistleblower protections of Constitutional Statute 18, and retaliation against such a person is itself a violation carrying personal liability.

Honest boundaries; independent audit; no capture of the Trust itself. The communities that qualify, present and legacy, and the shares paid, shall be determined by an accountable public process on the basis of demonstrated burden, subject to public record and challenge — never by the lobbying of the well-connected, and never drawn to favor or exclude for political advantage. The auditing of the Trust and of remediation funds, and the hearing of appeals from any suspension, shall be conducted by an independent authority under Constitutional Statute 18 and, on appeal, by the courts — never by the body that administers the Trust, which may not audit itself. The administration of the Trust is an inherently governmental function within the meaning of Section 25; it may not be delegated to, or managed by, any private party that profits from the resources or enterprises the Trust draws upon. Those who administer the Trust are fiduciaries to the people, personally liable for self-dealing, for raiding the principal, or for steering payments away from those who bear the burden.

Section 32. No Sale of Public Office: Ambassadorships and Appointments on Merit, Not Money

A public office is a public trust, not a commodity to be sold. When ambassadorships — the posts at which the nation meets the world — are handed out as rewards to those who gave the most money to a campaign, the office is corrupted twice over: the public trust is sold, and the nation is represented abroad by those chosen for their wealth rather than their fitness. Where Section 4 and Section 33 bar the official who cashes in on leaving office, this Section bars the corruption at the entrance: the office bought on the way in. The recognized abuse is long-standing and bipartisan: roughly a third of American ambassadorships have gone not to trained diplomats but to campaign donors and bundlers, many with no qualification for the role beyond the size of their contributions.

No office for sale. No appointment to any office of the United States may be given, promised, or influenced in exchange for a campaign contribution, a donation, a payment, or any other thing of value, whether given to the appointing official, to a campaign, to a party, or to any entity at their direction. The exchange of money for office — in either direction, whether the money precedes the appointment as an inducement or follows it as a reward — is a corruption of the public trust and is void and punishable.

Appointment on fitness. Appointments to sensitive office, including ambassadorships and other posts at which the United States is represented to foreign governments, shall be made on the basis of the appointee's qualifications, experience, and fitness to serve. An appointee shall meet the standards of competence the office requires; a record of political or financial support is not a qualification, and its presence may not substitute for one.

Transparency of the tie between money and appointment. Where a person appointed to office has made or arranged contributions or payments materially benefiting the appointing official, their campaign, or their party, that fact and its magnitude shall be disclosed at the time of nomination, so that the public and the confirming authority may judge whether the appointment rests on fitness or on money. A pattern of appointments correlating with the size of contributions is evidence of the sale of office.

Enforcement. An appointment shown to have been given in exchange for a thing of value is void, and the official who gave or solicited the exchange is personally liable and subject to the penalties for corruption in office. The confirming authority retains its independent duty to withhold confirmation from an appointee who does not meet the fitness the office requires, whatever the appointee's contributions.

Section 33. The Arms-Sales Revolving Door: No Cashing In on the Weapons One Sold

The approval of a foreign arms sale is among the gravest decisions an official makes: it commits the nation's weapons, its alliances, and often lives, and it directs billions of dollars to the contractors who build the arms. When the officials who approve these sales pass immediately into the pay of the contractors who profited from them, or of the foreign governments who received the arms, the decision is placed under suspicion that it was made for the seller and the buyer rather than for the nation. The general revolving-door rule of Section 4 governs the regulator who joins the regulated; this Section closes the distinct path of the official who approves a sale and then joins the party enriched by it.

The restriction. An official who, in the course of their duties, approves, recommends, negotiates, or materially influences a sale, transfer, or export of arms or defense articles to a foreign government may not, for a period set by statute of not less than four years after leaving office, accept employment, compensation, equity, or a thing of value from a contractor that materially benefited from a sale they acted upon, or from the foreign government that received it, nor represent or advise any such party on the matters they handled.

No evasion. This restriction may not be evaded through consulting arrangements, advisory roles, board seats, deferred or promised future compensation, or routing through affiliates or intermediaries. A promise or expectation of such benefit, formed while the official still held the power to approve the sale, is itself a corruption of the decision and is punishable whether or not the benefit is later paid.

Insulation of the decision. No official's advancement, compensation, or future prospects may be tied to the volume or value of the arms sales they approve. The decision to sell the nation's weapons abroad shall rest on the nation's security and its lawful foreign policy, not on any private interest of the official in the sale's completion.

Enforcement. An official who accepts a benefit in violation of this Section, and the party who provides it, are personally liable and subject to the penalties for corruption in office; the benefit is recoverable in full; and evidence that a sale was approved by an official who then took the forbidden benefit may be shown to establish that the decision was corrupted. The whistleblower protections of Constitutional Statute 18 extend to those who report a violation.

Section 34. No Hiding Behind the Corporate Veil: Public Disclosure of Who Owns and Controls Companies

A corporation is not a person and has no right to exist. It is a creature of law — an artificial entity the people, through their representatives, choose to charter, granting it privileges no natural person enjoys: limited liability, perpetual life, and the capacity to hold property and act as one. These are privileges extended by the public, not rights held against it, and they come with a condition as old as the corporate form itself: the public is entitled to know who stands behind the entity it has empowered. Anonymity was never part of the bargain. The anonymous shell company is the master tool of the powerful who wish to escape accountability — the oligarch hiding wealth, the kleptocrat laundering stolen money, the corporation dodging its taxes, the sanctioned party evading the law, the criminal moving illicit funds. This Section ends it.

The right to associate is not the right to hide. People have every right to organize, to form associations, and to act together. But a profit-bearing entity that asks the public for a charter and the privileges that come with it accepts, as the price of those privileges, that the natural persons who own and control it are known. One who wishes to remain anonymous may act in their own name; one who wishes the shield of the corporate form accepts its transparency.

Public register of beneficial ownership. Every company, corporation, limited liability company, partnership, trust, or similar entity created or registered to do business under the laws of the United States or any state shall disclose its beneficial owners — the natural persons who own or control it, directly or indirectly — and that disclosure shall be recorded in a public register open to inspection by any person. The register shall identify each beneficial owner by name, the nature and extent of their ownership or control, and the chain of entities through which it is held, so that any investor, journalist, competitor, or citizen may learn who truly stands behind any entity. Ownership and control may not be hidden behind layers of other entities; the register shall trace through to the natural persons at the end of every chain.

No anonymous entities. No entity may be created, registered, or permitted to operate whose beneficial owners are unknown or concealed. An entity with no identifiable natural-person beneficial owner may not hold property, open accounts, enter contracts, or receive public funds, and its privileges as a chartered entity are suspended until its ownership is disclosed. A nominee, front, or straw owner recorded in place of the true owner is a violation, and both the true owner who hid and the nominee who fronted are liable.

The single exception: the safety of a natural person. The only information that may be withheld from the public register is the residential address and personal contact details of a natural person who demonstrates a genuine, particularized threat to their physical safety — such as a survivor of domestic violence who has placed a home or small business in an entity to keep their location from an abuser. This exception shields the person's location only; it never shields their name, their ownership, or their control, which remain public in every case. It is granted only to the natural person at risk, never to an entity, only upon that person's own application and a showing of genuine threat to a neutral authority, decided on the record, with the burden on the applicant. A generalized preference for privacy, a claim

of prominence or wealth, or an entity's asserted interest is not a threat to physical safety and does not qualify. The presumption is disclosure; this shield is the narrow exception that must be earned, and it hides a location, never an owner.

Anti-evasion: no flight, no phoenix, no shuffle. Concealment of ownership shall not be made profitable by flight. Upon a credible showing that an entity has concealed its beneficial ownership, the assets of the entity may be frozen against transfer, sale, encumbrance, or distribution, subject to prompt judicial review at which a wrongly restrained party may obtain relief, so that a legitimate business is not held on a bare accusation while the assets of the guilty do not escape. Any transfer, liquidation, or encumbrance made to defeat disclosure, recovery, or this Section is void and may be unwound, and the assets recovered, from any person who received them to assist the concealment. Liability and the record of violation follow the natural persons who concealed, not the entity: dissolving, abandoning, or bankrupting the entity extinguishes neither, and a person who has concealed ownership is barred from forming or controlling any new chartered entity until the violation is cured and what is owed is paid. An entity that is substantially the same business, or that has taken the assets or operations of a concealing entity to continue the enterprise, inherits its obligations as a successor or alter ego; the same wine may not escape by being poured into a new bottle. Because concealment breaks the central condition on which limited liability was granted, that shield is forfeit for the concealment: the natural persons who hid are personally liable for what is owed, and their personal assets are reachable to satisfy it.

Enforcement. An entity that conceals its beneficial ownership, and the natural persons who own or control it, are liable; the entity's chartered privileges, including limited liability, may be suspended or revoked for concealment, so that those who hide behind the veil lose the protection the veil was granted to provide; and property or funds moved through an entity to conceal ownership are subject to the recovery and forfeiture this statute provides. This transparency is a permanent condition of the corporate privilege and may not be exempted away for whole classes of entities so as to defeat the register, nor abandoned by the non-enforcement Article Twenty-Five and Constitutional Statute 31 forbid. Violations are subject to the enforcement and private right of action of Section 8. The whistleblower protections of Constitutional Statute 18 extend to those who report concealed ownership.

Section 35. The National Accountability Floor: One Standard, Not a Race

The privileges of the corporate form — limited liability, perpetual life, the capacity to hold property and to act as one — are granted by the people, and the people are entitled to attach to them a single national standard of accountability that no organization may escape by choosing where to incorporate. There shall be a national floor of organizational accountability, binding on every organization that operates across state lines, is offered to the investing public, or exceeds a size set by law.

What the floor contains. The floor consists, at minimum, of the honest-governance, disclosure, and transparency requirements this statute already imposes — including the executive certification of

financial statements (Section 19), the independence of regulators from those they regulate (Section 29), and the public register of beneficial ownership (Section 34) — together with the fiduciary-duty floor of Section 38. Purely local organizations below the size set by law may be relieved of the floor's reporting requirements, but never of the prohibition on using the corporate form to escape the rights this Constitution guarantees to human beings.

Section 36. The Floor Follows the Organization: An End to the Race to the Bottom

For more than a century, organizations have chosen their state of incorporation not for where they do business but for where the law asks the least of them, and — under the rule that an entity's internal affairs are governed solely by the state that chartered it — have carried that permissiveness across the entire country. This Section ends the use of that rule as an instrument of evasion.

The floor binds regardless of charter. An organization that operates nationally is bound by the national accountability floor regardless of the state in which it is chartered. No organization may incorporate, reincorporate, relocate its charter, or restructure in order to fall beneath the floor, to shed a liability, or to escape the constitutional or statutory rights of any person. To the extent the internal-affairs rule would permit such evasion by a nationally operating organization, it yields to the floor.

Personal liability for evasion. An officer or director who knowingly directs an organization to relocate or restructure for the purpose of evading the floor is personally liable, and the shield of limited liability does not protect them, consistent with the enforcement and personal-liability provisions of Section 8.

Section 37. States May Rise Above, Never Below

The national floor is a minimum, not a ceiling. It preempts any state chartering term that falls beneath it, and to that extent only. It does not preempt, and shall not be construed to discourage, any state law that requires more of the organizations it charters — stronger fiduciary duties, greater disclosure, broader protection for workers, communities, or the public. Every state retains its full power to charter organizations and to compete for them by offering better accountability, not weaker. The race among the states is redirected: it may be run toward the public interest, never away from it.

Section 38. The Fiduciary Duty Floor: No Waiving Below the Minimum

Every organization above the size set by law owes, through its directors and officers, minimum and non-waivable duties of care, loyalty, and good faith to the organization and its owners, and, as the law provides, to the workers and public it affects. A charter, bylaw, operating agreement, or contract that purports to waive or eliminate these duties beneath the floor is void to that extent. The modern practice of chartering entities that promise their managers the maximum freedom and their investors the minimum recourse — waiving even the duty of loyalty itself — is an engine of the race to the bottom, and it is ended for any organization bound by the floor.

Section 39. Binds by Function, Not by Label: New and Emerging Forms

This floor, and the privileges and limits of the corporate form throughout this Constitution and its Statutes, bind by function, not by label. Whatever a form of organization calls itself — corporation, limited liability company, series entity, trust, partnership, cooperative, decentralized or autonomously operated entity, or an entity directed in whole or in part by automated or artificial-intelligence systems — if it performs the functions of an organization, it is bound. No organization may escape accountability by adopting a novel form the law has not yet named. The standards of the floor shall be reviewed and revised on a regular schedule so that they keep pace with new forms of organization as they arise, without the principle itself ever having to change: the durable rule endures, while its details are kept current by law.

Section 40. No Entity Too Big to Prosecute

Section 21 ensures no institution is too big to fail. This Section ensures none is too big to answer. Article Eighteen, Section 9 forbids placing any wrongdoer beyond the reach of the law by reason of its size; this Section makes that bar operational.

Size is never a defense to charging. No investigation, charge, or prosecution otherwise warranted shall be declined, delayed, or softened on the ground that enforcement would threaten the target's size, profitability, employment, or the stability of the financial system.

Deferred- and non-prosecution agreements, in the open. A decision to resolve criminal conduct by a deferred-prosecution or non-prosecution agreement, in lieu of charges, shall be set out in a written public statement of reasons and approved by a court before it takes effect. The statement shall explain why the public interest is better served by the agreement than by prosecution, and shall not rest on the entity's size or systemic importance alone. Agreements and their compliance reports are public.

Penalties that deter, not prices that permit. A monetary penalty for unlawful conduct shall exceed the gain the conduct produced and shall be set at a level sufficient to deter its repetition; it shall not be calibrated so that a lawbreaker may treat it as a routine cost of doing business. Repeat violation is an aggravating factor requiring escalation.

The people who directed it remain answerable. Resolving a matter against an entity does not discharge the personal liability of the officers and directors who authorized, directed, or knowingly permitted the conduct. The enforcement agency shall maintain a public register of every instance in which charges were declined, reduced, or deferred where the size or systemic importance of the target was a stated consideration.

Constitutional Statute 10

Federal Elections Tabulation Standards Act

Implementing Article Four, Section 1; Article Nine.

Section 1. The Federal Ranked-Choice Algorithm: Single-Winner Races

All federal single-winner elections — elections for United States Senator and elections for United States Representative in single-member congressional districts — use Instant Runoff Voting (IRV). The following algorithm is the uniform federal standard applied in every state for every such election:

Ballot design: Every voter ranks the candidates for each single-winner federal office in order of preference — first choice, second choice, third choice, and so on. Voters may rank as few or as many candidates as they choose. A voter who ranks only one candidate has cast a valid ballot. A voter is not required to rank all candidates. Rankings are recorded on the ballot in a format approved by the Election Assistance Commission that is clearly comprehensible to voters who have not previously used ranked-choice voting, with voter education materials required to be provided at every polling place and with every mail ballot.

The counting algorithm — Instant Runoff Voting: Step 1: Count all first-choice votes. If any candidate receives more than 50% of the valid first-choice votes, that candidate is elected. Step 2: If no candidate has a majority, the candidate with the fewest first-choice votes is eliminated. All ballots cast for the eliminated candidate are transferred to the voter's next-ranked continuing candidate — meaning the highest-ranked candidate still in the race on that ballot. If a ballot has no remaining continuing candidate (because the voter ranked only eliminated candidates), it becomes an "exhausted ballot" and is no longer counted in subsequent rounds. Step 3: Recount the vote totals for all continuing candidates with the transferred votes added. If any continuing candidate now has more than 50% of the active ballots — meaning total ballots minus exhausted ballots — that candidate is elected. If not, repeat Step 2 and Step 3 until a candidate achieves a majority of active ballots. The last remaining candidate with a majority of active ballots is elected.

Tie-breaking: When two or more candidates are tied for the fewest votes in any elimination round, the tie is broken first by reference to the prior round's totals — the candidate with fewer votes in the prior round is eliminated. If tied in the prior round as well, elimination is determined by lot, conducted publicly by the state's chief election official. Lot determination is recorded in the tabulation record.

The Presidential election — national popular vote with IRV: The President of the United States is elected by the national popular vote using the IRV algorithm applied across all votes cast nationally. The Electoral College, as a body that could cast votes contrary to the national popular vote, is abolished by this Constitution; electors are replaced by the national tabulation described in this section. Each state's ranked-choice ballots for President are counted using the IRV algorithm at the national level — all states' ballots are aggregated and the national IRV tabulation determines the winner. The

Election Assistance Commission administers the national tabulation, receiving certified state results and conducting the national IRV count within 21 days of the election. The winner of the national IRV count is the President-elect. Congressional certification of the national tabulation result is a ministerial act.

Section 2. Federal Software and State Equipment Certification

Federal open-source tabulation software: The Election Assistance Commission develops, maintains, and publishes the federal ranked-choice tabulation software — the software implementation of the IRV algorithm specified in this Act. The software is open-source, meaning its complete source code is publicly available for review, testing, and independent verification by any person or organization. The EAC publishes the software under an open-source license. Security researchers, academic institutions, and state election authorities are encouraged to review, test, and report vulnerabilities. The EAC maintains a public vulnerability disclosure program and publishes all reported vulnerabilities and their resolutions within 30 days of resolution.

State equipment certification — use its own software if it passes the test: States may use the EAC-developed software on their own certified voting equipment, or they may use their own state-developed or commercially acquired tabulation software, subject to the following interoperability test: the state's software must produce identical tabulation results as the EAC reference software for every ballot configuration in the EAC's published standardized test suite. The test suite contains at minimum 10,000 distinct ballot configurations covering all possible ranking patterns for elections with two through fifteen candidates, including scenarios involving exhausted ballots, ties, and unusual ranking patterns. A state's software must pass 100% of the test suite — not 99.9%, not 99.99%, but 100% — to receive EAC certification for use in federal elections. The test suite is published publicly so any person may independently verify their state's software against it. States bear the cost of interoperability testing; the EAC bears the cost of maintaining the test suite. State software certifications expire after each calendar year and must be renewed before each federal general election cycle.

Paper ballot requirement: Every vote cast in a federal election must be recorded on a paper ballot that the voter can verify before casting. For in-person voting, the paper ballot serves as the official ballot of record. For machine-assisted voting, the machine must produce a paper record verified by the voter before the vote is cast, and this paper record is the official ballot of record for audit and recount purposes. No electronic-only voting system that does not produce a voter-verified paper record is permitted for use in federal elections. Ballots cast and paper records printed are preserved for a minimum of 22 months following the election.

Section 3. Voter Registration: Automatic, Same-Day, and Portable

Automatic voter registration with opt-out: Every eligible citizen who interacts with any of the following state or federal agencies is automatically registered to vote in federal elections — or their existing registration is automatically updated — unless they affirmatively opt out at the time of the

interaction: the Department of Motor Vehicles or equivalent state motor vehicle agency; the Social Security Administration; the United States Citizenship and Immigration Services upon naturalization; any state or federal agency administering Medicaid, SNAP, TANF, WIC, or other public benefit programs; the Selective Service System; correctional facilities at the time of discharge; and any other agency designated by the EAC. The opt-out is offered at the same time as the interaction and is documented. Registration data transferred from these agencies to election authorities uses the EAC's standardized data format and is transmitted within five business days of the interaction. Persons who are not yet eligible to vote — because they are under 18 — are pre-registered and automatically activated when they become eligible.

Same-day registration with ID verification: Any eligible citizen who has not previously registered to vote, or whose registration is not current, may register to vote at their polling place on election day or at any early voting location during the early voting period. Same-day registration requires presentation of one of the following: a current government-issued photo ID listing the person's name and address; a current utility bill, bank statement, government check, paycheck, or other government document showing the person's name and address, combined with a signed attestation of eligibility; or a signed attestation by a registered voter who is a current resident of the same precinct and who personally accompanies the registrant and attests to their residency and identity. Same-day registrants cast a regular ballot, not a provisional ballot. The registration is verified by the election authority within 10 days of the election; if the registration is found invalid, the ballot is not counted and the person is notified. The rate of invalid same-day registrations must be reported annually by each state.

Portable registration — register once, vote in the home precinct: A voter's registration is valid for federal elections in whatever precinct corresponds to their current residential address. When a registered voter moves within the same state, their registration is automatically updated when they notify any state or federal agency of their change of address, using the same automatic registration system. A voter who has moved but has not yet updated their registration may vote in the precinct of their new address on election day by presenting documentation of their new address and casting a provisional ballot that is counted after the election authority verifies the new address. Registration transfers between states require re-registration in the new state, but the EAC maintains a national voter registration database that pre-populates new state registration forms with information from prior registrations to simplify the process.

Section 4. Mail Voting and Early Voting: Minimum Access Standards

No-excuse mail voting: Every registered voter is eligible to vote by mail in any federal election without providing any reason or excuse for doing so. States may implement permanent mail voter lists — lists of voters who have opted to automatically receive a mail ballot for every election — or may require voters to request a mail ballot for each election. Either system is permissible as long as the request process does not impose undue burden. A request for a mail ballot may be submitted: in person at any election office; by mail; by telephone; or online through the state's voter registration portal.

Requests must be accepted up to 15 days before the election; states may accept requests later but 15 days is the minimum. **Mail ballot return deadlines:** A mail ballot postmarked by election day is a valid ballot and must be counted. States must accept and count mail ballots postmarked by election day and received within 7 calendar days after election day. Mail ballots received after the 7-day post-election window are not counted. The postmark date is determined by the postmark affixed by the United States Postal Service; where no postmark is affixed or the postmark is illegible, the ballot is counted if received within 3 calendar days after election day.

Early voting — 20-day minimum: Every state must provide in-person early voting for federal elections for a minimum of 20 consecutive calendar days ending on the day before election day. Early voting sites must be open for a minimum of 8 hours per day during the early voting period, including at least 4 hours outside the 9am-5pm window. At least one early voting site must be available for every 25,000 registered voters in each county or equivalent jurisdiction; no registered voter may live more than 25 miles from the nearest early voting site. States may provide longer early voting periods and additional sites; they may not provide less than the minimums specified here.

Ballot cure — notification and 7-day cure period: When a mail ballot is received with a defect that could render it invalid — including a missing signature, a mismatched signature, a missing or mismatched inner security envelope, or a missing required identifier — the election authority must notify the voter within 2 calendar days of receiving the defective ballot, using every contact method on file (mail, email, and phone if available). The voter has 7 calendar days from the date of notification to cure the defect in person at any election office, by returning a corrected affidavit, or by the specific cure method designated by the state for the type of defect. A ballot for which the cure deadline has not yet passed may not be rejected before the cure deadline. Voters who cure their ballot in time have their ballot counted. States must report annually the number of mail ballots with defects by defect type, the number cured, and the number ultimately rejected.

Section 5. Mandatory Risk-Limiting Audits: Federal Methodology and State Implementation

Every federal election is subject to a mandatory post-election risk-limiting audit before the results are certified. The audit is the mechanism by which the paper ballot record — the official ballot of record under this Act — is used to verify the tabulation result. A risk-limiting audit does not examine every ballot; it examines a statistically determined sample large enough to provide strong statistical evidence that the reported outcome is correct. If the audit finds discrepancies that cast doubt on the outcome, it automatically escalates to a full hand count:

Risk-limiting audit standard: Every federal election must be audited using a risk-limiting audit methodology approved by the EAC that provides a minimum risk limit of 5% — meaning the audit provides at least 95% statistical confidence that the reported outcome is correct, based on the paper ballot record. The specific risk-limiting audit methodology — ballot comparison audit, ballot polling audit, or batch comparison audit — is selected by the state election authority, subject to the EAC's approval of the methodology as meeting the 5% risk limit standard. The EAC publishes approved

methodologies and sample size calculators that states may use. **Audit administration:** Each state's audit is administered by the state's chief election official or their designated staff. At least one representative of each major party candidate and one representative of minor party candidates receiving more than 5% of the vote may observe every stage of the audit. A nonpartisan observer from an organization designated by the EAC may also observe. The audit must begin within 10 days of the election and must be completed before the state's certification deadline. All audit findings and sample counts are published publicly within 24 hours of the audit's completion.

Automatic escalation to full hand count: If the risk-limiting audit finds discrepancies between the paper ballot record and the tabulated electronic totals that, taken together with the statistical uncertainty of the sample, cannot confirm the reported outcome at the 5% risk limit, the audit automatically escalates to a full hand count of all paper ballots in the affected race. The full hand count is completed before certification. The hand count result, not the electronic tabulation result, is the certified outcome when the two differ. No state certification deadline may be used as a reason to certify a result before a required full hand count is completed; the certification deadline is extended by operation of law until the hand count is complete.

Chain of custody: From the moment a ballot is cast until the completion of the post-election audit and any recounts or hand counts, every ballot must be maintained under documented chain of custody procedures that record every person who accesses the ballots, every location where ballots are stored, and every time ballots are transported. Breaks in chain of custody — meaning periods during which ballots were not under documented secure custody — are reported to the EAC within 24 hours of discovery and are included in the state's public audit findings.

Section 6. Federal Election Data: Transparency and Public Access

Precinct-level results published within 24 hours: Every state must publish the precinct-level vote totals — including the round-by-round IRV tabulation results for all continuing candidates — for every federal race within 24 hours of the closing of polls. "Precinct-level" means the smallest geographic unit used for tabulation in that jurisdiction. Results published within 24 hours are unofficial; official certified results are published within the state's certification timeline. The 24-hour unofficial release enables public scrutiny of the tabulation process and supports independent verification efforts.

Cast vote records published after audit: Within 30 days of the completion of the post-election audit, every state must publish the anonymized cast vote records for every federal election — a record showing, for each ballot cast, the rankings expressed by the voter for each federal race, with all identifying information removed and with the ballots randomly shuffled so that no ballot can be linked to a specific voter, polling location, or time of day. Cast vote record publication enables any member of the public, any researcher, and any independent organization to independently re-run the IRV tabulation and verify that the official result matches the ballots cast. The cast vote record format is standardized by the EAC across all states.

National election database: The EAC maintains a publicly accessible national election database containing: all precinct-level results for every federal election since ratification; all state audit findings; all state cast vote records; all state equipment certifications and their test suite results; all voter registration statistics by state and county; and all mail ballot statistics including request rates, return rates, cure rates, and rejection rates. The database is searchable, downloadable in bulk, and available at no charge to any person.

Section 7. Election Administration: Professional Standards and Nonpartisan Conduct

Professional certification: Every chief election official at the state and county level who is responsible for administering federal elections must hold a current professional certification in election administration issued by the EAC or an EAC-recognized professional organization. New election officials must achieve certification within 18 months of taking office. Certification requirements include competency in: the ranked-choice voting algorithm and its tabulation; risk-limiting audit methodology; voter registration law; accessibility requirements for voting facilities and materials; chain of custody procedures; and public communications about election procedures and results. Failure to maintain certification is reported to the relevant state oversight body.

Nonpartisan conduct requirements: No chief election official — meaning the person with primary authority to administer and certify federal elections in a state or county — may: actively participate in any federal election campaign other than their own if they are a candidate; publicly endorse any federal candidate during the period from one year before to one year after any federal election they administer; serve simultaneously as an officer, employee, or paid consultant of any political party; or use their official position or official communications channels to promote or oppose any federal candidate. These restrictions apply to the administration of federal elections and do not limit election officials' rights as private citizens outside their official capacity.

Certification deadline as floor: State certification deadlines for federal elections must provide sufficient time for the completion of all mandatory risk-limiting audits and any escalated full hand counts. Any state certification deadline that falls before the completion of a mandatory audit or hand count is automatically extended until the audit or hand count is complete. Congress may not certify the Presidential election result until every state has certified its results following the completion of all mandatory audits. The certification process is ministerial — Congress counts and certifies the national IRV tabulation results transmitted by the EAC; it does not evaluate the merits of any state's election administration decisions.

Section 8. Permanent Lobbying Ban: Enforcement and Scope

Article Nine, Section 5 of the Constitution permanently prohibits Presidents, Vice Presidents, Members of Congress, Supreme Court Justices, and their senior staff from registering as lobbyists or performing any lobbying function for the rest of their lives. This Section defines the scope of that prohibition, defines senior staff, and establishes criminal and civil enforcement. Who is senior staff. Senior staff

subject to the lifetime ban means: chiefs of staff and deputy chiefs of staff; legislative directors and deputy legislative directors; general counsel and deputy general counsel; communications directors and press secretaries with authority to speak for the official; and any other staff member with documented authority to direct policy, negotiate on behalf of the official, or make decisions binding the official's office. Junior and administrative staff — including legislative assistants, caseworkers, schedulers, interns, and any staff member without the documented policy-making or negotiating authority described above — are not subject to the lifetime ban. Junior and administrative staff are instead subject to the six-year cooling-off period and lifetime foreign lobbying ban that Article Nine, Section 5 establishes for senior officials below the level of this Section's lifetime ban. Congress shall enact implementing enforcement mechanics for that six-year tier consistent with the criminal and civil enforcement framework of this Section. A staff member's title does not determine coverage — actual documented authority determines it, consistent with the approach this Act takes elsewhere to functional rather than titular classification.

What constitutes a lobbying function. A lobbying function is any of the following performed for compensation or other economic benefit: any direct communication with a federal official — including a Member of Congress, their staff, an Executive Branch official, or a regulatory agency employee — that is intended to influence official action, a pending decision, a regulatory rulemaking, or legislation; any indirect communication through intermediaries intended to produce the same effect; any strategic advice provided to a client that is designed to be implemented through such communications; any coordination of grassroots or public pressure campaigns targeting federal officials on a specific pending matter; and any representation of a client's interests before a federal agency or court in a proceeding in which the represented person seeks to influence a decision of prospective general applicability. The ban covers these functions regardless of whether the person registers as a lobbyist under any federal disclosure statute. Calling oneself a "strategic consultant," "policy advisor," or any other title does not exempt conduct that meets this definition from the constitutional prohibition.

Criminal enforcement. A violation of the permanent lobbying ban is a federal crime. Any person who performs a prohibited lobbying function in violation of Article Nine, Section 5 is subject to: imprisonment for up to five years per violation; a criminal fine equal to five times the total compensation received for the prohibited lobbying activity, or $500,000, whichever is greater; and permanent disqualification from holding any federal office, appointment, or contract. The Department of Justice has primary criminal enforcement authority. Each prohibited communication or representation constitutes a separate violation.

Civil enforcement. The Federal Election Commission and the Department of Justice each have concurrent civil enforcement authority over violations of the permanent lobbying ban. Civil penalties are: disgorgement of all compensation received for prohibited lobbying activity; a civil fine equal to three times the amount disgorged; and, for ongoing violations, a civil penalty of $10,000 per day until the prohibited activity ceases. Any person who has knowledge of a violation may file a complaint with

the FEC or DOJ. A whistleblower who provides information leading to a successful enforcement action is entitled to 15% of all civil penalties collected.

Section 9. Two-Candidate Primary Guarantee: Implementation and Contingency Rules

Article Nine, Section 4 of the Constitution requires that at least two candidates advance from any primary to the federal general election. This guarantee ensures that general election voters always have a meaningful choice between at least two candidates, regardless of the primary outcome. This Section establishes how the guarantee is implemented and what happens when a primary produces fewer than two qualifying candidates.

Primary structure requirement. Federal political parties must structure their primary processes to produce at least two candidates for advancement to the general election. "Advance" means appear on the general election ballot as a qualifying candidate. A party that operates an open or closed primary must design its process — including qualifying thresholds, ballot access rules, and primary format — to ensure that at least two candidates have a realistic opportunity to advance. A party rule, bylaw, or primary process that systematically produces a single qualifying candidate in violation of this provision is subject to challenge in federal court by any registered voter in the affected jurisdiction.

When a primary produces only one qualifying candidate. If, after a completed primary process, only one candidate has met the party's qualifying threshold for advancement, the following rule applies: the second general election slot for that party is allocated to the candidate who received the second-highest number of primary votes, provided that candidate received at least 5% of the total primary votes cast. If no candidate other than the winner received 5% of primary votes, the second slot is offered to the party's central committee or equivalent governing body to designate an alternate candidate who meets the constitutional eligibility requirements for the office sought. A candidate who declines the second slot may be replaced by the next-highest vote-getter meeting the 5% threshold, if one exists. If no second candidate can be identified through these mechanisms, the seat on the general election ballot is open to qualifying petition candidates who collect signatures from at least 1% of registered voters in the jurisdiction.

Independent and third-party candidates. The two-candidate guarantee applies to party primaries and does not limit the right of independent or third-party candidates to appear on the general election ballot through the petition process established by applicable federal and state election law. An independent candidate who qualifies for the general election through petition is in addition to — not in substitution for — the two-candidate minimum from party primaries.

Constitutional Statute 11

Democratic Representation and States Rights Act

Implementing Article Six (Sections 2, 4–8) and Article Three, Section 2 (Redistricting).

Section 1. The 15-Point Gerrymandering Test: Measurement Methodology

Article Six's prohibition on partisan gerrymandering applies when a party's share of legislative seats deviates by more than 15 percentage points from its share of the popular vote statewide. The following methodology establishes how "share of the popular vote statewide" is measured, resolving the ambiguity that would otherwise allow bad-faith manipulation of the baseline:

The three-election average: A party's statewide vote share for purposes of the 15-point test is the average of the party's vote percentage in the three most recent statewide elections held in the state: the most recent U.S. Senate election, the most recent gubernatorial election, and the most recent Presidential election. Each of these three elections is weighted equally in the average. Using statewide elections rather than the congressional election being evaluated removes single-cycle anomalies, candidate-quality effects, and midterm turnout differentials that can distort the actual partisan composition of the electorate. The three-election average reflects genuine partisan lean rather than any one election's specific circumstances.

How the calculation works: Step one: calculate the party's percentage of the total two-party vote in each of the three statewide elections. Step two: average the three percentages. This is the party's statewide vote share for the comparison. Step three: calculate the party's percentage of congressional or state legislative seats won in the relevant election. Step four: if the seat share exceeds the vote share by more than 15 percentage points, the deviation threshold is met and the gerrymandering finding process begins. Example: if a party's three-election average statewide vote share is 47%, and the party wins 65% of congressional seats, the deviation is 18 percentage points — above the threshold. If the party wins 60% of seats, the deviation is 13 points — below the threshold.

Applying the test to both parties: The test is applied to all parties that receive more than 25% of the statewide vote share in the three-election average. A state may gerrymander in favor of either party; the test catches deviations in either direction. A state in which one party wins 65% of seats with 47% of the vote is equally in violation as a state in which the other party wins 65% of seats with 47% of the vote.

Application to congressional and state legislative maps: The test applies separately to the state's congressional delegation and to each chamber of the state legislature. A finding of deviation in congressional districts does not automatically produce a finding for state legislative districts; each map is evaluated independently. The test is applied following each redistricting cycle — meaning after each decennial census and after any court-ordered remedial redistricting.

Section 2. Gerrymandering Consequences: The Revised Three-Stage Enforcement Ladder

Gerrymandering enforcement requires escalating consequences because states that are willing to gerrymander are willing to accept the cost of the minimum consequence and gerrymander again. The three-stage ladder below replaces the previously proposed Stage Three delegation voting suspension — which was constitutionally dubious for duly elected members — with financial consequences on the state government and extended federal oversight that creates genuine institutional accountability:

Stage One — Finding and notice: When any party or affected citizen demonstrates through statistical evidence that a redistricting map produces a deviation exceeding the 15-point threshold, they may bring an action in the relevant federal district court. The court applies the methodology of this Act to determine whether the deviation threshold is met. A Stage One finding is a written judicial determination, with findings of fact, that the map violates the constitutional standard. The state has 90 days to submit a remedial map to the court for approval. If the court approves the remedial map and it is implemented before the next election, Stage Two is not triggered. A state that submits a timely remedial map that passes the 15-point test is in compliance.

Stage Two — Court-drawn maps and monitoring: Stage Two is triggered when: the state fails to submit a remedial map within 90 days; the state submits a map that the court finds fails the 15-point test; or the state implements a map that has not been approved by the court. At Stage Two, the federal district court assumes jurisdiction over redistricting for the affected map type and commissions an independent special master — a professional redistricting expert with no partisan affiliation — to draw new maps within 60 days. The court-drawn maps are used for the next election cycle. The state remains under court monitoring for the subsequent redistricting cycle; if the state's independently drawn maps at the next redistricting pass the 15-point test, court monitoring ends. Stage Two does not involve financial penalties.

Stage Three — Financial penalties, federal monitoring, and extended court jurisdiction: Stage Three is triggered when a state that has been through Stage Two produces a new redistricting map — at the same or the next redistricting cycle — that the court finds again violates the 15-point threshold. Stage Three reflects a pattern of willful and repeated gerrymandering. The consequences are: (a) a financial penalty of $1,000,000 per day, assessed against the state government's general fund, beginning 90 days after the Stage Three finding and continuing until the court certifies that a compliant map is in place; (b) federal court drawn maps for the next two full election cycles — meaning the state legislature has no redistricting authority for those cycles; (c) an independent federal redistricting monitor appointed by the court, who has full access to all state redistricting processes, data, and deliberations, and who submits quarterly compliance reports to the court for 10 years following the Stage Three finding; and (d) the state must submit all redistricting plans to the federal monitor for pre-approval for 10 years. Financial penalties accrue to the federal general fund; they are not credited toward any federal program administered in the state.

Section 3. Independent Redistricting: Commission Standards and Federal Court Default

Every state must establish a redistricting process for congressional and state legislative maps that is independent of the state legislature. The following requirements define genuine independence:

Mandatory independence standards: A state redistricting process meets the independence standard if it is administered by a body in which: no member is a current elected or appointed official of the state or federal government; no member has been a candidate for any partisan office within the preceding five years; no member has held a paid position with any political party, partisan political campaign, or partisan political organization within the preceding five years; no member has been a registered lobbyist within the preceding three years; and no more than one-third of the members are registered with any single political party. States may use citizens commissions, retired judges, academic experts, or any other composition meeting these requirements. The specific composition is left to state law; the independence standards are federal minimums.

Process requirements: Every redistricting process must: hold a minimum of three public hearings in geographically diverse locations within the state before finalizing any map; publish draft maps with a minimum 30-day public comment period before adoption; publish a written explanation of the criteria applied in drawing each map; and make all data, software, and communications used in the redistricting process publicly available as a public record. Communities of interest — meaning groups of voters who share common social, economic, geographic, or political interests — must be identified and considered in the redistricting process, though no community of interest requirement supersedes the 15-point constitutional standard.

Federal court default jurisdiction: A state that fails to establish an independent redistricting process meeting the above standards by January 1st of any redistricting year has its redistricting conducted directly by the relevant federal district court through a court-appointed special master, using the process standards above. The federal court's jurisdiction is invoked automatically by the state's failure to establish a compliant process — no lawsuit is required to trigger it. Any party or citizen may notify the court of the state's non-compliance; the court must act within 30 days of the notification.

Section 4. Anti-Commandeering: What States May Decline and What They May Not

The anti-commandeering doctrine protects states from being conscripted as administrative arms of the federal government. It is a genuine and important constitutional principle that belongs equally to progressive and conservative states. Constitutional Statute 11 implements it consistently, applying the same rules to all states regardless of the political valence of the federal law being declined:

What states and localities MAY decline: Any state, county, municipality, or other local governmental entity may: decline to arrest or detain any person solely on the basis of a federal civil immigration detainer or federal civil enforcement request, where no state or local criminal offense has occurred; decline to enforce any federal civil or regulatory law using state or local law enforcement personnel, state or local facilities, or state or local resources, when the enforcement is not connected to a state or local criminal offense; decline to administer any federal program using state agencies, state databases,

or state personnel funded from state appropriations; decline to share any state database or records system with federal agencies unless specifically required by a federal statute or court order; and decline to expend any state funds on any activity whose primary purpose is federal law enforcement rather than state or local law enforcement.

What states and localities MAY NOT do: The anti-commandeering doctrine protects states from being forced to act as federal enforcement agents. It does not protect states from: refusing to comply with valid federal court orders, including orders requiring specific state action to vindicate federal constitutional rights; actively obstructing federal law enforcement officers in the lawful performance of their duties — meaning taking affirmative steps to prevent federal agents from enforcing federal law, as distinct from declining to assist them; preventing federal agencies from operating within the state using their own federal resources and personnel; refusing to honor federal subpoenas, federal search warrants, or other federal legal process addressed to state officers or records in their official capacity; or failing to provide emergency assistance when the failure constitutes interference with federal operations rather than mere non-cooperation.

The declination vs. obstruction line: The operative distinction is between declining to act (protected) and taking affirmative action to prevent federal law from being enforced (not protected). A state police department that declines to hold a federal immigration detainee is not obstructing immigration enforcement — federal agents remain free to conduct the enforcement themselves. A state official who releases a detainee with advance notice to the detainee specifically to allow them to evade federal custody has crossed from declination into facilitated obstruction. The line is fact-specific, but the principle is consistent: states choose their own priorities with their own resources; they do not prevent the federal government from using its own resources.

Section 5. Federal Funding Conditions: The Three-Part Validity Test

Federal grants to states are a primary mechanism through which Congress shapes state policy. Conditions on those grants are valid — the Spending Clause has always permitted Congress to attach conditions to federal dollars. But conditions can be structured as financial coercion that leaves states no realistic choice, which the Constitution has long recognized as a limit on spending power. Constitutional Statute 11 codifies a three-part validity test for federal funding conditions:

Condition 1 — Advance notice: Any condition on federal funding to states must be announced clearly and specifically before the state accepts the funding. A state that has accepted a multi-year grant program may not have new conditions imposed on it mid-grant without a new acceptance decision. Retroactive conditions — conditions imposed after the state has accepted and come to rely on funding — are not valid. The advance notice requirement means that the state's decision to accept funding is a genuine, informed choice about the conditions attached.

Condition 2 — Nexus to grant purpose: Every condition on a federal grant must bear a genuine, substantive relationship to the purposes for which the grant was made. Federal highway funds may be

conditioned on highway safety standards — there is a direct nexus. Federal highway funds may not be conditioned on immigration enforcement, gun dealer licensing, or abortion policy — there is no genuine nexus between highway funding and those policy areas. The nexus requirement is not satisfied by finding any conceivable connection; it requires that the condition directly advance the program's stated purpose as described in the authorizing legislation.

Condition 3 — Non-coercive proportion: A condition is coercive when it attaches to a grant so large, or whose loss would be so catastrophic to state operations, that the state has no realistic choice but to comply — the condition is a gun to the head, not a choice. No single federal grant condition may threaten more than 10% of a state's total annual budget if the state declines to comply. This threshold prevents the federal government from using a single large grant program — Medicaid, highway funds, education funds — as leverage to impose conditions entirely unrelated to the program on state policy across the board.

Remedy for invalid conditions: A state may challenge a federal funding condition as invalid under this three-part test in any federal district court. The federal agency bears the burden of demonstrating all three elements. If the condition is found invalid, it is severed from the grant; the state receives the grant without the invalid condition. The federal agency may not terminate the grant in retaliation for a state's legal challenge to the condition's validity.

Section 6. Republican Guarantee: Specific Triggers and Federal Intervention

Article Six, Section 4 of this Constitution guarantees every state a republican form of government. The guarantee has historically been treated as non-justiciable — meaning courts declined to enforce it — but under this Constitution it is an enforceable commitment with specific triggering events and a defined federal response. The triggering events are defined narrowly and specifically to prevent the guarantee from becoming a general license for federal intervention in any contested state political dispute:

Specific triggering events: The Republican Guarantee enforcement mechanism is triggered by any of the following specific acts by a state government: (a) indefinite postponement of a regularly scheduled state or federal election beyond the date established by state law or by federal law for federal elections, without the specific authorization of the state legislature acting within its constitutional authority; (b) a declaration of state emergency, martial law, or equivalent executive action that purports to suspend or indefinitely postpone state or federal elections or that bars candidates from the ballot for reasons not established by pre-existing state law; (c) refusal by any state official with legal authority to certify election results to certify the results of a completed election by the certification deadline established by state law or by federal law for federal elections, without a written finding of specific, documented fraud or tabulation error sufficient to change the outcome — personal legal objections, political disagreements, and allegations not supported by evidence do not constitute grounds for refusal to certify; and (d) use of state law enforcement or state militia to physically prevent the counting of ballots, the certification of results, or the convening of the state legislature or state election authority to

perform their election functions. **What does not trigger the guarantee:** The Republican Guarantee mechanism is not triggered by: disputed election results being litigated in court through normal legal processes; state legislatures enacting election laws that restrict voting rights — those violations are addressed through the voting rights preclearance mechanism of Constitutional Statute 15; contested primary elections or party selection processes; and any political dispute that is being resolved through normal democratic or judicial processes, however controversial.

Federal response: When a triggering event occurs, the DOJ may seek an emergency injunction in the relevant federal district court requiring the state to perform its constitutional election functions within 48 hours. Federal court jurisdiction over Republican Guarantee violations is original and exclusive — no state court process is required. The President may deploy federal law enforcement — but not military forces — to ensure that federal election officials can operate and that the counting and certification of federal election results can proceed, when the state government has physically prevented those operations. These federal law enforcement operations are limited in scope to the specific function being prevented and must cease as soon as the state government resumes its constitutional functions.

Section 7. Interstate Compacts: Congressional Approval Requirements

States may enter into agreements with other states — interstate compacts — to manage shared resources, coordinate policy, or establish common standards. The Constitution requires congressional approval for some interstate compacts and permits others without approval. Constitutional Statute 11 establishes the categories:

Congressional approval required — three categories: (a) Compacts that create a new governmental body with binding legal authority over residents of the member states — meaning authority to impose taxes, levy fees, issue legally binding regulations, or exercise enforcement powers — require congressional approval before the compact takes effect. The governmental body must be consistent with the constitutional rights of all persons subject to its jurisdiction. (b) Compacts that would materially affect commerce, navigation, or environmental conditions in states that are not members of the compact — where the non-member states have no voice in the compact's terms but bear its consequences — require congressional approval. (c) Compacts that involve the participation of any foreign government, foreign governmental entity, or international organization require congressional approval regardless of their subject matter.

Congressional approval not required — broad category: All other interstate compacts — including compacts governing water allocation, transportation infrastructure, environmental protection, emergency management, professional licensing reciprocity, criminal justice information sharing, higher education coordination, and economic development — do not require congressional approval and take effect when ratified by the member states' legislatures. The presumption is in favor of interstate cooperation: congressional approval is the exception required only when the compact implicates specific federal interests (new governmental authority, effects on non-member states, or

foreign involvement), not the default requirement for all state-to-state agreements. **Congressional review of non-approval compacts:** Congress retains authority to review any compact not requiring congressional approval and to preempt it by law if it finds the compact conflicts with federal law or federal constitutional provisions. Preemption requires a specific act of Congress identifying the compact and the grounds for conflict — a general federal law does not automatically preempt a subsequent interstate compact unless the law specifically addresses the subject of the compact or the conflict is irreconcilable. The preemption authority ensures federal supremacy while the non-approval default ensures that routine interstate cooperation is not perpetually pending congressional action.

Section 8. Sanctuary Rights and Anti-Commandeering: The Line Between Incentive and Coercion

Article Six, Section 5 of the Constitution prohibits the federal government from compelling states to enforce federal law or use state resources for federal purposes. Article Six, Section 2 provides that states may not be compelled to assist federal immigration enforcement. This Section establishes the framework for identifying when federal funding conditions cross the line from genuine incentive to coercive commandeering.

The coercion standard. A federal funding condition is coercive — and therefore an unconstitutional commandeering in violation of Article Six, Section 5 — when it meets any of the following: the funding at stake constitutes such a large share of a state's budget in a particular program area that a realistic state could not decline the condition without devastating the program; the condition is attached to a pre-existing entitlement program that states have organized their services around, such that withdrawing participation would cause severe disruption to services that residents depend on; or the condition requires state employees or officers to perform functions that are integral to federal administration rather than incidental to the state's own program operations.

Immigration enforcement specifically. The federal government may condition immigration-related federal funding — including grants specifically for immigration enforcement, detention facility assistance, and reimbursement for detention costs — on state cooperation with immigration enforcement, provided the condition is genuinely optional in the sense that the state can maintain its core government functions without the funding. The federal government may not condition unrelated federal funding — including grants for housing, education, healthcare, infrastructure, law enforcement of non-immigration offenses, or any other program — on state cooperation with immigration enforcement. A condition that demands state participation in immigration enforcement as the price of federal funds for schools, roads, or hospitals is a coercive commandeering void under Article Six, Section 5. Any state, local government, or individual whose program funding has been conditioned on immigration enforcement in violation of this provision may seek declaratory and injunctive relief in federal court, with the burden on the federal government to demonstrate that the condition is permissible under this Section. **State non-obstruction obligation.** While states may not be compelled to assist federal immigration enforcement, they may not actively obstruct it. Active obstruction means:

directing state law enforcement to physically prevent federal immigration officers from making arrests; destroying or concealing information that the state is required by federal law to provide to federal agencies; or taking official action specifically designed to prevent identified individuals from being taken into federal immigration custody when those individuals are not protected from removal by any constitutional provision of this document. Declining to use state resources to assist, declining to provide non-required information, and declining to hold persons in state custody at federal request are not obstruction — they are the exercise of state sovereignty under Article Six, Section 5.

Section 9. Territory Self-Determination: Referendum Process, Statehood Review, and Transition Compacts

Article Six, Section 8 of the Constitution establishes that any territory may initiate a self-determination process by referendum, that Congress must vote on referendum results within two years, and that repeated rejection without constitutionally adequate justification creates a presumption of unconstitutional denial. This Section implements the process.

Referendum administration standards. A self-determination referendum must be: administered by an independent body not subject to direction by the territorial governor, the federal government, or any political party; conducted with ballots in all languages spoken by more than 5% of eligible voters; open to all citizens of the United States who are permanent residents of the territory as of at least one year before the referendum; preceded by an impartial public information campaign explaining each option — continued territorial status, statehood, or independence with transition compact — and its legal consequences; and certified as valid if at least 50% of eligible voters participate. The winning option is determined by simple majority of votes cast. The result is binding on Congress in the sense that Congress must vote within two years; it is not binding on Congress's ultimate decision.

Congressional review and required findings for rejection. When Congress votes on a statehood petition within the required two-year period, a rejection must be accompanied by written findings stating the specific constitutional or factual basis for the rejection. The permissible bases for rejection are: specific documented evidence that the territory does not meet the population or governance capacity standards applicable to all states; specific documented evidence of extraordinary security or treaty obligations that make statehood impractical at the current time; and specific documented evidence that the referendum result does not reflect the free and fair expression of territorial residents' preferences. Congress may not reject a statehood petition on the basis of the anticipated partisan composition of the territory's congressional delegation, the territory's voting patterns in prior elections, or any other political consideration. A stated basis for rejection that is constitutionally impermissible is reviewable in federal court and subject to invalidation. Judicial review under this Section is limited to the face of Congress's written findings and the administrative record supporting them — whether the stated basis matches one of the three permitted categories and is supported by the evidence Congress itself placed in the record, consistent with the pretext review the Supreme Court applied to administrative findings in Department of Commerce v. United States (2019). This review does not

extend to the discovery of any Member's private deliberations, communications, or subjective intent, and a court may not compel testimony or document production from any Member of Congress regarding their reasons for voting on a statehood petition.

Transition compact for independence. When a territory votes for independence, the United States must begin negotiating a transition compact within 90 days of congressional certification of the result. The compact must address: residency rights and a pathway for residents to retain US citizenship if they choose; trade, economic, and development arrangements protecting the territory's economy for a minimum of ten years; security arrangements consistent with both nations' interests; and the assumption of federal financial obligations incurred for the territory's benefit. Negotiations must be completed within three years. If negotiations fail, either party may request appointment of a neutral mediator by the International Court of Justice. No transition compact reduces the constitutional rights of persons who retain United States citizenship.

Section 10. Right to Travel: Enforcement Against State Extraterritorial Laws

Article Six, Section 6 of the Constitution establishes that no state may penalize, restrict, or take any adverse legal action against a person solely for having traveled to another state and engaged in conduct lawful there that caused no direct harm to any specific person in the home state. This Section implements that guarantee.

What is prohibited. A state may not: bring a criminal prosecution against a resident for conduct that occurred in another state, was lawful in that state, and produced no direct harm to any identifiable person in the prosecuting state; impose civil liability on a resident for conduct occurring outside the state under the same conditions; revoke any license, permit, or government benefit solely because the holder traveled to another state and engaged in conduct lawful there; condition any state benefit or service on a resident's agreement not to travel to another state or not to seek services in another state; or take any adverse official action motivated by the purpose of deterring residents from exercising the constitutional right to travel.

The "direct harm" requirement. "Direct harm to any specific person in the home state" means a concrete, documentable injury to an identifiable resident of the state — not a generalized societal harm, not a moral objection, and not a harm that is speculative, indirect, or predicated on the home state's disagreement with the other state's laws. A state that claims a resident's out-of-state conduct caused direct in-state harm must identify the specific person harmed, the specific nature of the harm, and the direct causal connection between the out-of-state conduct and the in-state harm.

Enforcement. Any person who has been prosecuted, threatened with prosecution, had a license revoked, or suffered any other adverse state action in violation of this Section has a private right of action in federal court for: injunctive relief halting the adverse action; a declaration that the state law or action is void as applied; actual damages for all harm caused by the violation; and reasonable attorneys' fees. A court must rule on an emergency application for injunctive relief within 72 hours.

The state bears the burden of demonstrating that the adverse action falls outside the prohibitions of this Section. A state law that is facially directed at punishing out-of-state conduct without a direct in-state harm requirement is void on its face without need for individual as-applied challenge.

Section 11. Vote Dilution Beyond Redistricting

A change to a jurisdiction's election method or structure — including converting district-based elections to at-large elections, annexing territory, or any other structural change to how votes translate into representation — is unlawful if, under the totality of the circumstances, it has the effect of diluting the voting strength of a racial, ethnic, or language-minority group, regardless of whether the change was adopted with discriminatory intent. Relevant circumstances include the history of discrimination in the jurisdiction, the extent of racially polarized voting, and whether the minority group has less opportunity than other members of the electorate to participate in the political process and elect candidates of its choice.

This Section applies independently of, and in addition to, the redistricting standards established under Section 1 of this Act, which govern district line-drawing specifically; this Section reaches structural and method-of-election changes that dilute voting power without necessarily involving district lines at all.

Section 12. The House Grows With the People (Repeal of the Permanent Apportionment Act)

The 435 seat cap is abolished. The Permanent Apportionment Act of 1929, which froze the House of Representatives at 435 seats while the population it represents nearly tripled, is repealed and may not be re-enacted in substance. A statute fixing the House at a permanent number of seats is void. The size of the House is not a matter of administrative convenience to be frozen by an ordinary statute; it is the mechanism of representation itself, and it may not be quietly capped.

The cube-root rule. After each decennial census, the total number of voting seats in the House of Representatives shall be set to the cube root of the total apportionment population, rounded to the nearest whole number, and never fewer than 435. This is the size at which most established democracies represent their people, and it grows with the population automatically, so that the number of people each member represents does not silently inflate from one generation to the next. Congress shall apportion the resulting seats among the states after each census; it has no discretion to reduce the total below the figure the rule produces.

Why a formula and not a number. A fixed number, however large, goes stale the moment the population passes it — that is precisely how 435 became a cap nobody voted for as a principle. A formula tied to population cannot go stale, because it moves with the thing it measures. Tying the size of the House to the population it represents is the point; a House that cannot grow is a House that represents fewer and fewer people per seat until representation itself is hollowed out. **Facilities may not override representation.** The size of the House is determined by the people to be represented, not by the seating capacity of a room. Where the number of members exceeds the physical capacity of

existing facilities, the remedy is to expand, modify, or supplement the facilities, or to provide for members to deliberate and vote by secure electronic means — not to reduce the number of representatives. No appropriation limit, office-space constraint, staffing budget, or chamber capacity may be invoked to hold the House below the size this Section requires. Congress shall provide the offices, staff, and chambers a House of this size requires; the cost of representing the people is a cost of self-government, not a reason to ration it.

Secure remote participation. To ensure that the size of the House is never constrained by physical logistics, Congress shall establish and maintain a secure system by which any member may participate in deliberation and vote from within their district, subject to standards of identity verification, security, and public transparency at least equal to those governing in-person proceedings. A member's vote cast by such a system counts equally. Presence for the purpose of a quorum includes secure verified remote presence.

The Senate is unchanged. This Section governs the House of Representatives only. The composition of the Senate is fixed by the Constitution and is not affected.

Constitutional Statute 12

Media Accountability and Platform Transparency Act

Implementing Article Ten and Article Eighteen, Section 2.

Section 1. DCAB: Composition, Independence, and Technical Expertise

The Digital Communications Accountability Board is an independent federal regulatory body with seven members serving staggered five-year terms. The Board's composition is designed to ensure genuine independence from both partisan political pressure and industry capture:

Appointment structure: Three members are appointed by the President from a list of at least twelve candidates provided by a non-partisan nominating commission composed of the Presidents of the National Academy of Sciences, the National Academy of Engineering, the American Bar Association, and the American Civil Liberties Union, acting jointly. Two members are appointed by the President pro tempore of the Senate, with one from each of the two largest political parties represented in the Senate. Two members are appointed by the Speaker of the House, with one from each of the two largest political parties represented in the House. No more than four members of the Board may be affiliated with the same political party at any time.

Confirmation: All seven members are confirmed by a 60% vote of the Senate. The 60% threshold ensures that no single party can install a Board dominated by its preferred members regardless of what the appointment structure produces.

Expertise requirements: At least three of the seven members must have demonstrated professional expertise in one or more of the following fields: digital systems engineering or computer science; media law or communications regulation; antitrust economics; or journalism and media practice. Members need not hold academic credentials in these fields — demonstrated professional experience qualifies. The non-partisan nominating commission's list must include candidates meeting the expertise requirements; the President's three appointments must include at least two members who meet the expertise requirements.

Conflict of interest: No member may have received more than $50,000 in total compensation from any entity subject to DCAB jurisdiction — any platform, broadcaster, publisher, network, or their parent companies — in the five years preceding appointment or during service. No member may hold any financial interest in any entity subject to DCAB jurisdiction. Members must recuse from any proceeding involving an entity with which they have had a prior employment, consulting, or financial relationship in the preceding ten years.

Removal: Members are removable only for cause: willful misconduct, a felony offense, a material ethics violation, or permanent incapacity. Cause is determined by a two-thirds vote of the full Board and confirmed by concurrent resolution of both chambers of Congress. Policy disagreement is not

cause. **Budget and independence:** The Board's budget is a dedicated appropriation that may not be reduced below its ratification-era level adjusted for CPI. No elected official may communicate with any Board member about the substance of any pending adjudication outside of formal public proceedings. Any such communication must be disclosed publicly within 48 hours. The Board has independent authority to hire staff, retain experts, and issue subpoenas for documents, data, and testimony from any entity within its jurisdiction.

Section 2. DCAB Jurisdiction: What the Board Can and Cannot Review

The Board's jurisdiction is defined by three specific areas of authority and three specific exclusions. The jurisdictional boundaries are enforced strictly — the Board may not expand its jurisdiction by interpretation, and no party may invoke DCAB jurisdiction outside these defined areas.

Within DCAB jurisdiction: (a) *Political content distribution patterns* — systematic patterns in how political speech is distributed, amplified, or suppressed across a designated platform, analyzed at the aggregate and statistical level across categories of political content, viewpoints, and speakers; (b) *Owner non-interference compliance* — whether any platform owner has directed, instructed, or caused their platform to treat political content differently based on the owner's personal political or financial interests, as defined in this Act; (c) *Cross-ownership compliance* — whether any individual holds controlling interests in more than one platform reaching 10%+ of the American adult population across different media categories, as defined in this Act. The Board's jurisdiction covers these three areas exclusively.

Outside DCAB jurisdiction: (a) *Individual content decisions* — any specific decision to remove, restrict, label, or otherwise take action on a specific piece of content, a specific account, or a specific user, whether or not that decision involves political content; (b) *Non-political moderation* — platform enforcement of terms of service regarding illegal content, harassment, spam, impersonation, intellectual property violations, and all other non-political content categories; (c) *Commercial content* — decisions about advertising, promoted content, or any other content for which payment has been made and which the platform clearly identifies as paid content; (d) *Lawful content removal* — content removed pursuant to a valid court order, DMCA takedown, or other lawful legal process. Any party that invokes DCAB jurisdiction over a matter outside these three defined areas has their complaint dismissed without prejudice at the preliminary review stage.

Section 3. Platform Nondiscrimination: The Statistical Pattern Standard

A platform subject to the common carrier obligations of Article Eighteen, Section 2 violates the nondiscrimination requirement when the Board finds by substantial evidence that the platform's distribution systems, content policies, or enforcement practices produce systematically different treatment of political content based on political viewpoint — meaning that content expressing one political viewpoint consistently receives materially different distribution, amplification, suppression, or enforcement outcomes compared to content that is substantively equivalent in format, engagement

metrics, and rule compliance but expresses a different political viewpoint. **Standard of proof — statistical:** A complaint alleging nondiscrimination violations must be supported by statistical evidence of systematic disparity. The following types of statistical evidence are sufficient to trigger a full investigation: (a) statistically significant differences — at the $p \leq 0.05$ level using a methodology approved by the Board's technical staff — in distribution reach, algorithmic amplification rates, or engagement-adjusted visibility between political content categories supporting different viewpoints, controlling for engagement metrics, content age, and rule compliance status; (b) statistically significant differences in enforcement rates — removals, suspensions, labeling, or demotion — between accounts or content that are comparable on all objective characteristics except political viewpoint; (c) direct documentary evidence that a platform's written policies, algorithmic training objectives, or enforcement guidelines explicitly reference political viewpoint as a factor in distribution or enforcement decisions, in a manner that favors one viewpoint over another.

What is not evidence of nondiscrimination violation: The following outcomes are not, standing alone, evidence of a nondiscrimination violation: lower aggregate reach for a political viewpoint whose content generates lower organic engagement; different enforcement rates for content that objectively violates platform rules at different rates; and differential outcomes for accounts that have previously violated platform rules at different rates. A platform that enforces rules evenhandedly is not liable for the consequences of differential rule-breaking behavior across political viewpoints.

Complaint and investigation timeline: Any person may file a complaint with the Board. The Board acknowledges receipt within 14 days. Within 60 days of receipt, the Board completes a preliminary statistical review and determines whether the complaint presents credible evidence of a systematic pattern. If credible evidence exists, the Board opens a full investigation. The Board completes a full investigation within 120 days of opening and issues a written preliminary finding. The platform subject to the investigation has 45 days to respond. The Board issues a final finding within 30 days of receiving the platform's response. All findings are published publicly.

Section 4. Owner Non-Interference: Definition, Evidence, and Disclosure

Article Eighteen, Section 2 prohibits any platform owner from directing, instructing, or causing their platform to amplify, suppress, or treat political content differently based on the owner's personal political or financial interests. This provision defines "owner direction" with the specificity required to enforce it:

Prohibited direction — defined: Owner direction is any communication — written, verbal, through intermediaries, or through indirect channels — from a person who holds a controlling interest in a platform to any editorial, moderation, algorithmic, or policy team of the platform, that: (a) references any specific named politician, political party, electoral candidate, political movement, or electoral outcome by name or clear description; (b) requests, suggests, recommends, or instructs any change in how the platform treats content associated with or supportive of any of the above; or (c) expresses a preference for any specific electoral outcome or political result that could be influenced by the

platform's treatment of political content. A communication that falls within this definition is prohibited direction regardless of whether it is framed as a question, a suggestion, a personal opinion, a rhetorical observation, or an explicit instruction. Intent is not required — the communication itself triggers the prohibition.

Permitted communications: A platform owner may communicate with platform staff about: general content quality standards that apply evenhandedly across all viewpoints (e.g., "our platform should prioritize well-sourced content"); legal compliance requirements; technical operations; financial performance; and any matter unrelated to the treatment of political content. General discussions of content policy that do not reference specific political actors, parties, or outcomes are permitted but must be disclosed in the quarterly owner communication disclosure report described below.

Documentation requirements: All communications between platform ownership — meaning any person with a controlling interest in the platform — and editorial, moderation, algorithmic, or policy staff must be documented in writing and retained for five years. When a verbal communication occurs, a contemporaneous written record must be created within 24 hours by the staff member who received the communication. These records are subject to DCAB subpoena in any investigation. Failure to maintain these records is itself a violation subject to civil penalties.

Quarterly owner communication disclosure: Every platform subject to common carrier obligations must file a quarterly report with the DCAB identifying: every communication between ownership and editorial/moderation/algorithmic staff that addressed content policy; the general subject matter of each communication; and whether any communication was reviewed by the platform's legal counsel as potentially prohibited direction. The report does not require disclosure of privileged communications but must identify that a communication occurred and was referred for legal review. Quarterly reports are public documents.

Owner-directed content disclosure to users: When a platform owner directs the platform to present specific political content — including the owner's own political commentary or advocacy — to users in a manner that departs from the platform's standard organic or algorithmic distribution, that content must be clearly labeled to every user who sees it as "Owner-Directed Content." The label must be prominent, clear, and plain in language. Content presented as organic distribution when it was in fact owner-directed is itself a violation of the nondiscrimination requirement. For clarity: the owner non-interference prohibition applies exclusively to the owner's exercise of control over the platform entity's distribution operations. It does not restrict the owner's personal speech as an individual citizen outside the context of platform management. An owner may publish personal political views in any personal forum — a personal social media account, a newspaper column, a public speech, a podcast — without triggering this prohibition, provided those views are not communicated to platform editorial, moderation, algorithmic, or policy staff in a manner that constitutes direction of platform distribution operations as defined in this provision.

Section 5. Aggregate Reach Measurement: The Authoritative Methodology

The FTC, in coordination with the DCAB, maintains the official methodology for measuring aggregate audience reach for purposes of: determining whether a platform meets the 10% common carrier threshold; determining whether a person's combined holdings meet the 40% aggregate cross-platform threshold; and evaluating cross-ownership compliance. The methodology is reviewed every two years and updated to reflect changes in media consumption patterns:

Survey methodology: Aggregate reach is measured through nationally representative probability sample survey research, conducted by independent survey organizations contracted by the FTC through competitive bidding. The surveys measure actual media consumption behavior — where people actually get their political news and information — not self-reported preferences or demographic proxies. The sample must be sufficient to produce estimates with a margin of error of no more than ±1.5 percentage points at the 95% confidence level for the national adult population.

The consumption threshold — primary news source: A person is counted as part of a platform's audience for reach measurement purposes if they report using that platform as a source of news or political information at least three times per week on average during the survey reference period. This threshold captures regular, habitual news consumers — people for whom the platform plays a meaningful role in shaping their understanding of political events — while excluding occasional or incidental users. Survey respondents are asked about specific platform names and categories; "news or political information" is defined in the survey instrument as information about current events, government, elections, political figures, or public policy.

Unduplicated audience count: For the purpose of calculating aggregate cross-platform reach, the FTC calculates an unduplicated audience — meaning each person is counted only once in the aggregate even if they regularly use multiple platforms under common ownership. A person who uses both Platform A and Platform B, both owned by the same individual, is counted as one person in the aggregate reach calculation for that owner's combined holdings, not as two people. The unduplicated calculation uses standard survey deduplication methodology applied to all platforms in the same ownership group simultaneously.

Six media categories: The aggregate calculation covers all six media categories named in Article Eighteen, Section 2: social media or microblogging platforms; search engines or content discovery platforms; television broadcasting or cable news networks; national newspapers, digital news publications, or news wire services; radio broadcasting networks; and podcast or streaming audio networks of national political reach. A platform in a sixth category that reaches fewer than 1,000,000 regular political news consumers nationally is excluded from the aggregate calculation as de minimis.

Publication and review: The FTC publishes the results of each biennial survey — identifying the reach percentage of every major platform in each category and the aggregate reach of every identified ownership group — within 90 days of completing the survey. The methodology and the underlying survey data (anonymized at the respondent level) are published as public records. Any entity whose

calculated reach approaches or exceeds the 10% or 40% thresholds is notified in writing 30 days before the FTC publishes the results.

Section 6. Cross-Ownership Prohibition: Effective Control and the Divestiture Process

Effective control — defined: A person holds a "controlling interest" in a platform for purposes of Article Eighteen, Section 2 and this Act if they possess any of the following, individually or in combination: (a) the legal right to hire or fire the platform's chief executive officer, editor-in-chief, editorial director, or equivalent senior leadership responsible for content and distribution policy; (b) the contractual right to approve or veto changes to the platform's content policy, moderation policy, or algorithmic distribution policy that affect political content on a platform-wide basis; (c) 25% or more of the voting shares of any entity that owns or operates the platform, provided no other single shareholder holds a larger share; or (d) operational management authority over the platform's content or distribution operations, demonstrated by documented participation in editorial, moderation, or algorithmic decisions. A passive investor who holds a financial interest in a platform without any of the above authorities does not hold a controlling interest regardless of ownership percentage. A limited partner in a fund that owns a platform is not a controlling person for purposes of this Act; the fund's general partner is the controlling person.

The divestiture timeline — 18 months with one extension: Upon a final FTC determination that a person holds controlling interests in more than one platform reaching 10%+ of the American adult population as a primary political news or information source across different media categories, the following process governs: (a) Within 60 days of the final FTC determination, the person must file a written divestiture plan with the FTC identifying: the specific platforms or controlling interests to be divested; the proposed method of divestiture (sale, spin-off, restructuring, or other mechanism); the proposed purchasers or structural arrangements; and the timeline with specific milestones. (b) The FTC reviews the divestiture plan within 45 days and approves it, modifies it, or rejects it with written explanation. (c) The person must achieve full compliance — meaning they no longer hold a controlling interest in more than one qualifying platform — within 18 months of the final FTC determination. (d) One six-month extension is available if the person demonstrates by clear and convincing evidence that: they have made genuine, documented good-faith efforts to execute an approved divestiture plan; the failure to complete divestiture within 18 months is attributable to market conditions outside their control; and the extension is necessary to achieve a commercially reasonable divestiture rather than a forced sale that would harm the platform's operations and employees. No further extensions are available. (e) During the compliance period, the person may not enter any new agreements — including management contracts, licensing agreements, or consulting arrangements — that would extend or deepen their control over any of the platforms to be divested.

No exemptions or waivers: No exemption, waiver, grandfather clause, or national security exception may be granted by any federal agency or official. The cross-ownership prohibition applies to all

persons regardless of their identity, their relationship to any government official, or the claimed strategic importance of their media holdings.

Section 7. Algorithmic Transparency: Categories and Criteria, Not Code

Every platform subject to common carrier obligations must meet the following algorithmic transparency requirements. These requirements are designed to enable public accountability for political content distribution without requiring disclosure of proprietary source code, model weights, or training data — the trade secret protection is for the specific implementation, not for the criteria the implementation applies:

Criteria disclosure to the public: Every platform must publish and maintain, in a publicly accessible location, a plain-language description of every criterion its automated distribution systems use to determine which political content is shown to which users and in what order. This description must identify, for each criterion: the name and plain-language explanation of the criterion (e.g., "engagement score: content is ranked in part by the predicted likelihood that a user will click, like, share, or comment on it"); whether the criterion is applied specifically to political content or to all content equally; and whether the criterion was designed, modified, or calibrated specifically for political content. The description must be updated within 30 days of any material change to the criteria applied to political content distribution. "Political content" for purposes of this provision means content that addresses candidates for public office, elected or appointed officials, political parties, public policy matters being actively debated by governmental bodies, or electoral processes.

User-level disclosure: Every user of a platform subject to this provision must have access to: (a) a one-click option to view their political content feed in reverse chronological order without any algorithmic modification — the platform must maintain this option as a permanent feature and may not make it harder to find or access over time; (b) a clear indicator, visible on any piece of political content whose distribution to that specific user was increased by more than 50% above its organic reach, identifying that the content was algorithmically amplified; and (c) a clear indicator on any piece of political content for which payment was made — by any person, organization, or government entity — to increase its distribution, identifying the content as paid-promoted and identifying the paying party.

Annual transparency report: Every platform must publish an annual transparency report, within 90 days of each calendar year end, covering political content distribution during that year. The report must include: the aggregate percentage of political content impressions that were algorithmically amplified above organic reach, disaggregated by the political viewpoint category of the content; the aggregate enforcement action rate for political content by viewpoint category — meaning the rate at which political content was removed, demoted, labeled, or otherwise restricted — disaggregated by violation category and by political viewpoint; and the aggregate reach of owner-directed content as a percentage of total political content impressions. The viewpoint category methodology used in the report must be disclosed and submitted to the DCAB for review before the report is published. The platform chooses

its own viewpoint categorization methodology but must apply it consistently and make it publicly available.

Confidential DCAB technical audit access: The DCAB has the authority to require any platform subject to common carrier obligations to provide, under a confidentiality order protecting trade secrets, access to: the platform's actual algorithmic systems and their specific implementations; training data and model documentation for systems that affect political content distribution; internal testing and evaluation results for political content distribution outcomes; and internal communications about political content distribution system design. Information obtained through confidential audit access may not be publicly disclosed — the DCAB uses it only to verify the accuracy of the platform's public disclosures and to investigate specific complaints of nondiscrimination violations. Disclosure of confidential audit information by any DCAB member or staff is grounds for immediate removal from the Board and referral for criminal prosecution.

Section 8. DCAB Penalty Schedule: Scaled, Graduated, and Sufficient

Civil penalties for violations of this Act are designed to be sufficient to deter violations by entities of any size — which requires that they scale with the financial capacity of the violating entity. A flat penalty that is existential for a small outlet and negligible for a trillion-dollar platform does not serve the purpose of deterrence. The following schedule achieves scale while maintaining proportionality:

Standard violation penalty schedule: For each violation of the common carrier obligations of Article Eighteen, Section 2 — including nondiscrimination violations, owner non-interference violations, and cross-ownership violations — civil penalties accrue as follows: 0.05% of the violating entity's annual global revenue per day of continuing violation for the first 30 days; 0.2% per day from day 31 through day 90; and 0.5% per day from day 91 forward. Maximum civil penalties in any 12-month period are 5% of the entity's annual global revenue. Penalties are calculated based on the entity's most recently reported annual revenue as filed with any federal or state regulatory authority or as calculated by the DCAB based on publicly available financial information.

Repeat violation escalation: An entity that commits the same category of violation — nondiscrimination, owner non-interference, or cross-ownership — within three years of a prior final finding of the same category applies the standard schedule at double rates: 0.1% per day for the first 30 days; 0.4% per day days 31-90; 1% per day thereafter. Maximum annual cap for repeat violations: 10% of annual global revenue.

First violation warning for new common carrier designations: An entity that becomes subject to common carrier obligations for the first time — meaning it has crossed the 10% common carrier threshold for the first time in a biennial FTC survey — receives one warning for any violation occurring within 18 months of the designation becoming effective. The warning period is not a grace period from the obligations — the obligations apply from the date of designation — but civil penalties are not assessed for violations occurring within the first 18 months if the entity demonstrates it was

making documented, good-faith compliance efforts. After the 18-month period, the full penalty schedule applies to all subsequent violations including those arising from the same conduct.

Personal liability for owner non-interference violations: When a platform owner is found by the Board to have personally engaged in prohibited direction under this Act, the owner is personally civilly liable — not merely the platform as a corporate entity — for: all civil penalties assessed for violations arising from the prohibited direction; a statutory personal penalty equal to 100% of the platform penalties for which the prohibited direction was causally responsible; and all costs of the DCAB investigation. The platform may not indemnify the owner for personal civil liability arising from owner non-interference violations.

Anti-Oligarchy Enforcement Fund: All DCAB-assessed civil penalties are deposited into the Anti-Oligarchy Enforcement Fund established in Constitutional Statute 9, which funds DCAB operations, consumer information programs, and whistleblower awards. DCAB enforcement is self-funding through the penalties it generates and is not dependent on annual appropriations for operational capacity.

Section 9. Think Tank and Advocacy Organization Disclosure

Any organization that is not a registered lobbying firm but that spends more than $250,000 in any calendar year on activities directed at advancing or opposing specific federal legislation, specific federal regulatory actions, or specific federal appointments — including publishing reports, funding academic research designed to influence policy, placing advertisements discussing specific legislation, organizing events or congressional briefings, or funding travel for congressional members or staff — must register with the DCAB and comply with the following disclosure requirements:

Funder disclosure: Every covered organization must disclose quarterly, for each calendar quarter in which the $250,000 threshold is met or exceeded: every funder who contributed $10,000 or more to the organization in that quarter; the amount of each contribution; and whether the contribution was restricted to specific legislative or regulatory activities. Funders who contribute exclusively to the organization's genuinely non-advocacy activities — peer-reviewed academic research, charitable programs, educational activities with no specific legislative target — need not be disclosed, provided the organization maintains separate accounting for advocacy and non-advocacy expenditures and can document that the disclosed contributions were not used for advocacy purposes.

Expenditure disclosure: Every covered organization must disclose quarterly: total expenditures on advocacy activities by category (publications, advertising, events, congressional travel, staff compensation for advocacy activities); and the specific legislation, regulation, or appointment for which each category of expenditure was incurred, identified by bill number, regulatory docket, or nominee name.

Foreign funding enhanced disclosure: Any covered organization that receives funding from any foreign government, foreign state-owned enterprise, foreign political party, or any person or

organization primarily operating outside the United States — in any amount — must file a supplemental quarterly disclosure identifying the foreign funder, the amount, and the nature of any relationship between the foreign funder and the advocacy activities of the organization. An organization that receives foreign funding for its advocacy activities and fails to disclose it under this provision is subject to referral to the Department of Justice for investigation under the Foreign Agents Registration Act.

Academic research exemption: Research published in peer-reviewed academic journals, or research conducted under standard academic research protocols by researchers affiliated with accredited universities who retain full editorial control over their findings and conclusions, is exempt from the disclosure requirements of this provision even if the research addresses a topic of legislative or regulatory concern. The exemption does not apply to research that is commissioned by a covered organization, conducted to specifications provided by a covered organization, or whose conclusions are reviewed or approved by a covered organization before publication.

Civil penalties for non-disclosure: Covered organizations that fail to register, fail to file quarterly disclosures, or file materially false disclosures are subject to civil penalties of $100,000 per quarter of non-compliance plus an amount equal to 200% of the expenditures that should have been disclosed. The DCAB publishes a public registry of all registered covered organizations and their quarterly disclosures, searchable by funder, by organization, and by legislation or regulation addressed.

Section 10. Public Airwaves Accountability Board: Broadcast Licensing and Public Interest

The Public Airwaves Accountability Board oversees broadcast license renewal for entities holding FCC licenses for over-the-air television and radio broadcasting. The Board operates under the principle that the broadcast spectrum is public property licensed for private use, and that licensees bear minimum obligations to the public interest in exchange for their exclusive use of that public resource. The Board's authority is limited to the following specific areas:

What the Board reviews at license renewal: The Board conducts a public interest review at every broadcast license renewal, covering: (a) whether the licensee has met minimum local news programming requirements — meaning whether the licensee broadcast at least 3 hours per week of original news programming specifically covering events and issues in the licensed broadcast area during the license term; (b) whether the licensee maintained the technical and operational capacity to serve the broadcast area throughout the license term; and (c) whether the licensee has complied with all FCC technical standards and the FCC's equal time and political broadcasting rules. The Board may deny license renewal only for documented failure to meet these specific criteria.

What the Board cannot review: The Board has no authority to review, evaluate, or consider in any license renewal proceeding: the political viewpoint, political lean, or editorial positions of any broadcaster's news or commentary programming; the accuracy of any specific statement made in any broadcast; the choice of topics covered or not covered; the choice of sources, guests, or commentators;

or any other aspect of editorial content. The Board is not a truth arbitrator for broadcast content. The distinction between public interest obligations (local news minimums, technical compliance, equal time rules) and editorial content (what the broadcaster says and how they say it) is absolute and may not be eroded by interpretation.

Transparency requirement: Every broadcast licensee must file an annual public interest report with the Board identifying: the total hours of original local news programming broadcast during the year; the topics covered in that programming at a general category level (local government, crime, education, business, sports, weather); and any formal complaints received from the public about the licensee's local programming, with a description of how each complaint was resolved. These reports are public documents.

Fair and transparent renewal process: Broadcast license renewals are presumptively granted. A renewal may be denied only upon the Board's affirmative finding, supported by substantial evidence in a public record, that the licensee failed to meet one of the three reviewable criteria. Any person may submit written comments in a license renewal proceeding; the Board must address all substantive comments in its written renewal decision. Licensees whose renewal is recommended for denial have the right to a hearing before an administrative law judge before any final denial is issued.

Section 10A. Coordination with FTC and Constitutional Statute 9; Authoritative Status

This Act is the authoritative implementing statute for all DCAB matters. All references to DCAB jurisdiction in Constitutional Statute 9 (Anti-Oligarchy Implementation Act) and in any other Constitutional Statute defer to this Act for DCAB procedures, penalty structures, composition, and operational rules. Where Constitutional Statute 9 establishes substantive anti-oligarchy obligations that DCAB enforces — including the essential market accountability requirements and the cross-ownership prohibition — this Act governs the enforcement process for those obligations to the extent they fall within DCAB's three defined jurisdictional areas.

FTC-DCAB coordination protocol: When a platform is subject to both FTC essential market designation proceedings under Constitutional Statute 9 and DCAB enforcement proceedings under this Act arising from the same factual conduct, the two agencies must coordinate through a joint coordinating committee that meets monthly. Before either agency takes final action that affects the other's jurisdiction, it must provide 30 days' written notice to the other agency and receive a written response. Where the two agencies disagree on jurisdictional scope or on the appropriate remedy, they must seek resolution through the Administrative Conference of the United States before either issues a final order. Coordination does not limit the independent legal authority of either agency — it ensures that their enforcement actions are complementary rather than contradictory.

No double counting of penalties: When a single act or course of conduct by a platform violates both Constitutional Statute 9 essential market obligations and Constitutional Statute 12 common carrier obligations, the platform is subject to penalties under both statutes — but the total penalties assessed

for the same continuous course of conduct in any 12-month period may not exceed the higher of the two applicable annual caps. The agencies coordinate penalty assessment to ensure that the combined penalty serves deterrence without exceeding the constitutional proportionality requirement.

Section 11. Public Figure Defamation: Standards, Defenses, and Anti-SLAPP Protections

Article Two, Right 4 of the Constitution establishes that no public official, elected representative, or person who has voluntarily assumed a prominent role in public affairs may use defamation law to suppress criticism of their exercise of that public role. This Section implements the evidentiary standards, procedural protections, and enforcement mechanisms that give that constitutional principle operational force.

Who is a public figure. A person is a public figure for purposes of this Section when they have voluntarily sought and obtained a prominent role in public life — including elected and appointed officials at every level of government, candidates for public office, senior executives of publicly traded companies, celebrities and entertainers who have cultivated public personas, prominent political and civic advocates, and others who have affirmatively invited public attention to their conduct in matters of public concern. A person does not become a public figure merely by being the subject of news coverage, being accused of a crime, or appearing incidentally in a public event. The test is whether the person voluntarily entered the public arena with respect to the subject matter of the allegedly defamatory statement.

The actual malice standard. A public figure bringing a defamation claim arising from their public conduct must prove by clear and convincing evidence that the defendant made the statement with actual malice — meaning with knowledge that the statement was false, or with reckless disregard for whether it was true or false. Reckless disregard means the defendant subjectively entertained serious doubts about the truth of the statement at the time of publication. Failure to investigate, standing alone, does not constitute reckless disregard unless the defendant had specific reasons to doubt the statement's truth and proceeded anyway. The actual malice standard applies to both statements of fact and to statements of opinion that imply an underlying false fact.

Truth as absolute defense. Truth is an absolute defense to any defamation claim in any court. No statement that is substantially true may form the basis of a defamation judgment regardless of the intent of the speaker, the harm to the plaintiff's reputation, or any other consideration. Substantial truth means the statement is accurate in all material respects — minor inaccuracies that do not alter the overall impression conveyed do not defeat the defense. The plaintiff bears the burden of proving falsity by clear and convincing evidence; the defendant need not affirmatively prove truth.

Anti-SLAPP: expedited dismissal. A lawsuit brought primarily to silence critics, deter future speech, or impose litigation costs as punishment rather than to vindicate genuine reputational harm is a Strategic Lawsuit Against Public Participation (SLAPP) and is subject to expedited dismissal. Any defendant in a defamation action may file a special motion to dismiss within 60 days of service of the

complaint. The court must hear the motion within 30 days of filing. Upon the filing of such a motion, all discovery is stayed except for discovery directly relevant to the motion. The plaintiff must demonstrate — by clear and convincing evidence — that the claim has substantial merit and that the defendant has no valid defense. If the plaintiff fails to meet this burden, the court shall dismiss the action with prejudice. The dismissal standard applies regardless of whether the plaintiff is a public figure; any defamation action that targets speech on a matter of public concern is subject to this procedure.

Fee-shifting. When a defamation action is dismissed on anti-SLAPP grounds, the court shall award the defendant their reasonable attorneys' fees and costs unless exceptional circumstances make such an award unjust. When a defamation action proceeds to final judgment and the plaintiff fails to prove actual malice, the court shall consider awarding fees to the defendant and may do so upon a finding that the action was brought in bad faith or without a reasonable factual basis. Fee-shifting is mandatory on dismissal and discretionary but presumed on final judgment for the defendant.

Section 12. News and Commentary Disclosure

The labeling obligation. Any covered news entity must clearly and continuously label content as either "News" or "Commentary/Opinion" for the duration of its broadcast, stream, or display. Content is "News" if it primarily reports verifiable facts about current events; content is "Commentary/Opinion" if it primarily consists of the speaker's own analysis, predictions, interpretation, or advocacy for a position. A segment that mixes both must be labeled "Commentary/Opinion" unless factual reporting constitutes at least 80% of its content.

Covered news entity. A covered news entity is: any broadcast station holding an FCC license; any cable or satellite news channel reaching 100,000 or more subscribers; or any digital channel, account, feed, show, or publication — regardless of platform — reaching 1,000,000 or more unique viewers, listeners, or readers in the United States in any 30-day period.

Obligation follows distribution, not production. The obligation under this Section attaches to the entity that controls distribution to the audience — the broadcaster, network, channel, or publisher presenting the content to its audience — regardless of whether the content was produced in-house, by employees, by independent contractors, by a separately incorporated production company, or under a syndication or licensing agreement. Structuring content production or distribution through any such arrangement does not exempt the distributing entity from this obligation, and the obligation may not be shifted to an unaffiliated upstream producer who does not control the distribution channel itself.

Hosting platform enforcement. A platform hosting third-party channels or accounts that meet the audience threshold of this Section must enforce labeling compliance as a condition of continued distribution, and assumes liability for repeated, knowing failure to enforce this Section against a channel it hosts.

Enforcement standard and penalties. Enforcement is complaint-driven and reviewed by the DCAB against the objective content-type test established above — whether the disclosed label matches the actual proportion of factual reporting to opinion, analysis, or advocacy in the content — not against whether the opinions expressed were correct, fair, or politically balanced. Civil penalties for knowing mislabeling are $50,000 per violation, escalating to $250,000 per violation for a third or subsequent violation within 24 months.

Section 13. Manufactured Content and Deceptive Editing Disclosure

The disclosure obligation. A covered news entity, as defined in Section 12, that broadcasts, streams, or publishes an interview, panel discussion, or person-on-the-street segment must disclose: any material edit that changes the apparent meaning of a participant's statement from its meaning in the unedited recording; any payment, coordination, scripting, or organizational recruitment of a participant presented as an independent, spontaneous, or unaffiliated voice; and whether an exchange presented as live, spontaneous, or unscripted was rehearsed or scripted in advance with any participant's knowledge.

Retention and production requirement. A covered news entity must retain the complete, unedited recording of any interview or segment subject to this Section for a minimum of two years and must produce it to the DCAB upon a credible complaint alleging a violation of this Section. Failure to retain or produce the unedited recording creates a rebuttable presumption that the alleged deceptive edit occurred as described in the complaint.

Scope limitation. This Section does not require disclosure of routine, non-material editing for time, clarity, or removal of unrelated content; it requires disclosure only where the edit, payment, coordination, or scripting would lead a reasonable viewer to a materially different understanding of what was said, who said it, or how spontaneously it occurred. Enforcement follows the same objective, content-based standard as Section 12 and does not extend to evaluating the fairness, accuracy of opinion, or editorial judgment reflected in any properly disclosed content.

Section 14. Minor Safety Duty of Care

The duty. A covered platform — meaning any online service offering a personalized recommendation algorithm, infinite or auto-advancing scroll, push notifications designed to maximize engagement, or any other design feature reasonably likely to be used by minors — owes a duty of reasonable care in the design and operation of features available to a known minor account holder to prevent and mitigate: promotion or facilitation of suicide, self-harm, or eating disorders; promotion or facilitation of the sale or use of illegal drugs, alcohol, or tobacco to minors; sexual exploitation or abuse of minors; financial harm to minors through deceptive design or marketing; and compulsive use patterns substantially caused by the platform's own design choices, as distinguished from the underlying content a user voluntarily seeks out.

Default settings for known minor accounts. A covered platform must, by default and without requiring the account holder to take any action: apply its strongest available privacy settings; disable

personalized algorithmic content recommendation, subject to the account holder's ability to affirmatively opt in; restrict default visibility of the account holder's profile, content, and location to other account holders the minor has not affirmatively approved; and disable design features specifically intended to encourage continuous or compulsive use, including auto-play of sequential content and engagement-maximizing push notifications.

Parental tools. A covered platform must provide a parent or guardian of a known minor account holder, with the minor account holder's account-level consent obtained at registration, tools to view the minor's privacy and safety settings, restrict in-platform purchases, and limit total platform usage time; and a dedicated, response-tracked channel to report content or conduct directly endangering the minor.

What this Section does not do. This Section does not create a duty to restrict, remove, or limit access to lawful content based on its viewpoint or subject matter, including content relating to health, sexuality, gender identity, political or religious viewpoint, or any other protected characteristic; a platform's duty under this Section runs to the design and default operation of its own features, not to editorial judgments about lawful content a minor or their parent chooses to access. This Section does not require a covered platform to conduct any age or identity verification beyond what Section 15 of this Act requires.

Enforcement. Enforcement of this Section is committed exclusively to the Federal Trade Commission. No state attorney general or private party may bring an action to enforce this Section directly, though a private right of action remains available under Section 15 for violations of the identity verification and destruction requirements specifically. The Commission may seek civil penalties consistent with its existing enforcement framework and equitable relief including mandatory design changes.

Section 15. Verified Identity for Minor Protection

The verification requirement. A covered platform under Section 14 of this Act must verify the real-world identity of every account holder before granting access to features this Act or Constitutional Statute 15 designates as restricted for minors, using one of the following methods.

(a) Cryptographic age verification — preferred method. A platform receives only a binary confirmation of whether the account holder meets an applicable age threshold from a verifier the account holder authorizes, without the platform receiving the account holder's name, birthdate, government identification number, or any other identifying information. This method is the preferred compliance pathway under this Section.

(b) Direct identity verification. The platform collects government-issued identification or equivalent proof of identity directly, verifies the account holder's identity and age, and permanently destroys the submitted identification materials within 24 hours of completing verification. A platform using this method must notify the account holder, at the time registration is completed, that their identifying document has been destroyed and that the platform retains only the fact of successful verification, not the underlying document.

Penalties for retention or misuse. A platform that retains identification materials beyond the 24-hour period required under subsection (b), or that retransmits, sells, or shares those materials with any third party for any purpose other than the verification itself, is subject to the same penalty structure established under Constitutional Statute 16's enforcement Section, and an affected individual has a private right of action for statutory damages, actual damages, and attorneys' fees.

Independent audit. A platform must submit to an independent third-party audit of its verification and destruction practices not less than once every 12 months, with audit results filed with the FTC and made available to the public in summary form. A platform using method (a) above is exempt from the destruction-audit requirement, since it does not collect identifying documents in the first place.

Scope limitation. This Section does not require a platform to verify the identity of an account holder who does not seek access to a feature restricted for minors under this Act or Constitutional Statute 15.

Section 16. Platform Liability: Hosting Immunity and Algorithmic Amplification

A platform is not liable for harm caused by content posted, uploaded, or transmitted by a third-party user solely because the platform hosted, stored, or transmitted that content. This hosting immunity reflects the absence of any constitutional speech interest a platform could otherwise assert under Article One, Section 5, and exists instead as a deliberate policy choice to avoid making a platform the insurer of everything its users say.

The amplification exception. Hosting immunity under this Section does not extend to harm proximately caused by a platform's own decision to actively recommend, promote, or algorithmically surface specific third-party content to a user who did not search for, follow, or otherwise affirmatively seek out that content, where the platform knew or, through the exercise of reasonable care, should have known the content was likely to cause the type of harm that resulted. A platform's liability under this exception is for its own conduct in selecting and promoting content to a given user — not for the underlying content's existence, and not for the third-party user who created it.

Scope limitation — search and advertising excluded. This Section's amplification exception does not apply to a platform's search ranking function or paid advertising placement. Returning content in response to a user's own search query, or displaying a paid advertisement consistent with the advertiser's own targeting parameters, is not algorithmic amplification for purposes of this Section, and remains within the hosting immunity above.

Standard of care. A claim under the amplification exception is evaluated under ordinary negligence principles: whether the platform's content-promotion decision fell below the standard of care a reasonably prudent platform would exercise under the circumstances, given the foreseeability and severity of the harm.

Relationship to other Sections. Nothing in this Section limits a platform's liability under Section 14 (Minor Safety Duty of Care) or any other Section of this Act; this Section addresses general third-party content liability and does not narrow any more specific obligation established elsewhere in this Act.

Section 17. Broadband Common Carrier and Traffic Neutrality

A provider of broadband internet access service is a common carrier with respect to the transmission of internet traffic. A broadband provider may not block, throttle, or degrade lawful internet traffic on the basis of its source, destination, or content, and may not accept payment to prioritize, or to create a fast lane for, particular traffic over other traffic (paid prioritization). **Reasonable network management.** A broadband provider may engage in reasonable network management for genuine technical purposes — managing congestion, security, or network integrity — provided the management is disclosed, applied neutrally, and not used as a pretext to evade this Section.

Permitted tiering. This Section does not prohibit a provider from offering different total bandwidth tiers to subscribers at different prices, provided that within any tier all lawful traffic is treated neutrally.

Enforcement. This Section is enforced by the Digital Communications Accountability Board and by private right of action for injunctive relief and actual damages.

Constitutional Statute 13

Federal Surveillance Standards and Privacy Act

Implementing Article Twelve; Rights 9 and 10.

Section 1. Third-Party Data: Abolishing the Third-Party Doctrine for Digital Information

Right 10 of this Constitution explicitly protects "browsing history, communications, location data, cloud storage, biometric data, and all other digital information" as private. This explicit protection supersedes the third-party doctrine — the prior legal rule under which information voluntarily shared with a company lost constitutional protection because the person had "assumed the risk" of disclosure. A person who uses a smartphone has not voluntarily shared their precise location with the government by using an app; they have shared it with a private company for the app's stated purpose. Right 10's explicit protection means the government must obtain lawful process before accessing that information. The tiered framework below reflects the different privacy interests at stake in different categories of digital information:

Full warrant required — content and location: The following categories of information held by any private company, service provider, or cloud storage operator require a federal search warrant based on probable cause, issued by a federal judge or magistrate judge, specifically identifying the person whose information is sought, the specific information to be obtained, and the offense being investigated: the content of any communication — email, message, voice, video, or any other format; the content of any file, document, photograph, or other stored material; precise location data — meaning GPS coordinates, cell tower data, or any other data that reveals a person's location at a specific time with accuracy better than one mile; and biometric data in any form. Content warrants may not be satisfied by a subpoena, a National Security Letter, a 2703(d) order, or any other administrative process. Only a judicial warrant satisfies the requirement.

Court order required — metadata: The following categories require a court order issued by a federal judge or magistrate judge with a finding of specific and articulable facts suggesting the records are relevant to an ongoing criminal investigation: non-content subscriber records (name, address, service dates, account number); communication metadata other than precise location (phone numbers dialed and received, email sender and recipient addresses, duration of communications, but not content); and general location data accurate to one mile or less. A court order requires specific articulable facts; it is a higher standard than a subpoena but a lower standard than a warrant. A National Security Letter — an administrative subpoena issued without judicial authorization — does not satisfy this requirement.

Subpoena sufficient — limited administrative records: Basic business records — records that identify whether an account exists, the service start date, billing records, and similar administrative information that reveals little about a person's actual life — may be obtained with a standard

administrative subpoena. This category is narrow and specific; it does not include any communication metadata, any location data, any biometric data, or any content.

Companies must notify: Any company that receives a warrant, order, or subpoena for a customer's digital information must notify the customer within 30 days of providing the information, unless a federal court specifically finds that immediate notification would seriously jeopardize an ongoing investigation and issues a delay order for a specific, limited period not exceeding 180 days. Delay orders may be renewed for good cause for up to two years total; after two years, notification is mandatory regardless of the status of the investigation.

Section 2. Bulk Collection Prohibition and Foreign Intelligence Standards

Domestic bulk collection — prohibited: No federal agency may collect, in bulk, the communications, communications metadata, location data, financial records, or any other records of United States persons — meaning citizens, lawful permanent residents, and persons physically present in the United States — without a specific warrant or court order identifying the specific person or specific premises to be subjected to collection. "Bulk collection" means the collection of records from persons who are not individually named in the authorizing legal process. Section 215-type programs — programs that collect telephone metadata from all customers of a telecommunications company without specific targets — are prohibited. No program may be structured to collect first and query later; the legal process must identify the target before collection begins.

Foreign intelligence collection — FISA framework: The collection of foreign intelligence from persons outside the United States, and the collection of foreign intelligence targeting foreign nationals operating overseas, is conducted under the Foreign Intelligence Surveillance Court framework. The FISA Court has jurisdiction to authorize surveillance targeting foreign nationals outside the United States when the surveillance will be conducted within the United States or using U.S. communications infrastructure. The FISA Court framework governs these collections; the domestic warrant requirements of this Act do not apply to properly authorized foreign intelligence collection targeting foreign nationals outside the United States.

Incidental collection of domestic communications — minimization and restrictions: When foreign intelligence collection authorized by the FISA Court incidentally collects communications of U.S. persons who are communicating with foreign intelligence targets, those communications are subject to mandatory minimization procedures: the identities of U.S. persons are suppressed in disseminated reports unless the U.S. person's identity is necessary to understand the intelligence value; communications between U.S. persons that are incidentally collected must be destroyed within 5 years unless they contain evidence of a crime subject to the use restrictions of this Act; and the identities of U.S. persons in incidentally collected communications may not be "unmasked" — revealed in disseminated intelligence reports — without a specific, documented, written request approved by a senior official and logged in the NSA Inspector General's annual transparency report.

Section 3. The Four Permitted Sharing Scenarios: Private Business to Law Enforcement

Private businesses — stores, employers, transportation companies, and any other entity that operates surveillance equipment, maintains records systems, or possesses digital information about persons — may share that information with law enforcement in the following four scenarios and no others:

Scenario 1 — Warrant for specific criminal investigation: A private business must provide any information requested under a valid federal search warrant, court order, or grand jury subpoena issued in connection with a specific criminal investigation. The business may not resist valid legal process. Legal process must be served in writing; oral requests, badge-flashing, and informal "asks" are not legal process and the business has no obligation to comply with them. A business that complies with informal requests that are later found to exceed the business's legal obligation is subject to civil liability to the affected person under this Act.

Scenario 2 — Missing or endangered persons: A private business may voluntarily share information with law enforcement — without a warrant or court order — solely for the purpose of locating a specific identified missing or endangered person, when law enforcement presents a written certification identifying the specific missing person and the specific information requested. Information shared under this scenario may be used only to locate the missing person; it may not be used in any criminal prosecution, retained beyond 30 days from the date of sharing, or disclosed to any agency other than the one that certified the missing person emergency. Any person whose information was shared under this scenario must be notified in writing within 30 days of their location or the conclusion of the search, whichever occurs first.

Scenario 3 — Imminent threat to life at a specific identified location: A private business may voluntarily share information — without a warrant — when there is a credible, specific, and ongoing threat to human life at an identified location, such as an active shooter situation, a hostage-taking, or an ongoing attack. The sharing is limited to: only the information directly relevant to the specific threat; only the agency responding to the specific incident; and only for the duration of the active emergency. Law enforcement must obtain a judicial authorization from any available federal or state judge within 48 hours of the sharing or the information becomes inadmissible in any judicial proceeding. The inadmissibility rule is the enforcement mechanism — law enforcement agencies that rely on this scenario have every incentive to obtain the retroactive judicial authorization promptly, because failure to do so destroys the evidentiary value of the information shared. Inadmissibility under this provision does not extinguish any Brady disclosure obligation under Right 14 of this Constitution: where emergency-shared information is favorable to a defendant in a criminal proceeding, the prosecution must disclose it to the defense regardless of its admissibility status, so the defense may investigate alternative leads and, if appropriate, challenge the lawfulness of the underlying surveillance. Information shared under Scenario 3 that is not covered by a timely judicial authorization may not be retained, shared with other agencies, or used for any investigative purpose beyond the specific emergency. **Scenario 4 — Regulatory and compliance sharing:** Private businesses may share

information with regulatory agencies — not law enforcement — when that sharing is specifically required by the regulatory framework governing their industry, for the limited purpose of demonstrating compliance with that regulatory framework. Information shared under this scenario may not be transferred to law enforcement agencies without following the warrant and court order requirements of this Act.

Outside these four scenarios — prohibited: Any sharing of customer or user information from a private business to any law enforcement or intelligence agency outside these four scenarios is prohibited. "Consent" provisions in terms of service documents, app permissions, or other boilerplate agreements between businesses and customers do not constitute consent to law enforcement sharing — consent to share with law enforcement for law enforcement purposes requires a specific, informed, written consent given at the time of the specific request, separate from any general terms of service.

Section 4. FISA Court Reform: Adversarial Process and Order Sunsets

The Foreign Intelligence Surveillance Court — the judicial body that authorizes foreign intelligence surveillance within the United States — has historically operated as a non-adversarial proceeding in which only the government presents its case. A court that hears only one side is not a court; it is a review process with a judicial imprimatur. The following reforms make the FISA Court a genuinely adversarial institution while preserving the classified national security information that requires protection:

National Security Public Advocate: An Office of the National Security Public Advocate is established within the Department of Justice as an independent office whose sole function is to appear before the FISA Court in every proceeding to argue the civil liberties and privacy interest. The National Security Public Advocate does not represent the specific surveillance target — the target is not a party to and does not know about the FISA proceeding. The Advocate represents the constitutional interest in privacy and civil liberties as a structural matter, ensuring that the court hears the strongest version of the civil liberties argument in every case rather than only the government's argument. The Advocate has full access to classified information relevant to FISA proceedings. The Advocate is appointed by the FISA Court's presiding judge from a pool of nominees submitted by the Privacy and Civil Liberties Oversight Board, serves a four-year term, and is removable only for cause by the FISA Court en banc.

One-year maximum on surveillance orders: No FISA surveillance order may authorize surveillance for more than one year. At the one-year mark, the government must return to the FISA Court with a new application demonstrating ongoing probable cause and necessity. The one-year maximum applies to all FISA orders — including orders targeting foreign nationals outside the United States when the surveillance is conducted within the United States. There is no "set and forget" surveillance authority; every authorization requires active renewal.

Ten-year declassification with judicial review: All FISA Court orders, applications, opinions, and proceedings are declassified automatically 10 years after the date of the order, subject to the following exception: an intelligence agency may petition the FISA Court en banc for an extension of classified status for a specific order or proceeding if it demonstrates by clear and convincing evidence that declassification would reveal the identity of a human intelligence source or compromise an active operation of ongoing national security significance. Extensions may be granted for periods of up to five years and may be renewed. The FISA Court's declassification decisions are reviewable by the United States Court of Appeals for the D.C. Circuit. Procedures, legal standards, and legal interpretations adopted by the FISA Court are declassified on the same schedule as orders; the government may not maintain secret law — legal interpretations that govern surveillance authority — beyond the ten-year window.

Probable cause requirement — no more "relevant to an investigation": All FISA orders targeting U.S. persons must be based on probable cause that the target is an agent of a foreign power — meaning the traditional probable cause standard applies, not the "relevant to an investigation" standard that has historically permitted highly attenuated connections. For foreign nationals inside the United States, probable cause that the target is engaged in or preparing to engage in clandestine intelligence gathering, sabotage, or terrorism is required.

Section 5. Intelligence-to-Law-Enforcement: Use Restrictions by Prosecution Category

Foreign intelligence collection incidentally produces information about crimes committed by U.S. persons. The question of when and how law enforcement can use that information in criminal prosecutions determines whether the foreign intelligence apparatus becomes a backdoor to domestic surveillance without constitutional warrant requirements. The following framework applies by prosecution category:

National security prosecutions — directly usable: Evidence obtained through FISA-authorized foreign intelligence collection may be used in prosecutions for offenses that are specifically and directly related to the foreign intelligence activity that justified the collection — including espionage, terrorism, foreign agent registration violations, sanctions violations, and directly related conspiracy charges. The connection between the intelligence collection and the prosecution must be direct, not attenuated; the government must demonstrate that the criminal activity was part of the foreign intelligence activity being monitored, not merely discovered coincidentally during monitoring of a foreign intelligence target.

Serious violent felonies — usable with FISA order: Evidence of imminent or ongoing serious violent felonies — murder, kidnapping, armed robbery, sexual assault, and directly related conspiracies — discovered through FISA-authorized foreign intelligence collection may be used in prosecution only if the government obtains a specific FISA Court order authorizing the use of that specific evidence in the specific criminal prosecution. The FISA Court issues such orders upon a finding that: the evidence relates to a serious violent felony; the evidence was not deliberately obtained through the

FISA program as a pretext for criminal investigation; and disclosure in the criminal prosecution can be managed in a manner that does not reveal classified sources and methods beyond what is necessary for the defendant's fair trial rights. **All other criminal cases — separate domestic warrant required:** Evidence discovered through FISA-authorized foreign intelligence collection may not be used in any other criminal prosecution unless the government independently obtains the evidence through domestic legal process — a domestic search warrant or court order — that is entirely independent of the FISA collection and that is based on probable cause developed without reference to the FISA collection. Law enforcement agencies may not use the existence of FISA-collected evidence as a basis for seeking a domestic warrant ("parallel construction") unless the evidence of criminal activity in the FISA collection was independently developed to a probable cause standard through domestic investigation.

Prohibited searches of domestic incidental collection: Intelligence agency personnel may not conduct queries of databases containing incidentally collected U.S. person communications for the purpose of finding evidence of crimes that are not directly related to the foreign intelligence justification for the collection. Query logs are audited quarterly by the relevant Inspector General and reported annually to the Privacy and Civil Liberties Oversight Board.

Section 6. Biometric Surveillance: Public Space Prohibition and Targeted Exception

Right 10 protects biometric data — facial geometry, gait patterns, voiceprints, and other unique physical characteristics — as private information. The real-time use of biometric surveillance in public spaces eliminates practical anonymity in physical movement, enabling the government to track any person's movements continuously and retrospectively without any individualized suspicion. This is qualitatively different from traditional law enforcement surveillance because it applies to everyone, all the time, whether or not any suspicion exists. The following rules implement the constitutional protection:

Real-time biometric surveillance in public spaces — prohibited without specific court order: No federal, state, or local law enforcement or intelligence agency may use any automated biometric identification system — including facial recognition, gait analysis, voice recognition, or any other technology that identifies a specific person from physical characteristics — in real time in any public space to identify any person, unless a specific court order has been obtained identifying the person to be identified and the specific location and time period of the authorized identification. The court order requirement for real-time biometric identification is the same as the warrant requirement — probable cause that the identified person has committed or is about to commit a crime or poses a specific national security threat. A court order for real-time biometric identification is valid for a maximum of 72 hours and may be renewed. Real-time identification of any person not named in the authorizing order is prohibited regardless of what the surveillance system detects.

Post-incident biometric database searches — warrant required: Any search of a biometric database — including law enforcement mugshot databases, driver's license photograph databases, passport databases, or any other database containing biometric information about identified persons —

to attempt to identify an unknown person based on surveillance footage or other biometric data requires a warrant based on probable cause that the unknown person committed a specific crime. A biometric database search result is not itself probable cause for arrest; it is evidence that requires independent corroboration before any action adverse to the identified person may be taken.

Federal biometric database limitations: No federal agency may create or maintain a database that combines biometric information from multiple sources — including private company databases, state government databases, and federal databases — into a unified identification system accessible across agencies without a specific authorizing act of Congress enacted by a 60% supermajority. Existing databases maintained for specific authorized purposes (passport verification, criminal identification, immigration processing) remain authorized for those specific purposes and may not be repurposed for general biometric surveillance without congressional authorization. No federal agency may purchase access to any commercial biometric database without specific congressional authorization in the agency's appropriation.

"Passive video surveillance" defined. Article Twelve's permission for government surveillance within 1,000 yards of government-owned buildings is limited to passive video surveillance. Within the meaning of this Article and this Act, passive video surveillance means visual recording of publicly visible activity only, with all of the following restrictions: no audio capture of any kind; no automated facial recognition, biometric identification, or biometric matching applied to recorded footage in real time or retrospectively without a warrant naming the specific individual to be identified; no license plate recognition or vehicle identification technology; no automated gait analysis, behavioral analysis, or any other automated identification of individuals by physical characteristics; and no AI-powered analysis beyond basic motion detection for security alert purposes. Any government agency that applies facial recognition, biometric matching, license plate recognition, or any other automated individual identification technology to footage captured within the permitted surveillance zone must first obtain a warrant specifically authorizing that analysis, naming the individual being sought, the crime under investigation, and the specific footage to be analyzed. A warrant for biometric analysis of surveillance footage expires 30 days after issuance and may not be renewed more than twice for the same investigation.

Section 7. Citizen Surveillance Portal: Real Disclosure with Workable Exceptions

Right 10 guarantees that any person may inquire whether they have been the subject of federal surveillance. The following procedures implement that right in a manner that provides meaningful information while protecting genuinely sensitive ongoing operations:

The portal and the request process: The Office of the Director of National Intelligence operates a Citizen Surveillance Portal through which any U.S. person — citizen or lawful permanent resident — may submit a written inquiry asking whether they have been the subject of any federal surveillance authorized under the Foreign Intelligence Surveillance Act, any national security letter, any Section 702 collection, or any other foreign intelligence collection authority within the preceding two years.

The inquiry is submitted in writing to the Portal with identification information; it is processed by a team of cleared reviewers who have access to relevant surveillance records. The inquiry is treated as confidential — the fact that a person has submitted an inquiry is not itself recorded in a manner accessible to law enforcement or intelligence agencies as evidence of wrongdoing.

Responses — 60 days, unclassified: The Portal provides a written response within 60 days. The response is unclassified and takes one of three forms: (a) "No records of surveillance under the covered authorities were found for the period of the inquiry" — a genuine negative response; (b) "Records exist but cannot be disclosed at this time" — when an active investigation exception applies; or (c) "Records exist and are disclosed to the extent permitted" — when surveillance records exist and the active investigation exception does not apply, with an unclassified summary of the dates, types, and general subject matter of the surveillance. The portal does not disclose the content of collected communications, the identities of third parties in those communications, or classified sources and methods used in collection.

Active investigation exception — with mandatory sunset: When the government believes that disclosure of surveillance records would seriously jeopardize an ongoing investigation of a specific person, it may invoke the active investigation exception and respond with form (b). The exception must be documented in writing, reviewed and renewed every 180 days by a senior official, and reported in aggregate (without identifying information) to the Privacy and Civil Liberties Oversight Board's annual report. The active investigation exception expires automatically when the investigation concludes, when 3 years have elapsed from the most recent surveillance activity without prosecution, or when the person has been charged — at which point disclosure obligations under criminal discovery law supersede this Act. No active investigation exception may be maintained for more than 5 years without a specific FISA Court order finding that continued non-disclosure is necessary.

Judicial review of denied responses: A person who receives a form (b) response may petition the FISA Court for review of the government's invocation of the active investigation exception. The petition is filed ex parte by the person; the FISA Court reviews the government's written documentation of the exception in camera and determines whether the exception is validly invoked. If the court finds the exception is not valid, it orders disclosure of the unclassified summary. The petition process does not reveal whether a specific investigation is ongoing; it only reviews whether the legal standard for the exception was met.

Active investigation tolling limit. The active investigation exception to citizen portal disclosure under Article Twelve may not be used to indefinitely suppress a person's right to know they were surveilled. The following time limits apply regardless of the status of the investigation: (a) after one year from the date the surveillance data was collected, the government must provide the surveilled person with notice that they were subject to government surveillance during the specified period, even if the contents of the investigation and the specific data collected remain sealed pending the investigation's conclusion; (b) after two years from the date the surveillance data was collected, the full data must either be

disclosed to the surveilled person through the citizen portal or, if disclosure would still pose a specific documented threat to an active investigation or to the safety of an identified person, destroyed — the government may not retain surveillance data for more than two years without either disclosing it or justifying retention to a court; (c) a court may extend the disclosure deadline by 180 days upon a specific, documented, on-the-record finding that extraordinary circumstances — defined as an ongoing investigation that has produced documented evidence of serious ongoing criminal activity — justify continued non-disclosure, but no extension may be granted more than twice; and (d) at the conclusion of any investigation — whether by prosecution, declination, or closure — the government must notify the surveilled person within 30 days and provide full portal access to the surveillance data collected, unless a court orders continued sealing based on documented need that is not met by any less restrictive alternative. No surveillance data may be retained beyond three years from the date of collection under any circumstances.

Section 7A. Annual Transparency Reports and the Privacy and Civil Liberties Oversight Board

Surveillance authority without public accountability enables abuse. The following transparency and oversight requirements are the structural mechanisms that make accountability real:

Annual transparency report — published publicly: The Director of National Intelligence must publish an annual transparency report, no later than April 30th of each year, covering the preceding calendar year. The report must include: the total number of individuals targeted by FISA orders, disaggregated by U.S. persons and non-U.S. persons; the total number of U.S. person communications collected incidentally through Section 702 or equivalent authority; the total number of unmasking requests and the number approved; the total number of queries of U.S. person incidentally collected communications, by agency; the total number of national security letters issued; the total number of FISA Court applications, approved, modified, and denied; the total number of Citizen Surveillance Portal inquiries and their outcomes by category; and any significant FISA Court opinions issued during the year, with declassified summaries. Methodologies for counting each category are published alongside the numbers.

Privacy and Civil Liberties Oversight Board — authority and independence: The Privacy and Civil Liberties Oversight Board is an independent federal agency with full access to all surveillance programs, classified information, and agency records relevant to its oversight function. The Board has seven members appointed by the President and confirmed by a 60% vote of the Senate. Members serve staggered six-year terms and are removable only for cause. The Board publishes public reports on the implementation and civil liberties impact of surveillance programs, reviews the annual transparency report for completeness and accuracy, receives the active investigation exception reports from the Citizen Surveillance Portal, and issues public recommendations on surveillance program reforms. The Board has independent litigation authority — it may seek federal court review of any surveillance program it believes violates constitutional rights or the requirements of this Act, without prior approval from the Department of Justice.

Section 8. The Exclusionary Rule: Standards, Good-Faith Exception, and Abolished Exceptions

Right 9 of the Constitution establishes that evidence obtained through any search, seizure, or surveillance that violates any constitutional right is inadmissible in any criminal proceeding against the person whose rights were violated. This Section implements that rule, defines its sole recognized exception, and abolishes all other exceptions.

The rule. Evidence obtained through an unlawful search, seizure, or surveillance is excluded from any criminal proceeding against the person whose rights were violated. This applies to physical evidence, statements obtained as a result of the unlawful search, and any derivative evidence — the fruit-of-the-poisonous-tree doctrine is constitutionally required.

The sole exception: genuine good faith. Evidence is admissible notwithstanding a constitutional violation only when the government demonstrates by clear and convincing evidence that: (a) the officer acted in genuine, documented good-faith reliance on a specific judicial warrant that was later found defective through no misconduct by the officer; and (b) no pattern of similar violations exists in the same department within the preceding three years. Both elements are required. Good faith is not satisfied by an officer's subjective belief — it requires documented reliance on a specific warrant.

Abolished exceptions. The inevitable discovery doctrine, the independent source doctrine, and the attenuation doctrine do not apply to evidence obtained through willful constitutional violations. These doctrines are abolished for any case in which the government knew of the constitutional violation before obtaining the evidence through the alternative means claimed.

Section 9. Absolute Confidentiality of Compelled Statistical and Census Data

The Constitution compels the people to be counted: an accurate enumeration is required for representation itself. Because that count is compelled — the people must answer, under penalty — the government owes an absolute duty in return: information given for the purpose of counting may never be turned against the people who gave it. This Section makes that duty unbreakable. It is the direct answer to a proven betrayal: census data was used to locate and intern Japanese-American citizens during the Second World War, under the same "emergency" and "security" justifications that this Section forecloses forever.

The absolute rule. Information compelled from any person or household for the census, or for any mandatory statistical enumeration or survey, may never be accessed, disclosed, published in identifiable form, linked, cross-referenced, or used to identify, locate, target, surveil, investigate, detain, deport, prosecute, or take any adverse action against any individual or household. Such information may be used only in aggregate, de-identified, statistical form, for the statistical purpose for which it was collected. This is a rule of the data's use, binding every officer, employee, agency, and branch of government, and every private party to whom such data might flow. **No consent exception.** Because participation is compelled, purported consent to a different use is void; no person may be asked or required to waive this protection as a condition of anything, and the purpose-limitation of

Constitutional Statute 16, which permits reuse upon fresh consent, does not apply to compelled statistical data, which may never be repurposed on any basis.

No emergency or security override. This protection has no exception for war, insurrection, national emergency, public safety, national security, immigration enforcement, or any other asserted necessity. No statute, executive order, emergency power, or wartime authority may suspend, pierce, or override it. The lesson of its history is precisely that the moment of asserted emergency is the moment the protection must hold; a confidentiality that yields to the government's urgency is no confidentiality at all.

No repurposing by later law. Data already collected under a promise of confidentiality remains sealed to identifying use forever; no later statute may reach back to unlock it. The protection attaches to the data at the moment of compelled collection and travels with it permanently.

Personal liability and enforcement. Any officer or employee who accesses, discloses, or uses compelled statistical data in violation of this Section, and any official who orders or induces such a violation, is personally criminally liable, without immunity, and is subject to the penalties for the gravest abuses of office. Any person whose compelled data was misused, and any person subjected to an adverse action derived from such misuse, has a private right of action; evidence derived from a violation is inadmissible for any purpose against any person under the exclusionary rule of Section 8; and any adverse action taken against a person on the basis of such data is void.

Constitutional Statute 14

National Housing Infrastructure and Broadband Access Act

Implementing Rights 47 and 49.

Section 1. Affordability Standards: What "Affordable" Means

A broadband service is affordable within the meaning of Right 47 when its monthly cost for the minimum qualifying service tier does not exceed 2% of the household's monthly gross income. This affordability threshold applies across all income levels: a household earning $2,000 per month should not pay more than $40; a household earning $5,000 per month should not pay more than $100. No eligible household may be charged more than this threshold for qualifying broadband service that meets the minimum speed standards of Section 2, regardless of the provider's list pricing.

Low-income household subsidy. For households whose income is at or below 200% of the federal poverty level, the federal government must provide a broadband subsidy sufficient to reduce the cost of qualifying service to zero or near-zero — meaning the household pays no more than $10 per month for a qualifying connection. Congress shall fund this subsidy through the Universal Service Fund or a successor mechanism at a level adequate to serve all eligible households. The subsidy is an entitlement — any eligible household that applies must receive it. The application process must be simple, accessible in multiple languages, and completable without internet access.

Equipment and installation. Affordability includes the equipment and installation necessary to receive qualifying broadband service. A household that can pay for monthly service but cannot afford the modem, router, or installation required to receive it has not been provided affordable access. Federal subsidy programs must cover equipment and installation costs for low-income households at the same eligibility threshold as the monthly service subsidy.

Price transparency. Every broadband provider must publish its rates, terms, fees, and data practices in plain language accessible to consumers without requiring subscription or account creation. Hidden fees, automatic price increases after promotional periods, and data cap overage charges that were not clearly disclosed at the time of contract are prohibited as a form of price deception under Right 47.

Section 2. Universal Service: Geographic Coverage and Speed Minimums

Coverage obligation. Every address within the jurisdiction of the United States — including rural, remote, tribal, and low-income areas — must have access to qualifying broadband service. Geographic coverage is measured at the address level, not by census tract, census block, or any other aggregating unit that can obscure unserved addresses within an otherwise served area. The federal government bears the ultimate obligation to ensure coverage; where no private provider serves an address on commercially viable terms, federal funding must support construction of the necessary infrastructure. **Minimum speed standard.** The minimum qualifying broadband speed is 100 Mbps download and 20

Mbps upload, with latency not to exceed 100 milliseconds under normal load conditions. This standard reflects the minimum necessary for simultaneous video conferencing, streaming, and remote work by multiple household members. The Federal Communications Commission — or its successor — must review and update the minimum speed standard every three years based on the best available evidence of actual use requirements. A speed standard update takes effect two years after adoption, giving providers time to upgrade infrastructure. The minimum speed may only be increased, not decreased, in any update cycle.

Tribal lands and remote areas. Tribal nations and tribal lands have a constitutional right to broadband access on equal terms with all other communities. Federal broadband infrastructure programs must allocate dedicated funding for tribal broadband development, administered in direct partnership with tribal governments with full tribal sovereignty over deployment decisions within tribal lands. Remote areas — including island communities, rural areas without year-round road access, and areas with severe topographic barriers — are entitled to the same coverage obligation through satellite, wireless, or other technology capable of meeting the minimum speed standard.

Network neutrality. A broadband provider that serves as the exclusive or primary means of internet access for an address or community exercises a form of essential infrastructure control. Such a provider may not: throttle, block, or discriminate against specific internet content, applications, or services; charge content providers for access to users at speeds that meet the minimum standard; or engage in paid prioritization that degrades the relative performance of services that do not pay. Network neutrality is a constitutional obligation that flows directly from Right 47's guarantee that internet access not effectively deny civic, economic, or educational participation.

Section 3. Offline Alternatives: Government Services Without Internet Disadvantage

Right 47 provides that where government services are available primarily online, accessible offline alternatives must be provided without meaningful disadvantage. This Section implements that guarantee.

The parity standard. An offline alternative is provided without meaningful disadvantage when: it can be completed in a single visit or interaction without requiring the applicant to return for multiple appointments caused by the offline channel; it results in a decision or response within the same timeframe as the online channel; it does not require the person to travel more than a reasonable distance — not to exceed 30 miles in urban and suburban areas, and not to exceed 60 miles in rural areas — to access the offline option; and it provides the same scope of services and the same legal effect as the online channel. An offline channel that technically exists but is staffed inadequately, available only at inaccessible hours, or produces systematically inferior outcomes does not satisfy this standard.

Covered services. The offline parity obligation applies to: all federal benefit applications and renewals (including Social Security, Medicare, Medicaid, SNAP, unemployment insurance, and housing

assistance); all federal tax filing and payment functions; all federal court and administrative agency filings; all federal agency complaint, reporting, and public comment processes; all voter registration and election participation functions; and all other government services for which online access has become the primary or expected mode of participation.

Libraries as access points. Public libraries are constitutionally designated as offline access points for government services. Congress must fund public library systems at levels adequate to provide: internet-connected computers for public use during all library hours; trained staff assistance for persons completing government applications and filings; and printing and document services at no cost for government-related purposes. A reduction in public library funding that impairs this access function is a violation of Right 47.

Section 4. Digital Equity and Anchor Institution Access

Every public school, public library, public health clinic, public hospital, and local government office in the United States must have access to broadband service at a minimum of 1 Gbps download and upload speed by the fifth year after this Act's effective date, and at 10 Gbps by the tenth year. E-Rate program funding is expanded to cover 100% of the cost of anchor institution connectivity for qualifying institutions in rural and low-income urban areas. No public school or public library in the United States may operate without qualifying broadband access; federal E-Rate funding is sufficient to ensure this regardless of local fiscal capacity.

Broadband access alone does not produce digital inclusion. The federal Digital Equity Program, administered by the National Telecommunications and Information Administration, provides grants to states, localities, and nonprofit organizations for: device access programs ensuring every low-income household has a functional computing device; digital literacy training programs for adults; technical assistance programs for small businesses and community organizations; and digital navigators — trusted community members trained to help individuals access online services for healthcare, benefits, employment, and civic participation. The Digital Equity Program is funded through the same mechanism as the affordability subsidy in Section 1 and is treated as an essential component of broadband deployment, not an add-on. No community is considered "served" for deployment purposes until both connectivity infrastructure and basic digital literacy support are available.

Section 5. Enforcement: Private Rights and Federal Obligations

Private right of action. Any person who is denied affordable broadband access, who is charged above the affordability threshold, who is denied a low-income subsidy for which they are eligible, or who is denied a meaningful offline alternative to a government service has a private right of action in federal court for: injunctive relief requiring the provider or government agency to comply; actual damages caused by the denial; and reasonable attorneys' fees. A provider that charges above the affordability threshold is liable for return of all overcharges plus an equal amount as liquidated damages. The statute of limitations is three years from the date of the denial or overcharge. **Federal enforcement.** The FCC

— or its successor with equivalent authority — has primary enforcement authority over Right 47 and this Act. The FCC must: maintain a publicly accessible, searchable database of broadband coverage at the address level, updated annually; investigate complaints of unaffordable service or inadequate coverage within 60 days of receipt; and publish annual reports on the state of broadband affordability and access including gaps in coverage by geography, income, and race. Congress must fund the FCC or successor at levels adequate to fulfill these obligations; a funding reduction that impairs enforcement capacity is presumptively unconstitutional under Right 47.

Common carrier enforcement. Article Fourteen designates any internet service provider controlling 40% or more of the residential broadband market in any geographic area as a common carrier subject to the prohibitions against throttling, blocking, and paid prioritization. Market share is calculated at the census tract level for residential broadband service, measured by the percentage of households in the tract that subscribe to or have access only to a specific provider. The FCC — or its successor — must publish and maintain a publicly accessible common carrier designation list, updated annually, identifying every ISP meeting the 40% threshold in any census tract. A designated common carrier that throttles, blocks, or engages in paid prioritization of lawful internet traffic is subject to: a civil penalty of $100,000 per day for each day the violation continues, assessed separately for each affected customer class (residential, small business, institutional); mandatory restoration of unrestricted service within 72 hours of a violation finding; and a public designation as a non-compliant common carrier published on the FCC's website until full compliance is certified. Any customer of a designated common carrier who experiences throttling, blocking, or paid prioritization has a private right of action in federal court for injunctive relief requiring restoration of full service and actual damages for the period of violation. The FCC must investigate any verified complaint of common carrier violation within 30 days and issue a preliminary finding within 60 days of the complaint.

Section 6. The Right to Housing: No Homelessness by Government Failure

Right 49 of the Constitution establishes that no person shall be left without housing as a result of government failure, economic conditions beyond their control, or market distortions. This Section implements the affirmative obligations that flow from that right.

The floor obligation. Every government — federal, state, and local — has an affirmative obligation to ensure that every person within its jurisdiction has access to safe, stable shelter. The floor obligation means no person may sleep outside involuntarily when: they have no access to any shelter alternative; the absence of shelter is the result of market conditions, government failure, or circumstances beyond the person's control; and government-provided or government-funded shelter meeting minimum habitability standards is not available to them. The floor obligation does not require the government to provide homeownership or permanent housing to every person — it requires the government to ensure that the choice between shelter and the street is not forced on anyone. **Criminalization of homelessness is prohibited.** A person cannot be punished for the involuntary condition of lacking housing. Anti-camping ordinances, sit-lie laws, laws prohibiting sleeping in public spaces, laws

prohibiting storage of personal belongings in public spaces, and all other laws that penalize persons for existing in public when they have no access to shelter, are unconstitutional as applied to any person who has been offered and refused no genuine shelter alternative. When the government seeks to enforce such a law against a person experiencing homelessness, it must demonstrate that it offered the person a genuine, accessible, safe shelter placement within a reasonable distance that the person refused. Offering a shelter bed 40 miles away with a 6-hour intake process does not constitute a genuine alternative.

Shelter standards. Government-funded emergency and transitional shelter must meet minimum habitability standards including: safe structural conditions; functional heating and cooling maintaining temperature between 60°F and 85°F; access to sanitary bathroom facilities; clean drinking water; reasonable security against theft and assault; and freedom from conditions constituting a direct health hazard. A government that provides substandard shelter and then criminally penalizes a person for refusing it has not fulfilled its obligation under Right 49.

Section 7. Housing Supply and Affordability: Zoning Reform, Anti-Speculation, and Tenant Protections

The primary driver of housing unaffordability in most American cities is exclusionary zoning that prevents construction of housing at densities necessary to meet demand. As a condition of receiving federal housing, community development, or transportation grant funds, a jurisdiction must meet the zoning reform standards below. Compliance is certified annually by the jurisdiction's chief executive officer under penalty of perjury and verified by the Department of Housing and Urban Development.

Zoning reform — jurisdictions over 10,000 population. Any city, town, county, township, or equivalent jurisdiction with a resident population above 10,000 persons as measured by the most recent decennial census must: permit multifamily residential development — buildings with three or more housing units — as an allowed use in at least 25% of its residentially zoned land area; not require minimum lot sizes above 4,000 square feet for single-family development in any zone permitting residential use; not require minimum parking spaces above 1.0 per unit for any residential development within one-half mile of a transit stop, and not maintain single-family-exclusive zoning that prohibits multifamily construction within one mile of a major transit station; permit accessory dwelling units by right on any residential parcel; and not impose design standards or architectural review requirements that, in their practical effect, add more than 5% to the documented construction cost of any residential development project. These are minimum floors; jurisdictions may exceed them, and jurisdictions already meeting or exceeding these standards are in compliance.

Permitting timelines — all receiving jurisdictions. Every jurisdiction receiving federal housing funds must decide permit applications within: 90 calendar days for projects of 10 units or fewer; 180 calendar days for projects of 11 to 50 units; and 365 calendar days plus any federally required environmental review period for projects above 50 units. A "permitting decision" means a final approval, denial, or conditional approval — not the commencement of review. A jurisdiction that fails

to issue a decision within the applicable period is deemed to have approved the application as submitted, subject to applicable building codes and safety standards.

Jurisdictions under 10,000 population. Communities below 10,000 population are not required to meet the density standards above but are eligible for a 15% funding bonus — above their standard allocation — if they voluntarily adopt any of them; they must still meet the permitting timeline requirements to receive federal housing funds.

Compliance remedy. A jurisdiction found by HUD to be out of compliance has 18 months to achieve compliance before any reduction in federal housing funds. During the compliance period, the jurisdiction may not receive new federal housing fund awards; existing multi-year awards continue to be disbursed. A jurisdiction that achieves compliance within the 18-month window is immediately eligible for new awards.

Anti-speculation measures. Housing is shelter before it is investment. Speculative practices that convert housing from shelter to financial instruments — including mass institutional purchase of single-family homes for rental conversion, algorithmic coordination of rental prices among competitors, short-term vacation rental conversion that removes long-term housing from local markets, and land-banking that holds developable land vacant to appreciate in value — create the market distortions that Right 49 identifies as a cause of housing deprivation. Congress has authority to regulate, tax, or restrict these practices under its enumerated powers over interstate commerce and its obligation to implement Right 49. States may impose additional anti-speculation measures independently of federal action.

Large institutional investor restrictions. A large institutional investor — meaning any entity, or any group of commonly controlled or commonly beneficially owned entities, that owns or controls 350 or more single-family homes nationally in the aggregate — may not acquire any additional single-family home, except for: a newly constructed home purchased as part of a planned build-to-rent community; or a home substantially rehabilitated from below local building code standards, with improvements equal to not less than 15% of the purchase price. A purchase under either exception is subject to a 7-year disposal requirement — the large institutional investor must offer the home for sale to an individual owner-occupant within 7 years of acquisition, with any tenant in occupancy receiving a right of first refusal and a 30-day first-look period before the home is offered to the general public.

Mandatory divestiture of existing holdings. A large institutional investor holding single-family homes acquired before the effective date of this Section must divest its holdings at a rate of not less than 10% of its portfolio per year, calculated from the portfolio's size on the effective date, until full divestiture is complete within 10 years. Divestiture sales must offer any tenant in occupancy a right of first refusal before the home is offered to the general public. A large institutional investor that fails to meet an annual divestiture benchmark is subject to a civil penalty of $50,000 per home per year for each home by which it falls short of that year's required divestiture, payable to the Community Reinvestment Infrastructure Fund established under Section 9 of this Act.

Aggregation; no exemption by legal form. For purposes of the 350-home threshold, all single-family homes owned by commonly controlled or commonly beneficially owned entities are aggregated and counted together, regardless of whether those entities are organized as corporations, limited liability companies, partnerships, trusts — including any form of land trust — nonprofit organizations, or any other legal structure. No entity is exempt from this Section based on its tax status, charitable purpose, or stated mission; the threshold applies equally to a for-profit fund, a nonprofit organization, and a land trust holding the same number of homes. An individual who creates, controls, or is the beneficial owner of multiple entities for the purpose of holding single-family homes below the 350-home threshold in each entity, while the individual's aggregate beneficial ownership across all such entities meets or exceeds 350 homes, is treated as a large institutional investor for purposes of this Section.

Individual ownership. This Section does not apply to a natural person's direct ownership of single-family homes in that person's own name or in a revocable trust for that person's own estate planning purposes, regardless of the number of homes so owned, provided that a natural person using this provision to hold homes on behalf of, or with undisclosed beneficial ownership by, any other person or entity is subject to the aggregation rule above as though the homes were held by that other person or entity directly.

Eviction protections. No person may be evicted from their primary residence without: written notice specifying the legal and factual basis for the eviction not less than 30 days before any court proceeding; a judicial hearing before any order of possession issues; access to legal representation at the hearing — if the landlord is represented by counsel, the tenant has the right to counsel provided at public expense if they cannot afford private representation; and a post-judgment minimum of 30 days to vacate following any order of possession, except in documented cases of serious harm to other residents or significant criminal activity on the premises. An eviction that does not comply with these requirements is void.

Rent gouging prohibition. During any declared housing emergency — a period in which vacancy rates fall below 3% in a defined geographic area, or in which a natural disaster or other emergency displaces significant numbers of people from their housing — no landlord may increase rent on any occupied residential unit by more than the rate of inflation in the preceding calendar year. Rent increases above this limit during a declared housing emergency are void and the excess amounts must be returned to the tenant.

Section 8. Inclusionary Zoning: Affordable Housing Requirements for Federally Assisted Development

Mandatory inclusionary — federally funded development. Any residential development project that receives federal financial assistance — including direct grants, federal housing tax credits, federal loan guarantees, or land conveyed by the federal government at below-market value — and that contains 20 or more housing units must include at least 15% of its total units as income-restricted affordable housing. Affordable units must be: priced at or below 60% of the Area Median Income (AMI) for

rental housing, or priced at or below 80% of AMI for ownership housing; integrated throughout the development rather than concentrated in a separate building or section; comparable in size, finishes, and access to amenities to the market-rate units in the same development; and deed-restricted affordable for a minimum of 30 years. Affordable units may not be smaller than 80% of the average unit size in the same bedroom category in the market-rate portion of the development.

Fee-in-lieu — permitted at 120%. A developer may satisfy the 15% on-site affordability requirement by paying a fee-in-lieu to the local affordable housing trust fund, at a rate equal to 120% of the documented construction cost of building the required units on-site. The 120% multiplier — rather than 100% — is calibrated to ensure that on-site construction remains the financially rational choice for developers rather than a cost to be bought out. The fee-in-lieu may be used only for the construction of affordable housing within the same geographic jurisdiction, completed within three years of the fee payment, with units affordable at the same or deeper income levels as would have been required on-site. Fees collected but not applied to qualified affordable housing within three years are returned to the developer with interest.

Incentive-based inclusionary — private development without federal assistance. Private residential development projects not receiving federal assistance are not subject to mandatory inclusionary requirements. However, any jurisdiction that adopts a local mandatory inclusionary zoning ordinance applying to non-federally-assisted private development receives priority consideration in the Community Reinvestment Infrastructure Fund allocation formula established by Section 9. HUD administers a Low-Income Housing Tax Credit (LIHTC) bonus allocation for jurisdictions with strong inclusionary policies, providing additional federal tax credit authority to jurisdictions whose local policies create affordable units in high-opportunity areas.

Section 9. Community Reinvestment Infrastructure Fund: Eligibility, Capitalization, and Oversight

Article Fourteen establishes a Community Reinvestment Infrastructure Fund targeting communities that have been systematically excluded from housing opportunity and infrastructure investment. This Section implements the Fund's eligibility criteria, allocation formula, capitalization, eligible uses, and oversight structure.

Eligibility and allocation formula — 50/50 historical and current. CRIF funds are allocated to eligible communities using an equal weighting of two components: (a) *Historical discrimination score (50%)* — a score based on documented evidence of historical exclusionary practices affecting housing access in the community, including: whether the community or adjacent census tracts were rated "hazardous" or "definitely declining" in Home Owners' Loan Corporation maps from the 1930s-1940s; whether the community was subject to racially restrictive covenants that were judicially enforced; whether the community was subject to documented racially discriminatory application of federal housing programs including FHA loan denials and public housing siting practices; and the documented racial wealth gap in homeownership rates in the community relative to the national average. This

component is race-neutral in design and application: it measures the economic consequences of documented government policy decisions, not the racial composition of current residents. A community qualifies based on what was done to it by government policy, not based on who currently lives there; (b) *Current disadvantage score (50%)* — a score based on current economic conditions in the community, including: median household income as a percentage of national median; homeownership rate; rate of housing cost burden (households spending more than 30% of income on housing); percentage of housing stock rated substandard; and distance from the nearest metropolitan employment center. The 50/50 weighting ensures both that communities where the legacy of historical discrimination is the primary driver of current disadvantage are prioritized, and that communities facing poverty and infrastructure deficits for reasons not captured in historical documentation are also eligible. The relevant federal agency maintains and publishes the eligible-community list and scoring methodology, updated every five years following each decennial census, with methodology and supporting documentation publicly available.

Capitalization and dedicated revenues. The Fund is capitalized from the following dedicated sources, not subject to annual appropriations lapse: not less than 25% of all annual appropriations to the Community Development Financial Institutions Fund; a dedicated assessment on federally insured financial institutions calculated based on their historical lending disparities in eligible communities as documented in Home Mortgage Disclosure Act data, with higher assessments for institutions with larger documented disparities; and any civil penalty payments collected under the Fair Housing Act, the Equal Credit Opportunity Act, and any other federal statute prohibiting discriminatory lending. Fund revenues may not be redirected to general budget purposes or used to offset the unified federal deficit without a 60% supermajority vote of both chambers.

Eligible uses. Fund resources may be used for: acquisition of land for affordable housing development; construction and rehabilitation of affordable housing, with preference for community land trust models that preserve permanent affordability; infrastructure improvements — including water, sewer, streets, transit connections, and broadband — serving eligible communities; down payment assistance programs for first-generation homebuyers in eligible communities; small business development grants and low-interest loans to businesses owned by residents of eligible communities; public school and library facility construction and renovation; community health center construction and equipment; and remediation of environmental hazards — including lead paint, lead pipes, and other legacy pollution — in eligible communities. Fund resources may not be used for market-rate or luxury development, administrative overhead exceeding 5% of the grant, or any project that does not directly benefit current residents of the eligible community.

Community oversight. Every eligible community that receives Fund resources must establish a community oversight board composed of a majority of current residents. The board has the authority to approve or reject proposed Fund projects, set priorities among eligible uses, and report annually to Congress on resource deployment and community outcomes. A Fund investment that proceeds without

the required community oversight board approval is void and the disbursed funds are subject to recovery.

Section 10. Housing Anti-Discrimination: Protected Characteristics and Source of Income

Federal fair housing law is expanded to reflect the constitutional protections of this document. The following persons are protected from discrimination in the sale, rental, financing, and terms and conditions of housing in covered transactions:

Protected characteristics. All characteristics protected by this Constitution — including race, color, national origin, religion, sex, familial status, disability, sexual orientation, and gender identity — are protected characteristics in covered housing transactions. The protected characteristics of sexual orientation and gender identity are added to the existing Fair Housing Act protections, effective upon ratification of this Constitution. No person may be refused the right to purchase, rent, or obtain financing for housing on the basis of any of these characteristics.

Source of income — protected, with narrow exemption. "Source of income" — meaning the legal source from which a prospective tenant or buyer derives the funds to pay rent or make a mortgage payment, including but not limited to housing choice vouchers, Section 8 subsidies, Social Security income, disability income, veterans' benefits, and any other lawful source — is a protected characteristic in all rental housing covered by this Act. A landlord may not refuse to rent to a prospective tenant, impose additional requirements on a prospective tenant, or offer worse terms to a prospective tenant solely because that tenant's rent will be paid wholly or in part through a housing voucher or subsidy program. The small owner-occupied exemption below does not apply to source of income protection — owner-occupied small buildings may discriminate on other grounds under the exemption but may not refuse to accept housing vouchers as a form of payment.

Small owner-occupied exemption — narrowly defined. A dwelling unit that is one of four or fewer units in a building in which the owner personally resides as their primary residence is exempt from the protected characteristics provisions of this Act for non-source-of-income grounds — meaning the owner may select tenants on grounds other than source of income without violating this Act, consistent with the narrow owner-occupied exemption in prior fair housing law. This exemption is not available to: corporations, LLCs, trusts, or any other legal entity regardless of size; any owner who uses a real estate broker or agent to list, market, or manage the property; or any owner who posts the property on a public-facing platform or advertisement. The source of income protection applies to owner-occupied exempt dwellings notwithstanding this exemption.

Steering prohibited. No real estate broker, agent, landlord, or housing provider may direct, discourage, or influence a prospective buyer or tenant's choice of neighborhood, building, or unit based on a protected characteristic, including by selectively showing or describing available units, exaggerating or minimizing the racial, ethnic, or other demographic composition of an area, or any other practice that steers a person toward or away from housing based on a protected characteristic

rather than the person's own stated preferences and needs. Steering is a violation of this Act independent of whether the steered person was ultimately permitted to purchase or rent the housing they sought.

Reasonable accommodation and modification. A housing provider must permit a tenant or buyer with a disability to make reasonable modifications to a dwelling at the tenant's or buyer's own expense where necessary to afford full use and enjoyment of the dwelling, and must make reasonable accommodations in rules, policies, or services where necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling — including waiving a no-pets policy for a service animal or emotional support animal. A housing provider may not charge a fee, deposit, or surcharge for a reasonable accommodation or modification under this paragraph beyond the actual cost of the modification itself, and may require a tenant who has materially altered the dwelling to restore it to its original condition upon vacating only where the provider could not reasonably use the modification as altered.

Affirmatively furthering fair housing. Any federal agency, and any state or local government or agency receiving federal housing funds, has an affirmative obligation to actively work to overcome patterns of segregation and promote fair housing choice, not merely to refrain from discriminating directly. This obligation requires a recipient of federal housing funds to analyze barriers to fair housing in its jurisdiction, take meaningful actions to address those barriers, and report on its progress as a condition of continued federal funding eligibility. A recipient's failure to satisfy this obligation is grounds for the withholding of federal housing funds and is independently enforceable by private right of action for injunctive relief.

Enforcement. The Department of Housing and Urban Development and the Department of Justice enforce this Act through the same mechanisms as prior fair housing law — administrative complaints, pattern and practice investigations, and federal civil litigation. Any aggrieved person may also bring a private civil action in federal district court without first filing an administrative complaint. Prevailing plaintiffs are entitled to actual damages, injunctive relief, attorneys' fees, and civil penalties of up to $50,000 for first violations and $100,000 for subsequent violations.

Section 11. Enforcement: Individual Rights and Federal Housing Programs

Individual right of action. Any person who has been criminally charged or cited under a law that penalizes homelessness without a demonstrated genuine shelter alternative has a private right of action to have the charge dismissed and to recover actual damages including costs of legal defense. Any person who has been evicted without the procedural protections of Section 7 has a private right of action for damages and for restoration of possession where practicable. Any person denied emergency shelter by a government shelter program that has capacity has a private right of action for injunctive relief requiring admission.

Federal housing programs: constitutional floor. Federal housing assistance programs — including Section 8 vouchers, public housing, housing for persons with disabilities, and emergency shelter programs — are elevated to constitutional status by Right 49 and may not be eliminated. Congress may adjust their administration, delivery mechanisms, and eligibility standards, but may not eliminate the housing safety net function they collectively provide. A reduction in federal housing assistance funding that demonstrably increases the number of persons experiencing homelessness is presumptively unconstitutional under Right 49 and must be justified by a compelling governmental interest that cannot be served by less harmful means.

Section 12. Appraisal Integrity: Valuation Free of Discrimination

A home's appraised value determines whether a family can buy, borrow against, or sell it. When appraisal systematically undervalues homes because of who lives in the neighborhood, the discrimination that Section 10 prohibits in lending is simply relocated one step upstream. A lender may comply perfectly while the appraiser does the excluding. This Section closes that step.

The prohibition. No appraisal, automated valuation model, or other determination of residential property value may be influenced by the race, color, national origin, religion, sex, familial status, disability, sexual orientation, or gender identity of the owner, the occupants, the applicant, or the residents of the surrounding neighborhood. The racial or ethnic composition of a neighborhood is not a permissible valuation factor, and no proxy for it — including references to neighborhood "character," "desirability," school demographics, or comparable selection drawn to avoid or target a protected area — may substitute for it.

Comparable selection. Comparable properties shall be selected on objective characteristics of the property and the market. An appraiser who crosses a neighborhood boundary to select comparables, or declines to use nearer comparables, shall document the objective basis for doing so. Unexplained boundary-crossing that lowers valuation in a protected area is evidence of a violation.

Automated models. An automated valuation model used in a federally related transaction is subject to the bias-audit and transparency requirements applicable to automated decision-making under this Constitution. A model trained on historical valuations shall be tested for the reproduction of historical discrimination, and a model that reproduces it may not be used. Compliance with an audit requirement does not by itself establish compliance with this Section.

Reconsideration of value. Every applicant has the right to request reconsideration of an appraisal, to receive a copy of the appraisal without charge before closing, to submit comparables and supporting evidence, and to receive a written response addressing that evidence. A second appraisal, at the lender's expense, is available on a showing that the first may have been influenced by a prohibited factor.

Enforcement. A person harmed may bring a private right of action against the appraiser, the appraisal management company, and the lender that relied on the appraisal with knowledge of the defect, for

actual damages, the difference in value, statutory damages, and attorney fees. Where a pattern of undervaluation in protected areas is shown by statistical evidence, that evidence establishes a prima facie violation and the burden shifts to the respondent. Intent need not be proven; discriminatory effect is sufficient.

Section 13. Foreclosure Process: Notice, Cure, and the End of Dual Tracking

This Constitution forbids a private association from taking a person's home over unpaid dues. It would be incoherent to leave the same family unprotected when the entity foreclosing is a bank. A home may be lost for genuine nonpayment — but only through a process that is honest, documented, and gives the owner a real chance to cure.

Standing to foreclose. No person or entity may foreclose on a residential mortgage without producing documentary proof that it holds the note and has the legal right to enforce it. A foreclosure commenced without that proof is void. The execution of an affidavit attesting to facts the signer did not verify is fraud upon the court, voids the proceeding, and subjects the signer and the entity directing the practice to liability.

Notice and the right to cure. Before any foreclosure action, the servicer shall provide written notice, in plain language and in every language in which the loan was marketed, stating the amount required to cure, the date by which cure must occur, the specific defaults claimed, and the loss-mitigation options available. The borrower has not less than 90 days to cure or apply for loss mitigation.

No dual tracking. Where a borrower has submitted a complete application for loss mitigation, the servicer may not commence, advance, or complete a foreclosure while that application is pending or while the borrower is performing under an agreed alternative. A foreclosure conducted in violation of this section is void, and the borrower is restored to ownership.

Single point of contact and honest accounting. A borrower in default is entitled to a single identified contact with authority to resolve the matter, and to a full accounting of amounts claimed, including every fee and its basis. Fees not disclosed in the accounting are unenforceable. A servicer may not lose, misplace, or repeatedly demand documents already provided, and a pattern of doing so is a violation independent of any harm.

Surplus belongs to the owner. Where a foreclosure sale yields more than the debt and lawful costs, the surplus belongs to the former owner and shall be paid to them without their having to apply for it. The retention of surplus equity by any party is prohibited.

Enforcement. A borrower harmed has a private right of action for actual damages, statutory damages, restoration of ownership where the foreclosure was void, and attorney fees. Mandatory arbitration clauses and jury waivers are void as to claims under this Section.

Section 14. Housing Finance: Who Bears the Risk

Housing finance is the machinery that decides who can own a home. For most of the last century it operated on a public guarantee that was never written down — private institutions took the profits, and when the system failed, the public discovered it had been the insurer all along. This Section does not prescribe the structure of the mortgage market. It establishes who bears the loss when that structure fails, so the answer is never again decided in an emergency by the people who caused it. **No silent public guarantee.** A federal guarantee of private mortgage risk exists only where Congress has enacted it explicitly, stating its scope, its limits, and what the public receives in return. No entity may operate on an implied, assumed, or informal expectation of federal rescue. Where an entity's failure would require public support, it is subject to the systemic-risk provisions of Constitutional Statute 9, Section 21 and the rescue-accountability conditions of Constitutional Statute 9, Section 7.

Losses fall on those who took the risk. Where housing finance losses occur, they fall first on the shareholders, executives, and creditors of the institutions that generated them, before any public funds are committed. Compensation paid on the basis of loans that later failed is subject to recovery. The socialization of housing-finance losses while gains remain private is prohibited.

Serving the whole country is a condition of the guarantee. An institution that receives any federal guarantee, backstop, or preferential access to federal credit in connection with residential mortgage finance shall serve creditworthy borrowers throughout the nation, including in rural areas, in communities historically excluded from mortgage credit, and in the market for smaller-balance loans. It shall publicly report lending by census tract, by loan size, and by outcome. A guarantee that flows only to the most profitable segments is not a public guarantee; the obligation runs with the benefit.

Transparency of the terms. The terms of any federal guarantee, backstop, credit facility, or preferential access extended in connection with housing finance shall be public, including the identity of every recipient, the amount, the duration, and the consideration received by the public. The congressional oversight provisions of Constitutional Statute 31, Section 7 apply.

No trapping the borrower. A mortgage may not be structured so that the borrower cannot reasonably ascertain the total cost, the circumstances in which payments may increase, or the consequences of default. Terms whose practical effect is to make refinancing or sale uneconomic in order to retain a borrower in a disadvantageous loan are void, and are subject to the protections of Right 39.

Constitutional Statute 15

Rights Enforcement and Democratic Participation Act

Implementing Rights 14, 15, 16, 26, 27, 28, 32, 33, 34, 40, 41, 42, and 45, and Article Twenty-Seven, Sections 3 and 4; Art. 17, 19, 20, 21.

Section 1. Asset Forfeiture Reform: Closing the Equitable Sharing Evasion

Civil asset forfeiture — the seizure of property by government without a criminal conviction — has been systematically used to deprive people of property through a process that is structurally rigged against owners: government seizes first, owners must sue to recover, and the cost of litigation frequently exceeds the value of the property seized. Right 26's proportionality requirement and this Act's procedural reforms address the systematic problems, not individual bad actors. The equitable sharing reform addresses the specific mechanism by which federal law has been used to nullify state forfeiture reform legislation:

Criminal charge requirement: No property seized by any federal, state, or local law enforcement agency may be permanently forfeited to the government without a criminal charge being filed — not necessarily a conviction, but a formal charge — against the person or entity whose property was seized, specifically alleging conduct for which forfeiture of the specific property seized is an available remedy. The charge must be filed within 90 days of seizure or the property must be returned in full. Property may not be held in prolonged pre-charge seizure; the 90-day clock runs from the first day of seizure regardless of any extension requests.

Proportionality hearing: For any seizure of property with a fair market value exceeding $1,000, the owner has the right to a proportionality hearing before a neutral judicial officer within 30 days of requesting one. The government bears the burden of demonstrating at the hearing that: (a) the property is subject to forfeiture as a matter of law; (b) the value of the property being forfeited is proportionate to the gravity of the alleged offense — meaning it is not grossly disproportionate to the maximum fine that would be authorized for the offense if convicted; and (c) the property belongs to or was substantially used by the person charged with the underlying offense, not to innocent third parties. If the government fails to meet any of these three showings, the property is returned immediately.

Innocent owner defense: Any person who claims an ownership interest in seized property may assert an innocent owner defense — demonstrating that they had no knowledge of the illegal use of the property and that they did not consent to that use. The innocent owner defense is a complete bar to forfeiture of that person's interest. The government bears the burden of disproving the innocent owner defense once it is asserted. Legal aid assistance is available through the DOJ Civil Asset Forfeiture Legal Aid Fund, established by this Act, for property owners whose property value does not exceed $50,000 — the threshold at which litigation costs frequently exceed asset value and owners abandon

valid claims rather than contest forfeiture. **Equitable sharing prohibition — closing the state law evasion:** No federal agency may transfer forfeited property, share forfeiture proceeds, or return any portion of seized property value to any state or local law enforcement agency when: (a) the underlying investigation was initiated, conducted, or referred by state or local law enforcement and was subsequently "adopted" by the federal agency — meaning the federal agency's role was primarily to enable federal forfeiture proceedings to circumvent applicable state forfeiture law; or (b) the seizure occurred in a state whose forfeiture law would not have permitted the seizure or forfeiture under state law. The equitable sharing program is hereby limited to investigations in which federal law enforcement personnel played a genuine, material, and documented investigative role from the inception of the investigation. Whether the adoption test is met is reviewed by the referring federal agency's Inspector General upon the request of any state official, property owner, or Member of Congress. IG reviews are completed within 60 days and are public documents.

Forfeiture revenue — no law enforcement profit incentive: All federal civil forfeiture proceeds are deposited into the Civil Asset Forfeiture Legal Aid Fund and the federal general fund in equal shares. No federal law enforcement agency may retain forfeiture proceeds as supplemental operating revenue. The connection between forfeiture revenue and law enforcement agency budgets — which creates institutional incentives to seize property for revenue rather than for law enforcement purposes — is severed entirely at the federal level. States are encouraged but not required to adopt the same revenue-neutrality principle; however, no federal funds may be distributed to any state law enforcement agency that retains civil forfeiture proceeds as supplemental law enforcement revenue.

Post-dismissal forfeiture procedure: Dismissal of the underlying criminal charge — whether by prosecutorial declination, plea agreement to other charges, speedy trial violation, or any other reason unrelated to the merits of the seized property's connection to criminal activity — does not automatically terminate a pending forfeiture proceeding. Where the government seeks to proceed with forfeiture after such a dismissal, it must file a motion within 60 days of the dismissal establishing the factual basis for forfeiture by a preponderance of the evidence in a forfeiture-specific hearing before a neutral judicial officer. Dismissal of the underlying charge for lack of probable cause does automatically terminate the forfeiture proceeding and requires return of the property within 5 business days.

Criminal fine proportionality standards. When evaluating whether a criminal fine, civil penalty, or administrative monetary sanction violates Right 26, courts must make specific written findings on each of the following: (a) the maximum fine authorized by the applicable statute for the specific offense; (b) fines and penalties actually imposed for comparable conduct in the same and other jurisdictions; (c) the relationship between the fine and the actual harm or gain caused — a fine grossly exceeding the harm caused or unlawful gain obtained is presumptively disproportionate; and (d) the defendant's demonstrated ability to pay — a fine that would financially destroy a person of modest means while being trivial to a wealthy person is not proportionate in its application to the person of modest means. Specific written findings on each factor are required before imposing any fine exceeding $10,000 on

an individual or $100,000 on a small business with fewer than 50 employees. A fine imposed without the required findings is subject to remand for reconsideration with findings. **Poverty trap prohibition.** A government may not use its fine and fee system to trap persons in escalating legal jeopardy based on inability to pay. Prohibited practices include: suspending a driver's license, professional license, or other government authorization solely for failure to pay a fine or fee when the person has demonstrated inability to pay; incarcerating a person solely for failure to pay a fine or fee when they have demonstrated inability to pay; and imposing additional fines or penalties on a person who has demonstrated inability to pay the original obligation. Before any license suspension or incarceration for non-payment, the court or agency must offer a payment plan calibrated to the person's income and expenses, provide a community service alternative at a reasonable hourly credit rate, and consider waiver upon indigency showing. A showing that the person's income is at or below 200% of the federal poverty level is sufficient to establish inability to pay and trigger these alternatives. No government may design a fee and fine system with the purpose or predictable effect of generating revenue through cycling poor persons through escalating legal consequences.

State forfeiture revenue: federal grant conditionality. No federal criminal justice grant, public safety grant, or law enforcement assistance grant may be awarded to any state or local government entity that retains civil forfeiture proceeds as supplemental operating revenue for law enforcement agencies. States and localities wishing to receive federal criminal justice assistance funds must certify annually that all civil forfeiture proceeds are deposited into a general fund or dedicated public purpose fund not controlled by or accessible to the law enforcement agencies that conduct forfeitures. This certification requirement applies to all law enforcement agencies within the state. A state that cannot certify full compliance must identify non-compliant agencies and may receive grants only for programs administered by compliant agencies.

Section 2. Voting Rights Preclearance: Administration, Standards, and Duration

The voting rights preclearance mechanism of Right 34 is self-triggering upon any district court judgment finding a violation of the constitutional right to vote — including judgments finding discriminatory intent, discriminatory effect, illegal redistricting, systematic voter suppression, or violation of any other component of Right 34. The following provisions govern the administration, review standards, and duration of preclearance:

Trigger and effective date: Preclearance applies to the specific jurisdiction found to have violated the right to vote — which may be a state, a county, a municipality, a school district, or any other governmental entity with jurisdiction over any aspect of election administration. Preclearance applies from the date of the district court's judgment, regardless of whether an appeal is pending or whether a stay of the underlying judgment has been granted. The phrase "whether or not final for purposes of appeal" in Right 34 means the preclearance obligation begins at the trial court level and does not await appellate finalization. A jurisdiction that succeeds on appeal is released from preclearance upon the date of the final appellate ruling in its favor; any changes approved during the interim preclearance

period remain valid unless specifically found to have been made in bad faith. **Dual administration track:** Preclearance is administered through two parallel tracks, and a jurisdiction may choose either: (a) *DOJ administrative review* — the jurisdiction submits proposed voting law changes to the Department of Justice's Civil Rights Division, Voting Section, which completes review and issues written approval or objection within 60 days of receiving a complete submission; or (b) *D.C. District Court declaratory judgment* — the jurisdiction files an action in the United States District Court for the District of Columbia seeking a declaratory judgment that the proposed change does not violate the preclearance standard; the court rules on an expedited basis within 90 days. Failure to obtain approval through either track before implementing a voting law change renders the change immediately void and subjects the jurisdiction to the enforcement provisions of this Act.

The preclearance standard — no retrogression plus no new barriers: A proposed voting law change is approved under preclearance only if the reviewing body finds that the change: (a) does not make voting meaningfully harder for any group of eligible voters compared to the conditions in effect at the time of the triggering judgment — the no-retrogression requirement; AND (b) does not create any barrier to voting that was not present at the time of the triggering judgment — the no-new-barriers requirement. The no-new-barriers requirement applies even if the new barrier is not as severe as barriers that existed before the triggering judgment. A jurisdiction may not use its post-violation baseline as a floor and gradually introduce new restrictions while claiming they are improvements over the historical record. Both prongs must be independently satisfied; meeting one does not excuse failure to meet the other.

Duration — 10 years from original triggering judgment: Preclearance applies for 10 years from the date of the original triggering district court judgment. Multiple violations during the preclearance period each independently restart the 10-year clock from the date of the most recent violation judgment. A jurisdiction that completes 10 years without a new violation judgment is released from preclearance automatically; the DOJ must provide written notification of the release date at least 6 months in advance and publish the release in the Federal Register. A released jurisdiction that subsequently receives a new violation judgment re-enters preclearance from that new judgment date.

What requires preclearance: Every change to any law, regulation, policy, or practice affecting any aspect of the electoral process in the preclearance jurisdiction requires preclearance before implementation. This includes: voter registration procedures and deadlines; absentee and mail voting procedures; polling place locations, hours, and equipment; voter identification requirements; redistricting plans at any level of government within the jurisdiction; candidate filing requirements; and any other change that could affect the ability of eligible voters to register, vote, or have their votes counted.

Section 2A. Prohibited Voter Suppression Tactics

Right 34 prohibits denial or abridgement of the right to vote. This Section identifies specific practices that constitute denial or abridgement as a matter of constitutional law. The list is illustrative, not

exhaustive — any practice with the purpose or demonstrated effect of preventing eligible voters from casting ballots that count equally is a violation of Right 34 regardless of whether it appears here.

Polling place and access suppression. The following are prohibited as violations of Right 34: systematic closure or reduction of polling places in communities of color, low-income communities, or any identifiable community of eligible voters, without a demonstrated alternative access mechanism that provides equivalent convenience; reduction of polling hours in a jurisdiction or precinct where the reduction will predictably result in longer lines or reduced access for identifiable groups of eligible voters; location of polling places in facilities that are inaccessible to voters with disabilities without a genuinely equivalent accessible alternative; and any allocation of voting resources — machines, staff, paper, provisional ballots — that predictably produces materially longer wait times in precincts serving minority or low-income voters compared to other precincts in the same jurisdiction.

Voter roll manipulation. The following are prohibited: purging a voter's registration without individual advance written notice sent to the voter's address of record, a minimum cure period of 90 days, and a clear process for the voter to restore their registration; using inactivity — failure to vote in prior elections — as a sole basis for removing a voter from the rolls; and initiating systematic roll-purge programs within 90 days of any federal election. Every eligible voter who arrives at a polling place and is not found on the rolls must be offered a provisional ballot that will be counted if their eligibility is confirmed.

Documentary requirements. No voter may be required to produce documentary proof of citizenship beyond what this Constitution requires as a condition of registering to vote or casting a ballot. A voter who affirms their citizenship and eligibility under penalty of perjury satisfies any citizenship verification requirement. Demanding documents that poor voters, elderly voters, or voters without prior government-issued identification are systematically less likely to possess is a poll tax equivalent and is prohibited by Right 34.

Discriminatory intent and effect. A voting practice or procedure violates Right 34 when either: (a) the evidence demonstrates that it was adopted or maintained with the purpose of suppressing the votes of persons protected by Right 32; or (b) it produces a material disparate effect on the ability of protected groups to register, vote, or have their votes counted, and the jurisdiction cannot demonstrate that the practice is necessary to serve a compelling interest that cannot be achieved through less discriminatory means. Proof of discriminatory intent is not required when discriminatory effect is demonstrated.

Section 2B. Voting Rights Restoration: Automatic Restoration After Time Served

The right to vote is among the most fundamental rights of citizenship in a self-governing democracy. Its deprivation must be justified by a compelling and specific governmental interest directly connected to the specific person's fitness to exercise it. Permanent disenfranchisement for criminal conviction — regardless of the nature of the offense, the length of time elapsed, or the person's conduct since

conviction — bears no rational relationship to any legitimate governmental interest in election integrity and constitutes a permanent political punishment that violates the spirit of Right 34. **Automatic restoration upon completion of sentence.** The right to vote is automatically restored to any person who has been convicted of any offense — felony or misdemeanor — upon the person's release from incarceration. Restoration is automatic and requires no application, petition, waiting period, fee, or affirmative governmental action. A person who has completed their term of incarceration and has been released — whether on parole, probation, supervised release, or unconditional release — has the right to vote in all federal, state, and local elections. Parole, probation, and supervised release do not delay or condition voting rights restoration; completion of the incarceration term is the sole trigger.

Restoration upon acquittal or reversal. A person whose conviction is reversed on appeal, whose charges are dismissed, or who is acquitted has their voting rights restored immediately upon the entry of the acquittal, dismissal, or reversal order. No period of waiting, no application, and no governmental action is required. A conviction that has been vacated does not support continued disenfranchisement.

During incarceration. A person who is currently serving a sentence of incarceration does not retain the right to vote during the period of incarceration. Upon release from incarceration — regardless of whether release is to parole, probation, or unconditional freedom — the right is automatically restored.

Sole exception. The only conviction that may result in extended disenfranchisement beyond the period of incarceration is a conviction specifically for election fraud, voter impersonation, or voting by an ineligible person, where the disenfranchisement is narrowly tailored to the specific election offense committed and does not extend beyond three years from the date of the offense. Permanent disenfranchisement for any offense — including election fraud — is abolished.

Notification and implementation. Every correctional facility must provide every person upon release with written documentation of their restored voting rights, the process for registering to vote, and the location of the nearest voter registration office. Failure to provide this documentation is a constitutional violation. The federal government must maintain a centralized database confirming voting rights restoration status that state election officials may access to verify eligibility, and that voters may use to confirm their own status.

Section 3. Survivor Safety Program Delivery: Standards, Funding, and Geographic Access

Right 40 guarantees every survivor of domestic violence, sexual assault, stalking, and sex trafficking the right to emergency shelter, legal advocacy, medical care, and safety planning regardless of ability to pay. This provision implements that guarantee through a federal program that establishes minimum service standards, funding floors, and geographic distribution requirements that ensure the right is meaningful in rural communities as well as urban ones:

Shelter bed ratio — 1 per 1,000: Every county, parish, or equivalent jurisdiction must maintain or have access to at least one emergency shelter bed per 1,000 persons in the county's resident population as measured by the most recent decennial census. This minimum ratio applies to emergency shelter

beds — meaning beds available to survivors who must leave their homes immediately due to imminent danger — not to transitional housing or long-term housing programs. The 1-per-1,000 standard represents the midpoint between the documented need (approximately 1-per-500 in high-demand periods) and the level at which effective service delivery is achievable in all geographic contexts within current fiscal constraints.

Geographic distribution — no county without access: In counties whose population size makes the 1-per-1,000 standard produce fewer than 5 shelter beds, the minimum is 5 shelter beds within 60 minutes of driving distance of every point in the county. For counties in which geography makes a 60-minute standard impractical — including remote island communities and areas without year-round road access — the relevant federal agency designates equivalent geographic access standards based on local conditions. No county or equivalent jurisdiction may be left without any emergency shelter access.

Minimum service standards: All emergency shelters receiving federal funding under this program must provide: 24-hour intake — meaning survivors are accepted at any hour of the day or night without prior appointment or documentation requirements; safety assessment — a trained advocate conducts a lethality assessment with every survivor within 6 hours of intake using a validated risk assessment tool; legal advocacy — on-site or readily available legal advocates who can assist survivors with protective orders, immigration issues, custody matters, and other legal needs arising from their safety situation; medical referrals — coordination with local healthcare providers to ensure survivors can access medical care without being required to navigate the healthcare system alone; and individualized safety planning — a trained advocate works with each survivor to develop a documented safety plan tailored to their specific circumstances. Services are provided regardless of the survivor's gender, sexual orientation, gender identity, immigration status, disability, substance use history, or involvement in the criminal justice system.

Federal funding structure — permanent authorization: Federal funding for survivor safety programs under this Act is permanently authorized — meaning it does not require annual reauthorization or sunset review, and the authorization does not lapse if Congress fails to reauthorize it. The funding level is indexed to population growth and to the Consumer Price Index for shelter-related services, updated biennially. Federal funds cover 75% of documented program costs for counties meeting the minimum standards; states or counties contribute 25%. For counties whose per-capita income falls below 80% of the national median, federal funds cover 90% of documented program costs. No eligible county may be denied federal funding for failure to meet the matching requirement if the county demonstrates in a written submission that the matching funds are not available due to documented fiscal emergency.

Safe access guarantee: immigration status protection. The right to survivor safety services under Right 40 is meaningless if survivors fear that accessing services will result in their deportation or the deportation of their family members. This guarantee makes the immigration-status-neutrality of Right

40 operationally real. No program, shelter, advocacy organization, medical provider, or legal services provider receiving federal funding under this Section may: share, report, disclose, or provide access to any information about a survivor's immigration status to any federal, state, or local immigration enforcement authority; cooperate with any immigration enforcement inquiry, investigation, or enforcement action that originates from or relates to a survivor's use of services under this Section; or condition the provision of services on any inquiry into or disclosure of a survivor's immigration status. A survivor's immigration status, documentation status, and any information about their country of origin obtained in the course of providing services under this Section is privileged information protected from disclosure in any civil, criminal, or administrative proceeding, except upon the survivor's own written informed consent. Law enforcement agencies and immigration enforcement agencies may not conduct immigration enforcement activities — including interviews, arrests, searches, or surveillance — at or within 500 feet of any shelter facility, legal services office, or medical provider receiving federal funding under this Section. A survivor who accesses any service under this Section does not incur any adverse immigration consequence as a result of that access. Any government official or agency that uses information obtained from a survivor's access to services under this Section for immigration enforcement purposes has violated Right 40 and is subject to civil damages, injunctive relief, and — for knowing violations — criminal referral.

Section 4. Government Duty of Care: Wrongful Death in Custody

Article Twenty-Seven, Section 4 establishes that when a person dies while in government custody, the government bears the burden of demonstrating that the death was not the result of negligence or deliberate indifference. This reversal of the normal burden of proof reflects the specific power relationship of custody: the government controls every aspect of the detained person's environment, access to medical care, access to physical safety, and ability to communicate distress. When the government has total control over a person's circumstances and that person dies, the government has access to all the evidence needed to explain the death and the obligation to do so.

Scope — all government custody: "Government custody" for purposes of this provision means any lawful detention of a person by any governmental entity or by any private entity acting under contract to provide detention, supervision, or correctional services to any governmental entity. This includes: federal prisons and jails; state prisons and jails; local jails and holding facilities; immigration detention centers; juvenile detention facilities; civil commitment facilities; and any other facility in which a person is held pursuant to governmental authority and is unable to leave voluntarily.

Automatic presumption of government negligence: The death of any person in government custody — meaning any person whose death occurs during a period in which they were lawfully detained and unable to leave voluntarily — triggers an automatic legal presumption that the death resulted from negligence or deliberate indifference by the custodial entity. This presumption is established as a matter of law by the fact of in-custody death; the family or estate of the deceased need not plead or establish any facts about the circumstances of the death to have the presumption apply. The

presumption applies to all in-custody deaths including deaths ruled natural, accidental, or self-inflicted, because custody conditions can contribute to all of these categories of death.

Government's burden to rebut: To defeat a wrongful death claim under this provision, the custodial entity — meaning the governmental agency, the private contractor, or both — must demonstrate by a preponderance of the evidence that: (a) the deceased received all medically necessary care to which they were entitled under Right 33 of this Constitution; (b) all applicable safety protocols and constitutional standards were followed in connection with the circumstances of the death; and (c) no act or omission by any employee, contractor, or agent of the custodial entity was a proximate cause of the death. The government must meet all three showings; failure on any one is sufficient for the presumption to stand and liability to attach.

Qualified immunity abrogated for in-custody deaths: No officer, employee, or agent of any custodial entity may assert qualified immunity as a defense to a claim arising under this provision. The wrongful death right under Article Twenty-Seven, Section 4 is a clearly established constitutional right; the qualified immunity defense — which protects officers from liability for violations of rights that were not "clearly established" at the time — does not apply where the right is established in the text of the Constitution itself.

Damages and limitations: Compensatory damages for wrongful death under this provision are available for all categories of harm recognized under the applicable state's wrongful death statute, including economic loss, loss of companionship, and pain and suffering of the deceased during any period of conscious suffering before death. The federal cap on compensatory damages for any single wrongful death under this provision is $5,000,000, adjusted for CPI beginning in the second year after ratification. Punitive damages are available upon a specific finding of deliberate indifference — meaning a custodial official was subjectively aware of a substantial risk of serious harm and disregarded it — uncapped. The statute of limitations is three years from the date of death or from the date on which the cause of death was known or should reasonably have been known, whichever is later.

Pattern and practice authority: When three or more persons die in the custody of the same facility within any 36-month period and the deaths share common contributing factors — including inadequate medical care, use of force protocols, or facility conditions — the DOJ Civil Rights Division may open a pattern and practice investigation of the facility. A finding of pattern and practice wrongful death liability subjects the facility to a mandatory remediation plan administered under federal court supervision, including independent monitoring, mandatory reporting, and facility improvements at the custodial entity's expense.

Serious bodily injury in custody. The automatic presumption, reversed burden of proof, and qualified immunity abrogation established in this Section apply not only to in-custody deaths but to serious bodily injury occurring during custody. Serious bodily injury means: permanent or long-term physical disability; loss or significant impairment of the function of a bodily organ or limb; serious

disfigurement; traumatic brain injury; and any other physical harm that a reasonable person would consider to substantially and permanently impair quality of life. When a person in government custody suffers serious bodily injury — from assault by staff or other incarcerated persons, from medical neglect, from conditions of confinement, or from any other cause connected to the custody environment — the same automatic presumption applies: the custodial entity must demonstrate by a preponderance of the evidence that the injury did not result from negligence or deliberate indifference. Compensatory damages for serious bodily injury under this provision are available without a federal cap; punitive damages are available upon a specific finding of deliberate indifference. Qualified immunity is equally abrogated for serious bodily injury claims as for wrongful death claims under this provision.

Section 5. DOJ Rapid Intervention Authority

The federal government has the authority — and under this Act the obligation — to enforce the constitutional rights of persons against state and local governmental resistance without first requiring those persons to exhaust state administrative or judicial remedies when the state or local government is itself the source of the violation. Requiring victims of state constitutional violations to seek relief first from the state that is violating their rights is not a procedural technicality; it is a structural barrier designed to make federal rights unenforceable in practice. The following procedures govern federal rapid intervention:

Emergency temporary restraining order — 24-hour authority: Upon a credible showing of imminent harm to any person's constitutional rights arising from any act or threatened act by any state, local, or territorial governmental entity, the DOJ may file an emergency application for a temporary restraining order in any federal district court with venue. "Imminent harm" means harm to a constitutional right that has already begun or is certain to occur within 72 hours absent court intervention. The application may be filed ex parte — without notice to the governmental entity — when notice itself would enable the harm to be completed before the court can act. Federal courts are directed to rule on emergency TRO applications within 24 hours of filing; the clerk of court must bring the application to the attention of the duty judge immediately upon filing.

Preliminary injunction — 72-hour authority: Upon a credible showing of a continuing violation of any constitutional right by any governmental entity, the DOJ may seek a preliminary injunction in any federal district court with venue. A "continuing violation" means a state of affairs in which constitutional rights are currently being violated and will continue to be violated absent court intervention. Preliminary injunction applications under this provision are heard on an expedited schedule — oral argument within 72 hours of filing, ruling within 48 hours of argument. The court issues its ruling in writing with findings sufficient to support immediate compliance.

No state remedy exhaustion requirement: No person seeking relief under this provision, and the DOJ acting on their behalf, is required to first exhaust state administrative or judicial remedies as a precondition to federal court jurisdiction. The exhaustion requirement is specifically and expressly

abrogated for claims brought under this provision when: the state or local government is itself the defendant; the state process from which exhaustion is demanded is controlled or substantially influenced by the same entity whose conduct is challenged; or the time required for state remedy exhaustion would allow the constitutional violation to be completed, irreversible harm to occur, or rights to be permanently denied before state remedies could provide relief.

Scope of DOJ authority: The DOJ has standing under this provision to enforce any right established in this Constitution — not only rights in its traditional civil rights enforcement portfolio. DOJ enforcement authority extends to: voting rights violations; survivor safety program non-compliance; wrongful death in custody patterns; asset forfeiture violations; any systematic denial of healthcare, educational, or workers' rights imposed by state governmental action; and any other state or local governmental act that violates constitutional rights. Private individuals retain independent standing to bring actions under all applicable constitutional provisions; DOJ intervention supplements rather than replaces individual enforcement rights.

Consent decrees and compliance monitoring: Where the DOJ finds systematic constitutional violations by a governmental entity — meaning a pattern of conduct across multiple incidents, multiple victims, or multiple facilities — it may negotiate a consent decree with the entity providing for: specific remedial measures and their timeline; independent monitoring of compliance; regular public reporting on progress; and judicial enforcement of the consent decree terms upon breach. Consent decrees under this provision are reviewed by the presiding federal court every three years; the court may modify, extend, or terminate the decree based on compliance findings. A consent decree may not be terminated before its scheduled term if the court finds that the underlying violations have not been durably remedied.

Section 6. Right to Communicate While Incarcerated: Access, Privilege, and Rate Caps

Article Twenty-Seven, Section 3 guarantees every incarcerated person the right to communicate with family members and legal counsel. The telecommunications industry that has grown up around prison communications has systematically exploited this right — charging rates that in some facilities exceed $14 for a 15-minute call, while facilities receive kickbacks from the telecommunications companies in exchange for granting exclusive service contracts. This provision eliminates the kickback model and establishes rate caps and access guarantees that make the constitutional right meaningful:

Written communication — free and unlimited: Every incarcerated person has the right to send and receive written correspondence — letters, cards, and equivalent written materials — to and from any person, without limitation on volume, frequency, or content except for security-reviewed restrictions narrowly tailored to prevent specific, documented threats to institutional security or third-party safety. Written correspondence to and from legal counsel is never subject to security review, delay, or interception. Facilities may not charge any fee for outgoing or incoming written correspondence. The cost of postage for outgoing correspondence is borne by the facility. A facility may not limit written correspondence as a disciplinary measure.

Legal calls — free, unlimited, and privileged: Every incarcerated person has the right to make telephone calls and video calls to their retained or appointed legal counsel at no charge, without limitation on frequency or duration, at any reasonable hour. Legal calls are attorney-client privileged — they may not be recorded, monitored, stored, or disclosed to any person outside the facility's communications system without the written consent of both the incarcerated person and their counsel or a specific judicial order based on probable cause to believe the communication concerns ongoing criminal activity involving the facility or a third party. A facility that records or monitors privileged legal communications without authorization faces civil penalties of $10,000 per call monitored, payable to the incarcerated person.

Personal communications — regulated rate caps: Telephone calls and video calls to persons other than legal counsel are available at the following maximum rates, inclusive of all fees, surcharges, connection charges, and any other charge by any name: $0.05 per minute for all calls within the United States, regardless of distance; $0.10 per minute for international calls; no per-call connection fee; no account maintenance fee. These rates are the maximum; facilities and service providers may charge less. The FCC enforces these rate caps through its existing authority over prison telecommunications and through the additional authority granted by this Act. A facility may not receive any payment, fee, commission, or kickback of any kind from any telecommunications service provider in exchange for granting a service contract, an exclusive access arrangement, or any preferred position within the facility. All facility telecommunications contracts must be awarded through competitive bidding; the bidding criteria must include rate caps as a pass/fail eligibility requirement.

Access to communications technology: Every incarcerated person must have access to the means of communication — whether telephone, video terminal, or written correspondence supplies — for a minimum of one hour per day during waking hours. Communication access may not be denied as a disciplinary measure except upon a specific finding by a hearing officer that the specific communication to be restricted poses a specific, documented threat to the safety of an identified person, and only for the specific type of communication that poses the threat — denial of phone privileges may not also deny written correspondence access, and vice versa. Any restriction on communication access must be reviewed weekly by the facility's classification committee and terminated as soon as the specific threat has passed.

Article Seventeen — Washington, Douglass Commonwealth: Referendum, Boundary, and Transition Mechanics

Article Seventeen admits the District of Columbia, excluding the federal enclave defined in Article Three, Section 7, as the state of Washington, Douglass Commonwealth. This provision implements the admission procedure:

Referendum and certification: Upon certification of a majority referendum of District of Columbia residents in favor of statehood, the District (excluding the federal enclave) is admitted as the state of

Washington, Douglass Commonwealth. The District of Columbia Board of Elections shall conduct the referendum and certify results to Congress within 90 days of the referendum date.

Enclave boundary: The enclave boundary is fixed at the boundary in effect on the date of this Constitution's ratification, subject to amendment only by subsequent statute approved by two-thirds of both chambers.

Transition of government: All courts, police, and municipal agencies of the District of Columbia become courts, police, and agencies of the new state on the date of admission. The new state assumes all debts and contractual obligations of the District of Columbia government in effect on that date.

National Referendum Administration: Cross-Reference to Constitutional Statute 5

The national referendum mechanism is administered under Constitutional Statute Constitutional Statute 5 (Public Campaign Finance and National Referendum Act), which is the sole authoritative implementing statute for all referendum procedures from petition verification through final certification. This Act previously contained referendum provisions; those provisions are superseded in their entirety by Constitutional Statute 5. Any reference in any prior version of this Act to referendum administration, petition verification, ballot language review, campaign period rules, voting procedures, or certification standards is replaced with a cross-reference to Constitutional Statute 5. The substantive rules governing all aspects of the national referendum process, including standing, spending, disclosure, and the legal effect of a passed referendum, are those established in Constitutional Statute 5.

Section 7. Standards of Judicial Review: The Equal Protection Scrutiny Tiers

Right 32 of the Constitution establishes equal protection as a fundamental guarantee and specifies that suspect classifications are subject to heightened judicial review. This Section establishes the scrutiny framework courts apply when evaluating equal protection claims.

Strict scrutiny. Laws and government actions that classify persons on the basis of race, national origin, or religion must serve a compelling governmental interest through the least restrictive means available. The government bears the burden of demonstrating both the compelling interest and the least restrictive means. Classifications that do not survive this analysis are void.

Intermediate scrutiny. Laws and government actions that classify persons on the basis of sex, sexual orientation, or gender identity must be substantially related to an important governmental interest. The government bears the burden of demonstrating this relationship.

Disability scrutiny. Classifications based on disability must be substantially related to a legitimate governmental interest directly and specifically connected to the nature of the particular disability and its relationship to the particular activity being regulated. The government may not classify based on disability based on generalizations, stereotypes, assumed functional limitations, or hypothetical safety concerns untethered to specific evidence about the specific disability and the specific activity. The

government bears the burden of demonstrating the substantial relationship between the disability classification and a legitimate interest grounded in actual evidence — not projected average limitations across a broad diagnostic category. A classification that treats all persons with a disability category identically, without assessing individual functional capacity in relation to the specific activity regulated, does not satisfy this standard. Reasonable accommodations that enable participation by persons with disabilities are required unless the accommodation would fundamentally alter the nature of the activity or impose an undue hardship; the burden of demonstrating fundamental alteration or undue hardship is on the entity claiming it. **Heightened scrutiny for age.** Age-based classifications affecting employment, housing, education, and public accommodations for persons who have reached voting age are subject to heightened scrutiny. The government or employer must demonstrate that the age-based distinction is substantially related to a legitimate interest and is not a pretext for exclusion. An employer may not use productivity metrics, compensation costs, or benefit costs as proxies for age. A bona fide occupational qualification demonstrably and specifically related to the safe and effective performance of the specific job — not merely assumed to correlate with declining capability — is the only basis for an age-based employment distinction under this standard.

Rational basis. All other government classifications must be rationally related to genuine — not merely hypothetical — governmental interests. Age-based distinctions in benefit eligibility thresholds, minimum age requirements for public office, juvenile justice provisions, safety-based occupational requirements, and distinctions expressly established in this Constitution are subject to rational basis review.

Remedial deference. Classifications designed specifically to remedy documented historical discrimination against groups protected by Right 32 receive judicial deference appropriate to their remedial purpose and are not subject to the same scrutiny as classifications designed to exclude or burden those groups.

Section 7A. Sexual Orientation and Gender Identity: Anti-Discrimination Enforcement

Right 32 of the Constitution prohibits discrimination on the basis of sexual orientation or gender identity in employment, housing, education, and any business or service open to the general public. This Section establishes the enforcement framework for that prohibition.

Private right of action. Any person who experiences discrimination on the basis of sexual orientation or gender identity in employment, housing, education, or a public accommodation has a private right of action in federal court under Right 32 without prior exhaustion of administrative remedies. Available remedies include injunctive relief, compensatory damages, and attorney's fees. The right of action is self-executing and does not require any further implementing legislation to be invoked.

Ministerial exception. Religious organizations retain the right to make employment decisions for employees whose primary actual duties are ministerial — meaning leading worship, providing religious instruction, performing religious rites, or serving as the public religious representative of the

organization. This exception is determined by actual duties performed, not by job titles assigned. No entity engaged in commercial activity open to the general public may invoke religion to deny equal treatment to any person.

Relationship to other rights. Right 32 equal protection claims under this Section supplement and do not displace any claim available under any other constitutional provision. Courts resolve apparent conflicts between religious liberty and equal protection using the standards established in Constitutional Statute 21.

Section 7B. Federal Funding Nondiscrimination Enforcement

This Section implements Right 32's funding-conditioned nondiscrimination requirement.

Covered recipients. Any entity, institution, program, or activity that receives federal grants, contracts, loans, loan guarantees, or other federal financial assistance is a covered recipient under this Section, regardless of whether the discriminatory conduct occurs in the specific program the federal funds support or elsewhere in the recipient's operations, where the recipient's operations are sufficiently integrated that the funds support the recipient's general operations.

Investigation and due process. A federal agency that administers financial assistance to a covered recipient must investigate a credible complaint, or evidence from its own compliance review, that the recipient has violated Right 32's nondiscrimination requirement. Before terminating or withholding funds, the agency must provide the recipient written notice of the specific violation alleged, an opportunity to respond, and a reasonable opportunity to voluntarily achieve compliance; an agency may terminate or withhold funds without this process only where the recipient has been given such an opportunity in a prior, related proceeding and has failed to comply.

Scope of termination. Fund termination under this Section is limited to the specific program or activity found to be in violation, except where the recipient's discriminatory conduct is sufficiently pervasive across its operations that limiting termination to a single program would not remedy the violation; an agency terminating funds beyond a single program must make specific findings supporting that broader termination.

Private right of action. A person harmed by a covered recipient's violation of Right 32's nondiscrimination requirement may bring a private action for injunctive relief, compensatory damages, and attorney's fees in federal district court, independent of any agency enforcement action, and is not required to exhaust agency administrative remedies before doing so.

Relationship to other Sections. This Section provides an additional enforcement mechanism alongside the private right of action and remedies already established under Section 7A of this Act; a complainant may pursue either or both remedies for the same underlying discrimination.

Section 8. Clean Air and Water: Private Right of Action, Environmental Justice, and Emergency Response

Right 41 of the Constitution guarantees every person the right to drinking water free from contamination and imposes strict liability on private parties that cause contamination above federal health standards. This Section gives Right 41's strict liability provision operational force through a private right of action, establishes environmental justice protections for disproportionately burdened communities, and sets enforceable federal emergency response timelines.

Private right of action for water contamination. Any person exposed to drinking water contaminated above federal health standards — whether from a public water system, private well, or any other source — has a private right of action in federal court against any private party whose actions caused or contributed to the contamination. Right 41's strict liability standard applies: the plaintiff need not prove that the defendant was negligent or that the defendant intended the harm. Proof that the defendant's actions caused or materially contributed to contamination above federal standards, and that the plaintiff was exposed to that contaminated water, establishes liability. Available damages are: actual damages including all medical monitoring costs (whether or not the plaintiff has manifested injury), documented costs of alternative water sources during the contamination period, diminution in property value attributable to the contamination, lost income, and medical treatment for any health conditions caused or contributed to by the contamination; statutory damages of $5,000 per year of exposure for each affected person, regardless of whether actual damages can be proven in excess of that amount; restitution of all profits, cost savings, and economic benefits the defendant obtained as a result of the contaminating activity; and reasonable attorneys' fees and costs to any prevailing plaintiff. Class actions are available under the same standards applicable to other environmental class actions. A mandatory arbitration clause in any contract does not bar a Right 41 claim — no private agreement can waive a constitutional right. The statute of limitations is ten years from the later of the date of confirmed contamination above federal health standards or the date the plaintiff knew or reasonably should have known of their exposure.

Environmental justice: priority protections for overburdened communities. Contamination of drinking water is not randomly distributed. It disproportionately affects communities that are low-income, predominantly composed of persons of color, or both — a pattern with documented historical causes including discriminatory siting of industrial facilities and underinvestment in water infrastructure. This provision establishes enhanced protections for communities bearing a disproportionate environmental burden. A community is an Environmental Justice Community for purposes of this Section when the affected area's population is more than 40% low-income persons or more than 40% persons of color, as measured by the most recent census data. When drinking water contamination above federal health standards is confirmed in an Environmental Justice Community: (a) the federal response obligation in the paragraph below is triggered within 30 days — not 72 hours — after confirmed contamination; (b) mandatory community notification must be provided in all languages spoken by more than 5% of the resident population, through both direct mail and community meeting within 14 days of confirmed contamination; (c) the affected community receives priority status in federal remediation funding allocation, meaning available federal remediation funds

are directed to Environmental Justice Communities before non-priority communities with comparable contamination levels; and (d) any private party liable for the contamination is subject to a 1.5x multiplier on statutory damages awarded to affected residents of an Environmental Justice Community, in recognition of the documented pattern of disproportionate harm and the need for deterrence specific to that pattern.

Federal emergency response standards for water contamination. When a community's drinking water supply is confirmed contaminated above federal health standards — confirmed meaning a finding by the relevant federal or state agency, or a court order, or a certified independent laboratory test meeting federal protocols — the following federal obligations are triggered: (a) within 72 hours of confirmed contamination, the federal government must ensure delivery of adequate alternative water — bottled water, temporary distribution points, or portable filtration systems — in quantities sufficient to meet the basic drinking and cooking needs of the affected population, at no cost to affected residents; (b) within 30 days of confirmed contamination, the relevant federal agency must publish a remediation plan including specific remediation actions, responsible parties, funding sources, and a completion timeline; (c) the remediation timeline in that plan is a judicially enforceable deadline — a community or any affected resident may seek a court order compelling compliance with the published timeline if the responsible parties are not meeting it; and (d) alternative water delivery must continue at no cost to residents until contamination at the point of use is confirmed by independent testing to be at or below federal health standards for a period of not less than 90 consecutive days. The federal government may seek full cost recovery from any private party liable for the contamination for all costs incurred in providing emergency water delivery and remediation support.

Air quality: the standard and the duty. Right 41 guarantees every person air free from pollution at levels posing a risk to human health. Federal ambient air quality standards shall be set on the best available scientific evidence and reviewed on a fixed schedule. A standard may not be weakened except upon a published finding, supported by the weight of scientific evidence, that the revised level remains protective of human health; a weakening adopted without that finding, or contradicted by the weight of the evidence, is void. Where monitoring shows a community exceeds a federal health standard, the responsible agency shall identify the sources, publish that finding within 60 days, and impose an enforceable abatement timeline.

Strict liability for emissions. Any private party whose emissions cause air pollution above federal health standards is strictly liable — no showing of negligence is required — for the full cost of abatement and for all harm caused to affected persons. Where multiple sources contribute, liability is apportioned by contribution, and a source may not escape liability on the ground that its individual contribution alone would not have exceeded the standard.

Private right of action. A person exposed to air pollution above federal health standards may bring an action in federal court for actual damages; statutory damages of $5,000 per affected person per year of exposure; restitution of profits attributable to the violation; the cost of medical monitoring where

exposure warrants surveillance; and injunctive relief compelling abatement. Class actions are permitted. The statute of limitations is ten years from the later of the exposure or its discovery. A contractual waiver of a Right 41 claim, and a mandatory arbitration clause applied to one, is void.

Environmental justice communities. Where a community meets the 40% threshold defined in this Act, damages under this Section are multiplied by 1.5, remediation and abatement receive priority funding, and notification of an exceedance shall be made within 14 days in every language spoken by more than 5% of the affected population. The heightened siting protections of Article Sixteen apply in addition to, and are not satisfied by, compliance with this Section. **Monitoring may not be withheld.** Air quality monitoring data collected by any federal agency, or by any private party as a condition of a permit, is public. The removal, defunding, or relocation of monitoring equipment for the purpose or with the effect of concealing an exceedance is itself a violation of this Section, actionable by any affected person.

Section 9. Brady Obligations: Prosecutorial Disclosure of Favorable Evidence

Right 14 of the Constitution establishes due process and protects against the government withholding evidence favorable to the defense. This Section implements the prosecution's disclosure obligations that give that right force.

Scope of disclosure. Before trial, and continuing through all subsequent proceedings including post-conviction review, the prosecution must disclose to the defense all evidence in the possession or control of any government agency — including law enforcement, forensic laboratories, and any intelligence or investigative agency involved in the case — that is favorable to the defendant or material to guilt, punishment, or the credibility of any witness the prosecution intends to call.

Materiality. Evidence is material if a reasonable defense attorney would consider it useful to the defense. The test is objective — the prosecutor's subjective belief about the evidence's importance does not determine materiality. Doubt about materiality must be resolved in favor of disclosure.

Continuing obligation. Disclosure is required whenever new material evidence comes to the government's attention — including after conviction, during appeal, and during post-conviction review. The obligation does not end with trial.

Structural violation. Intentional suppression of material favorable evidence is a structural violation of due process requiring automatic reversal of any conviction it affected, without harmless-error analysis. Inadvertent suppression that was material requires reversal unless the government demonstrates that the suppression had no effect on the outcome by clear and convincing evidence.

Section 10A. Physical Takings: Fair Market Value, Public Use, and Quick-Take Procedures

Right 15 of the Constitution establishes that when the government takes private property for public use it must pay just compensation — immediately and at fair market value. This Section implements that

right: it defines fair market value, establishes what constitutes legitimate public use, creates the quick-take procedure, and prohibits pretextual takings.

Fair market value defined. Just compensation for a physical taking is the fair market value of the property — the price a willing buyer would pay a willing seller in an arm's-length transaction, with both parties having full knowledge of all relevant facts and neither under compulsion to buy or sell. Fair market value is measured as of the date the government takes title or possession, whichever occurs first. In addition to fair market value, the government must pay a displacement allowance to: homeowners who cannot purchase a reasonably comparable replacement dwelling with fair market value compensation; business owners whose business losses from relocation exceed the fair market value of the real property taken; and farmers whose operations cannot be fully re-established at fair market value. The displacement allowance equals the documented additional cost necessary to restore the affected person to a reasonably equivalent economic position. Fair market value and any displacement allowance are constitutional minimums — the government may pay more, but it may not pay less.

Public use defined. The government's power of eminent domain is limited to takings for legitimate public use. Legitimate public use includes: infrastructure (roads, bridges, airports, utility lines, transit systems); schools, hospitals, and government facilities; parks, open space, and conservation; utilities providing service to the general public; and projects demonstrably serving the direct needs of the general public as a whole rather than primarily serving private interests. Transfer of condemned property to a private party primarily for that private party's economic benefit — including economic development projects where the primary beneficiary is a private developer rather than the public — does not constitute legitimate public use regardless of any claimed secondary benefit to the surrounding community. This provision supersedes *Kelo v. City of New London*, 545 U.S. 469 (2005), and all decisions relying on economic development as a sufficient justification for taking private property and transferring it to another private party.

Pretextual takings prohibited. The government may not use the power of eminent domain to punish a disfavored property owner, to benefit a private party at a disfavored owner's expense, or to achieve any purpose other than genuine public use. A taking is pretextual when the stated public use is not the actual purpose, when the property taken would not have been taken absent the desire to benefit a specific private party, or when the owner was targeted for reasons unrelated to the property's suitability for the stated public purpose. A property owner may challenge a taking as pretextual in federal court and is entitled to injunctive relief halting the taking pending resolution of the challenge. The government bears the burden of demonstrating genuine public use by clear and convincing evidence when a pretextual taking is alleged.

Quick-take procedure and interest. The government may take possession of property before the final determination of just compensation — a "quick take" — only if it first deposits with the court 100% of the government's own appraised value of the property. The deposit is a condition of possession, not a

ceiling on compensation. The property owner may withdraw the deposited amount immediately without prejudice to their right to seek additional compensation. Interest runs from the date the government takes possession or title — whichever occurs first — at the federal judgment rate, regardless of when proceedings conclude. A government that takes possession without depositing the full appraisal forfeits the right to quick-take and must restore possession until final compensation is determined or deposit the full appraised value plus interest accrued from the date of unauthorized possession.

Condemnation proceedings. Every property owner subject to a taking proceeding has the right to: advance written notice of the government's intent to condemn, not less than 90 days before any taking; an independent appraisal at government expense if the owner disputes the government's appraisal; a judicial determination of just compensation by a neutral judge or jury upon request; reasonable attorneys' fees and appraisal costs if the final compensation award exceeds the government's pre-trial offer by more than 10%; and the right to challenge the existence of public use as a threshold matter before any taking proceeds.

Section 10. Regulatory Takings: Threshold, Measurement, and Compensation

Right 16 of the Constitution establishes that when government regulation substantially eliminates the economic value of private property, just compensation is required. This Section establishes the threshold, measurement methodology, and compensation procedure.

The threshold. A regulation constitutes a taking requiring compensation when it eliminates 75% or more of the fair market value of the owner's specific property or business interest. The 75% threshold is measured against the specific parcel or business unit at issue — not against the owner's entire portfolio. A regulation that eliminates 75% of the value of one parcel is a taking of that parcel even if the owner holds other property unaffected by the regulation.

Measurement. Diminution is measured by independent appraisal of the fair market value of the property immediately before and immediately after the regulation takes effect. The appraisal must be conducted by a certified appraiser appointed by mutual agreement of the parties, or in the absence of agreement, by the court. The cost of appraisal is initially borne equally; the losing party bears the full cost upon final judgment.

Burden of proof. The burden of establishing the threshold diminution rests on the property owner by a preponderance of the evidence.

Compensation. Just compensation for a regulatory taking equals the dollar difference between the pre-regulation and post-regulation appraised values, paid promptly upon a final finding of taking. Delay in payment accrues interest at the federal judgment rate.

Exceptions. This right does not apply to regulations that prevent nuisances, abate public health threats, or restrict uses that were already unlawful when the owner acquired the property.

Partial compensation tier: 50–74% diminutions. A regulation eliminating between 50% and 74% of the fair market value of the owner's specific property or business interest constitutes a partial regulatory taking requiring partial compensation. Compensation equals the percentage of diminution above 50% multiplied by the pre-regulation fair market value. A regulation eliminating 60% of value produces compensation equal to 10% of pre-regulation value (60% minus the 50% floor). This partial tier prevents the government from deliberately calibrating regulations to stop at 74% of value destruction to avoid full-compensation liability. The same appraisal methodology, burden of proof, and payment timing rules applicable to full takings apply to partial compensation claims.

Temporary regulatory takings. A regulation that constitutes a taking under this right but is subsequently rescinded, invalidated by a court, or allowed to expire creates a temporary regulatory taking. Compensation is the fair rental value of the property for the period the taking was in effect — from the date the regulation took effect to the date it was rescinded, invalidated, or expired. Fair rental value is determined by independent appraisal using the same methodology as permanent takings, applied to the rental market. The fact that a regulation is later rescinded or struck down does not eliminate compensation liability for the period it was in effect.

Section 11. Crime Victims Rights: Specific Entitlements and Procedures

Right 27 of the Constitution establishes that crime victims have enforceable constitutional rights in proceedings against the accused. This Section enumerates the specific rights and the procedures governing them.

Specific rights. Every person who has suffered direct harm as a result of a federal crime has: (1) the right to be notified of and present at all public court proceedings in the case; (2) the right to deliver a victim impact statement at sentencing that the court must genuinely receive and consider before imposing sentence; (3) the right to protection from a defendant whose pre-trial release poses a documented specific threat to the victim's safety; (4) the right to be notified when the defendant is released, escapes, or dies in custody; (5) the right to proceedings free from unreasonable delay; and (6) the right to be treated with fairness, dignity, and respect throughout the proceeding.

Plea agreements. No plea agreement may be finalized without the prosecutor making a documented, good-faith effort to notify the victim and giving them a reasonable opportunity to be heard on the proposed agreement. The court may not accept a plea agreement over a timely victim objection without making specific findings on the record that the objection has been considered and that the agreement serves the interests of justice.

These rights exist alongside — and do not diminish — the rights of the accused. Victim participation is a constitutional requirement; it does not substitute for or override due process.

Mandatory restitution. When a victim has suffered documented financial harm — including property loss, medical expenses, lost income, and costs of necessary services — the court must order full restitution as part of any sentence or plea disposition. Restitution is mandatory when financial harm is

documented; the amount is determined by the documented loss, not by the defendant's ability to pay. Inability to pay affects only the payment schedule, not the obligation. Restitution takes priority over all other monetary obligations imposed in connection with the offense — fines, fees, surcharges, and court costs — in collecting any payments made by the defendant. The government must make good-faith efforts to collect restitution on the victim's behalf using the same collection mechanisms available for other court-ordered obligations, and must provide the victim with an annual written report on collection status and amounts disbursed. A restitution order uncollected after five years triggers a mandatory court review of available additional collection efforts.

Enforcement: victim's right to seek court orders. A victim whose rights under this Section are being violated or are imminently about to be violated may petition the presiding court for an emergency writ ordering compliance. The petition must be ruled on within 72 hours of filing. A victim who learns that a plea is about to be accepted without the required notification may seek an order halting acceptance until the notification requirement is satisfied. A victim who was not notified of a proceeding at which their rights were violated may petition for reopening of that stage for the limited purpose of exercising their rights, provided the petition is filed within a reasonable time of learning of the violation. A prosecutor who establishes a pattern of failing to notify victims or systematically violating this Section is subject to mandatory referral to the relevant bar disciplinary authority and to the Office of Professional Responsibility.

Section 12. Civil Jury Threshold and Appellate Review Standards

Right 28 of the Constitution establishes the right to a jury in federal civil cases. This Section sets the threshold amount and the appellate review standards.

Threshold. The right to demand a jury trial in federal civil cases attaches when the amount in dispute exceeds $50,000, adjusted annually by the Consumer Price Index beginning from the year of ratification. Either party may invoke the right; neither can be forced to waive it.

Appellate review. A jury's factual findings may not be re-examined by any appellate court except under the established re-examination standards preserved from the common law at the time of ratification — that is, a reviewing court may set aside a jury verdict only on a showing that no reasonable jury could have reached it on the evidence presented. Weight-of-the-evidence review that substitutes the appellate court's judgment for the jury's on disputed facts is prohibited.

Section 13. Prison Labor Standards: Voluntariness, Compensation, and Prohibited Coercion

Rights 30 and 31, and Article Twenty-Seven, Section 2 of the Constitution prohibit forced labor, including in the prison context, and establish that voluntary prison labor must be fairly compensated. This Section establishes the specific standards.

Voluntariness. Prison labor is voluntary only if all three conditions are met: (1) the person provides written informed consent before beginning work, with a clear statement that refusal has no

consequences; (2) refusal to work or stopping work at any time results in absolutely no adverse consequence — no change in housing, no disciplinary action, no effect on parole eligibility, no loss of any privilege, no reduction in good-time credits, and no notation of any kind in the institutional record; and (3) the consent process is conducted without the presence of any correctional officer with authority over the individual's housing or privileges.

Compensation. Voluntary prison labor must be compensated at not less than the applicable minimum wage in the state where the facility is located. Compensation must be paid directly to the worker and may not be diverted for room and board, administrative fees, or any other institutional purpose without the worker's separate informed consent.

Prohibited arrangements. Any arrangement that conditions any benefit — including housing assignment, program access, or parole consideration — on working, or imposes any negative outcome on not working, is compelled labor prohibited by Rights 30 and 31 regardless of how the arrangement is formally described.

Section 13A. Government Ownership of Detention Infrastructure and the Right of Access

The power to confine a human being is among the most serious powers government possesses. It is an inherently governmental power — an exercise of sovereign authority over a person's body and freedom. That power may not be exercised on private property, behind private property rights, or in a manner that shields its exercise from public accountability. Every facility in which the government detains, confines, or holds any person — charged, convicted, accused, or detained under any legal authority — is a governmental facility for constitutional purposes, regardless of who built it, who owns it, or who operates it.

Government ownership required. The physical infrastructure of every facility used to confine persons under any governmental authority — including federal and state prisons, county jails, juvenile detention facilities, immigration detention centers, civil commitment facilities, pretrial detention facilities, and any other facility operated under government authority for the purpose of holding persons — must be owned by the relevant government entity. The property, the buildings, the land on which they sit, and all permanent fixtures and equipment within them are government property. A private entity may be contracted to manage, operate, or staff a government detention facility; it may not own it. Any existing private ownership of detention infrastructure must be transferred to the relevant government entity — by purchase, lease-to-own agreement, condemnation under the just compensation provisions of Right 15, or any other lawful means — within five years of this Constitution taking effect. No new government detention facility may be constructed on privately owned land without a concurrent agreement for government acquisition of the property.

Private management contracts: what they may and may not do. A private entity contracted to manage a government detention facility operates as an agent of the government for constitutional purposes. Every constitutional obligation applicable to the government in the operation of detention

facilities — including Rights 14, 18, 29, 30, 31, and all rights established in this Act — applies with full force to the private management entity. The private management contract does not confer private property rights that may be used to deny access, restrict oversight, or shield operations from scrutiny. A private management contractor that obstructs constitutionally required access is in breach of its contract and in violation of the rights of the persons it detains. The government entity responsible for the facility is jointly liable for any constitutional violations by its contractor.

The right of access: legislators and elected officials. Any elected official — federal or state — may enter and inspect any government detention facility, including facilities managed by private contractors, at any time, with or without advance notice. Elected officials may: walk any area of the facility; speak privately and without monitoring with any confined person who consents to speak with them; review any non-privileged facility records; photograph or record conditions within the facility; and bring staff, counsel, and interpreters. A private management contractor, a facility administrator, or any government official may not deny, obstruct, delay, or condition this right of access. An official who is denied access may seek an emergency court order within 24 hours compelling access; the court must rule within 12 hours of the petition. Obstruction of legislative access to a government detention facility is an independent constitutional violation.

The right of access: press and journalists. Accredited journalists and news organizations have the right to access government detention facilities for the purpose of reporting on conditions of confinement, the treatment of detained persons, and the operation of the facility. Press access may be scheduled — the facility may designate access periods and require advance coordination for large media operations — but it may not be denied, indefinitely deferred, or conditioned on the facility's approval of the journalist's past coverage or anticipated reporting. A journalist who is denied access without a specific, documented security justification has the same emergency access remedy available to elected officials. Journalists may photograph and record in areas where confined persons are not identifiable without consent. Interviews with willing confined persons may be conducted without monitoring by facility staff, with reasonable advance notice and scheduling.

The right of access: family members and community. Every person confined in a government detention facility has the right to communicate with family members, advocates, community members, authors, researchers, and others who seek contact, subject to reasonable security protocols. A government detention facility may not categorically prohibit contact between confined persons and specific categories of visitors — including journalists writing about the facility, authors researching conditions of confinement, or advocates investigating alleged rights violations — on the basis that the facility operator or contractor finds the contact unwelcome. Reasonable security protocols — identification requirements, scheduling, supervision in designated visiting areas, prohibition on transfer of contraband — are permissible. Categorical denial of access for visitors who pose no security threat is not.

No private property shield. No private management contractor, private corporation, or private entity operating or owning any interest in a government detention facility may invoke private property rights, trade secrets, contractual confidentiality, or any other private law doctrine to: deny access to any person entitled to access under this Section; prevent oversight by any oversight body; conceal conditions of confinement from the public, press, or legislators; or refuse to produce records relevant to the treatment of confined persons in any proceeding. Any provision of a government detention management contract that purports to create such a shield is void as against public policy and this Constitution.

Enforcement: private right of action and minimum wage remedy. An incarcerated or detained person who has been compelled to work in violation of Section 13 has a private right of action for: all wages at the applicable minimum wage rate for every hour of compelled work; liquidated damages equal to twice the wages owed; and attorneys' fees and costs. These remedies apply whether the facility is government-operated or privately managed. A private right of action may be brought against the government entity responsible for the facility, the private management contractor, or both. The statute of limitations for claims under this Section and Section 13 is three years from the later of the compelled work or the person's release from the facility.

Section 14. Food Right Enforcement: Judicial Remedies and Congressional Response

Right 45 of the Constitution establishes the right to adequate food and nutrition as a justiciable constitutional right. This Section establishes the specific judicial remedies and congressional response mechanisms.

Individual remedies. A person denied adequate nutrition through government failure may seek the following relief in federal court: (a) an order requiring the relevant federal or state agency to enroll them in any existing nutritional assistance program for which they are eligible, processed within 10 business days; (b) injunctive relief requiring an agency to accept and process a pending application; and (c) a declaratory judgment that a specific government policy violates Right 45.

Systemic findings. A court finding a systemic constitutional violation of Right 45 shall certify that finding to Congress with a mandatory response deadline of 180 days. Congress must respond within that period with a public report addressing the specific violation and the remediation plan. A declaratory judgment triggers this obligation automatically. No court may order Congress to appropriate a specific dollar amount — the appropriation power remains with Congress — but the 180-day response requirement is mandatory and enforceable.

Constitutional elevation of existing programs. Federal nutrition programs — including SNAP, WIC, school meal programs, and emergency food assistance — are elevated to constitutional status by Right 45 and may not be eliminated. Congress may adjust their administration, delivery mechanisms, and eligibility standards, but may not eliminate the nutritional safety net function they collectively provide.

Section 14A. Economic Security Enforcement: Old Age, Disability, Survivors, and Unemployment

Rights 33, 42, and 45 together establish a floor of minimum human dignity and sustenance below which no person on American soil may fall. For those who cannot provide for themselves because of age, disability, or involuntary loss of work, that floor is delivered through the nation's social-insurance system. This Section establishes the judicial remedies enforcing that delivery and the constitutional protection of the system itself.

Constitutional elevation of existing programs. The contributory social-insurance programs — Social Security old-age benefits, Social Security Disability Insurance, survivors' benefits, and unemployment insurance — are elevated to constitutional status as the delivery mechanism of the dignity floor established by Right 33 and the sustenance guarantee of Rights 42 and 45. These programs may not be eliminated. Congress may adjust their administration, contribution structure, and eligibility standards, but may not dismantle the system, may not reduce benefits already earned by a contributing worker, and may not privatize the system in any manner that removes the guaranteed benefit or shifts its market risk onto the beneficiary.

Individual remedies. A person denied a benefit to which they are entitled through government failure may seek in federal court: (a) an order requiring the responsible agency to adjudicate a pending claim within a reasonable fixed period; (b) injunctive relief requiring an agency to accept and process an application; and (c) a declaratory judgment that a specific government policy violates Right 33, 42, or 45.

Systemic findings. A court finding a systemic constitutional violation of the economic-security floor shall certify that finding to Congress with a mandatory response deadline of 180 days. No court may order Congress to appropriate a specific dollar amount — the appropriation power remains with Congress — but the 180-day response requirement is mandatory and enforceable.

The earned-benefit floor. A worker who has contributed to the system holds an earned interest in the resulting benefit. That earned benefit may not be retroactively reduced or eliminated, and it may not be diminished as a means of financing a reduction in taxes or the assumption of unrelated obligations.

Section 15A. Emergency Medical Access: Right 33 Enforcement

Right 33 of the Constitution guarantees every person physically present in the United States — regardless of immigration status, ability to pay, or any other characteristic — the right to emergency medical screening and stabilizing treatment. This Section implements that guarantee with specific obligations, a private right of action, and federal enforcement authority.

The obligation. Every hospital, emergency room, urgent care facility, and emergency medical provider that holds itself out as providing emergency services must provide, to any person who presents in apparent need of emergency care: (a) an appropriate medical screening examination to determine whether an emergency medical condition exists; and (b) if an emergency medical condition is found,

stabilizing treatment necessary to prevent the condition from materially deteriorating during transfer, or treatment to the extent the facility's capabilities permit. These obligations apply regardless of the person's ability to pay, insurance status, immigration status, citizenship status, or any other characteristic. A triage assessment that finds no emergent need, conducted in good faith by qualified medical personnel, satisfies the screening obligation. A denial of screening before any assessment is a constitutional violation.

Prohibited practices. No hospital or emergency provider may: refuse to perform an emergency medical screening examination based on the person's inability to pay or lack of insurance; inquire into immigration status before or during the provision of emergency screening or stabilizing care; demand payment or insurance verification as a precondition to initiating emergency screening; transfer a person with an unstabilized emergency medical condition to another facility for financial reasons without the person's informed consent and certification that the receiving facility has the capacity and has agreed to accept; or take any action designed to discourage a person from seeking emergency care based on their immigration status, ability to pay, or identity characteristics.

Private right of action. Any person denied emergency medical screening or stabilizing treatment in violation of this Section has a private right of action in federal court for: compensatory damages for harm caused by the denial, including all medical costs for treatment subsequently required as a result of the delayed or denied care, lost income, and pain and suffering; and, where the denial was knowing or reckless, punitive damages. A person who has been told — explicitly or implicitly — that they will not receive emergency care has standing to seek immediate injunctive relief compelling the facility to provide screening and stabilizing care. A court must rule on an emergency injunction petition seeking emergency medical care within 4 hours of filing. Attorneys' fees are available to prevailing plaintiffs.

Federal enforcement. The Department of Health and Human Services has authority to investigate, impose civil monetary penalties, and seek injunctive relief against any hospital or emergency provider that systematically violates this Section. Systematic violation means a pattern of denials or discouragement of persons based on inability to pay or immigration status — not merely isolated incidents attributable to individual error. A finding of systematic violation triggers: mandatory corrective action plan under federal supervision; civil monetary penalties of $50,000 per violation; and, for persistent non-compliance after notice, loss of all federal funding — including Medicare and Medicaid reimbursements, federal grants, and any other federal payments. Loss of federal funding for systematic denial of emergency care to immigrants and poor persons is not discretionary; it is constitutionally required.

Section 15. Food Safety: Private Right of Action, Food Fraud, and Agricultural Worker Protections

Right 42 of the Constitution guarantees every person the right to a food supply free from hazardous adulterants and imposes strict liability on private parties that introduce hazardous substances into the food supply. This Section gives that strict liability provision operational force, extends Right 42's

protection to food fraud and labeling deception, and expressly covers agricultural workers and food processing workers as persons protected by the right.

Private right of action — strict liability. Any person harmed by exposure to a hazardous substance in the food supply has a private right of action in federal court against any private party whose actions caused or materially contributed to that hazard. The strict liability standard of Right 42 applies: proof of causation and harm is sufficient; no negligence or intent need be shown. Available damages are: actual damages including medical monitoring costs, medical treatment for conditions caused or contributed to by the exposure, lost income, pain and suffering, and any other documented harm resulting from the exposure; statutory damages of $5,000 per year of exposure per person, regardless of whether actual damages exceed that amount; restitution of all profits, cost savings, and economic benefits the defendant obtained as a result of introducing the hazardous substance into the food supply; and reasonable attorneys' fees to any prevailing plaintiff. Class actions are available. The statute of limitations is ten years from the later of confirmed contamination above federal health standards or the date the plaintiff knew or reasonably should have known of their exposure and its causal connection to their harm. Medical monitoring claims may be brought even before injury manifests, upon proof of significant exposure to a hazardous substance with a documented risk of future harm. **Food fraud: labeling deception as food adulteration.** The deliberate mislabeling of food is adulteration of the food supply within the meaning of Right 42. Any private party that: labels a product as containing an ingredient it does not contain or does not contain in the claimed quantity; represents a product as having a regulatory certification — including organic, kosher, halal, non-GMO, or any other certification — that it does not have; substitutes one food product for another without disclosure (including the substitution of one fish species for another, one oil type for another, or any other undisclosed substitution); or makes any other material misrepresentation about the composition, origin, or processing of a food product — is introducing a form of fraud into the food supply that violates Right 42. Food fraud is subject to the same strict liability and the same private right of action as physical adulteration. A consumer who purchases a mislabeled food product has suffered a Right 42 violation and has standing to bring a private right of action for restitution of the purchase price, actual damages, and statutory damages under this Section.

Agricultural worker and food processing worker protections. The persons most directly exposed to hazardous substances in the food supply are often those who grow, harvest, process, and package food. Farmworkers, agricultural workers, food processing plant workers, and all others who handle food or food inputs in the course of their employment are covered persons under Right 42. Their occupational exposure to hazardous substances that are present in or introduced into the food supply as a result of another party's actions creates the same private right of action available to consumers. An employer's knowledge or partial knowledge of a hazardous exposure does not bar the worker's claim — workers did not accept food safety hazards as a condition of their employment, and any contractual provision purporting to waive a worker's Right 42 claims is void. The environmental justice provisions of Section 8 apply equally to food system workers — disproportionate exposure of low-income workers

and workers of color to food supply hazards in food processing communities triggers the same enhanced protections and damages multiplier.

Federal agency enforcement capacity. Congress must maintain federal food safety enforcement agencies — including the Food and Drug Administration and the Food Safety and Inspection Service — at levels adequate to: conduct regular, unannounced inspections of food processing and distribution facilities; process and respond to all consumer food safety complaints within 30 days; maintain an up-to-date public database of food safety violations and enforcement actions; and initiate recalls of hazardous products within 24 hours of confirmed contamination above health standards. Any reduction in food safety enforcement capacity below levels necessary to fulfill these functions is presumptively unconstitutional under Right 42 as a failure of Congress's affirmative obligation to maintain standards and enforcement.

Section 15B. Drug, Device, Product, and Digital Safety: Efficacy Substantiation, Recalls, and Private Right of Action

Right 42 of the Constitution guarantees every person the right to drugs, medical devices, consumer products, and digital and software products that are safe and, where they make a therapeutic or health claim, effective. This Section gives that guarantee operational force.

Safety and efficacy before sale. No drug or medical device may be lawfully sold, distributed, or dispensed without demonstrated safety and, for any product making a therapeutic claim, demonstrated efficacy, established by adequate and well-controlled scientific evidence and reviewed by an adequately funded federal agency. Approval standards shall rest on the best available scientific evidence and shall be updated as new evidence emerges. A reduction in testing, approval, or enforcement capacity below ratification-era levels is presumptively unconstitutional.

The substantiation rule reaches every health claim. No consumer product, dietary supplement, application, or software product may make a therapeutic, medical, or health claim it cannot substantiate with competent and reliable scientific evidence in the maker’s possession before the claim is made. This rule reaches supplements, wellness and mental-health applications, symptom-assessment and diagnostic software, and any digital product that represents itself as improving, treating, diagnosing, or affecting a health condition. A claim made without prior substantiation is a violation whether or not harm results.

No known, undisclosed hazard. No consumer product, application, or software product may be sold or distributed bearing a hazard known to the maker and not disclosed to the user in plain terms. This includes physical hazards in tangible goods and foreseeable hazards in digital products, including hazards to a user’s health arising from the product’s design.

Mandatory recall and removal. Upon confirmation that a drug, device, product, or application in commerce presents a serious risk to health or safety, the responsible party shall recall the item or remove the offending product or feature from distribution within a period fixed by the responsible

agency, and shall notify affected users directly. Failure to recall or remove within the fixed period is an independent violation.

Strict liability and private right of action. Any private party who introduces an unsafe drug, device, product, or application into commerce, or who makes an unsubstantiated therapeutic or health claim, is strictly liable for all harm caused. A person harmed may bring a private right of action in federal court for actual damages, statutory damages of $5,000 per person per year, restitution of profits attributable to the violation, and attorney fees; pre-injury medical-monitoring claims are available where exposure to an unsafe item warrants surveillance. Contractual waivers of Right 42 claims, and mandatory arbitration clauses applied to them, are void. The statute of limitations is ten years from the later of the sale or the discovery of the harm.

Section 16. Decision-Maker Disqualification: When a Fair Decision-Maker Is Required

Right 14 of the Constitution guarantees a fair decision-maker in any proceeding that may deprive a person of life, liberty, or property. This Section defines what disqualifies a decision-maker and the process for seeking disqualification.

Disqualifying circumstances. A decision-maker — whether judge, hearing officer, administrative law judge, agency adjudicator, or any other official with authority to determine a person's rights — must be disqualified from a proceeding when any of the following are present: a direct financial interest in the outcome of the proceeding; a prior public statement expressing a predetermined conclusion about the specific case or the specific parties; a close personal relationship with a party, witness, or counsel that would cause a reasonable person to question the decision-maker's impartiality; prior participation in the same matter in an investigative, prosecutorial, or advisory capacity; institutional pressure from a superior with authority over the decision-maker's career to reach a particular outcome; or any other circumstance that would cause a reasonable, fully informed person to conclude that the decision-maker could not approach the matter with an open mind.

The reasonable person standard. Disqualification is required when the circumstances, viewed objectively by a reasonable and fully informed observer, would create genuine doubt about impartiality — regardless of the decision-maker's subjective belief in their own fairness. A decision-maker may not self-certify their own impartiality when the disqualifying circumstance is structural or when a reasonable person would doubt it. The party seeking disqualification need not prove actual bias — the appearance of bias in a proceeding affecting fundamental rights is itself a constitutional defect.

Same-reviewer prohibition. A government official who participated in the investigation, prosecution, or initial determination of a matter may not serve as the decision-maker in any review of that same matter. A person has the right to have their challenge to a government decision reviewed by someone who had no role in making the original decision. An agency that assigns the same official who issued a penalty to review the appeal of that penalty has denied due process regardless of that official's subjective fairness.

Process for seeking disqualification. A party who believes a decision-maker is subject to disqualification must raise the challenge at the earliest practicable opportunity. The challenge must be ruled on by a neutral official — not by the challenged decision-maker themselves. Where no alternative decision-maker is available within the agency or court system, the case must be transferred to a neutral forum. An agency rule or court local rule that requires a party to seek disqualification from the challenged decision-maker before seeking it from a superior is void as applied to structural disqualification claims.

Section 17. Administrative Due Process: Notice, Hearing, and Fair Process in Non-Judicial Proceedings

The due process guarantee of Right 14 applies in every forum where the government may deprive a person of a protected interest — not only in courts. Administrative proceedings, benefit terminations, license revocations, immigration determinations, and regulatory enforcement actions all implicate the right. This Section establishes the minimum procedural requirements in the administrative context.

Protected interests triggering due process. Due process applies before the government terminates, suspends, reduces, or significantly changes any interest that a person has a legitimate claim to — including: government benefits to which they are entitled by statute or prior approval; professional or business licenses; government employment with civil service protection; liberty interests including immigration status, parole, and supervised release conditions; and property rights affected by regulatory action. The existence of a protected interest is determined by whether the government has created a legitimate expectation of continuity — not by whether the underlying benefit is discretionary at the point of initial grant.

Minimum requirements: notice. Before any adverse administrative action is taken against a protected interest, the affected person must receive written notice that: identifies the specific proposed action; states the specific legal and factual basis for the action; identifies the specific evidence the agency relies on; states the specific statutory or regulatory authority; and informs the person of their right to respond, the time and manner for response, and the identity and contact information of the decision-maker. A notice that omits any of these elements is constitutionally deficient and does not trigger the response clock.

Minimum requirements: opportunity to be heard. Before a final adverse action affecting a significant protected interest, the person must have a meaningful opportunity to present facts, evidence, and argument — in writing at minimum, and in person when the credibility of the person or witnesses is material to the decision. "Meaningful" requires that the decision-maker actually consider what is submitted — a hearing in which the decision-maker has already determined the outcome is not a hearing. Where credibility is material, the person must be permitted to question adverse witnesses either directly or through a representative. An agency may not rely on evidence it has not disclosed to the affected person.

Emergency deprivations. Where the government demonstrates a genuine emergency requiring immediate action — imminent threat to public health, safety, or the welfare of a specific identifiable person — it may take emergency action before a full hearing. Emergency action must be: narrowly tailored to address the specific emergency; limited in duration to no longer than necessary to obtain a full hearing; followed by a full pre-deprivation process at the earliest practicable time, not to exceed 30 days from the emergency action; and subject to immediate judicial review upon the affected person's application. The government bears the burden of demonstrating the genuine emergency at every stage.

Right to a reasoned decision. Every final administrative decision affecting a protected interest must be in writing and must: state the specific findings of fact; explain how the evidence supports those findings; identify the legal standard applied; and explain how the facts satisfy that standard. A decision that says only "denied" or that recites conclusions without explaining their factual basis is constitutionally deficient. An inadequately explained decision is void and must be remanded for a proper decision — it may not simply be affirmed by a reviewing court that independently supplies the reasoning the agency omitted.

Benefits termination. Before any government benefit — including income support, healthcare, housing assistance, disability benefits, nutritional assistance, and any other program to which a person is entitled — is terminated or reduced, the recipient must receive: advance written notice meeting the requirements above; an opportunity to challenge the proposed termination before it takes effect, except in documented fraud emergencies; continued payment of benefits at the pre-termination level pending the completion of the challenge process if the recipient timely requests review; and a decision from a neutral decision-maker not involved in the original termination determination. Terminating benefits without these procedures, regardless of whether the termination is ultimately lawful, is a due process violation.

Section 18. Criminal Record Sealing: Process, Federal Obligations, and Anti-Discrimination Standards

Article Seven, Section 4 of the Constitution establishes the right to have criminal conviction records sealed after law-abiding conduct of five years (misdemeanors) and seven years (non-violent felonies), and prohibits categorical denials of employment, housing, and licensing based on criminal records. This Section implements the sealing process and the anti-discrimination standards.

The sealing petition process. A person who has completed all terms of their sentence — including probation, parole, supervised release, and payment of any court-ordered financial obligations — may petition the court of conviction for an order sealing their conviction record after the applicable waiting period. The petition must be filed in the court that imposed the sentence. The court must seal the record unless the government demonstrates by clear and convincing evidence that the petitioner poses a specific, ongoing public safety risk that requires continued public access to the conviction record. The burden is on the government to justify continued disclosure — not on the petitioner to justify sealing.

The court's determination must be made on the record within 90 days of the petition. A petitioner whose petition is denied may reapply after two years upon a showing of changed circumstances.

What sealing means. A sealed conviction record is not accessible to employers, housing providers, educational institutions, licensing boards, or any person or entity other than law enforcement for legitimate criminal investigation purposes. A sealed record must be removed from all public databases within 30 days of the sealing order. The person whose record has been sealed may legally represent on employment applications and housing applications that they have not been convicted of a crime, unless the application is for a position specifically exempted from this provision. Arrests that did not result in conviction — including charges that were dismissed, reduced to non-criminal violations, or resolved in the petitioner's favor — are sealed automatically upon request without waiting period, petition process, or judicial approval.

Federal database obligations. Every federal agency that maintains criminal record databases must: update those databases to reflect sealing orders within 30 days of receiving notice; notify any entity that received the record from the federal database of the sealing within 30 days; maintain a sealed records log accessible only to law enforcement; and respond to record requests from employers, landlords, and licensing boards by confirming only whether the person has any conviction that is not sealed — not by disclosing the content of sealed records. A federal agency that discloses a sealed record is liable to the affected person for actual damages and a $10,000 statutory penalty per disclosure. **Employment, housing, and licensing anti-discrimination.** No employer — public or private — may categorically refuse to consider an applicant with a criminal record. An employer may consider a specific conviction only if the employer can demonstrate that the conviction is directly and specifically relevant to the duties of the position — meaning the conduct that constituted the offense would, if repeated in the employment context, create a material risk of harm specific to that position. Generalized assumptions about "integrity" or "trustworthiness" do not satisfy this standard. No housing provider receiving federal assistance of any kind may categorically reject applicants based on criminal records. Each applicant must be assessed individually, and a rejection based on a criminal record must be documented with a specific explanation of the direct nexus between the specific conviction and the specific tenancy risk. No professional licensing board may categorically deny a license based on a criminal conviction unrelated to the licensed profession. The board must identify the specific connection between the conviction and the fitness to hold the license.

Section 19. Birthright Citizenship Path: Congressional Obligation and No-Statelessness Guarantee

Article Seven, Section 1 of the Constitution provides that a child born in the United States is a citizen from birth if at least one parent is domiciled in the United States, regardless of that parent's immigration status; that a child born to a parent present only temporarily and not domiciled in the United States is not automatically a citizen; that no such child may be rendered stateless; and that

Congress must provide a mandatory path to legal status and citizenship for any such child. This Section establishes the constitutional floor for that mandatory path.

Initial protected status. Any person born in the United States who has not been recognized as a citizen under Article Seven, Section 1 is lawfully present in the United States from birth and may not be removed until Congress has established and the person has been assessed under the mandatory path required by this Article. This protected status is self-executing — it does not require any application, petition, or government action. No person born on United States soil may be removed from the United States before the age of majority without individualized removal proceedings meeting all the requirements of Article Seven, Section 3, including the counsel, hearing, and Article III appeal rights.

Congressional obligation. Congress must, by statute, establish: a pathway for persons born in the United States who are not automatic citizens to obtain lawful permanent resident status after a period of continuous presence not to exceed 18 years from birth; a pathway from lawful permanent residence to citizenship available to persons who have held LPR status obtained under this provision for at least five years and who meet the general naturalization standards; and an application process for both pathways that is accessible, affordable, and completable in the United States without departing. Any person born in the United States who has not been provided the required statutory path — because Congress has failed to enact implementing legislation or because the person could not access the process — remains lawfully present and may not be removed until Congress fulfills its obligation and the person has had a meaningful opportunity to access the required pathway. **No statelessness.** No person born in the United States may be rendered stateless by operation of this Constitution or any act of Congress. If application of any provision of this Article would result in a person being rendered stateless — meaning they would have no citizenship anywhere — that provision does not apply to that person and the person is a citizen of the United States from birth. The no-statelessness guarantee is a constitutional minimum that overrides any conflicting statutory provision.

Section 20. Tribal Government-to-Government Consultation: Standards and Enforcement

Article Twenty, Section 3 of the Constitution requires that before taking any major action significantly affecting tribal lands, resources, rights, or governmental authority, every federal agency must conduct meaningful government-to-government consultation with affected tribal nations. The agency bears the burden of demonstrating that consultation was meaningful, and an action taken without required consultation is voidable. This Section implements the procedural standards for meaningful consultation and the judicial enforcement mechanism.

What triggers the consultation requirement. The consultation requirement is triggered by any proposed federal action that may significantly affect: tribal lands or trust assets; resources subject to tribal rights, including water rights, fishing rights, hunting rights, or mineral rights established by treaty or inherent sovereignty; the exercise of tribal governmental authority, including tribal court jurisdiction, tribal law enforcement, or tribal regulatory authority; cultural patrimony, sacred sites, or other items of cultural or spiritual significance to the affected nation; or the well-being of tribal

members in ways not experienced by the general population. An agency that is uncertain whether its proposed action triggers the consultation requirement must consult. The question of whether consultation was required is itself subject to judicial review; the agency's determination that consultation was not required receives no deference.

The minimum standards for meaningful consultation. Meaningful government-to-government consultation requires all of the following: advance written notice to the affected tribal nation at least 90 days before the agency's proposed final decision, including a complete description of the proposed action, the specific tribal interests that may be affected, and the agency's preliminary analysis of those effects; a genuine exchange of views conducted in a format and language accessible to the tribal nation, including in-person meetings if requested by the tribal nation; a written record of all consultation communications, maintained by the agency and shared with the tribal nation; a written agency response, within 30 days of the conclusion of the consultation period, addressing each substantive concern raised by the tribal nation and explaining how the agency has modified its proposed action in response or why modification is not warranted; and documentation in the agency's final decision record that tribal input was received, considered, and addressed. A consultation process that consists solely of notification without genuine two-way exchange does not satisfy this standard. A tribal nation's absence from a consultation meeting — if the meeting was scheduled without adequate advance notice or in a format inaccessible to the nation — does not relieve the agency of its consultation obligation. **Enforcement.** An action taken without required consultation, or following consultation that did not meet the minimum standards of this Section, is voidable at the petition of the affected tribal nation in federal court. The tribal nation must file the voidance petition within two years of the agency's final decision. The agency bears the burden of demonstrating that it satisfied the consultation requirement; the tribal nation need only demonstrate that its interests may be significantly affected by the action. A court that finds consultation was inadequate may: void the agency action and require full consultation before any revised action; order interim protective measures to preserve tribal interests during the consultation period; and award the tribal nation its attorneys' fees and reasonable costs in bringing the enforcement action.

Section 21. Commercial Exploitation of Children: Prohibited Design Techniques and Enforcement

Article Twenty-One, Section 4 prohibits commercial entities from using manipulative design techniques in products, platforms, or services whose users are known to include children under 16, prohibits the use of children's data for behavioral targeting and advertising, and places the burden on companies to demonstrate compliance. This Section implements those prohibitions with specific technical definitions, an age verification and minimum age requirement, and a private right of action.

Prohibited design techniques: specific definitions. The five categories of prohibited manipulative design techniques in Article Twenty-One, Section 4 are defined as follows. (a) Compulsive session extension: any feature, notification, autoplay function, or interface element specifically designed to

extend a user's session beyond a user's stated or default time limit, including infinite scroll without a natural break point, autoplay of sequential content without user action, and notifications timed to interrupt activity outside the platform. (b) Variable reward schedule exploitation: any mechanism that delivers unpredictable, intermittent social validation — including likes, comments, shares, follower counts, and notifications — in patterns specifically designed to maximize return frequency by exploiting the neurological response to unpredictable reward, as distinguished from simple notification that another user has interacted with the child's content. (c) Social comparison anxiety induction: any feature specifically designed to produce anxiety, inadequacy, or fear of exclusion based on quantified social comparison, including visible like counts on others' posts when the primary function is comparison rather than information, follower count displays calibrated to produce status anxiety, and streak-based features designed to produce fear of social disconnection. (d) Parental and user control circumvention: any design that makes user-set time limits, parental controls, or content filters materially harder to set, maintain, or enforce than the underlying unrestricted feature — including automatic reset of limits, obscured settings paths, or opt-back-in prompts timed immediately after a limit-triggered interruption. (e) Return urgency creation: any mechanism that withholds content, social validation, or in-platform rewards that accumulate during absence and that are designed to create anxiety about the consequences of not returning promptly to the platform. These definitions are illustrative; Congress shall by statute establish an updated list reviewed every three years by an independent expert panel convened by the FTC, and any technique not listed but meeting the general definition of Article Twenty- One, Section 4(a)-(e) is prohibited.

Children's data prohibition. No commercial entity may collect, use, sell, share, or process data generated by or about a person under 16 for the purpose of behavioral targeting, advertising profile construction, or targeted advertising. This prohibition applies regardless of any parental consent mechanism. Parental consent to data collection does not and cannot constitute consent to commercial exploitation of the child's developing psychology through targeted advertising — the consent that is required is not parental consent to data use but the absence of the prohibited use entirely. An entity that does not know a user is under 16 is not liable under this provision if it implements a good-faith age verification process; an entity that has constructive knowledge that a significant portion of its users are under 16 — based on the platform's design, marketing, content, or usage patterns — must implement age verification or treat all users as potentially under 16 for purposes of this prohibition.

Minimum age for social media platforms. No social media platform — defined as any platform whose primary function involves the creation and sharing of user-generated content with a social network of other users — may permit a person under 13 to create an account. Platforms must implement reasonable age verification before account creation. A platform that knowingly permits a person under 13 to create and maintain an account, or that fails to implement reasonable age verification, is in violation of this Section. This minimum age floor may be raised but not lowered by congressional statute.

Burden allocation and private right of action. The burden of demonstrating that a product, platform, or service does not deploy prohibited manipulative design techniques toward children rests on the company, not on the child or parent. In any enforcement proceeding — administrative, civil, or private — the company must affirmatively demonstrate by clear and convincing evidence that each design feature of its child-accessible product does not meet the definition of any prohibited technique. Any parent or child harmed by a violation of this Section has a private right of action in federal court for: actual damages including documented costs of mental health treatment, educational disruption, and other harm caused by the manipulative design; statutory damages of $1,000 per month of exposure to a prohibited design technique, without proof of specific harm; and attorneys' fees. Class actions are available. The FTC has primary enforcement authority and may impose civil penalties of $50,000 per day per prohibited feature per affected user class.

Section 22. Family Separation Enforcement: Private Right of Action and Reunification Standards

Article Twenty-One, Section 2 prohibits punitive family separation — separation used as deterrence, as a tool of immigration enforcement, or as punishment for parental conduct. When a child must be removed for genuine protective reasons, the removal must be minimum necessary, reviewed within 48 hours, and accompanied by a reunification plan. This Section implements both the prohibition and the procedural requirements through a private right of action. **Prohibited family separation.** The following are per se violations of Article Twenty-One, Section 2: any policy, program, or practice that separates a child from a parent or primary caregiver for the purpose of deterring the parent or others from engaging in protected conduct, including migration; any directive to separate children from parents as a component of immigration enforcement without an individualized finding that the child faces risk of abuse, neglect, or imminent danger from the specific parent; any separation maintained beyond the minimum period necessary to assess whether the child faces danger; any separation in which siblings are placed separately without documented proof that joint placement could not be arranged without endangering the child; and any denial of contact between a separated child and their parent, siblings, or extended family without a documented showing that the specific contact poses a specific documented danger to the specific child. A policy of separation that applies categorically — to an entire class of families based on their immigration status, the nature of their entry, or any characteristic other than individualized danger to the specific child — is void as a categorical violation of this provision.

Private right of action. Any parent, child, or family member separated in violation of Article Twenty-One, Section 2 or this Section has a private right of action in federal court for: immediate injunctive relief requiring reunification, with a court required to rule on a reunification motion within 24 hours of filing; actual damages including all costs of reunification — travel, translation, legal fees, and the documented costs of mental health treatment for both the child and the separated parent — for the full period of unlawful separation; non-economic damages for the pain, trauma, and disruption of family

bonds caused by the separation; and attorneys' fees. The government bears the burden of demonstrating that any separation that occurred was for a legitimate protective reason specific to the individual child, not as a categorical or deterrence-based policy. A categorical policy of separation is void on its face, and any individual who was separated pursuant to that policy has standing to bring a private right of action without proving individualized harm beyond the separation itself.

Section 23. Officer Personal Accountability for Willful Constitutional Violations

Article One, Section 4 of the Constitution provides that every officer who takes an oath to support this Constitution is personally accountable for willful constitutional violations. This Section implements that guarantee by establishing civil liability, removing qualified immunity for willful violations, and defining the "willful" standard.

Personal civil liability. Any federal, state, or local government officer who willfully violates a constitutional right of any person is personally liable in federal court for: actual damages caused by the violation, including all economic losses, medical and mental health costs, and any other documented harm resulting from the violation; compensatory damages for non-economic harm including pain, suffering, reputational harm, and loss of constitutional rights; and reasonable attorneys' fees to any prevailing plaintiff. The officer's personal liability is not indemnifiable by the government as to the willful element — a government may choose to indemnify the actual damages portion as a matter of policy, but may not indemnify punitive damages or any other portion of a judgment specifically attributable to willful conduct. An officer's willful constitutional violation is not a protected act within the scope of employment that the government assumes liability for; it is a personal constitutional wrong.

Qualified immunity does not apply to willful violations. The doctrine of qualified immunity — which protects government officers from civil liability unless they violated a "clearly established" statutory or constitutional right of which a reasonable person would have known — does not apply to willful constitutional violations under this Section. A plaintiff who demonstrates that an officer's violation was willful need not separately demonstrate that the right was clearly established in prior case law. The officer's own knowledge that their conduct was unconstitutional, or their reckless disregard of a constitutional standard they were aware of, establishes liability without reference to the state of prior precedent. This provision supersedes the judicial doctrine of qualified immunity to the extent it would bar recovery for willful violations. Qualified immunity remains available as a defense only for non-willful violations — errors of reasonable judgment made by officers who did not know and had no reason to know their conduct was unconstitutional.

The "willful" standard. A constitutional violation is willful for purposes of this Section when: the officer knew at the time of the conduct that it violated a constitutional right — including where the officer was specifically advised by counsel, a supervisor, or a court that the contemplated action was unconstitutional and proceeded anyway; or the officer acted in reckless disregard of a constitutional standard they were aware of — meaning they were subjectively aware that their conduct created a

substantial risk of a constitutional violation and consciously disregarded that risk. Negligent constitutional violations — those resulting from reasonable misunderstanding or error in applying complex legal standards — are not willful and do not give rise to personal liability under this Section, though they may give rise to other constitutional remedies. The plaintiff bears the burden of demonstrating willfulness by a preponderance of the evidence. Evidence of prior warnings, court orders, legal advice, or training addressing the specific constitutional standard at issue is probative of willfulness.

Punitive damages for egregious willful violations. Where a court finds that a willful constitutional violation was egregious — meaning it was committed with knowledge of unconstitutionality and with the purpose of harming the specific person or class of persons whose rights were violated — punitive damages are available in addition to actual and compensatory damages. Punitive damages under this Section are not capped; the court exercises discretion in setting the amount based on the severity of the violation, the officer's culpability, the harm caused, and the need for deterrence of similar conduct by other officers. An officer convicted of criminal contempt or any other criminal offense in connection with the same conduct is also subject to the full civil damages available under this Section.

Section 24. No Detention Quotas; No Profit from the Deprivation of Liberty

Article Twenty-Seven, Section 5 forbids depriving any person of liberty to fill a quota or generate profit. This Section makes that guarantee enforceable and closes every device by which it might be evaded. **No detention quotas.** No statute, appropriation, regulation, contract, or executive policy may establish, require, or fund a minimum number of persons to be detained, a minimum number of beds to be occupied, or any numerical detention target. A legislated or contractual "bed mandate" or "guaranteed minimum" that operates to require detention is void. Detention capacity may be funded; the filling of that capacity may never be required, guaranteed, or made a condition of payment.

No guaranteed-minimum or occupancy-based payment. No contract for the detention of persons may guarantee payment for unused capacity, pay by guaranteed minimum regardless of actual lawful detention, or otherwise structure payment so that the detaining party profits from detaining more people or loses by detaining fewer. Payment may reimburse the actual, audited cost of lawfully detaining those who are in fact lawfully detained; it may not reward volume. A contract term violating this section is void and unenforceable, and no party may recover under it.

No financial incentive to detain, anywhere in the chain. No official's budget, funding, evaluation, or advancement, and no contractor's or subcontractor's profit, may be structured so that detaining more people, or detaining them longer, produces a financial gain, or so that releasing them or declining to detain produces a financial loss. The incentives of every person and entity with power over a detention decision must be neutral as to the outcome of that decision.

Individualized justification always required. Every deprivation of liberty must rest on a lawful justification specific to the individual — probable cause, a lawful order, an individualized

determination under law. The existence of available space, a contractual target, a quota, or a budget is never a justification to detain, to continue detaining, or to decline to release. Where a person is held and no individualized lawful justification is shown, they shall be released.

Transparency and enforcement. All contracts, appropriations, and policies governing the detention of persons, and the payment terms within them, are public records subject to the transparency obligations of this Constitution. Any detained person, and any person acting on their behalf, may petition for immediate release on the ground that their detention rests on a quota, a financial incentive, or a contractual target rather than an individualized lawful justification; a court shall hear the petition promptly and order release if the government cannot show individualized justification. Detention in violation of this Section is a deprivation of liberty without due process, carrying the remedies and personal liability this statute provides, and a pattern of such detention is subject to the pattern-and-practice authority of Section 4.

Section 25. Prosecutorial Independence: No Political Direction of Criminal Justice

The power to investigate and to charge a person with a crime is the most fearsome power the state wields against the individual. When it is aimed by political command — turned against the government's enemies and turned away from its friends — it ceases to be justice and becomes the instrument of tyranny. The recognized abuse is the whole authoritarian playbook: a head of state who declares political rivals "guilty" and demands their prosecution, who removes the prosecutors that decline to charge on the evidence and installs loyalists who will, and who shields allies from the charges the evidence would otherwise bring. This Section makes the criminal-justice power answer to evidence and law, not to political will.

The charging decision rests on evidence and law. The decision to open or decline a criminal investigation, and to bring or decline a criminal charge against any specific person, shall rest on the evidence and the law, applied evenhandedly, and shall be made by the professionals charged with that duty. It may not be made, directed, or overridden on the basis of the target's political affiliation, speech, associations, or opposition to those in power, nor on the basis of the target's loyalty to, or favor with, those in power.

No political direction — in either direction. No President, officer, or official may order, demand, pressure, or induce the investigation or prosecution of a specific person for a political purpose, nor order, demand, pressure, or induce the declination, delay, or abandonment of a specific investigation or prosecution for a political purpose. The corruption is the same whether the power is used to punish an enemy or to spare a friend; both are forbidden. General law-enforcement policy and priorities, set openly and applied to all alike, remain the proper business of accountable officials; the targeting or sparing of an individual by political command does not.

Protection of the prosecutor who follows the evidence. A prosecutor or investigator may not be removed, demoted, reassigned, stripped of a case, or otherwise punished for declining to bring, or for

pursuing, a specific charge in good faith on the evidence and the law, nor for refusing an order that violates this Section. Removal or discipline that follows such a decision, or the installation of a replacement to reach a predetermined charging outcome, is void and is itself a violation of this Section. The protections here supplement the whistleblower protections of Constitutional Statute 18, on which any such person may also rely.

Documented contact. Communications between the political leadership of the government and the prosecutors handling a specific case regarding that case shall be documented and preserved, so that the line between lawful policy and unlawful direction can be seen and enforced. An undocumented attempt to influence a specific case is presumed improper.

Enforcement. A person subjected to an investigation or prosecution brought, directed, or continued in violation of this Section may raise that violation as a complete bar, and the matter shall be dismissed; this remedy is in addition to the protections against selective and vindictive prosecution elsewhere in this statute and Constitution. An official who orders or induces a violation is personally liable and subject to the penalties for the gravest abuses of office, and a person who declines to spare an ally by political command, or to target an enemy by political command, has committed no wrong. Evidence that the charging decision departed from the ordinary evidence-based process — a predetermined public demand for the outcome, the removal of professionals who reached the contrary decision, the installation of an inexperienced loyalist to reach it — may be shown to establish a violation.

Section 26. No Toll on an Earned Benefit: Protection from Predatory Claims Middlemen

A benefit the law grants to a person is theirs by right, and access to it may not be sold back to them by a private middleman. The recognized abuse is stark and current: veterans — the people the nation owes the most — are targeted by unaccredited, for-profit "claims consultants," so-called claim sharks, who charge thousands of dollars, sometimes tens of thousands, to "help" a veteran obtain disability benefits that the veteran is entitled to receive, with free accredited help, at no cost. Their fee is often several times the benefit increase they obtain; some monitor a veteran's payments by machine and bill automatically the moment benefits rise, whether or not they did any work. The same predation reaches other earned and public benefits wherever a vulnerable person can be charged for access to what is already theirs. This Section ends the toll.

The principle. No person may be charged a fee, by any private party, for assistance in claiming, applying for, or accessing a public benefit to which they are entitled, except by a representative accredited and regulated for that purpose under standards that protect the claimant, and never in excess of the limits those standards set. A benefit earned by service, or granted by law to those in need, belongs to the person; the state that grants it shall make it accessible without a private toll, and no middleman may extract a share of it as the price of access.

Veterans' earned benefits. This protection applies with its full force to the benefits earned by those who served. A veteran's disability compensation, pension, education, health, and related benefits are

earned by service and sacrifice, and no unaccredited party may charge a veteran to prepare, present, advise on, or pursue a claim for them. Assistance from accredited representatives and veterans' service organizations shall remain available at no cost, and a fee charged in violation of this section is void and recoverable.

No predatory practices. The practices by which claimants are exploited are forbidden: advertising that falsely implies government affiliation or accreditation; contracts that bind a claimant to pay a share of future benefit increases for work not performed; automated monitoring of a person's benefit payments to trigger a bill; fees contingent on an increase the middleman did not lawfully secure; and terms designed to obscure that free accredited help was available. A contract formed through such practices is void.

Enforcement with teeth. Because a prohibition without a penalty is an invitation — as the removal of criminal penalties for charging veterans proved, spawning an industry of predators where the law on paper already forbade them — this Section carries real consequences. A party that unlawfully charges for access to an earned or public benefit is liable to return every dollar taken, with a penalty in equal amount; a knowing or repeated violation is subject to criminal penalty; the responsible individuals are personally liable; and the practice is subject to the enforcement and pattern-and-practice authority of this statute. The protections of Constitutional Statute 18 extend to those who report such predation.

Constitutional Statute 16

Federal Data Privacy Act

Implementing Rights 10, 38, and 46.

Definitions

Personal information means any information that identifies or is reasonably linkable to a specific individual — including names, addresses, email addresses, device identifiers, IP addresses, precise geolocation data, browsing history, search history, purchase history, financial account information, health information, biometric data, genetic data, photographs, voice recordings, and inferences drawn from any of the foregoing. Information that has been demonstrably de-identified — rendered incapable of re-identification using available technology and data — is not personal information for purposes of this Act, but the burden of demonstrating genuine de-identification rests on the entity asserting it.

Sensitive personal information means a subset of personal information warranting heightened protection: precise geolocation (within 1,000 meters); health and medical information; financial account credentials and payment data; biometric identifiers used for identification; genetic information; communications content (text, email, voice); information about minors; immigration status; mental health information; sexual orientation and gender identity; religious beliefs and practices; and political views and associations. Collection, use, and transfer of sensitive personal information requires explicit opt-in consent under this Act regardless of the general consent rules applicable to other personal information.

Covered entity means any person or organization — other than a government body — that collects, processes, stores, shares, or sells personal information about individuals located in the United States, regardless of where the covered entity is domiciled or incorporated.

Data broker means a covered entity whose primary business consists of collecting personal information about individuals who are not the entity's direct customers and selling, licensing, or otherwise making available that information to third parties.

Explicit informed consent means an affirmative, specific, freely given, and unambiguous expression of agreement — clearly distinguished from other matters, in plain language, not pre-checked, and not required as a condition of receiving a service for which the data collection is not necessary. Bundled consent — a single agreement covering multiple distinct purposes — does not constitute informed consent for each purpose. Consent obtained through dark patterns, deceptive interfaces, or withdrawal of service for non-sensitive data is not freely given.

Individual Rights

Right of access. Every person has the right to obtain from any covered entity a complete copy of all personal information the entity holds about them, in a portable, machine-readable format, within 30

days of request, at no charge. The copy must include: all categories of information collected; all sources from which it was obtained; all purposes for which it is used; and all third parties to whom it has been transferred.

Right of correction. Every person has the right to require a covered entity to correct inaccurate personal information about them within 30 days of a documented correction request. The entity must notify all third parties to whom the inaccurate information was transferred of the correction within 15 days of making it.

Right of deletion. Every person has the right to require a covered entity to permanently delete all personal information the entity holds about them, within 30 days of a deletion request, except where the entity is required by law to retain specific information for a documented lawful purpose or where retention is necessary to complete a transaction the person has requested. Deletion must be complete — including all backups, derivative datasets, and third-party copies where the entity has the legal authority to require deletion. The entity must notify all known third-party recipients of the deletion requirement.

Right of portability. Every person has the right to receive a copy of their personal information in a structured, interoperable format that can be transferred to another service provider, and to require the direct transfer of that information to a competing service provider at the person's direction, where technically feasible.

Right to withdraw consent. Every person has the right to withdraw previously given consent to the collection, processing, or sharing of their personal information at any time. Withdrawal of consent must be as easy to exercise as giving consent. Upon withdrawal, the covered entity must cease all processing not authorized by a basis other than consent and must delete information collected solely on the basis of the withdrawn consent within 30 days.

Right against automated profiling. Every person has the right to be free from solely automated decisions — including algorithmic scoring, creditworthiness determinations, employment screenings, and insurance underwriting — that produce significant legal or similarly significant effects, without meaningful human review. A person subject to such a decision has the right to: an explanation of the basis for the decision; a meaningful opportunity to contest it; and a review by a human decision-maker with actual authority to change the outcome.

Obligations of Covered Entities

Data minimization. Covered entities may collect only the personal information that is necessary to fulfill the specific, stated purpose for which it is collected. Collection of personal information "just in case it might be useful later" violates this obligation. At regular intervals not exceeding 12 months, covered entities must review all personal information they hold and delete information that is no longer necessary for the stated purpose.

Purpose limitation. Personal information collected for one stated purpose may not be used for a materially different purpose without obtaining fresh explicit informed consent for the new purpose. A company that collects location data for navigation may not use it for advertising targeting without separate, explicit consent. A company that collects purchase history for order processing may not sell it to data brokers without separate, explicit consent.

Security requirements. Covered entities must implement reasonable technical, organizational, and physical security measures appropriate to the sensitivity of the personal information they hold and the risks of unauthorized access, disclosure, alteration, or destruction. "Reasonable" is assessed against industry standards, the sensitivity of the data, and the resources of the entity. A data broker holding detailed personal profiles on millions of people is held to a higher security standard than a small business with a customer email list. Security failures that result in the unauthorized access to personal information must be reported to the affected individuals and to the FTC within 72 hours of discovery.

Retention limits. Personal information may not be retained longer than necessary for the purpose for which it was collected. Covered entities must establish and follow a documented data retention schedule. Information retained beyond the retention period applicable to its purpose is held without legal basis and must be deleted.

Third-party sharing. Personal information may not be transferred to a third party without: explicit informed consent for the specific transfer; a documented contractual obligation that the third party will comply with the same standards applicable under this Act; and a record of the transfer adequate to support the deletion obligation if the person later exercises the right of deletion.

Data breach notification. A covered entity that discovers a breach of security resulting in the unauthorized acquisition of, or access to, personal information it holds must notify each affected person without unreasonable delay, and in no case later than 30 days after discovery, unless a law enforcement agency certifies in writing that notification would impede an active criminal investigation, in which case notification follows as soon as that impediment ends. The notice must describe the information involved, the date or estimated date of the breach, and the steps the person can take to protect themselves. A covered entity that suffers a breach affecting more than 1,000 persons must also notify the enforcement authority under this Act and, where the breach involves a continuing risk, provide affected persons free credit monitoring for not less than 24 months. A covered entity may not condition breach notification on, or delay it pending, the person's waiver of any legal claim.

Sensitive Data and Children's Protections

Sensitive data opt-in. Sensitive personal information — as defined in the Definitions section of this Act — may not be collected, used, or transferred without explicit, specific opt-in consent obtained separately from any general consent to the entity's terms of service. Sensitive data consent must: identify the specific category of sensitive data; state the specific purpose for collection; identify any third parties who will receive it; and state the retention period. A covered entity may not condition

provision of a service on consent to the collection of sensitive personal information that is not necessary to provide that service. **Children under 13.** No covered entity may collect, process, or transfer any personal information about a person under 13 years of age without verifiable parental consent. Verifiable parental consent requires a mechanism that is reasonably calculated to confirm that the person providing consent is the child's parent or legal guardian — not merely a checkbox or self-declaration. Covered entities that operate services directed at children must provide parents with complete access to, the ability to correct, and the ability to delete all personal information collected about their child. No targeted advertising based on personal information may be directed at children under 13.

Minors under 18. No covered entity may sell, license, or otherwise transfer personal information about persons between the ages of 13 and 17 to any third party without affirmative opt-in consent from the minor. Targeted advertising based on sensitive personal information may not be directed at minors under 18. The default settings for any service used primarily by minors must be the most privacy-protective settings available.

Data Broker Registration and Obligations

Registration requirement. Every data broker operating in the United States must register annually with the FTC, at no charge, providing: the legal name and contact information of the entity; a description of the categories of personal information it collects, holds, and sells; the sources from which it collects personal information; the categories of buyers to whom it sells; and a point of contact for individual rights requests. Registration information is publicly available.

Individual opt-out. Every data broker must maintain a simple, accessible, and free mechanism — including a standardized online portal — through which any individual may: opt out of the sale or transfer of their personal information; request deletion of all personal information the broker holds about them; and obtain a copy of all personal information the broker holds about them. Requests must be processed within 45 days. A data broker that cannot fulfill an opt-out or deletion request because it cannot identify the requesting individual must explain specifically what identifying information is needed.

Prohibited uses. Data brokers may not sell or transfer personal information for use in: targeted advertising directed at persons in acute crisis (persons who have recently experienced a bereavement, medical emergency, natural disaster, or similar); employment screening that has not been separately authorized by the subject; credit decisions outside the established credit reporting framework; or any use that the broker knows or reasonably should know is discriminatory in violation of Right 32.

Genetic Privacy — Right 46

Right 46 of the Constitution establishes that genetic information is the most intimate information about a person and may not be collected, used, or made the basis for decisions without explicit, specific, and revocable consent. This section implements that right for private entities.

Explicit consent required. No covered entity may collect a person's genetic information — including through direct-to-consumer genetic testing, health services, research participation, or any other means — without explicit, specific, and written consent that identifies: the exact information being collected; the specific purposes for which it will be used; who will have access to it; whether it will be shared with third parties; the retention period; and the person's right to withdraw consent and require deletion. Consent for genetic testing for one purpose does not constitute consent for any other purpose.

No sale or transfer without consent. Genetic information may not be sold, licensed, or otherwise transferred to any third party — including research institutions, insurers, pharmaceutical companies, and law enforcement — without specific, written consent for the specific transfer. Aggregated or de-identified genetic data may be used for research only when de-identification is demonstrated by the standard of this Act's Definitions section and has been independently verified.

Law enforcement. Law enforcement access to genetic information held by a private entity requires a warrant supported by probable cause, issued by a neutral judge, specifically describing the genetic information sought and identifying the specific individual whose information is being sought. Dragnet searches of genetic databases — submitting an unknown genetic profile to a consumer database and receiving matches — are prohibited without a warrant covering each person whose profile is compared. Familial searching requires an additional specific judicial finding that the familial search is necessary and proportionate.

Consumer genetic databases. Companies offering direct-to-consumer genetic testing must: maintain genetic data in secure, separated systems not accessible through the company's general corporate network; provide customers with a complete and permanent deletion option that includes all derivative data; not share data with any law enforcement agency except pursuant to a warrant meeting the standard above; and report any unauthorized access to genetic data to affected customers within 24 hours of discovery.

Enforcement: FTC, Private Right of Action, and State Authority

FTC enforcement. The Federal Trade Commission — or a dedicated successor agency with equivalent authority and independence — is the primary federal enforcement authority under this Act. The FTC has authority to: investigate violations; issue civil investigative demands; bring enforcement actions in federal court; impose civil monetary penalties; require remediation; and publish guidance on compliance. Civil penalties may not exceed $10,000 per violation per day for first violations and $25,000 per violation per day for repeat violations. In cases of knowing or reckless violation, penalties may be multiplied by the number of individuals whose rights were violated, provided that total civil penalties assessed against a single entity for the same continuing violation in any 12-month period may not exceed the greater of $50,000,000 or 5% of the entity's annual global revenue.

Private right of action. Any person whose rights under this Act are violated has a private right of action in federal court without prior exhaustion of administrative remedies. Damages are: $1,000 per

violation for negligent violations; $5,000 per violation for knowing violations; and actual damages if greater than the statutory amount. Prevailing plaintiffs are entitled to attorneys' fees and costs. Class actions are available and the class action waiver provisions of arbitration agreements are unenforceable as applied to claims under this Act.

State AG authority. State Attorneys General have concurrent authority to enforce this Act on behalf of their residents. A state may bring an enforcement action in federal court without prior coordination with the FTC; the FTC may intervene in any state enforcement action. A state AG enforcement action does not preclude a subsequent FTC action or a private action by affected individuals.

Floor preemption. This Act establishes a floor of privacy protection. States may enact more protective privacy laws — providing individuals with greater rights, imposing more stringent obligations on covered entities, or establishing stronger enforcement mechanisms — and those state laws are not preempted by this Act. States may not enact privacy laws that provide less protection than this Act. Where a state law and this Act address the same conduct, the more protective standard applies.

Constitutional Statute 17

National Historical Injustice Commission Act

Implementing Article Seventeen.

Composition and Appointment

The National Historical Injustice Commission has 15 members appointed as follows: five members appointed by the President; four members appointed by the President pro tempore of the Senate from a list of nominees provided jointly by the majority and minority Senate leadership; four members appointed by the Speaker of the House from a list of nominees provided jointly by the majority and minority House leadership; and two members appointed by the Attorneys General Conference by majority vote of the state attorneys general.

Qualification requirements: Members must collectively possess demonstrated expertise in: economic history and historiography; the history of American slavery and its legal, economic, and social dimensions; the history of post-Reconstruction racial discrimination in law, policy, and economic institutions; quantitative economic methods including analysis of historical data; and the history of government housing, lending, and infrastructure policy as it affected racial wealth formation. At least five members must hold academic appointments or equivalent professional standing in these fields.

Independence: No member may be a current federal or state elected official or a current registered lobbyist. Members serve the full five-year term and may not be removed except for willful misconduct, a felony offense, a material ethics violation, or permanent incapacity — determined by a two-thirds vote of the full Commission and a concurrent resolution of Congress. Policy disagreement with the Commission's preliminary findings is not cause for removal. No appointing authority may communicate with any Commission member about the substantive direction of the Commission's investigation outside of formal public proceedings.

Staff and resources: The Commission maintains a permanent professional staff including historians, economists, archivists, legal counsel, and administrative personnel. The Commission's budget is set at the time of its establishment and may not be reduced below its initial level adjusted for CPI without a 60% supermajority of both chambers of Congress. The Commission has independent contracting authority to hire academic researchers, engage with university archives and research centers, and commission peer-reviewed studies. All contracted research must meet peer-review standards appropriate to the relevant academic discipline.

Mandate and Scope

What the Commission studies: The Commission's mandate is to produce a comprehensive factual economic accounting of the legacy of slavery and government-sanctioned racial injustice, which includes the following subjects within its scope:

The economic value of enslaved labor in the United States from the colonial period through 1865, including the total value extracted from enslaved persons, the total profits generated by industries dependent on enslaved labor, and the wealth accumulated by persons and institutions that directly or

indirectly benefited from enslaved labor

The legal and extra-legal mechanisms by which post-Reconstruction racial discrimination — including the Black Codes, Jim Crow laws, racially discriminatory federal programs, redlining, urban renewal demolition, discriminatory GI Bill administration, racially restricted homeownership covenants, and discriminatory enforcement of labor and property law — suppressed Black wealth formation and transferred wealth from Black households to white households and institutions

The current economic gap between Black and white Americans in household wealth, homeownership, income, educational attainment, and intergenerational wealth transfer, and the degree to which that gap is attributable to the documented historical mechanisms above

The institutions — banks, insurance companies, universities, corporations, government agencies, religious institutions, and families — that directly benefited economically from slavery and from post-Reconstruction racial discrimination, quantified to the extent the historical record allows

Historical and contemporary examples of repair mechanisms from other societies that have addressed documented historical injustices, documented only as factual precedents without any Commission recommendation about which, if any, apply to the United States

What the Commission does not do: The Commission does not make policy recommendations. It does not determine whether any form of remediation, reparation, or redistribution is appropriate or what form it should take. It does not assign individual liability. It does not adjudicate claims. Its product is a factual economic record, not a policy prescription. The decision about what, if anything, to do in response to the Commission's findings belongs to Congress and to the American people, not to the Commission.

Subpoena authority: The Commission has the authority to issue subpoenas compelling the production of documents, data, and testimony from any federal, state, or local government agency; any financial institution; any university, foundation, or nonprofit organization; and any corporation. Subpoenas are enforced in federal court. Subpoena targets may assert legitimate privilege claims; the Commission resolves privilege disputes through standard federal court process. The Commission's subpoena authority is limited to materials relevant to its economic accounting mandate and does not extend to personal financial information of living individuals not in their capacity as officers of covered institutions.

Academic standards: All factual findings in the Commission's final report must be grounded in primary source evidence and must be peer-reviewed by independent academic experts before

publication. The Commission must publish a full methodology appendix explaining its economic quantification approaches, its evidentiary standards, and its handling of gaps or ambiguities in the historical record. Where historical evidence is contested among historians, the Commission presents the range of documented views with its assessment of the weight of evidence rather than asserting a single undisputed conclusion.

Report Delivery and Congressional Response

Timeline and deliverables: The Commission delivers its final report within five years of its constitution — meaning within five years of the date on which all 15 members have been appointed and have taken their oaths of office. The report is delivered simultaneously to the President, the Speaker of the House, and the President pro tempore of the Senate. The report is published in full as a public document on the same day it is delivered to Congress. No portion of the report may be classified or withheld from the public. A summary version, suitable for a general audience at an eighth-grade reading level, must be published alongside the full technical report.

Congressional response — hearings within six months: Within six months of delivery of the final report, the relevant committees of the House of Representatives and the Senate must each hold at least two public hearings on the Commission's findings. The Commission's members must appear and testify at these hearings. The hearings are public proceedings. Congressional refusal to schedule required hearings within the six-month window triggers an automatic referral to the Government Accountability Office, which must publish a report identifying the specific members who failed to schedule required hearings and transmit that report to every registered voter in their districts.

Congressional response — legislation brought to recorded vote within two years: Within two years of delivery of the final report, the House of Representatives must bring to a recorded floor vote at least one bill that specifically addresses the Commission's documented findings. The bill need not pass; the requirement is that a specific, identified legislative response is brought to a vote so that every member of Congress is on the record regarding the Commission's findings. The bill brought to vote may address any aspect of the findings in any policy direction Congress chooses — increase, decrease, or maintain existing programs; create new programs; or affirmatively decline to take action while documenting the specific reasons for declining. The requirement is a vote, not a specific outcome. Failure to bring legislation to a recorded vote within two years triggers the same GAO reporting mechanism as the hearing requirement.

Commission dissolution: Upon delivery of the final report and completion of any hearings for which Commission members are required to testify, the Commission is dissolved. Members' compensation ceases. The Commission's records — including all subpoenaed documents, staff analyses, research contracts, and communications — are transferred to the National Archives where they are preserved as permanent federal records and made available to the public consistent with applicable privacy and privilege protections. No records may be destroyed.

Relationship to Constitutional Statute 14 CRIF and Other Constitutional Programs

The Community Reinvestment and Infrastructure Fund established in Constitutional Statute 14 uses historical discrimination documentation as 50% of its allocation formula. The Commission's findings will, upon delivery, constitute the most comprehensive and authoritative historical documentation of discriminatory housing, lending, and infrastructure practices available. The CRIF allocation formula shall be updated within one year of the Commission's report delivery to incorporate the Commission's documented census tract-level findings as the authoritative source for the historical discrimination score component of the formula, to the extent the Commission's geographic documentation is sufficiently granular to support census-tract-level analysis.

The Commission's findings do not automatically adjust or modify any other Constitutional Statute. Any adjustment to any Constitutional Statute based on the Commission's findings requires a separate act of Congress enacted through normal legislative procedures.

Constitutional Statute 18

Federal Transparency Act

Implementing Article Four, Section 11.

Section 1. FOIA Request Processing: Timelines, Fees, and Expedited Track

Any person may submit a written request to any federal agency for any record the agency creates, obtains, or controls, regardless of format. Requests need not explain the reason for the request; curiosity is a sufficient basis. Every agency must acknowledge receipt of a request within 5 business days. Every agency must provide a substantive response within 20 business days for routine requests. Where an agency claims an exemption, it must provide a detailed written explanation of the specific exemption claimed and how the specific document meets its precise definition; a blanket reference to an exemption category is insufficient.

An expedited processing track operates within 10 business days for requests involving: a threat to the life or physical safety of an individual; an urgency to inform the public about federal government activity; and loss of substantial due process rights. The requester need only make a plausible showing that the expedited criteria are met; the agency bears the burden of demonstrating they are not. Agencies may charge fees only for duplication beyond the first 100 pages; search and review fees are prohibited. Fee waivers are automatic for requests that are likely to contribute to public understanding of federal government operations. The independent Federal Records and Transparency Ombudsman adjudicates fee disputes within 10 business days.

Section 2. Open Meetings: Notice, Closure Grounds, and Judicial Review

Every meeting at which a quorum of any multi-member federal agency deliberates toward or votes on any official action is governed by this provision. At least seven days before any such meeting, the agency must publish in the Federal Register and on its public website: the date, time, and place of the meeting; the subjects to be discussed; and the specific authority for any portion to be closed. The seven-day requirement may be shortened only for genuine emergencies requiring immediate agency action, and the shortened notice must be accompanied by a written statement of the emergency filed with the Federal Records and Transparency Ombudsman.

Grounds for closing a meeting are limited to the following specific categories: strategy for litigation in which the agency is a party; national security sources, methods, and specific operational plans as defined in Article Four, Section 11; specific personnel actions affecting identifiable named individuals; trade secrets provided to the agency under compulsion; and examinations of financial institutions where premature disclosure would cause irreparable harm. No agency may close a meeting to avoid unfavorable publicity, to prevent public criticism of a proposed rule, or for any reason not listed here. Any person aggrieved by an improper closure may petition the United States District Court

for the District of Columbia for injunctive relief within 60 days of the improper closure; the court may award attorney's fees to prevailing petitioners.

Section 3. Government Records Held About a Person: Access, Correction, and Inter-Agency Transfer

Every person may request, within 30 days of a written request, a complete copy of all records maintained by any federal agency that contain that person's name, Social Security number, biometric identifier, or any other individually identifying information. The agency must provide the records, a list of every agency to which the records have been disclosed, and the authority under which each disclosure was made. Requests for one's own records are free of charge. Where an agency maintains records in electronic format, it must provide them in a machine-readable format accessible to the person.

A person who identifies an inaccuracy in records the government holds about them may submit a correction request with supporting documentation. The agency must either make the correction within 30 days or provide a written explanation of why the information is accurate, citing specific evidence. Disputed records must be flagged as disputed in all future disclosures. Inter-agency sharing of a person's records requires either: written consent of the person for each specific transfer; statutory authority that specifically authorizes the sharing; or a court order. A general data-sharing agreement between agencies is not statutory authority for individual record transfers. The Federal Transparency Ombudsman may audit any agency's inter-agency sharing practices and publish findings annually.

Section 4. Presidential and White House Records

All records created or received by the President, Vice President, or any employee of the Executive Office of the President in the course of their official duties must be transferred to the National Archives within 60 days of the individual leaving office. During the presidency, all official records are under the physical custody of the National Archives and accessible to the president for official use. No personal copy of official records may be retained. No official records may be stored at any non-governmental facility, including personal residences, private clubs, or commercial storage facilities. Violation of this provision is a federal felony punishable by imprisonment and a permanent bar from federal employment.

A former president retains no possessory right in official records after leaving office. Executive privilege claims over specific records may be asserted in federal court, but the assertion of a privilege claim does not authorize removing the records from National Archives custody pending the court's decision. The Archives must make presidential records publicly available beginning five years after the president leaves office, subject to specific exemptions for national security, personal privacy of private individuals, and active law enforcement matters — each of which must be justified document-by-document, not categorically.

Section 5. Federal Agency Records Obligations

Every federal agency must maintain a records management program approved by the Archivist of the United States, including: written policies governing the creation, maintenance, and disposition of records; mandatory training for all personnel on records creation obligations; technical systems that automatically preserve electronic communications in official records systems; and annual audits of compliance with retention schedules. An agency that systematically fails to create records of its decisions and actions — including use of unofficial channels, encrypted messaging, or verbal-only deliberations designed to avoid documentation — violates this provision.

The Archivist of the United States has independent authority, not subject to direction by the President or any agency head, to: issue binding records management standards; conduct compliance audits of any federal agency; subpoena agency personnel for testimony regarding records practices; seek judicial enforcement of records requirements directly in the United States District Court for the District of Columbia without prior approval from the Department of Justice; and publish annual reports on agency compliance. An agency head who obstructs an Archivist audit or compliance review is subject to removal and referral to the Inspector General.

Section 6. Enforcement and Private Right of Action

Any person denied access to a government record in violation of this Act may bring a civil action in the United States District Court for the District of Columbia or the district where the person resides. The court conducts de novo review of any claimed exemption; the agency bears the burden of demonstrating that the exemption applies to the specific document. Prevailing plaintiffs are entitled to injunctive relief, attorney's fees, and litigation costs. For willful and intentional violations, additional damages of $1,000 per improperly withheld document are available. The Federal Records and Transparency Ombudsman has independent enforcement authority, including the ability to issue civil penalty orders of up to $50,000 per violation, enforceable in federal court without prior judicial approval.

Section 7. Inspector General Independence: Removal Review and Full Authority During Stay

Article Ten, Section 5 of the Constitution establishes that Inspectors General may be removed only for cause, that the President must give 30 days written notice to Congress before removal, and that either chamber may stay a removal pending judicial review in the D.C. Circuit. This Section implements the judicial review standard, the standing rules, and the operational meaning of "full authority during stay."

Judicial review standard. Upon any proposed removal of an Inspector General, the affected Inspector General, any Member of Congress, or any federal employee within the IG's jurisdiction who is the subject of a pending IG investigation and asserts the removal is intended to suppress that investigation may petition the United States Court of Appeals for the District of Columbia Circuit for review within 5 days of the removal notice. The Inspector General retains full authority pending the court's ruling on a motion for a stay, which the court grants upon a showing of a likelihood of success on the merits and irreparable harm, applying ordinary equitable standards. The D.C. Circuit must rule on the underlying

petition within 60 days. A removal is void if the court finds that: the stated cause does not meet the constitutional definition of willful misconduct, felony conviction, material ethics violation, or permanent incapacity; the President failed to provide the required 30 days written notice with specific cause stated with particularity; or the removal was motivated in whole or in part by the IG's investigative work, findings, or reports — regardless of any pretextual cause also stated. The government bears the burden of establishing that the removal is constitutionally permissible by clear and convincing evidence.

Standing and petition process. The following have independent standing to petition the D.C. Circuit for judicial review of a proposed Inspector General removal, and for a stay pending that review: the Inspector General whose removal is proposed; any Member of Congress; and any federal employee within the IG's jurisdiction who is the subject of a pending IG investigation and who asserts that the removal is intended to suppress that investigation. Petitions are filed under seal as to the contents of any ongoing investigation. The court may appoint a special master to review sealed investigative materials in camera to assess whether the removal was motivated by investigative work.

Full authority during stay. During the pendency of any judicial stay or review under this Section, the Inspector General retains full constitutional authority without any reduction or restriction. Specifically: the Inspector General may not be reassigned, transferred, or given additional duties that interfere with their IG functions; the Inspector General's budget and staff may not be reduced below current levels; the Inspector General's jurisdiction over matters and persons may not be restricted or transferred to any other office; and any ongoing investigation, subpoena, audit, or report in progress continues without interruption. Any agency action taken to limit the IG's authority during a stay is itself a potential violation of Article Ten, Section 5 and is subject to investigation by the Government Accountability Office or any other Inspector General.

Reinstatement if removal voided. If the D.C. Circuit finds the removal void, the Inspector General is reinstated within 48 hours of the court's order with: full restoration of all authority, staff, and budget; back pay for the period of unlawful removal; restoration of all investigative files, records, and materials that were in the IG's possession at the time of removal; and an order requiring the production of any investigative materials that were removed, transferred, or destroyed during the period of unlawful removal. Any person who destroyed, concealed, or transferred IG investigative materials during a period of unlawful removal is subject to criminal contempt and obstruction charges.

Section 8. Inspector General Vacancies: The Duty to Nominate and the Guarantee of a Continuously Staffed Watchdog

Article Ten, Section 5 requires that every principal department and major agency have an Inspector General. That guarantee is defeated as thoroughly by an empty office as by a suppressed one: an agency with no watchdog is not overseen, however lawful the vacancy appears. This Section closes the vacancy-by-neglect gap. It imposes an enforceable duty to nominate, guarantees that no Inspector General office is ever left without an independent and fully empowered watchdog, and directs the

pressure of an unfilled seat onto the officials who refuse to fill it — never onto the office attempting to do its work.

The duty to nominate. Whenever an Inspector General position becomes vacant — by expiration of a term, removal, resignation, death, or any other cause — the President shall submit a nomination to the Senate within 90 days of the vacancy. This is a constitutional duty, not a discretionary power. A foreseeable vacancy, including the scheduled expiration of a seven-year term, obligates the President to submit a nomination no later than the date the vacancy begins. The duty is not excused by a general policy against filling the position, by a stated preference for acting officials, or by the President's disagreement with the office's existence or mandate.

Enforcement of the duty; escalation. If the President has not submitted a nomination within 90 days of a vacancy, any Member of Congress, the Council of the Inspectors General on Integrity and Efficiency, or any federal employee within the vacant office's jurisdiction may petition the United States Court of Appeals for the District of Columbia Circuit for a declaratory judgment that the President is in violation of the duty to nominate. The court shall rule within 30 days. The duty does not lapse but recurs: for each additional 90-day period the President fails to submit a nomination, a renewed declaratory judgment shall issue; upon the second such finding, the violation shall be reported to Congress and published in the public record; and upon the third, the continuing failure shall be treated as an ongoing violation of a constitutional function, subject to the obstruction remedies of this Constitution. The consequences of a failure to nominate fall upon the President, and never upon the Inspector General office or the officer staffing it.

The continuous-staffing guarantee — automatic elevation. No Inspector General office may operate without a fully empowered Inspector General for more than 90 days. Upon the 91st day of any vacancy, the most senior career official within that office — determined by tenure and seniority, and free of any disqualifying conflict of interest — shall automatically become the Acting Inspector General, vested with the *complete* authority of a confirmed Inspector General under Article Ten, Section 5, without reduction. The Acting Inspector General so elevated holds the same removal-for-cause protections, the same simultaneous reporting rights to the agency head and to Congress, the same subpoena power, and the same budget and jurisdiction guarantees as a confirmed Inspector General, and serves until a nominee is confirmed by the Senate. This elevation is a rule of succession, not an appointment: it requires no action by the President, takes effect by operation of this Constitution, and may not be blocked, reversed, delayed, or diminished by the executive.

Secondary fallback. If the vacant office has no career official eligible to be elevated under the preceding paragraph, the Council of the Inspectors General on Integrity and Efficiency shall, within 30 days, designate a sitting Inspector General or a senior career official from another agency to serve as Acting Inspector General for the vacant office, with the same full authority, until a nominee is confirmed. **The Senate's obligation on the eventual nominee.** Once the President submits a nomination for an Inspector General position, the Senate is bound by the confirmation-timeline and

floor-vote obligations that govern nominations generally: it may not indefinitely blockade the nomination, and its failure to hold a timely floor vote is subject to the same mandamus enforcement available for other blocked nominations. Confirmation of a permanent Inspector General is the object of this Section; the acting mechanisms above exist only to guarantee unbroken oversight until that confirmation occurs.

Anti-circumvention. The protections of this Section may not be evaded by leaving a position formally filled by a powerless or nominal officeholder, by structuring "acting" service so as to deny full authority, by declining to fund the office or the Council of the Inspectors General on Integrity and Efficiency, or by any other device whose purpose or effect is to leave an agency without effective independent oversight. Any such device is subject to the impoundment and obstruction remedies of this Constitution and to judicial invalidation.

Constitutional Statute 19

Disability Rights and Accessibility Act

Implementing Right 43.

Section 1. Disability Definition: Broad, Functional, and Anti-Exclusion

A disability under this Act is any physical or mental impairment that substantially limits one or more major life activities, any record of such impairment, or any condition regarded as such impairment. Major life activities include: walking, seeing, hearing, speaking, breathing, learning, concentrating, communicating, working, caring for oneself, performing manual tasks, sleeping, eating, and operating cognitive, neurological, and emotional systems. The definition is intentionally and constitutionally broad. It includes: conditions that are episodic or in remission (such as epilepsy, diabetes, cancer in remission, multiple sclerosis, lupus); conditions managed by medication that would substantially limit a major life activity without the medication (such as depression, bipolar disorder, HIV/AIDS); and conditions that are not visible or apparent to others but substantially limit a life activity.

No employer, institution, or public accommodation may require a person to demonstrate the severity of their disability as a precondition to receiving the accommodation process. Once a person states they have a disability and requests a modification, the entity must begin the interactive process. An entity that requires excessive medical documentation as a condition of engaging in the interactive process is in violation of this Act.

Section 2. Reasonable Accommodation: Interactive Process, Timelines, and Burden

Every covered entity — employer, public accommodation, government agency, educational institution, or provider of public services — must, upon request by a person with a disability, engage in a timely, good-faith interactive process to identify a reasonable modification that allows the person to access the benefit, opportunity, or service. The interactive process must be initiated within 5 business days of a request. The modification must be implemented within 30 days of agreement, or within an extended timeline mutually agreed upon for modifications requiring construction or procurement.

The burden of proving undue hardship — the only defense to providing a reasonable accommodation — rests entirely on the covered entity. Undue hardship requires clear and convincing evidence that the specific accommodation would impose a significant difficulty or expense disproportionate to the entity's overall resources, considering: the entity's total financial resources; the size and nature of the entity; the number and type of facilities; and the type of operation. Large, well-resourced entities face a high bar. An entity with annual revenues exceeding $10 million is presumed to have the resources to provide any accommodation costing less than $50,000 unless it demonstrates specific and documented financial distress. Asserting that any cost constitutes undue hardship without specific financial documentation is not a valid defense.

Section 3. Physical and Digital Accessibility Standards

All physical spaces open to the public or operated by any government must meet the accessibility standards established by the Access Board, updated every five years. For existing facilities, the standard is "readily achievable" barrier removal — meaning achievable without much difficulty or expense, assessed on the entity's overall resources. New construction and alterations must meet full current accessibility standards with no readily achievable exception. The failure to make a new building accessible is not a design choice; it is a constitutional violation.

All digital services, websites, applications, and electronic communications operated by any government or offered to the public by any covered entity must meet Level AA of the Web Content Accessibility Guidelines (WCAG) or successor standards, updated by the Access Board every five years. Covered entities have 24 months from the effective date of this Act to bring existing digital infrastructure into compliance; new digital infrastructure must be compliant from launch. A digital service that is not accessible to screen readers, keyboard navigation, or captioning tools is not a public service — it is a public service with a locked door. The Access Board publishes testing protocols and certified compliance auditors.

Section 4. Children's Education: IEP, Least Restrictive Environment, and Parental Rights

Every child with a disability is entitled to a free appropriate public education (FAPE) in the least restrictive environment (LRE) consistent with their individual needs, from age 3 through age 21 or high school graduation, whichever is later. A school district may not cite budget constraints, teacher availability, classroom space, or administrative convenience as reasons for denying a child FAPE. The obligation is absolute; the implementation is the district's problem to solve.

Every child's education must be governed by an Individualized Education Program (IEP) developed by a team that includes: the child's parents or legal guardians with full participation rights; the child themselves at an appropriate age; a general education teacher; a special education teacher; a district representative with authority to commit resources; and, when appropriate, related service providers. The IEP must be reviewed at least annually and revised as needed. Parents have the right to: receive all assessment data underlying the IEP; disagree with any IEP component and receive a written explanation; request an independent educational evaluation; request an impartial due process hearing before a neutral hearing officer; and appeal to federal court with de novo review on whether the IEP provides FAPE.

Segregation of children with disabilities from their non-disabled peers is presumptively inappropriate. A child may be educated in a segregated setting only when the nature or severity of the disability is such that education in the general classroom cannot be achieved satisfactorily even with appropriate supplementary aids, services, and modifications — and this determination must be made individually, based on documented evidence from the specific child's educational history, not on assumptions about disability categories.

Section 5. Federal Funding Conditions: Section 504 Compliance

Any entity that receives federal financial assistance — including grants, contracts, student loans administered through the entity, and Medicare and Medicaid reimbursements — accepts the full obligations of Right 43 and this Act as a condition of that assistance. This includes: private schools, universities, hospitals, clinics, housing providers, businesses receiving federal contracts, and any other entity receiving federal funds in any form. The entity's private character does not shield it from these obligations.

An entity that accepts federal funds and then discriminates against persons with disabilities may not claim that compliance is too expensive. The acceptance of federal funds is voluntary. The conditions attached to those funds are not. An entity that finds the conditions unacceptable may decline federal funds. The Department of Justice and the relevant federal funding agency share concurrent enforcement authority. Loss of federal funding eligibility, civil monetary penalties, injunctive relief, and private damages are all available remedies.

Section 6. Enforcement: ADA Coordinators, Private Right of Action, and Remedies

Every covered entity with 50 or more employees, every state and local government, and every entity receiving federal financial assistance must designate an ADA Coordinator with: direct access to senior leadership; authority to receive and investigate complaints; authority to impose interim protective measures; and the ability to refer matters to the relevant enforcement agency. The ADA Coordinator may not be the entity's legal counsel and may not report solely to the legal department. The Coordinator's contact information must be publicly posted and accessible.

Any person who experiences discrimination in violation of Right 43 or this Act may bring a civil action in federal or state court. No exhaustion of administrative remedies is required before filing in federal court. Prevailing plaintiffs are entitled to: injunctive relief requiring the accommodation or accessibility modification; compensatory damages for harm suffered; reasonable attorney's fees; and, for intentional discrimination, punitive damages not to exceed three times compensatory damages. The statute of limitations is three years from the date the person knew or reasonably should have known of the violation. This three-year period cannot be shortened by any waiver, arbitration agreement, or contract — such provisions are void as applied to rights under this Act.

Constitutional Statute 20

AI Governance and Algorithmic Rights Act

Implementing Article Twenty-Two.

Section 1. The AI Safety and Governance Commission: Structure and Independence

The AI Safety and Governance Commission (AISGC) established by Article Twenty-Two, Section 7 is an independent federal agency. Its seven commissioners serve seven-year staggered terms. No more than four commissioners may be affiliated with the same political party. Commissioners are appointed by the President with Senate confirmation. A commissioner may be removed only for cause — willful misconduct, felony conviction, material ethics violation, or permanent incapacity — under the same procedural protections as Inspectors General under Article 10, Section 5 of the Constitution.

The Commission's authority extends to: all AI systems used by federal agencies; all AI systems used in connection with decisions affecting individual rights by any entity subject to federal regulation; all AI systems deployed in critical infrastructure as defined by this Act; and all AI systems whose capabilities exceed the capability thresholds established by the Commission in published regulations. The Commission has independent litigation authority, subpoena power, and the ability to issue binding regulations without prior approval from the Department of Justice or Office of Management and Budget.

Section 2. Mandatory Bias Audits: Government and High-Stakes Private AI

Every AI system used by a government agency in connection with decisions affecting individual rights — including bail, sentencing, parole, benefits eligibility, hiring, contracting, immigration, child welfare, and any other significant determination — must undergo an initial bias audit before deployment and annual bias audits thereafter. Bias audits must be conducted by independent third-party auditors, not by the agency or the system's developer. Audit results, including accuracy rates disaggregated by race, sex, age, disability status, and national origin, must be published within 30 days of completion.

Private entities that use AI systems to make decisions about employment, housing, credit, insurance, education, or healthcare for any person subject to this Constitution must conduct and publish bias audits for those systems at least every two years, or more frequently if the system is substantially modified. An AI system that produces statistically significant accuracy disparities across protected groups — defined as greater than a 5 percentage point accuracy differential between the best-performing and worst-performing protected group — may not be used for high-stakes decisions until the disparity is remediated. The entity bears the burden of demonstrating that any remaining disparity is not caused by discriminatory training data or design choices. For purposes of the differential threshold, accuracy is assessed separately on three metrics: (a) false positive rate — incorrect adverse decisions against persons who would have succeeded; (b) false negative rate — incorrect favorable

decisions against persons who should have been selected; and (c) overall accuracy rate. The 5-point threshold applies to each metric independently — a system meeting the threshold on overall accuracy but failing it on false positive rate is not in compliance. The Commission shall publish standardized measurement methodology within 180 days of ratification, including required statistical tests, minimum sample sizes, and procedures for low-volume decision contexts.

Section 3. Criminal Justice AI: Specific Prohibitions and Requirements

In any proceeding that may result in detention, incarceration, deportation, or any other deprivation of liberty: no risk assessment score or algorithmic prediction may be used as the primary basis for any decision; the judicial or administrative officer must make independent factual findings that do not merely defer to the algorithmic output; the person subject to the decision has an absolute right to receive the full documentation specified in Article Twenty-Two, Section 3; and the person has the right to challenge the algorithm's validity, methodology, and accuracy in their specific case.

The Commission shall maintain a registry of all criminal justice AI systems in use in federal and state proceedings, their documented accuracy rates by demographic group, their methodology, and the identity of their developers. Every criminal justice AI system must be registered before deployment. Use of an unregistered system in any proceeding creates a rebuttable presumption that the proceeding was constitutionally inadequate, and any resulting judgment may be challenged on that basis.

Predictive policing systems — AI systems that predict the likelihood of criminal activity at specific locations or by specific individuals — must meet the following requirements: the system's predictions may not be used as the sole or primary basis for any stop, search, or arrest; the accuracy of the system's predictions must be audited quarterly and published; the system may not incorporate race, ethnicity, national origin, religion, or political affiliation as variables; and communities subject to predictive policing must be notified of the system's use and provided with the audit results.

Section 4. AI in Employment, Housing, Credit, and Insurance

Any entity that uses an AI system to screen, rank, or make decisions about job applicants, employees, housing applicants, credit applicants, or insurance applicants must: disclose to the person that an AI system was used; provide the person with the primary factors that influenced the AI's output regarding their application; provide a human review of any adverse AI determination within 10 business days of a written request; and not penalize a person for requesting human review. The human reviewer must have the authority and practical capacity to override the AI system's output — not merely to review whether the system was applied correctly.

No AI hiring system may be used without a bias audit demonstrating that the system does not produce statistically significant disparate impact against any protected class. The fact that an AI system was not intentionally designed to discriminate is not a defense against a finding of discriminatory effect. Disparate impact caused by AI is disparate impact — the same legal standard applies regardless

of whether the discrimination was produced by a human decision or a machine learning model trained on human decisions.

Section 5. AI-Generated Content: Disclosure and Election Integrity

Any audio, video, image, or text content that was substantially generated or altered by an AI system must be labeled as AI-generated when: it is used in a political advertisement or electoral communication; it depicts or purports to represent a real, identifiable person; or it is used in any news, journalism, or factual reporting context. The label must be: displayed prominently enough that a reasonable person would notice it; maintained through any redistribution or reposting; and not removable by any downstream platform without the platform assuming liability for the unlabeled distribution.

It is a federal crime to use AI-generated synthetic media to falsely depict any candidate, elected official, judge, or senior government official saying or doing something they did not say or do, in connection with any election campaign, government proceeding, or judicial matter. The crime requires: the content falsely depicts the person; it was AI-generated; and it was distributed knowing it to be false. Truth is an absolute defense.

Platforms that algorithmically amplify AI-generated political content at a materially greater rate than human-generated political content of comparable quality must disclose this differential amplification to the Commission quarterly. The Commission may order equalization of amplification rates upon a finding that differential treatment creates a systematic advantage for AI-generated disinformation.

Section 6. Capability Thresholds and Frontier AI Safety

The Commission shall establish and maintain capability thresholds — specific, measurable benchmarks on dimensions including reasoning ability, autonomous action, persuasive capability, biological knowledge, and cybersecurity capability — that trigger progressively more intensive regulatory oversight. AI systems that exceed defined thresholds must: undergo a pre-deployment safety evaluation by the Commission; demonstrate that the system cannot be readily repurposed for mass casualty weapons development, critical infrastructure attack, or other catastrophic uses; and operate under ongoing monitoring conditions established by the Commission.

No AI system whose capabilities, if misused, could enable a single actor to seize control of critical national systems — including the financial system, the power grid, water infrastructure, communication networks, or military command systems — may be deployed without Commission approval and ongoing monitoring. The Commission has the authority to order the modification, restriction, or suspension of any AI system that poses an imminent and credible risk of this kind. This authority is exercised by majority vote of the Commission, is subject to expedited judicial review within 30 days, and may not be overridden by executive order.

Section 7. Private Right of Action and Enforcement

Any person who has been subjected to a significant decision made by an AI system in violation of this Act or Article Twenty-Two has a private right of action in federal court. The plaintiff must show: an AI system was used; the decision was significant; the use violated a specific requirement of this Act or the Constitution; and the plaintiff suffered harm as a result. The entity using the AI system bears the burden of demonstrating compliance with bias audit requirements, disclosure requirements, and accuracy standards. Prevailing plaintiffs are entitled to actual damages, statutory damages of not less than $5,000 per violation, injunctive relief, and attorney's fees.

The Commission has authority to bring civil enforcement actions, issue cease-and-desist orders, impose fines of up to $10 million per violation or 4% of global annual revenue (whichever is greater) for serious violations, and refer criminal cases to the Department of Justice. A pattern of violations by a single entity — three or more documented violations within a five-year period — triggers a mandatory audit of all AI systems operated by that entity. The Commission's enforcement actions are public records.

Section 8. Autonomous Weapons Authorization: Congressional Requirements and Enforcement

Article Twenty-Two, Section 6 prohibits the deployment of any autonomous weapons system capable of selecting and engaging human targets without a human decision for each individual engagement, unless specifically authorized by Congress. The 72-hour emergency exception of Article Four, Section 8 does not apply to autonomous lethal AI systems. This Section implements the authorization requirements and enforcement mechanism.

What requires specific congressional authorization. Any autonomous weapons system — meaning any system in which the decision to engage a specific human target is made by the system rather than by a human operator reviewing that specific target at the moment of engagement — requires a specific congressional authorization before deployment in any context, domestic or foreign, offensive or defensive. A human operator who sets targeting parameters in advance and then allows the system to engage within those parameters has not made a human decision for each individual engagement — the system has. A human operator who reviews and approves each specific engagement target before engagement has made the required individual human decision. The distinction is whether a human makes the decision for the specific target at the specific moment, not whether a human set the parameters within which the system operates.

Required contents of authorization. A valid congressional authorization for an autonomous weapons system must include, in a single document subject to a single recorded vote, all of the following: the name and technical designation of the specific system being authorized; the specific geographic theater or theaters in which the system may be deployed and the conditions under which it may engage; the targeting parameters — the specific characteristics that may trigger the system's engagement decision, expressed in terms specific enough to be technically implemented; the rules of engagement applicable to the system, including the minimum conditions that must be present before engagement and the maximum degree of force the system may apply; the duration of the authorization, which may not

exceed two years from the date of enactment; a requirement for a quarterly classified report to the relevant oversight committees on all engagements that occurred during the preceding quarter, including the number of engagements, the nature of targets engaged, and any civilian casualties or unintended engagements; and a sunset provision that automatically terminates the authorization at the end of its stated duration regardless of the operational status of any ongoing mission.

The emergency exception does not apply. Article Twenty-Two, Section 6 expressly provides that the 72-hour emergency exception of Article Four, Section 8 does not apply to autonomous lethal AI systems. In genuine sudden-attack situations requiring immediate military response, the President may deploy human-controlled weapons systems under the 72-hour exception. No autonomous lethal AI system — regardless of how urgent, sudden, or severe the triggering threat — may be deployed without prior specific congressional authorization. Congress may establish expedited authorization procedures for use in emergencies: a joint resolution authorizing a specific autonomous system in a specific emergency context may be brought to a floor vote in both chambers within 24 hours under emergency procedures that waive normal procedural requirements. The availability of expedited procedures does not create any exception to the authorization requirement.

Enforcement. Any Member of Congress has standing to seek an injunction in the United States Court of Appeals for the District of Columbia Circuit against the deployment of any autonomous lethal AI system without a valid specific congressional authorization meeting the requirements of this Section. The court must issue a ruling within 48 hours of filing. An autonomous weapons system deployed without valid authorization must be stood down within 72 hours of a court order finding the deployment unauthorized. The President has no authority to continue the deployment of an unauthorized autonomous lethal system in defiance of a court order — doing so is a violation of the separation of powers this Constitution establishes. Military officers who continue to operate an unauthorized autonomous weapons system in defiance of a court order are in contempt ofny court regardless of any orders from superior officers or the President.

Section 9. AI-Generated Content and Decision Liability

An AI system's developer or operator is liable, under ordinary negligence principles, for harm proximately caused by content the AI system itself generates, or a decision the AI system itself makes, including an output presented as factual that is materially false, a decision made within a process the system was deployed to automate, or content the system generates without a real person having authored or specifically directed its substance.

Rebuttable presumption of reasonable care. An AI developer or operator that is in good-faith compliance with the safety commission registration, mandatory bias audit, capability threshold, and transparency requirements established under Sections 1 through 7 of this Act is entitled to a rebuttable presumption that it exercised reasonable care with respect to the harm alleged. A plaintiff may rebut this presumption with evidence that the developer or operator's compliance with those requirements was nominal, pretextual, or did not extend to the specific risk that caused the harm, or with other

evidence that the developer or operator did not in fact exercise reasonable care notwithstanding its compliance.

Relationship to platform hosting liability. This Section addresses liability for content or decisions an AI system itself generates or makes. It does not address, limit, or expand a platform's liability for hosting or algorithmically amplifying third-party content under Constitutional Statute 12, Section 16; where an AI system is used to amplify or recommend content authored by a third party rather than to generate content itself, Constitutional Statute 12, Section 16 governs.

Constitutional Statute 21

Religious Liberty Standards Act

Implementing Rights 1 and 2.

Section 1. Definitions: Religion, Sincere Religious Belief, and Scope

For purposes of applying Rights 1 and 2, the following definitions govern alongside those in the Definitions section of Article Two.

Religion means any system of belief, practice, or observance that: (a) addresses fundamental questions of ultimate meaning, human existence, morality, or transcendence; (b) provides a coherent framework for understanding one's obligations to what the believer regards as ultimate; and (c) is sincerely held as a matter of personal conscience rather than adopted for litigation, commercial advantage, or regulatory evasion. Religion includes theistic and non-theistic traditions and individual spiritual practices belonging to no organized institution. Religion does not include purely political ideologies, economic theories, or aesthetic preferences, however firmly held.

Sincere religious belief means a belief that is genuinely held and occupies in the believer's life a place parallel to that filled by theistic belief in others. It is not adopted for purposes of litigation or regulatory evasion. Courts apply the functional standard of *United States v. Seeger*, 380 U.S. 163 (1965) and *Welsh v. United States*, 398 U.S. 333 (1970). Courts may not evaluate the theological validity or correctness of a religious belief — only its sincerity.

Scope. Rights 1 and 2 bind every level of government — federal, state, county, municipal, and any government-adjacent entity exercising governmental authority. Right 2 also applies, through the public funds condition established in Section 5, to private entities receiving public resources for the performance of governmental functions.

Section 2. Establishment Clause Standards: Secular Purpose, Principal Effect, and Entanglement

Right 1 prohibits government establishment of religion. This Section establishes the framework courts apply when evaluating whether government action violates that prohibition.

The three-part standard. Government action violates Right 1 if it: (a) lacks a genuine secular purpose; (b) has the principal effect of advancing or inhibiting religion; or (c) fosters excessive government entanglement with religion. Any one of these three is independently sufficient to establish a violation.

Genuine secular purpose. Courts evaluate whether a stated secular purpose is genuine by examining the totality of evidence — including legislative history, statements by sponsors and opponents, the pattern of enforcement, and whether the law applies equally to comparable secular conduct. A stated

secular purpose that is contradicted by the record does not satisfy this standard. A government that targets religion while reciting a secular justification does not satisfy Right 1 merely by having articulated a justification.

Principal effect. Government action has the principal effect of advancing religion when a reasonable observer would conclude that the government is endorsing, promoting, or favoring religion or a particular religion. Incidental effects on religion that flow from genuinely secular programs do not violate this standard — a neutral benefit program that religious institutions may use on the same terms as secular institutions does not advance religion simply because religious institutions participate.

Entanglement. Government action fosters excessive entanglement when it creates an ongoing, intrusive relationship between government and religious institutions that requires government to make religious judgments, monitor religious compliance, or supervise religious activity. Arms-length regulatory oversight that applies neutral standards does not constitute entanglement.

No government preference. The government may not declare or imply that any religion is the preferred religion of the United States, of any state, or of any governmental body. Official statements, monuments, ceremonies, and symbols must comply with this standard.

Section 3. Free Exercise Standards: Substantial Burden, Compelling Interest, and Least Burdensome Means

Right 2 protects the individual's right to practice their faith freely. This Section establishes the standards courts apply when evaluating free exercise claims.

Substantial burden defined. A substantial burden on free exercise is any government action that puts meaningful pressure on a person to abandon, modify, or violate a sincere religious belief — including conditioning government benefits on abandoning religious practice, prohibiting conduct that religious belief requires, or compelling conduct that religious belief prohibits. Minor administrative inconveniences that do not meaningfully interfere with religious practice do not constitute substantial burdens.

Compelling interest standard. To substantially burden free exercise, the government must demonstrate a compelling governmental interest that cannot be achieved through means less burdensome to religious exercise. The compelling interest must be specific to the case — a generalized interest in uniform law enforcement, administrative convenience, or cost savings is not sufficient to overcome a specific religious liberty claim.

Least burdensome means. The government must demonstrate that the specific means chosen are the least burdensome available — not merely that some less burdensome alternative would be impractical in the abstract. The burden of demonstrating both the compelling interest and the least burdensome means rests entirely on the government.

Neutral laws of general applicability. A law that is genuinely neutral toward religion and generally applicable — meaning it does not target religious practice and applies equally to comparable secular conduct — survives Right 2 challenge if it satisfies rational basis review. A law that is facially neutral but selectively enforced against religious practice, or that provides exemptions for secular but not religious conduct, is not neutral and must satisfy the compelling interest standard.

Section 4. The Third-Party Harm Rule and the Limits of Religious Liberty Claims

Right 2 explicitly provides that religious freedom does not extend to using government authority, resources, contracts, licenses, or funding to impose religious requirements on others. This Section implements the framework for resolving conflicts between religious liberty claims and the rights of third parties.

The third-party harm rule. When the government acts to prevent specific, concrete harm to an identifiable third party — including denial of employment, housing, healthcare, education, or any right guaranteed by this Constitution — the government's interest in preventing that harm satisfies the compelling interest standard. The harm must be to the third party, not to the religious believer. A religious believer's disagreement with the conduct, identity, or choices of the person they are required to serve does not itself constitute harm to the believer sufficient to trigger free exercise protection in a commercial or public-facing context.

Equal treatment is not a burden. Being required to treat all persons equally under generally applicable law is not a substantial burden on religious exercise. A business owner, service provider, or employer whose sincere religious beliefs lead them to prefer not to serve certain customers or employ certain people has not suffered a constitutional injury when required by law to serve and employ without discrimination. The burden runs to the third party excluded — not to the person required to include them.

Religious institutions in internal matters. Religious institutions retain substantial autonomy in their internal governance, hiring of ministerial staff, doctrinal determinations, and practices of worship. The third-party harm rule applies to external conduct — serving customers, employing non-ministerial workers, operating publicly facing programs — not to the internal religious life of the institution. A church may require its pastor to hold specific theological beliefs. It may not impose those beliefs on the general public through government authority or public funding.

The official capacity rule. A government official or employee acting in their official capacity does not have a personal free exercise right to refuse to perform a lawful governmental duty, to impose religious expression on persons they serve, or to use government resources or authority to advance their personal religious beliefs. The free exercise right belongs to the official as a private person — it does not travel with their government authority. The remedy for an official whose religious beliefs prevent them from performing all lawful duties of their office is to seek a different position, not to selectively perform their duties based on personal religious conviction.

Section 5. The Public Funds Condition: Religious Organizations and Government Resources

Right 2 provides that religious freedom does not extend to using government resources to impose religious requirements on others. This Section implements the conditions that attach when religious organizations accept public funds or exercise government-delegated functions.

The condition. Any private entity — including religious organizations — that receives public funds, holds a government contract, or exercises a government-delegated function may not use Right 2 to deny services or employment in the performance of that publicly funded or publicly delegated function. Acceptance of public resources is voluntary. The constitutional conditions attached to those resources are not.

Scope of the condition. The public funds condition applies to the specific function for which public resources are received. It does not require the religious organization to abandon its religious character, internal governance, doctrinal positions, or worship practices. It requires only that the publicly funded function be performed without discrimination that this Constitution prohibits. A religious organization that accepts a government contract to operate a shelter, deliver social services, or run an employment program must operate those government-funded functions without discrimination — while retaining full autonomy over its internal religious life.

Tax exemptions. Tax exemptions constitute a form of public subsidy. A religious organization that accepts tax exemption accepts that its tax-exempt activities must comply with generally applicable anti-discrimination law applicable to the tax-exempt sector. A religious organization's tax-exempt status may be conditioned on compliance with non-discrimination requirements applicable to all tax-exempt organizations without violating Right 2.

Relationship to Constitutional Statute 8 PEA provisions. The Portable Education Account provisions of Constitutional Statute 8 constitute a specific application of this public funds condition to the education context. Constitutional Statute 8 governs PEA schools specifically; this Section establishes the general principle applicable to all publicly funded religious activity.

Section 6. Enforcement: Standing, Remedies, and Relationship Between Rights 1 and 2

Standing. Any person who is directly burdened by a violation of Right 1 or Right 2 has standing to seek relief in federal court. A person need not be a member of any religion to challenge an Establishment Clause violation — exposure to government-sponsored religious expression or government action that advances religion is sufficient injury. A person whose sincere religious practice is substantially burdened by government action has standing to challenge that burden under Right 2.

Remedies. Courts may grant injunctive relief, declaratory relief, and compensatory damages for violations of either Right. A government official who willfully violates Right 1 or Right 2 in their official capacity is personally liable for attorneys' fees and costs incurred by the prevailing party. Punitive damages are available for willful, knowing violations.

The two rights read together. Rights 1 and 2 are complementary, not contradictory. The Establishment Clause prevents the government from using its authority to advance religion; the Free Exercise Clause prevents the government from using its authority to suppress religion. When these provisions appear to conflict — as when a government accommodation of religious practice might be seen as an establishment — courts must read both rights in light of their common purpose: ensuring that government is neither the sponsor nor the persecutor of religion, and that every person's religious life is genuinely their own.

Section 7 — Who Is a Minister: The Function, Not the Label

Section 4 protects a religious institution's autonomy over its ministerial staff while holding that its non-ministerial workers keep the protection of the laws against discrimination. This Section defines the line between them, so that the protection for genuine ministry is not stretched into a shelter for ordinary employment.

The functional test. A worker is ministerial — and the religious employer's choice of that worker is beyond review — only where the worker's actual, primary function is religious: to lead worship, to preach or teach the faith, to administer its rites, or to serve as a spiritual leader of the community. What governs is what the worker actually does, not the title the employer assigns.

Title is relevant but not sufficient. Ordination, a religious credential, or a formal religious designation is evidence that a role is ministerial, but does not by itself make it so. A role is not ministerial merely because the employer is religious, because the worker is expected to be a person of faith, because the worker leads occasional prayer, or because a job description recites religious duties the work does not in fact primarily involve.

Who keeps full protection. A teacher of secular subjects, a nurse, a counselor, an administrator, a maintenance or food-service worker, a coach, a fundraiser, or any worker whose actual primary duties are not the exercise and transmission of the faith keeps the full protection of the laws forbidding discrimination and retaliation in employment, and the protection of safe and lawful working conditions — whatever their title. A religious employer may require adherence to its faith and its code of conduct; it may not recharacterize a secular job as a ministry to place it beyond those laws.

Burden. Where a religious employer invokes the ministerial exception, the burden of establishing that the role is genuinely and primarily religious rests on the employer.

Doctrine untouched. Nothing in this Section permits a court to decide a question of religious doctrine, to judge the sincerity or truth of a belief, or to compel a congregation to retain a minister it does not want. Properly confined, the exception protects the ministry; it does not license the evasion of the rights of those who merely work for a religious employer.

Constitutional Statute 22

Free Speech and Press Standards Act

Implementing Rights 3 and 4, and Article Thirty.

Section 1. Content-Neutrality and Viewpoint Discrimination

The most fundamental principle of free speech law is that the government may not restrict speech because of what it says, what subject it addresses, or what viewpoint it expresses. This principle has two components that must be applied separately.

Content-based restrictions. A law or government action is content-based if it restricts speech based on its topic, subject matter, or message — including laws that restrict speech about specific issues, speech by specific speakers, or speech expressing a particular perspective. Content-based restrictions are presumptively unconstitutional and survive only if the government demonstrates a compelling interest served by the least restrictive means available. The government bears this burden; it is not shifted to the speaker.

Viewpoint discrimination. Viewpoint discrimination — restricting speech because of the specific position it takes on a topic — is the most serious category of speech restriction and is never permissible. A government that opens a forum for speech on a topic must permit all viewpoints on that topic, including those the government finds offensive, dangerous, or politically inconvenient. There is no viewpoint so extreme that government may exclude it while permitting the opposing viewpoint.

Secondary effects. A law aimed at the secondary effects of speech — its non-speech impacts on surrounding conduct or property — rather than at its content may be treated as content-neutral. The secondary effects doctrine is construed narrowly. A government that targets speech under the guise of targeting secondary effects bears the burden of demonstrating that the secondary effects, not the speech, are the genuine target of the regulation.

Section 2. Time, Place, and Manner: The Rules for Content-Neutral Restrictions

The government may impose reasonable restrictions on the time, place, and manner of speech in ways that do not target its content. This power is real but limited.

The three requirements. A content-neutral restriction on speech is constitutional only if it: (1) is content-neutral — it applies without regard to the subject matter or viewpoint of the speech; (2) is narrowly tailored to serve a significant governmental interest — meaning the restriction does not burden substantially more speech than necessary to achieve the government's legitimate purpose; and (3) leaves open adequate alternative channels of communication — meaning the speaker retains meaningful ability to reach the intended audience through other means. All three requirements are independently required; satisfying two of three is not sufficient. **Public forum doctrine.** Traditional public forums — streets, sidewalks, parks, and other spaces historically used for public expression —

receive the strongest protection. The government may impose content-neutral time, place, and manner restrictions in these spaces but may not ban speech entirely. Designated public forums — spaces the government has opened for expressive activity — receive the same protection while they remain open. Non-public forums receive less protection, but the government may not restrict speech in them based on viewpoint even when the forum itself may be closed to certain categories of speech.

Permits and advance notice. Permit requirements for public gatherings are constitutional only if they: apply neutral, objective criteria; do not vest unbounded discretion in the permit-granting official; specify a reasonable and short decision window; and provide for prompt judicial review of any denial. A permit system that allows officials to deny permits based on the anticipated content or viewpoint of the speech is a prior restraint subject to the standards in Section 5.

Section 3. The Incitement Standard: Brandenburg and Its Limits

Right 3 protects speech that is offensive, dangerous, and wrong. It does not protect speech that is a direct incitement to imminent unlawful violence. This Section establishes the precise boundary.

The Brandenburg standard. Speech may be restricted as incitement only when all three of the following are established by clear and convincing evidence: (1) the speech was directed to producing imminent lawless action — not lawless action at some future time, but action that is immediate and specific; (2) the speech was likely to produce such action — meaning the circumstances created a genuine probability of immediate unlawful conduct, not merely an abstract possibility; and (3) the speaker intended to produce such action — recklessness or negligence about whether the speech would cause violence is not sufficient. All three elements are independently required. A government that satisfies two of three has not established incitement.

Abstract advocacy is protected. The mere advocacy of illegal action — including violent action in the abstract — is protected speech under Right 3. A speaker who argues that a particular law should be broken, that a particular institution should be destroyed, or that a particular group deserves violence as a matter of ideology is expressing a viewpoint, however repugnant, and is not inciting within the meaning of this standard. The distinction between advocacy and incitement is whether the speech creates an immediate probability of lawless action, not whether the speech celebrates, endorses, or encourages such action in principle.

True threats. A true threat — a statement that communicates a serious expression of intent to commit violence against a specific person or identifiable group, that a reasonable person in the target's position would understand as threatening — is not protected by Right 3. A true threat must be assessed from the perspective of the reasonable person who receives it, not from the speaker's subjective intent alone. Hyperbole, political rhetoric, and expressions of anger that a reasonable person would not understand as genuine threats of imminent violence are protected.

Section 4. Government-Coerced Platform Censorship: The Jawboning Prohibition

The government may not accomplish indirectly what Right 3 prohibits it from doing directly. A government that cannot censor speech outright may not coerce, pressure, or threaten private platforms and intermediaries into censoring it on the government's behalf.

The prohibition. No government official, agency, or entity may: threaten adverse regulatory, legislative, or law enforcement action against a private platform for hosting speech the government disfavors; condition government benefits, contracts, or access on a platform's agreement to censor disfavored speech; communicate to a platform that specific speech should be removed in ways that a reasonable platform would understand as authoritative government direction rather than as public commentary; or engage in a pattern of communication with a private platform designed to achieve removal of speech that the government could not constitutionally remove through law. The prohibition applies regardless of whether the government's preferred censorship ultimately occurs.

What is permitted. Government officials may communicate publicly about speech they find harmful, misleading, or dangerous. They may share factual corrections to false information. They may request — without threatening — that platforms consider whether specific content violates the platform's own policies. They may coordinate with platforms on illegal content — child sexual abuse material, material that directly facilitates terrorism, or content that violates other laws that are independently constitutional. The line is between communication and coercion: a government official who speaks as a citizen or public commentator exercises their own speech rights; a government official who uses their regulatory or legal authority to achieve censorship violates Right 3.

Enforcement. A person whose speech was removed or suppressed as a result of government coercion of a private platform has a cause of action against the government official responsible. The standard is whether a government official's conduct, viewed in its totality, would cause a reasonable private platform to understand that continuing to host the speech would expose it to government retaliation. Evidence of intent to censor, pattern of communications, and specific threats or promises are all relevant.

Section 5. Prior Restraint: The Presumption Against Pre-Publication Censorship

A prior restraint — a government order preventing speech or publication before it occurs — is the most serious form of speech restriction and carries the heaviest constitutional burden.

The presumption. Prior restraints are presumptively unconstitutional. The government bears an extraordinarily heavy burden to justify any order preventing publication. This burden is not met by showing that the speech, if published, would be harmful, embarrassing, or damaging to government interests. The government must demonstrate that publication would cause direct, immediate, and irreparable harm of the highest order — such as the disclosure of troop movements in active combat operations that would directly endanger identified lives — and that no less restrictive alternative exists.
Judicial process required. No prior restraint may issue without prior judicial review. An administrative official may not unilaterally prohibit publication. A court issuing a prior restraint must

make specific findings on the record establishing the extraordinary harm that would result from publication, why no less restrictive alternative is available, and the shortest possible duration consistent with preventing the identified harm. Temporary restraining orders in speech cases are subject to this standard and may not be issued ex parte without a showing that the harm would occur before notice could be given.

Licensing and registration. The government may not require publishers, journalists, broadcasters, or other speakers to obtain a license, register with a government agency, or demonstrate qualifications as a precondition for speaking or publishing. Any licensing system applied to speech is a prior restraint subject to this standard regardless of whether the license is routinely granted.

Section 6. Overbreadth and Vagueness: Laws That Chill Speech Without Formally Prohibiting It

A law need not directly prohibit speech to violate Right 3. Laws that are so broad that they sweep in constitutionally protected speech, or so vague that speakers cannot determine what is permitted, chill the exercise of the right and are void.

Overbreadth. A law is unconstitutionally overbroad if it prohibits a substantial amount of constitutionally protected speech relative to its plainly legitimate sweep. Overbroad laws are subject to facial challenge — meaning a person whose own speech is constitutionally regulable may nonetheless challenge the law if a substantial portion of its applications would be unconstitutional. This exception to standing doctrine is necessary because overbroad laws deter speakers who are uncertain whether their speech falls within the protected or unprotected portion, producing a chilling effect on the full range of protected speech the law sweeps in.

Vagueness. A law is unconstitutionally vague as applied to speech if it fails to give ordinary people fair notice of what speech is prohibited and vests law enforcement with unbounded discretion to determine what speech to prosecute. Vague speech laws are subject to the most exacting scrutiny because they give officials the power to enforce selectively based on viewpoint — prosecuting disfavored speakers while ignoring identical speech from favored speakers. A vague speech law cannot be saved by a construction that narrows it after the fact; the law is evaluated as written and as understood by ordinary speakers at the time of the alleged violation.

Chilling effect doctrine. Courts evaluating the constitutionality of speech regulations must assess not only their direct applications but their chilling effect on protected speech not before the court. A regulation that demonstrably deters a substantial volume of protected speech through uncertainty, compliance costs, or threat of prosecution is subject to constitutional challenge even if no specific application has yet been made.

Section 7. Press Freedom Standards: Journalist Privilege, Shield Protections, and Government Access

Right 4 establishes that the press is free from government interference, licensing, prior restraint, and censorship. This Section implements the specific standards that protect the press as an institution in its role of investigating and reporting on the exercise of government power.

Journalist privilege. No journalist may be compelled by any court, grand jury, legislative body, or government official to reveal the identity of a confidential source or to produce newsgathering materials obtained in confidence, unless the government demonstrates by clear and convincing evidence that: (1) the information sought is essential — not merely relevant or useful — to a criminal prosecution or civil proceeding involving serious harm; (2) the information is not available through any other means after exhausting all non-journalist sources; and (3) the journalist's interest in source confidentiality is outweighed by the specific harm the information would prevent. This privilege applies to any person engaged in the regular gathering, reporting, or publication of news for a public audience, regardless of whether they hold formal press credentials or are employed by an established news organization.

Search and seizure of journalistic materials. The government may not search a journalist's home, office, devices, or communications for newsgathering materials except pursuant to a warrant issued upon a showing of probable cause that the journalist has committed a crime — not merely that they possess information relevant to another person's crime. A subpoena for journalistic materials is subject to the journalist privilege standard above. Government agents may not use third-party subpoenas to obtain journalistic materials from cloud storage providers, email hosts, or communications platforms as a means of circumventing the privilege.

Government retaliation against the press. No government official may deny a journalist or news organization access to press briefings, events, information, or government officials as retaliation for coverage. Press access provided to some journalists must be provided on non-discriminatory terms to all journalists covering the same subject matter. A government that holds press conferences, issues press releases, or grants interviews to selected journalists must not use that access as a reward for favorable coverage or withdraw it as punishment for critical coverage.

Publication of government information. A journalist who receives and publishes lawfully obtained information about government conduct — including classified information leaked by a source — may not be prosecuted for the act of publication. Prosecution for publishing truthful information about government activity is a form of government censorship that violates Right 4 regardless of the classification status of the information. This provision does not protect a journalist who steals information directly from the government; it protects a journalist who receives information from a source and publishes it.

Section 8. Enforcement: Standing, Remedies, and Relationship Between Rights 3 and 4

Standing. Any person whose speech has been suppressed, penalized, or chilled by government action has standing to challenge that action under Right 3. Any journalist or news organization whose

newsgathering, publication, or access has been interfered with by government action has standing to challenge that action under Right 4. A plaintiff need not wait until they have been prosecuted — a credible threat of enforcement against specific speech is sufficient injury for pre-enforcement challenge.

Remedies. Courts may grant injunctive relief, declaratory relief, and compensatory damages for violations of Rights 3 and 4. A government official who willfully suppresses speech or press freedom in their official capacity is personally liable for attorneys' fees and costs to the prevailing plaintiff. Punitive damages are available for willful, knowing violations. Nominal damages are available for technical violations without proven economic harm — the constitutional right itself has value that a $1 award vindicates when no economic loss can be shown.

Rights 3 and 4 read together. Freedom of speech and freedom of the press are distinct rights with distinct purposes. Freedom of speech protects every individual's right to express themselves. Freedom of the press protects the institutional capacity to investigate government, inform the public, and hold power accountable. The press is not a privileged class — every individual's speech is equally protected. But the press performs a distinct constitutional function that justifies specific institutional protections, including journalist privilege and protection against retaliatory access denial, that are not available to all speakers.

Section 9. Compelled Expressive Authorship and Commercial Service

A business may decline to create custom expressive content — meaning content whose specific text, design, or message is authored by the business for a particular customer and conveys a viewpoint the business does not hold — where creating that specific content would require the business to author a message it disagrees with. This narrow protection does not permit a business to decline to sell a standardized good or service it otherwise offers to the public, or to discriminate in who may purchase an already-offered good or service, based on a customer's protected characteristics. A business that offers a service generally — including a creative service — may not invoke this Section to refuse that same service to a customer based on the customer's race, religion, sex, sexual orientation, gender identity, national origin, or disability; it may only decline to author a specific, individualized expressive work whose content the business did not previously offer to create for anyone. This Section does not create an exception to, modify, or narrow the third-party harm rule established under Right 2 and implemented by Constitutional Statute 21 — a business may not invoke this Section to achieve through Right 3 what Right 2 and Constitutional Statute 21 already foreclose for the same conduct.

Section 10. Student Expression in Public Educational Settings

This Section implements the student-expression guarantee of Right 3. It establishes the standard by which a public educational institution may, and may not, restrict the expression of its students.

The material-and-substantial-disruption standard. A public school, college, or other public educational institution may restrict a student's otherwise-protected expression only where it

demonstrates, on specific facts and not on speculation or an undifferentiated fear of disturbance, that the expression (a) would materially and substantially interfere with the work, order, or discipline of the institution; (b) invades the rights of other students to be secure and let alone; or (c) is independently unlawful under a standard that would apply to the same expression outside the educational setting, such as true threats, incitement under Section 5, or targeted harassment. The burden rests on the institution. A mere desire to avoid the discomfort, unpleasantness, controversy, or reputational cost that accompanies an unpopular viewpoint is never sufficient.

Viewpoint neutrality. An institution may not restrict, punish, or compel student expression because it disapproves of the viewpoint expressed, finds it offensive, or considers it contrary to the institution's mission, values, or preferred position on a political, religious, or social question. A rule that appears neutral but is applied to suppress a particular viewpoint, or adopted as a pretext for doing so, violates this Section.

Protected subjects and forms. Protected student expression includes speech, writing, symbolic expression, peaceful assembly, the wearing of expressive items, participation in walkouts or demonstrations that do not materially disrupt instruction, religious expression, political advocacy, and criticism of the institution or of government. Religious and political expression by a student is the student's own protected speech and may not be restricted on the ground that the institution must appear neutral, provided the institution neither sponsors nor compels it.

Off-campus and online expression. An institution's regulatory authority does not extend to a student's expression that occurs off campus and outside institution-supervised activities, including expression posted or transmitted online, unless that expression itself causes, or a reasonable person would foresee it causing, a material and substantial disruption within the institution as defined above. Ordinary criticism, satire, vulgarity, or grievance directed at the institution or its staff, without such disruption, is beyond the institution's reach. Monitoring or compelling access to a student's personal devices, accounts, or communications remains subject to Rights 9 and 10.

Permissible time, place, and manner. Nothing in this Section prevents an institution from adopting reasonable, content-neutral limits on the time, place, and manner of expression necessary to conduct instruction and protect safety — for example, that expression not occur during and in a manner that disrupts a class in session. Such limits must be applied evenhandedly to all viewpoints and may not serve as a pretext for suppressing the message. Age-appropriateness may inform the manner of a limit but may not be invoked to bar a student from holding or peacefully expressing a viewpoint.

Remedies. A student subject to expression restricted in violation of this Section may obtain, in federal or state court, an order voiding the restriction and enjoining its enforcement, expungement of any resulting discipline, and reasonable attorney's fees. This Section does not diminish any independent statutory or constitutional protection a student holds, and it applies to public educational institutions at every level; private institutions are reached only to the extent they perform a public function or receive public funds conditioned on compliance.

Section 11. The Boundary of These Freedoms: Knowing Falsehood, Demonstrable Harm, and Compelled Disclosure

This Section implements Article Thirty. It defines the single, narrow category of expression that the freedoms of speech and press do not shield, and it fixes the elements, burdens, and forum required before any liability may attach. Nothing in this Section authorizes restriction of speech beyond its express terms, and every ambiguity is resolved in favor of the speaker.

The knowing-falsehood standard. Liability under this Section reaches only a *statement of fact* — never an opinion, a prediction, a characterization, rhetorical hyperbole, satire, or parody. The statement must be materially false; must have been made with *actual knowledge* of its falsity or with *reckless disregard* for whether it was true, judged subjectively as to the speaker's own state of mind; and must be proven, in every element, by *clear and convincing evidence*. A statement that is substantially true, that was made in good-faith reliance on apparently credible information, or that reflects an honest error later corrected, is not actionable, regardless of the harm it caused.

The identifiable-person and demonstrable-harm requirements. Liability reaches only a statement that causes *demonstrable, concrete harm to an identifiable person* — a specific individual or legal entity who suffered actual injury the plaintiff can prove and quantify. Harm that is diffuse, speculative, reputational-in-the-abstract, or asserted on behalf of "the public," a viewpoint, an institution, or society at large is *not* cognizable under this Section, and no government may create a cause of action for it. The identifiable-person limit is the core safeguard of this provision and may not be circumvented by aggregation, by designating an official as the public's representative, or by any similar device.

Forum and independence. No liability may be imposed except by an *independent court* exercising ordinary judicial process, with the full protections of adversarial proceedings, appeal, and — where liberty is at stake — the criminal burden of proof beyond a reasonable doubt. No administrative agency, licensing body, executive official, or legislatively created "truth" panel may adjudicate falsity, impose penalties, or maintain any list of disfavored speakers or publications. The government may participate only as a party subject to the same burdens as any litigant.

The individual's parallel power. Any person injured by a statement meeting every element above possesses the same investigatory and redress-seeking authority as the government, and may pursue it independently, without the government's leave or participation. This provision constitutionalizes the injured person's standing to seek the truth and obtain redress; it does not displace, and is read in harmony with, the public-figure defamation standards and anti-SLAPP protections of Constitutional Statute 12, Section 11, which continue to govern claims by public figures and to bar the weaponization of this Section against truthful or good-faith speech.

Compelled disclosure, distinguished. Separate from and additional to the falsehood standard, government may compel — through transparent, generally applicable law that does not turn on the viewpoint expressed — the disclosure of the identity of a speaker acting in a commercial or organized political capacity, the sources funding such speech, and whether published content has been artificially

generated, manufactured, or materially manipulated. Such disclosure requirements are content-neutral in the sense required by Section 1, must serve a substantial informational interest, and may never be used as a pretext to unmask, burden, or retaliate against anonymous political dissent, private speech, or association protected under Constitutional Statute 23.

Anti-abuse rule of construction. This Section is a *limit*, not a grant. It shall never be construed to permit punishment of unpopular, offensive, dissenting, or embarrassing speech; to chill good-faith reporting or honest error; or to allow the government to position itself as the arbiter of truth. Where this Section and any other provision of this Act appear to conflict, the interpretation most protective of speech governs.

Constitutional Statute 23

Assembly, Association, and Organizing Standards Act

Implementing Right 5.

Section 1. The Heckler's Veto: Government Must Protect Speakers, Not Silence Them

The heckler's veto — dispersing a lawful assembly because a hostile audience threatens or commits violence — is a constitutional violation. The government's obligation runs to the speaker, not to the crowd that opposes the speaker.

The prohibition. No government official may disperse, cancel, or deny a permit for a lawful assembly on the grounds that members of the public oppose the assembly's message and have threatened or committed, or are threatening or committing, violent or disruptive counter-protest. The government's constitutional obligation in that situation is to protect the assembly from the hostile crowd — not to remove the assembly to appease the crowd.

Adequate protection required. When the government knows or reasonably should know that a lawful assembly faces a credible threat of interference or violence from counter-protesters, the government must deploy adequate law enforcement resources to protect the assembly. A government that fails to provide adequate protection and then disperses the assembly on public safety grounds has committed the same constitutional violation as a government that disperses the assembly directly. The inability or unwillingness to protect a speaker from a hostile audience does not transform the hostile audience's threat into a legitimate basis for suppressing the speech.

Counter-protest is also protected. Counter-protesters have an equal right to assemble in the vicinity of the assembly they oppose, within reasonable time, place, and manner limits established under Constitutional Statute 22. The government must protect both the original assembly and the counter-protest. It may keep them physically separated to prevent violence while allowing both to proceed. It may not silence either in order to avoid the conflict their simultaneous presence creates.

Section 2. Dispersal Orders: When Assemblies May Be Dispersed and How

A lawful assembly may become unlawful — but the standards for that determination are strict, the process must be fair, and the government may not use dispersal authority as a pretext for suppressing disfavored speech.

Grounds for dispersal. A lawful assembly may be declared unlawful and subject to dispersal only when: (a) the assembly as a whole — not merely some participants — has become violent or is actively committing serious crimes that threaten immediate physical harm to persons; or (b) the assembly occupies space in a way that creates an immediate and specific threat to public safety that cannot be addressed through measures short of dispersal. Inconvenience, disruption of traffic or business, unpopularity of the message, or the presence of counter-protesters are not grounds for

dispersal. **The individual conduct rule.** The fact that some participants in an assembly engage in unlawful conduct does not make the entire assembly unlawful. Police may remove and arrest individuals who are committing crimes. They may not declare the entire assembly unlawful because of the conduct of a subset of participants, unless the assembly as a whole has become violent or criminal and cannot be separated into lawful and unlawful components.

Dispersal procedure. Before any dispersal order is enforced, law enforcement must: (1) announce clearly, in a manner audible to those in the assembly, that the assembly has been declared unlawful; (2) identify the specific legal basis for the declaration; (3) provide a reasonable time — not less than 15 minutes absent immediate physical danger — for participants to leave; and (4) identify a specific egress route that is open and accessible. A dispersal order that fails to meet these procedural requirements is void. Evidence obtained through an unlawful dispersal is inadmissible in any prosecution arising from the assembly.

Kettle prohibition. Law enforcement may not surround and confine an entire assembly — a tactic known as kettling — for the purpose of mass arrest, punishment, or deterrence of future assembly. Confinement of persons who are attempting to comply with a dispersal order is a violation of this Right. Mass arrest of assembly participants without probable cause for each individual's specific unlawful conduct is prohibited.

Section 3. Freedom of Association: Protection Against Compelled Membership Disclosure

The right to associate privately — to form, join, and participate in organizations without government exposure of membership — is essential to the exercise of all other rights. Civil rights movements, political dissidents, religious minorities, labor organizers, and countless others have depended on the ability to associate without government surveillance of who belongs.

The general protection. No government may compel any person to disclose their membership in, affiliation with, or support for any private organization unless the government demonstrates a compelling interest that cannot be achieved through less disclosure-invasive means. A generalized interest in knowing who belongs to what organization is not a compelling interest. The history of government using membership lists to harass, blacklist, and persecute members of disfavored organizations — from the NAACP to labor unions to political parties — is the reason this protection exists.

When disclosure may be compelled. The government may compel disclosure of organizational membership or affiliation only when: (a) there is individualized, particularized evidence that a specific person's membership in a specific organization is directly relevant to a specific criminal investigation; (b) the information cannot be obtained through less privacy-invasive means; and (c) a neutral judge has determined, after adversarial process, that both conditions are met. Blanket demands for membership lists — even in connection with legitimate investigations — do not satisfy this standard. **Undercover infiltration.** Government infiltration of political, civic, or religious organizations through undercover

agents or informants is a form of compelled association disclosure and is subject to this standard. Undercover infiltration of a lawful organization requires judicial authorization based on particularized evidence that the organization is engaged in or planning specific criminal activity. Infiltration for the purpose of monitoring political activity, documenting membership, or chilling participation is unconstitutional regardless of whether any criminal prosecution results.

Digital association. The right to associate extends to digital contexts. Online organizing, participation in private digital groups, subscription to political or advocacy communications, and digital membership in organizations are protected on the same terms as physical association. Government may not compel disclosure of digital association — including social media group membership, encrypted messaging group participation, or email list membership — except under the same standard applicable to physical membership disclosure.

Section 4. Political Organization Transparency: Public Disclosure of Membership and Donors

The private association protection in Section 3 does not apply to organizations that operate primarily as political actors in the public sphere. An organization that chooses to participate in democracy by lobbying, influencing elections, shaping legislation, or producing research designed primarily to influence public policy accepts public transparency as the condition of that participation. Democracy cannot function when the people and money behind political influence are hidden.

Definition: political organization. An organization is a political organization subject to public disclosure under this Section when its primary activities — meaning the activities that constitute the majority of its time, spending, and organizational purpose — include any of the following: (a) lobbying government officials at any level; (b) advocating for or against specific legislation, regulations, or government actions; (c) engaging in electoral activity, including supporting or opposing candidates or ballot measures; (d) producing research, analysis, or publications whose primary purpose is to influence legislation, regulation, elections, or public policy rather than to advance knowledge in a field; or (e) funding, coordinating with, or providing substantial support to organizations engaged in any of the foregoing. An organization is assessed by what it does, not by what it calls itself or how it is classified for tax purposes.

The political think tank. A think tank, policy institute, research center, or similar organization is a political organization under this Section when its research and publications are designed primarily to advocate for specific policy outcomes rather than to advance scholarly understanding. Indicators of primarily political purpose include: funding by parties with direct financial stakes in the policy outcomes the organization advocates; publication primarily through political channels rather than peer-reviewed academic venues; production of research that uniformly reaches conclusions favoring the positions of its funders; and organizational mission statements that describe advocacy rather than inquiry as the primary goal. The test is functional — whether the organization is doing politics or scholarship — not formal. **Required disclosures.** Every political organization must publicly disclose, on a continuously updated basis accessible to the public at no charge: (a) the name and address of

every officer, executive director, and governing board member who exercises policymaking authority over the organization's political activities; (b) the name, address, and amount contributed by every donor who has contributed $500 or more in any calendar year; (c) the total amount and source of all funding received; (d) all expenditures exceeding $1,000; and (e) all affiliated organizations, pass-through entities, and funding relationships. Disclosures must be filed with the Federal Election Commission or its successor and published in a searchable public database within 30 days of receipt or expenditure. This Section does not require, and may not be construed to require, disclosure of an organization's general membership. The protection against compelled membership disclosure established in Section 3 of this Act applies in full to any organization that is also a political organization under this Section; this Section reaches funding and leadership, not rank-and-file membership.

No pass-through anonymity. A donor who contributes to Organization A, which contributes to Organization B, which is a political organization, cannot achieve anonymity through the pass-through structure. The disclosure obligation traces funding to its ultimate human source. An organization that cannot identify the ultimate human source of funds it passes to a political organization may not make that transfer. Shell entities, donor-advised funds, and multi-layer organizational structures may not be used to conceal the identity of persons funding political activity.

Relationship to Constitutional Statute 5. The campaign finance disclosure requirements of Constitutional Statute 5 — Section 10 apply to electoral spending specifically. This Section applies more broadly to all political organizations regardless of whether their activity constitutes electoral spending. Where both apply, the more disclosure-requiring provision governs.

Think tank and advocacy organization registration threshold. An organization is required to register and disclose under this Section when it devotes more than 20% of its total staff time, organizational resources, or annual budget — whichever measure produces the lower threshold — to activities specifically directed at advancing or opposing identified pending federal legislation, specific proposed federal regulations, or specific federal agency actions. The 20% threshold is calculated on an annual basis. Activities that count toward the threshold include: direct lobbying communications; public advocacy campaigns explicitly naming specific pending legislation or regulatory proceedings; research and publications whose primary stated purpose is to support or oppose specific identified legislation; testimony before Congress or federal agencies on specific pending matters; and coalition coordination with other organizations on specific pending legislation. Activities that do not count include: general public education, academic research not tied to specific pending legislation, and advocacy on broad policy principles not tied to specific pending matters. An organization that crosses the 20% threshold during a calendar year must register within 30 days of crossing it. Failure to register when required is subject to the $10,000 per day penalties established in this Section.

Section 5. Enforcement: Standing, Remedies, and Cross-Reference to Assembly Standards

Time, place, and manner. The content-neutral time, place, and manner standards in Constitutional Statute 22, Section 2 apply equally to assemblies. An assembly is a form of collective speech, and the same framework governs restrictions on both. Constitutional Statute 23 supplements Constitutional Statute 22 with the assembly-specific doctrines in this Act; it does not displace Constitutional Statute 22's general framework.

Standing. Any person whose assembly was unlawfully dispersed, whose lawful gathering was denied a permit, or whose membership or association was unlawfully compelled to be disclosed has standing to seek relief in federal court. An organization whose membership list was compelled without meeting the standards of Section 3 has standing to seek return of the disclosed information and damages for the harm caused by disclosure.

Remedies. Courts may grant injunctive relief, declaratory relief, and compensatory damages for violations of Right 5. Law enforcement officers who personally conduct an unlawful dispersal or an unlawful mass arrest are personally liable for attorneys' fees and costs to prevailing plaintiffs. A government official who obtains organizational membership lists through unlawful compelled disclosure is personally liable for all harms caused by disclosure. Political organizations that fail to comply with the disclosure requirements of Section 4 are subject to civil penalties of $10,000 per day of non-compliance, plus disgorgement of any funds received during the period of non-disclosure.

Constitutional Statute 24

Right to Petition and Government Accountability Act

Implementing Right 6.

Section 1. Agency Response Obligations: Substance, Timelines, and Accountability

The most common form of petitioning government is the citizen interaction with a federal agency — filing for benefits, submitting complaints, requesting action, seeking review of decisions. The right to petition is hollow if agencies can respond with form letters, indefinite delays, or silence.

Response requirement. Every federal agency must acknowledge receipt of any written petition, complaint, or request for action within 15 business days. Acknowledgment must include: the name and contact information of the specific official assigned to the matter; a unique case or tracking number; and a good-faith estimate of the time required for substantive response. An acknowledgment that does not provide these three elements does not satisfy this requirement.

Substantive response obligation. Every federal agency must provide a substantive written response to any petition, complaint, or request for action within 90 days of receipt, unless the nature of the matter requires longer review — in which case the agency must notify the petitioner within 90 days of the reason for the extension, the specific additional time required, and the name of the official responsible for the final response. A substantive response must address the specific issues raised in the petition; a form letter that does not engage with the petitioner's specific concerns does not satisfy this obligation.

High-volume petition management. Agencies receiving petitions in high volume — including the SSA, VA, USCIS, IRS, and similar — may develop streamlined response systems but may not use volume as an excuse for non-response. Every petitioner is entitled to a response that addresses their specific situation. Congress shall appropriate funds sufficient to staff agencies at levels adequate to meet these response obligations.

Judicial enforcement. A petitioner who has not received an acknowledgment within 15 business days, or a substantive response within 90 days, or a valid extension notice within 90 days, may file a petition in federal district court for a writ of mandamus compelling the agency to respond. The court shall rule on the mandamus petition within 30 days. An agency that has unlawfully failed to respond bears the petitioner's attorneys' fees and costs.

Section 2. Congressional Constituent Service: Response Standards and Accountability

Members of Congress and their offices are a primary point of petition for millions of Americans. The right to petition Congress includes the right to a meaningful response from one's own representatives.

Constituent response obligation. Every Member of Congress must maintain a constituent services function capable of responding substantively to constituent communications about federal matters

within 30 days. A constituent who contacts their Member about a federal agency action, federal benefit, federal law, or federal policy is entitled to a response that addresses their specific concern — not a form letter reciting the Member's general position on related issues.

Casework obligation. When a constituent contacts a congressional office about a problem with a federal agency — including delayed benefits, wrongful denials, immigration matters, veteran services, or tax disputes — the congressional office must make a good-faith effort to inquire with the relevant agency on the constituent's behalf within 15 business days of the constituent's contact. Congressional casework is a constitutional function, not a courtesy.

Non-discrimination in access. A Member of Congress may not condition constituent services on the constituent's political affiliation, voting history, campaign contributions, or agreement with the Member's positions. The right to petition one's representative belongs equally to every constituent regardless of whether they supported, opposed, or did not vote for the Member.

Enforcement. A constituent who has not received an acknowledgment of contact within 10 business days, or a substantive response within 30 days, may file a complaint with the House or Senate Ethics Committee, as applicable, which must investigate and issue a public finding within 60 days; a pattern of three or more substantiated non-response findings against the same office within a two-year period is grounds for censure. A constituent who has been denied casework assistance or constituent services because of their political affiliation, voting history, campaign contributions, or disagreement with the Member's positions may bring a civil action in federal district court and is entitled to injunctive relief, compensatory damages, and attorneys' fees upon a showing that political affiliation or viewpoint was a motivating factor in the denial, using the same burden-shifting framework established in Section 3 of this Act.

Section 3. Anti-Retaliation: What Constitutes Punishment for Petitioning

Right 6 prohibits the government from punishing any person for exercising the right to petition. Retaliation for petitioning is a constitutional violation regardless of whether it is labeled as something else.

Prohibited retaliation. The following constitute prohibited retaliation for petitioning and are unconstitutional: adverse action against a person's pending applications, benefits, licenses, or permits in response to that person's petition or complaint; selective enforcement of laws or regulations against a person because they have petitioned for redress; denial or delay of government services that are otherwise available, where the denial or delay is causally connected to the person's petition activity; negative characterization, surveillance, or investigation of a person based solely on their petition activity; and any official communication that discourages, intimidates, or threatens a person in connection with their exercise of the right to petition.

Causation standard. Retaliation is established when a petitioner demonstrates that: (a) they engaged in constitutionally protected petition activity; (b) they suffered an adverse government action; and (c)

the protected activity was a motivating factor in the adverse action. The burden then shifts to the government to demonstrate by clear and convincing evidence that it would have taken the same action regardless of the petition activity. Temporal proximity between petition activity and adverse action raises a presumption of retaliation.

Remedies for retaliation. A person who has suffered retaliation for exercising the right to petition may seek: reversal of the retaliatory adverse action; compensatory damages for harm caused by the retaliation; attorneys' fees and costs; and, where the retaliation was willful, punitive damages. A government official who personally directs or carries out retaliation against a petitioner is personally liable for damages in their individual capacity.

Section 4. Personal Petition vs. Paid Professional Lobbying

Right 6 protects every person's right to petition their government directly. It does not protect the commercial activity of being paid to petition government on behalf of others. The distinction between constitutional petition rights and regulated commercial lobbying is essential to maintaining both the right and the regulatory framework.

Personal petition is always protected. Any person — acting as an individual, as a member of a group, or as an officer of an organization speaking on that organization's behalf — has the unconditional right to contact, communicate with, testify before, and advocate to any government official or body about any matter of public concern. This right cannot be conditioned on registration, disclosure, or prior approval of any kind. A citizen who writes to their senator, a business owner who meets with a federal agency, an advocacy group that organizes a rally at the Capitol — all are exercising constitutional petition rights that cannot be restricted.

Paid professional lobbying is commercial activity. A person who is compensated — in money, in kind, or through employment — specifically for the purpose of contacting government officials to advocate for another party's interests is engaged in commercial activity subject to constitutional regulation. Paid professional lobbying is the business of petition-for-hire. It is not a constitutional right; it is a commercial service that the government may license, regulate, restrict, and — as established elsewhere in this Constitution — prohibit for persons in or recently departed from government service. The constitutional right to petition belongs to the person with the grievance, not to the hired intermediary.

The line. The distinction is compensation and principal-agent structure: a person petitioning for themselves or their own organization is exercising a constitutional right; a person paid to petition for someone else's interests is performing a commercial service. An organization's CEO advocating for the organization's interests is petitioning. A lobbyist paid by that CEO's organization to advocate for its interests is performing a commercial service. Both may speak; only the latter is subject to commercial regulation of the activity.

Section 5. FOIA as an Instrument of Petition and Universal Scope

FOIA and informed petition. The right to petition government effectively requires access to information about what government is doing. The Freedom of Information Act — as elevated and protected by Constitutional Statute 18 — is an essential instrument of the petition right. A person who seeks government documents to inform or support a petition for redress is exercising the right to petition, and agency obstruction of FOIA requests connected to active petitions for redress is a form of interference with the right to petition subject to the anti-retaliation provisions of Section 3.

Universal scope. Right 6 protects every person's right to petition their government. "Every person" in the context of this right means every person physically present in the United States — not merely citizens or lawful permanent residents. A non-citizen who is subject to government action — an immigration enforcement action, a regulatory decision, a denial of services — has the same right to petition for redress of that action as a citizen. The right to petition is the right to be heard by the government that governs them; it belongs to everyone that government governs, regardless of their legal status.

Petition rights for incarcerated persons. Persons who are incarcerated retain the right to petition government. This includes the right to contact federal courts, the right to file grievances with correctional authorities, the right to contact oversight bodies and Inspectors General, and the right to communicate with elected representatives. No correctional facility may punish, discipline, or retaliate against an incarcerated person for filing grievances or petitioning government bodies about conditions of confinement, treatment, or other matters of constitutional concern.

Section 6 — The Right to Petition Is Not a License to Restrain Trade

The right to petition government — to advocate, to seek favorable law, regulation, or enforcement — is preserved in full and may never be punished merely because the outcome sought would benefit the petitioner. It confers no immunity, however, from the laws that protect competition. Petitioning that is genuine is protected; petitioning that is a weapon is not.

No antitrust immunity for market-rigging. Two or more competitors who use lobbying, litigation, a regulatory proceeding, or a standard-setting body to allocate a market, exclude a rival, fix a price, or entrench a dominant position are fully liable under the antitrust laws for that conduct. That the instrument of the restraint was an appeal to government furnishes no immunity. The doctrine that concerted efforts to induce anticompetitive government action are automatically shielded from antitrust scrutiny is abolished to the extent set out in this Section.

The sham exception. A petition is protected where a reasonable petitioner could realistically expect the government action sought to redress a genuine grievance on its merits. A petition is a sham, and unprotected, where it is objectively baseless and is pursued to injure a competitor through the governmental process itself — its cost, its delay, its burden — rather than through any outcome the government might grant. A pattern of repetitive filings indifferent to their merits is evidence of sham.
Private power in public clothing. A rule, standard, or certification set by a body that competitors

control, and then given force through government adoption or reference, remains private conduct subject to the antitrust laws; government reference does not launder it.

Genuine advocacy fully protected. Nothing in this Section limits honest advocacy for law or policy, the good-faith pursuit of a legal claim, or any person's or organization's right to be heard. It reaches only the use of the forms of petition to accomplish, and immunize, a restraint of trade. This Section implements Article Thirty-One, Section 6, alongside the anti-monopoly and regulatory-capture provisions of Constitutional Statute 9.

CONSTITUTIONAL STATUTE 25

Right to Keep and Bear Arms Standards Act

Implementing Right 7.

SECTION 1. The Proportionality Test: Framework, Burden, and Evidence Standard

The three-part test. A firearm regulation — federal or state — is constitutional only if it: (1) is substantially related to a compelling governmental interest in public safety; (2) imposes a burden on the right to keep and bear arms that is proportional to the harm-reduction sought — meaning the government must demonstrate by evidence that the regulation materially reduces the identified safety harm rather than merely asserting that it does; and (3) does not categorically prohibit possession of firearms in common use for lawful purposes. All three elements are independently required. The government bears the burden of demonstrating all three. Failure on any single element renders the regulation unconstitutional.

Evidence standard. The compelling interest in public safety is well-established and does not require re-demonstration for each regulation. What must be demonstrated is the connection between the specific regulation and a material reduction in the specific harm it targets. Epidemiological evidence, criminological evidence, and statistical evidence of harm-reduction are all relevant. Legislative findings are relevant but not dispositive — the government must be able to point to evidence supporting those findings. A regulation whose connection to harm-reduction is speculative, unproven, or contradicted by available evidence does not satisfy the proportionality standard even if the underlying safety interest is genuine.

Historical-analogue test superseded. The historical-analogue test applied in *New York State Rifle & Pistol Association v. Bruen*, 597 U.S. 1 (2022) and its predecessors is superseded by this proportionality standard. Historical evidence of analogous regulations at the time of the founding is relevant context for understanding the scope of the right but is not the governing legal test under this Constitution. A regulation need not have a historical analogue to be constitutional; it must satisfy the three-part proportionality test.

"Effectively eliminates" defined. A regulation effectively eliminates the right to keep and bear arms when its practical effect — whether through direct prohibition, prohibitive cost, geographic inaccessibility, or procedural burden — is to make it impossible or functionally impossible for the average law-abiding person in the relevant jurisdiction to acquire, possess, or use a firearm for lawful self-defense. A series of individually permissible regulations that in combination produce this effect is unconstitutional on cumulative impact grounds, applying the same analysis as the reproductive access cumulative impact test in Constitutional Statute 3.

SECTION 2. Permitted Regulations: What Clearly Passes the Proportionality Test

The following categories of regulation are within the scope of the proportionality test and are constitutional when implemented with neutral, non-discriminatory criteria. Their constitutionality is established here to prevent decades of litigation over settled questions.

Permit-to-purchase systems. States may require a permit before purchasing a firearm, provided the permit process: applies neutral, objective criteria uniformly; does not vest unbounded discretion in any official; has a mandatory decision window not to exceed 30 days; provides for prompt judicial review of any denial; and charges fees that do not exceed the reasonable administrative cost of processing. A permit system that is used in practice to deny permits to eligible persons based on identity, viewpoint, or inability to pay is not a neutral system and is subject to challenge on those grounds independently of the permit requirement itself.

Waiting periods. Mandatory waiting periods between purchase and transfer of up to 14 days are constitutional. The evidence base for waiting periods — reduced impulsive violence and suicide — satisfies the proportionality standard. A waiting period that extends beyond 14 days requires specific evidence that the additional time produces additional harm-reduction proportionate to the extended burden.

Safe storage requirements. Requirements that firearms be stored securely when not in immediate use are constitutional, particularly in households where children are present. Safe storage requirements address a well-documented harm — accidental shootings, suicide, and theft — through means that impose minimal burden on lawful use of the firearm for self-defense, since the self-defense use case requires only that the firearm be accessible to the authorized owner when needed. A safe storage requirement must be a performance standard — the firearm must be inaccessible to unauthorized persons — rather than a specific technology mandate. Liability for negligent storage that results in harm to a third party is established by the standard tort law of the relevant jurisdiction and is not restricted by this Act.

Domestic violence and restraining order restrictions. Persons subject to a domestic violence restraining order issued after notice and a hearing, or convicted of a domestic violence offense, may be prohibited from possessing firearms. The evidence that firearms in domestic violence situations dramatically increase the risk of lethal outcomes satisfies the proportionality standard. The due process requirements of Section 4 apply.

Sensitive location restrictions. Firearms may be restricted in specific sensitive locations — including schools and school grounds, courthouses, polling places, and the secured areas of government buildings — where the government can demonstrate that the concentration of vulnerable persons and the nature of the activity create a specific, heightened public safety interest. Sensitive location restrictions must be limited to the specific location and must provide for secure, accessible storage of legally possessed firearms for persons who must leave them outside the sensitive area. **Dealer licensing and record-keeping.** Federal and state licensing requirements for commercial firearms dealers, and record-keeping requirements that support traceability and background check enforcement,

are constitutional. These requirements impose minimal burden on lawful ownership while serving significant law enforcement interests.

Section 3. Prohibited Regulations: What Fails the Proportionality Test

The following categories of regulation fail the proportionality test as a matter of constitutional law. Their unconstitutionality is established here to provide equal clarity on the limits of regulatory power.

Complete prohibition of handguns in common use. A total ban on handgun possession — the firearm most commonly kept for self-defense in the home — fails element three of the proportionality test. Handguns are in common use for lawful purposes. Their categorical prohibition effectively eliminates the core of the right. A regulation that bans the most common form of the protected activity is not proportional regardless of its safety rationale.

Complete prohibition of home possession. A law that prohibits the possession of any functional firearm in the home for self-defense effectively eliminates the right at its core. The home is the paradigm case of lawful possession and use that Right 7 specifically protects. Complete home possession bans are unconstitutional regardless of how they are structured or justified.

Prohibitive cost and administrative burden. A permit system, fee structure, or regulatory process that is so expensive or procedurally burdensome that it effectively prices lawful ownership out of reach for the average person, or that requires time and resources unavailable to working people, is unconstitutional as a functional elimination of the right. The right to keep and bear arms belongs to all citizens and LPRs — not only those who can afford significant fees or take extensive time off from work to comply with elaborate requirements.

Unconstitutional conditions on possession. A regulation that conditions the right to possess a firearm on agreement to warrantless searches, surrender of other constitutional rights, or compliance with requirements not connected to the safety rationale for the underlying regulation fails the proportionality test. The right to keep and bear arms cannot be converted into a basis for waiving other constitutional rights.

Section 4. Prohibited Persons: Who May Be Lawfully Disarmed and How

The right to keep and bear arms is not absolute. Persons who have demonstrated by their conduct that their possession of firearms poses a documented, specific danger to others may be prohibited from possessing firearms. This Section establishes the categories and the due process requirements that must accompany each.

Felony convictions. Persons convicted of felony offenses may be prohibited from possessing firearms. The prohibition applies to the conviction, not the underlying conduct alone — a person accused but not convicted retains the right. A felony conviction that has been expunged or for which the person has received a full pardon restores the right to possess firearms unless the specific offense falls within a category where permanent prohibition is separately justified. Congress shall establish a restoration

process that is accessible, timely, and evaluated on individualized evidence of current dangerousness rather than categorical exclusion based on the historical offense alone.

Domestic violence. Persons convicted of misdemeanor domestic violence offenses or subject to a domestic violence protective order issued after notice and a meaningful opportunity to be heard may be prohibited from possessing firearms. This is the most evidence-supported category of firearm prohibition: the presence of a firearm in a domestic violence situation increases the risk of homicide by approximately five times. Due process requires actual notice and genuine opportunity to contest the underlying finding.

Mental health adjudications. Persons adjudicated by a court as mentally incompetent, or involuntarily committed to a psychiatric institution under full judicial process with representation, may be prohibited from possessing firearms for the duration of that adjudication or commitment. The prohibition must be based on a judicial finding, not an administrative determination. Voluntary mental health treatment — including voluntary hospitalization — does not result in firearm prohibition. The stigma of mental illness must not be used as a categorical proxy for dangerousness; the standard is a judicial finding of specific incapacity or specific dangerousness, not a general diagnosis.

Extreme Risk Protection Orders. See Section 6. ERPOs are a separate category with their own procedural framework.

Others. Congress may by statute prohibit firearm possession by fugitives from justice, persons under felony indictment for violent crimes, and persons unlawfully present in the United States, provided each category is supported by evidence of the connection between the categorical status and firearm danger. Categorical prohibitions not supported by evidence of dangerousness are subject to proportionality challenge.

Section 5. Universal Background Checks: System Requirements and Private Transfers

Right 7 constitutionally requires universal background checks before any firearm transfer. This Section implements the system.

Universal coverage. Every transfer of a firearm — whether by a licensed dealer, a private individual, at a gun show, through an online sale, as a gift, or through any other mechanism — requires a background check through the federal system before the transfer is completed. The constitutional requirement admits no exception based on the relationship between the parties, the setting of the transfer, or the characterization of the transaction.

System requirements. Congress shall maintain the National Instant Criminal Background Check System — or its successor — at sufficient capacity to process all background check requests within 72 hours. A background check that is not resolved within 72 hours defaults to a conditional transfer authorization that is subject to subsequent reversal if the check returns a prohibited status within 10 business days. The system must be continuously updated with complete and accurate prohibited persons data from all relevant federal and state agencies. Gaps in the prohibited persons database that

result in prohibited persons passing background checks are a systemic constitutional failure for which Congress bears institutional responsibility.

Accuracy and appeals. A person who is incorrectly denied a firearm transfer based on inaccurate background check data has the right to a prompt correction process — a decision within 5 business days — and to judicial review of any sustained denial. The government bears the burden of establishing the accuracy of a denial. Damages are available for wrongful denials that deprive a person of the right to acquire a firearm to which they are entitled.

Section 6. Extreme Risk Protection Orders: Due Process, Standards, and Restoration

Extreme Risk Protection Orders — temporary judicial orders requiring a person to surrender firearms based on evidence of imminent danger — are constitutional under the proportionality test when implemented with full due process protections. They are one of the most evidence-supported interventions for preventing firearm suicide and mass violence.

Constitutional basis. An ERPO temporarily disarms a specific individual based on individualized evidence that they pose an imminent danger to themselves or others. Unlike categorical prohibitions, ERPOs target the specific, documented danger rather than a status category. The burden on the right is significant but temporary and reversible. The proportionality analysis is satisfied when the procedural requirements below are met.

Standard for issuance. An ERPO may be issued only upon a finding by clear and convincing evidence that the respondent poses an imminent, specific danger of serious harm to themselves or identifiable others, and that the temporary removal of firearms will materially reduce that danger. The "imminent" standard requires a specific, current threat — not a generalized assessment of future risk based on character, history alone, or identity characteristics. A judge who issues an ERPO must make specific written findings on both the danger and the connection between firearm removal and harm-reduction.

Due process requirements. An ERPO issued ex parte — without prior notice to the respondent — may be issued only upon a showing that providing prior notice would itself create or substantially increase the danger. Any ex parte ERPO must be followed by a full adversarial hearing within 7 days at which the respondent has the right to appear, to be represented by counsel, to present evidence, and to cross-examine witnesses. The government bears the burden of establishing the continued basis for the order at the post-deprivation hearing. An ERPO that is not confirmed at the 7-day hearing must be vacated and all surrendered firearms returned within 24 hours.

Duration and restoration. An ERPO confirmed after the adversarial hearing may remain in effect for up to 12 months. The respondent may petition for early termination at any time upon a showing that the danger has resolved. At expiration, the government must either initiate a renewal proceeding under the same standards or return all surrendered firearms. A respondent whose ERPO is denied, terminated,

or expires without renewal is entitled to the immediate return of surrendered firearms in the same condition as surrendered.

Section 7. Ghost Guns, Untraceable Weapons, and Serialization

Serialization requirement. Every firearm manufactured, assembled, or transferred within the jurisdiction of the United States must bear a permanent, legible serial number issued through the federal system. A firearm without a serial number is untraceable and cannot be connected to a transfer record, background check history, or chain of custody. Serialization imposes no burden on lawful possession — it does not restrict who may own a firearm or how it may be used. It serves the compelling law enforcement interest of traceability with effectively zero burden on the right itself.

Ghost guns prohibited. The manufacture, assembly, sale, or transfer of a firearm — whether from a kit, by 3D printing, or by any other method — that lacks a federally issued serial number or that is designed to be untraceable is prohibited. A person who legally manufactures a firearm for personal use must apply for and affix a serial number before the firearm is complete. This provision applies to all methods of manufacture including additive manufacturing, milling, casting, and assembly from commercially available components.

Conversion devices. Devices that convert semi-automatic firearms to fire automatically, or that replicate the effect of automatic fire through mechanical means, are subject to the same regulation as automatic weapons and may be prohibited on the same proportionality analysis applicable to automatic weapon restrictions.

Section 8. Employer Workplace Policies and Other Non-Governmental Contexts

Right 7 is a right against government action. Private employers, landlords, and property owners are not bound by it in their private capacity. This Section addresses the intersection of the right with private contexts where government has a role.

Employer policies. A private employer may establish and enforce a policy prohibiting or permitting firearms in the workplace as a legitimate business decision. Such a policy is not a government restriction on the right to keep and bear arms and is not subject to the proportionality test. An employer who prohibits firearms on its premises should provide reasonable security measures as an alternative means of personal safety; this is a best-practice standard, not a constitutional requirement enforceable against the employer. An employer who permits firearms must comply with applicable workplace safety standards under Constitutional Statute 6.

Government-employer distinction. A government employer — including any federal, state, or local government agency — is bound by Right 7 in its capacity as employer as well as in its capacity as regulator. A government agency that prohibits its employees from carrying firearms must demonstrate that the prohibition satisfies the proportionality standard. Law enforcement and security contexts are presumptively justified; civilian government office contexts require evidence-based justification.

Public housing. A blanket prohibition on firearm possession in public housing — government-owned and operated residential property — is subject to the proportionality standard because the residents have no private alternative equivalent to private housing ownership. A public housing authority that prohibits firearms must demonstrate proportionality under Section 1; a blanket prohibition that effectively eliminates the right for public housing residents while leaving it intact for private homeowners fails the equal protection analysis of Right 32 as well as the proportionality standard of Right 7.

Constitutional Statute 26

Criminal Procedure Standards Act

Implementing Rights 9, 11–14, 17–25.

Section 1. Exceptions to the Warrant Requirement: Right 9

Right 9 requires a warrant for most searches. "Most cases" acknowledges that specific, narrowly bounded exceptions exist. This Section defines those exceptions, limits their scope, and prevents their expansion by judicial improvisation.

Exigent circumstances. A warrantless search is permitted when: (a) law enforcement is in hot pursuit of a person who has committed a serious crime and the pursuit leads into private premises; (b) an officer has probable cause to believe that evidence is being actively destroyed and there is no time to obtain a warrant; or (c) an officer has probable cause to believe a person inside is in immediate danger of death or serious harm. Each of these requires both probable cause for the underlying belief and genuine exigency — the circumstances must be objectively verifiable, not merely asserted. The government bears the burden of demonstrating both at any suppression hearing.

Terry stops. A brief investigatory detention — not an arrest, not a full search — is constitutional when an officer has a reasonable, articulable suspicion based on specific, observable facts that criminal activity is afoot. Reasonable suspicion is less than probable cause but more than a hunch; it must be based on specific facts, not on a person's race, ethnicity, neighborhood, or prior criminal history alone. A Terry stop is limited in duration to the time reasonably necessary to confirm or dispel the suspicion. It permits a pat-down for weapons only when the officer has additional reason to believe the detained person is armed and dangerous. It does not permit a full search of the person or their belongings.

Automobile exception. A vehicle on a public road may be searched without a warrant when law enforcement has probable cause to believe the vehicle contains evidence of a crime or contraband. The automobile exception is based on the reduced expectation of privacy in vehicles operating on public roads. It permits search of areas of the vehicle where the evidence sought could plausibly be located — it is not a license to search every compartment, container, or locked area without additional probable cause for each. A vehicle parked on private property not generally accessible to the public is entitled to the same warrant protection as a home.

Consent. A person may consent to a search, making a warrant unnecessary. Consent must be voluntary — not the product of coercion, deception, or an officer's assertion of authority that misrepresents the person's right to refuse. A person who is in custody, surrounded by officers, or has been told they have no choice has not given meaningful consent. Officers must inform a person that they have the right to refuse consent before seeking it; consent obtained without this notice is presumptively involuntary. A person may revoke consent at any time before the search is complete. **Plain view.** An officer who is lawfully present in a location and observes evidence of a crime in plain view may seize that evidence

without a warrant. Three conditions must be met: the officer must be lawfully present; the incriminating nature of the evidence must be immediately apparent without further examination; and the officer must have a lawful right of access to the object itself. Plain view is a seizure doctrine, not a search doctrine — it authorizes taking what is already visible, not searching for what is hidden.

Search incident to lawful arrest. When a person is lawfully arrested, officers may search that person and the area within their immediate reach without a warrant. The justification is safety and prevention of evidence destruction. The scope is limited: the person's body, clothing, and the area immediately accessible to them at the moment of arrest. It does not authorize searching a home because a person is arrested near it, searching a car because a person is arrested near it but not inside it, or accessing locked devices found on the person.

No expansion by judicial interpretation. The exceptions enumerated in this Section are the complete list of recognized warrant exceptions under Right 9. Courts may not recognize new categories of warrantless search by analogy, implication, or reference to prior doctrine developed under the Fourth Amendment to the prior Constitution. A government search that does not fall within one of these categories requires a warrant or violates Right 9.

Section 2. Grand Jury: Scope, Secrecy, Subpoenas, and Targets

Right 11 requires a grand jury before any person may be charged with a serious federal crime. This Section defines the scope of that requirement and the standards governing grand jury proceedings.

Serious federal crime defined. A "serious federal crime" requiring grand jury indictment is any offense carrying a maximum potential sentence of more than one year of imprisonment. Petty offenses, infractions, and offenses carrying only fines or imprisonment of one year or less may be charged by information without grand jury indictment.

Grand jury independence. The grand jury is a citizen body — it is not an arm of the prosecution. The prosecutor presents evidence but does not deliberate or vote. The grand jury may ask its own questions, request additional witnesses or documents, and refuse to indict even when the prosecution believes the evidence is sufficient. An instruction to the grand jury that it must indict, or that its function is merely to evaluate sufficiency rather than to exercise independent judgment, is improper.

Grand jury secrecy. Grand jury proceedings are secret to protect witnesses from retaliation, to prevent flight by targets, to protect innocent persons who are investigated but not charged, and to preserve the integrity of the investigation. Grand jury secrecy is not absolute: a person who testifies before the grand jury may disclose their own testimony; courts may order disclosure upon a showing of compelling need; and a government official who leaks grand jury information to the press to prejudice a target's case is subject to sanctions. **Target letters and notice.** A person who is the target of a grand jury investigation — meaning the government has substantial evidence linking them to a crime and they are the focus of the investigation — must be notified of their target status before they are called to testify. A target who is called before a grand jury must be advised of their Right 13 privilege against

self-incrimination before any questioning. Failure to provide target notice and Right 13 warnings renders any testimony obtained inadmissible against the target.

Grand jury composition: fair cross-section. Grand juries must be drawn from a fair cross-section of the community using the same standards applicable to trial juries under Section 6 of this Act. The source pool for grand juror selection must not systematically exclude any identifiable group of persons eligible for grand jury service. A defendant who can make a prima facie showing that the grand jury was drawn from a pool that systematically excluded a cognizable group in the community may challenge the indictment on that basis. A successful challenge requires reindictment by a properly constituted grand jury — it does not bar prosecution.

Independence instruction: mandatory at commencement. At the commencement of every grand jury's service, the presiding judge must deliver — in writing and orally — an instruction that includes the following: that the grand jury is an independent constitutional body, not an arm of the prosecution or the court; that the grand jury has the right to refuse to return an indictment even when the government presents evidence it believes is sufficient to charge; that the grand jury may ask questions of witnesses, request additional witnesses, and request documents or evidence beyond what the government presents; and that no one — including the prosecutor and the judge — may direct the grand jury how to vote or instruct it that it must indict. This instruction must be provided to each grand juror in writing for reference throughout their service. A grand jury that was not provided this instruction has not been constituted in compliance with Right 11 and any indictment it returns is subject to challenge on that basis.

Section 3. Double Jeopardy: Same Offense, Dual Sovereignty, and When Jeopardy Attaches

Right 12 prohibits placing any person in jeopardy twice for the same offense. This Section implements the standard for "same offense," addresses the dual sovereignty question, and defines when jeopardy attaches.

Same offense defined. Two offenses are the same for double jeopardy purposes when each does not require proof of a fact that the other does not. An offense that is a lesser-included offense of another — one that could not have been committed without also committing the greater — is the same offense. Separate statutes that prohibit the same conduct with different labels do not create separate offenses; the government may not circumvent double jeopardy by charging the same conduct under different statutory names.

Dual sovereignty abolished. Under prior doctrine, the same conduct could be prosecuted by both a state and the federal government on the theory that they are separate sovereigns. This dual sovereignty doctrine is abolished under this Constitution. A person who has been acquitted or convicted by any governmental body — federal, state, or local — for a specific criminal act may not be charged by any other governmental body for the same act. The finality of a criminal judgment belongs to the person, not to any individual sovereign.

When jeopardy attaches. In a jury trial, jeopardy attaches when the jury is sworn. In a bench trial, jeopardy attaches when the first witness is sworn. Once jeopardy attaches, the government may not voluntarily terminate the proceeding in order to restart it with a stronger case. A mistrial declared over the defendant's objection bars retrial unless the government demonstrates genuine manifest necessity — not merely inconvenience or a desire for a better outcome.

Criminal proceedings only: civil liability not barred. The double jeopardy protection applies exclusively to criminal proceedings. A civil lawsuit, civil penalty, regulatory proceeding, administrative action, or any non-criminal proceeding arising from the same conduct is not barred by a prior criminal acquittal or conviction. Criminal punishment and civil liability serve different purposes — punishment and deterrence on one hand, compensation and remediation on the other — and both may be imposed for the same underlying conduct without violating Right 12. A person acquitted of a crime may still be held civilly liable for the same conduct. A person convicted of a crime may face both criminal punishment and civil liability for the harm caused. The government may also impose administrative sanctions — license revocations, professional discipline, civil monetary penalties — independently of criminal proceedings for the same underlying conduct.

Retrial after appeal: the acquittal-equivalent rule. When a criminal conviction is reversed on appeal based on the insufficiency of the evidence — meaning the reviewing court finds that no rational trier of fact could have found the defendant guilty beyond a reasonable doubt on the evidence presented at trial — the reversal constitutes a functional acquittal and bars any retrial. The government has had its full opportunity to prove guilt and has failed to meet the constitutional standard; it does not receive a second opportunity to present new or different evidence. When a conviction is reversed on appeal for procedural error, constitutional violation, or any ground other than evidentiary insufficiency, retrial is ordinarily permitted — the defendant accepted the risk of retrial by appealing. However, retrial after reversal for procedural error is barred when the defendant can demonstrate by clear and convincing evidence that the error was so pervasive and so specifically advantageous to the prosecution that meaningful retrial is impossible — not merely more difficult — without repeating the same constitutional violation.

Section 4. The Right to Remain Silent: Miranda, Waivers, and Immunity

Right 13 prohibits compelled self-incrimination. This Section implements the custodial interrogation warnings, waiver standards, and immunity framework that operationalize that right.

Required warnings. Before any person in government custody is questioned about any crime, that person must be clearly and specifically told: (1) that they have the right to remain silent; (2) that anything they say may be used against them in court; (3) that they have the right to have an attorney present before and during any questioning; and (4) that if they cannot afford an attorney, one will be appointed at government expense before any questioning begins. These four warnings are each individually required.

Invocation. Any indication — however informal — that a person in custody wishes to remain silent, or any request for an attorney, stops all questioning immediately. Questioning may not resume until an attorney is present. An ambiguous statement about wanting an attorney must be treated as an invocation. A person who invokes the right to remain silent may not be questioned again until they initiate further communication.

Waiver. A waiver of the right to remain silent and to counsel is valid only if it is knowing, voluntary, and not the product of prolonged pre-warning interrogation or other pressure. The government bears the burden of proving a valid waiver by clear and convincing evidence. A waiver obtained before the required warnings were given is void.

Public safety exception. Unwarned questioning is permissible in the narrow circumstance of an immediate, documented, specific threat to someone's physical safety — such as the location of a weapon accessible to the public. Statements obtained under this exception are admissible only on the specific public safety issue and are inadmissible in any prosecution of the person questioned.

Immunity grants. The government may compel testimony that would otherwise be protected by Right 13 by granting immunity. Use and derivative use immunity — which prohibits using the compelled testimony or any evidence derived from it against the witness in a criminal prosecution — satisfies the right and compels the witness to testify. Transactional immunity, which bars prosecution for any offense related to the compelled testimony, exceeds what the right requires but may be offered by the government as a matter of policy.

Civil proceedings. The right to remain silent applies in civil and administrative proceedings as well as criminal ones. A person may not be penalized — through adverse inference, contempt, or other sanction — solely for invoking the right against self-incrimination in a civil or administrative proceeding. However, where a person has been granted immunity or is no longer at risk of criminal prosecution, the right does not bar compelled civil testimony about the immunized conduct.

Coercion defined. A confession or statement is obtained through coercion — and is therefore inadmissible regardless of whether Miranda warnings were given — when it is the product of any of the following: prolonged isolation exceeding six consecutive hours without a meaningful break; sleep deprivation or denial of rest to a visibly exhausted person; denial of food, water, or access to bathroom facilities; threats of harm to the suspect or to any member of their family; promises of leniency that misrepresent actual legal outcomes; physical contact or physical threat of any kind; interrogation continuing after a suspect has clearly expressed a desire to stop or end the session; and any other condition that in its totality is reasonably likely to produce an unreliable statement from an innocent person. The test is reliability: a statement produced by conditions likely to cause an innocent person to confess is inadmissible. The government bears the burden of demonstrating none of these conditions were present. **Police deception during interrogation.** Law enforcement officers may not make materially false statements of fact to a suspect during interrogation for the purpose of inducing a confession or waiver of rights. Permitted: general statements that cooperation may be viewed

favorably; accurate descriptions of existing evidence; accurate statements about the charges; and expressions of the officer's personal belief. Prohibited: false claims that a co-defendant or witness has confessed or implicated the suspect; false claims about physical or forensic evidence; false claims about the sentence the suspect faces; false claims about immunity, leniency agreements, or prosecution decisions; and false statements about the consequences of silence or cooperation. A confession obtained primarily through material factual deception is presumptively involuntary. The government may rebut by demonstrating by clear and convincing evidence that the deception was not a material cause of the confession — meaning the suspect would have confessed absent the false statement. Rebuttal requires specific evidence, not merely the officer's assertion that the suspect seemed willing to talk.

Silence at any stage. The prohibition on using silence as evidence of guilt applies at every point — before arrest, after arrest, before Miranda warnings, after Miranda warnings, and at trial. A prosecutor may not comment on a defendant's silence at any stage as evidence of guilt. A jury may not be instructed that it may draw adverse inferences from silence at any point. This applies whether the defendant testifies or not. Pre-arrest silence — declining to speak with police before any custody — is equally protected. The government may not use a person's decision not to answer pre-arrest questions as evidence of guilt at trial.

Section 4A. The Constitutional Burden of Proof: Beyond a Reasonable Doubt

Right 14 of the Constitution guarantees due process in all criminal proceedings. Central to criminal due process is the allocation of the burden of proof. This Section establishes that burden as a constitutional requirement.

The standard. In every criminal proceeding, the government must prove every element of the charged offense beyond a reasonable doubt. This burden belongs entirely to the government at every stage. It never shifts to the defendant — not to rebut a presumption, not to establish an affirmative defense, not as a consequence of any evidentiary ruling. The presumption of innocence is the baseline from which the government must move the factfinder, not a rebuttable assumption the defendant must maintain.

Every element. Beyond a reasonable doubt applies to every element of the offense — including any fact that increases the maximum or minimum sentence beyond what the statute otherwise permits. Such a fact is an element of the aggravated offense that must be submitted to the jury and proven beyond a reasonable doubt. A judge may not find facts that increase punishment based on a preponderance of the evidence or any lesser standard.

Jury instruction. A jury must be instructed on the standard in every criminal case. The instruction must explain that reasonable doubt is not a mere possible doubt but a doubt based on reason leaving the juror without an abiding conviction of guilt. An instruction that tells jurors to convict if they are "pretty sure" or "more likely than not" is constitutionally deficient. A conviction obtained under a deficient instruction is subject to automatic reversal.

Affirmative defenses. The government may require the defendant to produce some evidence of an affirmative defense before it is submitted to the jury. The government may not require the defendant to prove the affirmative defense. Once the defendant raises it with sufficient evidence, the government must disprove it beyond a reasonable doubt as part of its overall burden.

Section 5. Speedy Trial: Timeframes, Continuances, and Remedies

Right 17 guarantees trial without unreasonable delay. This Section establishes the statutory framework that operationalizes that guarantee.

Statutory timeframe. The government must bring a criminal defendant to trial within 70 days of indictment or of the defendant's initial appearance before a judicial officer, whichever occurs later. This 70-day period is a statutory floor implementing Right 17 — it establishes the maximum permissible pre-trial delay before the constitutional right is presumptively violated. In cases involving complex evidence, multiple defendants, or extensive pretrial litigation, the court may extend this period with specific findings on the record justifying the extension and specifying its duration.

Continuances. Continuances of trial may be granted only for specific, documented reasons. Prosecutorial convenience, understaffing, or case overload are not legitimate grounds for continuance beyond the 70-day period. Continuances granted on the defendant's motion, or agreed to by the defendant with full knowledge of the right, are excludable from the speedy trial clock. Continuances granted over the defendant's objection require specific judicial findings of compelling necessity.

Remedy. The remedy for a speedy trial violation is dismissal. Where the delay was caused by prosecutorial misconduct or bad faith, dismissal is with prejudice — the government may not re-charge the defendant for the same conduct. Where the delay resulted from neutral causes without prosecutorial fault, the court weighs the severity of the delay, the reason for it, whether the defendant asserted the right, and the prejudice to the defendant. Significant prejudice to the defense — lost witnesses, faded memories, extended pretrial detention — weighs in favor of dismissal with prejudice even absent prosecutorial bad faith.

Section 5A. Pre-Indictment Delay: Protecting Against Investigative Prejudice

Right 17 guarantees a speedy trial once charges are filed. But the government can deliberately delay indictment for months or years after identifying a suspect — allowing memories to fade, witnesses to die, and exculpatory evidence to disappear — and then indict when the defense is most disadvantaged. This pre-indictment delay causes the same harm the speedy trial right is designed to prevent. This Section addresses that gap through the Due Process guarantee of Right 14, which independently prohibits prosecutorial conduct designed to gain tactical advantage through delay. **The pre-indictment delay standard.** A criminal prosecution must be dismissed when the defendant demonstrates that: (a) the government substantially delayed initiating formal charges after it had sufficient evidence to indict; (b) the delay was intentional — meaning the government knew of the prejudice its delay would cause and proceeded anyway, or was reckless about whether delay would prejudice the defense; and (c) the

delay caused actual and substantial prejudice to the defendant's ability to mount a defense — including the death or unavailability of witnesses who would have provided material favorable testimony, loss of physical evidence, degradation of the defendant's own memory of exculpatory details, and similar harms. All three elements must be established. The defendant bears the burden of demonstrating substantial prejudice; the government bears the burden of justifying the delay once substantial prejudice is shown.

Permissible reasons for pre-indictment delay. The government may justify pre-indictment delay by demonstrating that: the delay was necessary to complete a continuing investigation that had not yet produced sufficient evidence to indict; the delay was necessary to protect the safety of witnesses or undercover agents; or the delay resulted from good-faith legal or factual uncertainty about whether a crime was committed or who committed it. The government may not justify pre-indictment delay by reference to resource constraints, prosecutorial workload, or tactical choice to wait until witness memories have faded.

Statutes of limitations. Criminal statutes of limitations establish the outer boundary of permissible pre-indictment delay. A prosecution that is timely under the applicable statute of limitations is not automatically immune from pre-indictment delay challenge — the constitutional standard is independent of and more demanding than the statutory limitation period. Where a prosecution is brought within the limitation period but the defendant can demonstrate the three-part prejudice standard above, dismissal is required regardless of timeliness.

Section 5B. Civil and Immigration Detention: Speedy Resolution Rights

The speedy trial guarantee of Right 17 and the 48-hour judicial review guarantee of Right 33 establish the floor for persons held in criminal custody and civil detention respectively. But they do not address what happens after the initial 48-hour review when civil or immigration detention extends for weeks, months, or years. This Section addresses that gap. The power to hold a human being in a cell without criminal charge is among the most serious powers the government possesses. It requires not only initial judicial authorization but ongoing constitutional justification at regular intervals — and it must end within defined periods unless extraordinary circumstances are demonstrated.

Immigration detention: maximum periods and resolution requirements. A person held in civil immigration detention has a constitutional right to a final determination of their immigration status and removal proceedings within the following periods, measured from the date of initial detention: (a) 90 days for persons with no pending legal challenges to their detention or removal; (b) 180 days for persons with a pending administrative appeal before the Board of Immigration Appeals or equivalent body; and (c) one year for persons with a pending federal court petition for review or habeas corpus petition. These periods run from the date of initial detention, not from the date proceedings are initiated. When the applicable period expires without a final determination, the detained person must be released from detention — with any appropriate conditions of supervision — pending the completion of proceedings. Release is mandatory upon expiration of the period absent a specific

judicial finding, made in an adversarial proceeding with the detainee represented by counsel, that the specific individual poses a documented, concrete, non-speculative danger to a specifically identified person or persons that cannot be addressed by conditions of supervision.

Conditions of detention during immigration proceedings. A person in civil immigration detention is entitled to: an individualized hearing before a neutral immigration judge within 7 days of initial detention, at which the government must establish by clear and convincing evidence that detention — rather than supervision — is justified by documented flight risk or specific danger; the assistance of counsel at all detention hearings, provided at government expense if the detained person cannot afford counsel; all proceedings in a language the detained person understands, with a qualified interpreter provided at government expense; review of the detention determination at least every 30 days upon request; and access to their legal counsel without monitoring or recording of attorney-client communications.

No immigration detention for status alone. A person may not be detained pending immigration proceedings solely because of their immigration status — including unlawful presence or overstay of a visa — without an individualized finding of flight risk or danger. The government may not use mandatory detention policies that detain entire categories of persons without individualized assessment. A lawful permanent resident charged with a deportable offense may not be detained without the same individualized flight risk and danger finding applicable to any other person in civil detention.

Civil commitment: ongoing review requirements. A person held in civil commitment for mental health treatment has the right to a full adversarial hearing on the continued necessity of commitment at least every 90 days. The government bears the burden at each review hearing of demonstrating by clear and convincing evidence that the person continues to meet the legal standard for commitment and that no less restrictive alternative is available. The standard for continued commitment must be the same as or higher than the standard for initial commitment — the passage of time alone does not establish continued dangerousness. A person who has been held in civil commitment for one year must receive a full independent psychiatric evaluation by an evaluator not employed by the confining institution before any continuation of commitment beyond the first year is ordered.

Enforcement. Any person held in civil or immigration detention in violation of this Section may petition for a writ of habeas corpus in federal district court. The court must rule on the petition within 14 days of filing. The government bears the burden of establishing the lawfulness of the detention at the habeas hearing. A court that finds the detention unlawful must order immediate release or release with conditions — it may not order the government to conduct additional proceedings as a prerequisite to release when the detention period has expired. Detention in violation of this Section constitutes a continuing constitutional violation for which the responsible officials are personally liable. Systematic violations of this Section by an immigration detention facility or system are subject to injunctive relief requiring release of all detainees held beyond the applicable period.

Section 5C — Immigration Due Process: Long-Term Residents, Childhood Arrivals, and Article III Review. Article Seven, Section 3 of the Constitution establishes that persons who have resided in the United States for more than ten years with established family connections, community ties, and no serious criminal history have a substantive constitutional right to heightened protection from removal. This provision implements that standard and extends procedural protections to additional categories.

Long-term resident heightened protection. The heightened protection of Article Seven, Section 3 applies to any person who: has been physically present in the United States for ten or more continuous years; has established family ties, meaning a spouse, parent, or child who is a citizen or lawful permanent resident; has demonstrated community contribution through employment, education, business ownership, military service, or other documented civic engagement; and has no conviction for a serious crime — defined as a crime of violence, a drug trafficking offense, or any crime with a sentence exceeding one year actually served. When a removal order is sought against a person meeting these criteria, the government must demonstrate by clear and convincing evidence that a compelling governmental interest — documented threat to national security, serious criminal history, or other specific articulated interest of the highest order — outweighs the person's established ties. The government bears this burden entirely; it does not shift to the long-term resident to justify their continued presence.

Counsel at government expense. Every person in removal proceedings who cannot afford legal representation is entitled to counsel at government expense when: they have been present in the United States for five or more years; they entered the United States as a minor; they have a US citizen or lawful permanent resident immediate family member; or they have a credible asylum claim or protection from removal under other constitutional provisions. Congress must fund immigration counsel at a level adequate to provide representation to all eligible persons. A removal order entered against any person in these categories without the opportunity for government-funded counsel is void.

Mandatory Article III review. Every removal order is subject to appeal to an Article III federal court of appeals. The right to appeal is not contingent on whether the person has previously filed any administrative appeal, paid any fee, or met any procedural prerequisite beyond filing a timely notice of appeal within 30 days of the removal order. An Article III court reviews the legal and constitutional questions in a removal order de novo. No person may be removed while an Article III appeal is pending unless the court finds, after an adversarial hearing, that the person poses a specific, documented, non-speculative danger to an identified individual that cannot be addressed by conditions of supervision.

Section 6. Trial Rights: Public Trial, Jury, Charges, Confrontation, and Compulsory Process

Rights 18 through 22 establish the cluster of rights governing the trial itself. This Section implements the standards for each. **Public trial.** Criminal proceedings are presumptively open. Closure may be ordered only upon specific judicial findings that a compelling interest — such as protection of a minor victim's identity or prevention of irreparable harm to a defendant's right to a fair trial — requires

closure, and that closure is narrowly tailored to serve that interest. A preference for confidentiality or media management does not justify closure. Closure orders must be the minimum necessary and must be revisited as circumstances change.

Pre-trial proceedings. The presumption of openness applies to all criminal proceedings — not only to trial. Bail hearings, suppression motions, preliminary hearings, competency hearings, plea hearings, and sentencing proceedings are all presumptively open to the public and press on the same terms as trial. A court may not close a bail hearing to prevent public scrutiny of detention decisions, close a suppression hearing to prevent public awareness of alleged law enforcement misconduct, or close a plea hearing to conceal the terms of a negotiated resolution. The compelling interest standard for closure applies with equal force to all criminal proceedings. Pre-trial proceedings that effectively determine the outcome of a case — including a suppression hearing whose outcome determines whether charges must be dropped — are subject to at least the same openness standard as trial itself.

Media access and recording. Accredited press representatives may attend all criminal proceedings that are open to the general public. A court may regulate the manner of media coverage — limiting the number of recording devices for space or safety, requiring pooled coverage arrangements, or establishing designated areas for equipment — but may not categorically exclude press from any proceeding open to the public. Cameras and audio recording equipment may be excluded from a specific proceeding only upon a written finding that their presence would create a material and documented risk of specific prejudice to the defendant's right to a fair trial — not merely that participants would prefer not to be recorded, that the case is high-profile, or that the court finds cameras generally undesirable. A blanket court rule excluding cameras from all criminal proceedings without case-specific findings does not satisfy this standard. The press's right to attend, report, and record proceedings that are open to the public is an application of Right 4 as well as Right 18 and may not be abridged without meeting the standards of both.

Jury selection — unanimity and Batson. A jury in a serious criminal case must reach a unanimous verdict to convict. Non-unanimous verdicts are prohibited — the Sixth Amendment practice of allowing non-unanimous verdicts that persisted in some states is abolished under this Constitution. Jurors must be drawn from a fair cross-section of the community. Peremptory challenges may not be used to exclude jurors on the basis of race, sex, national origin, or any other characteristic protected by Right 32. A prima facie showing that a challenge was used on a prohibited basis shifts the burden to the challenging party to provide a race-and sex-neutral explanation; a pretextual explanation does not satisfy this burden.

Jury size: twelve for serious criminal cases. Any criminal case in which the defendant faces potential imprisonment exceeding one year requires a jury of twelve persons. A court may not convene a jury of fewer than twelve in any such case, regardless of the parties' agreement, local practice, or resource considerations. Alternate jurors may be empaneled to replace seated jurors who become unable to continue before or during trial. An alternate juror may not be substituted into deliberations after

deliberations have begun, except where the jury has not yet reached a verdict, all parties are given notice and an opportunity to be heard, and the court makes specific findings on the record that the substitution is necessary and will not prejudice the defendant. If no alternate is available when a juror becomes unable to continue after deliberations have begun, the court must either declare a mistrial or — with the defendant's express written consent — proceed with eleven jurors.

Voir dire: standards for meaningful examination. Each party must be permitted to ask questions of prospective jurors reasonably calculated to reveal actual bias or disqualifying prejudice. The following minimum standards apply to voir dire in all serious criminal cases: (a) a defendant charged with a crime with racial, ethnic, or religious overtones must be permitted to ask each prospective juror directly and specifically whether they hold bias against persons of the defendant's race, ethnicity, or religion; (b) prospective jurors who have been exposed to significant pretrial publicity must be individually examined about what they have seen or heard and whether they can set aside that information and decide the case solely on evidence presented at trial — a juror's assertion that they "can be fair" is insufficient if their answers demonstrate specific knowledge of prejudicial information; (c) the court may not so restrict voir dire as to prevent counsel from asking questions necessary to identify bias that would disqualify a juror for cause; and (d) a juror who concealed material information during voir dire — including prior criminal convictions, relationships with parties or counsel, or prior exposure to prejudicial information — provides grounds for a new trial upon discovery, regardless of when the concealment is discovered, if the concealed information would have been grounds for a challenge for cause.

Right to know charges. An indictment or information must state with specificity: the statutory provision alleged to have been violated; the specific conduct alleged; the date and location of the alleged conduct; and any specific intent, knowledge, or mental state the government alleges. An indictment that is so vague as to prevent the defendant from preparing a meaningful defense is constitutionally defective and must be dismissed or repleaded with the required specificity before trial proceeds.

Amendment of charges. A charging document may be amended before trial to correct formal defects — clerical errors, typographical mistakes, or technical insufficiencies that do not affect the substance of the charge — without requiring additional preparation time. A substantive amendment that changes the theory of the offense, the specific conduct alleged, or the statutory provision charged requires: written notice to the defense; a reasonable period of additional preparation time proportional to the significance of the change; and the defendant's right to move for dismissal if the amendment would cause material prejudice that additional time cannot cure. At trial, a constructive amendment — instructing the jury that it may convict on a theory of liability or a set of facts materially different from those alleged in the charging document — is prohibited. A constructive amendment is grounds for automatic reversal of any resulting conviction, without harmless-error analysis, because the defendant was never given the constitutionally required notice of what they had to defend against.

Bill of particulars. A defendant who cannot adequately prepare a defense from the charging document — even if the document satisfies the minimum specificity standards — may request a bill of particulars requiring the government to specify in detail any element of the charge not already stated with sufficient clarity. A request for a bill of particulars must be granted when the defendant demonstrates that the charging document, as written, does not give them sufficient notice to prepare a meaningful defense. The government's bill of particulars, once filed, limits the evidence and theories it may present at trial to what the particulars describe — the government may not use the charging document's general language to present evidence or arguments that exceed what the particulars specify. A defendant who receives a materially inadequate bill of particulars, or who is surprised at trial by evidence or theories not covered by the particulars, is entitled to a continuance sufficient to prepare a response, and where the surprise cannot be cured by continuance, to dismissal or a new trial.

Confrontation. The right to confront witnesses applies to all testimonial statements — statements made in circumstances where the speaker would reasonably know the statement might be used in a criminal prosecution. Testimonial hearsay is inadmissible against a criminal defendant unless the declarant testifies at trial or the defendant had a prior opportunity to cross-examine the declarant and the declarant is genuinely unavailable. Laboratory reports, forensic certificates, and similar documents prepared for use in prosecution are testimonial; the analyst who prepared them must testify or be subject to confrontation, not merely the documents themselves.

Genuine unavailability defined. A witness is genuinely unavailable for confrontation purposes only when: (a) the witness has died; (b) the witness is physically unable to travel to or testify in court due to a documented, current medical condition confirmed by independent medical evidence; (c) the witness cannot be located after the government has made documented, good-faith efforts over a meaningful period — meaning actual investigative steps to locate the witness, not merely unsuccessful phone calls — and the government did not contribute to the witness's unavailability by failing to subpoena them when they were available; or (d) the witness has invoked a valid privilege that prevents their testimony. A witness who is outside the country and whose appearance cannot be compelled may be unavailable for purposes of prior testimony admission but the government bears the burden of demonstrating it made good-faith efforts to secure the witness's voluntary return. A witness whose unavailability the government created or contributed to — by failing to timely subpoena a cooperative witness, by failing to disclose the witness to the defense in time to subpoena them, or by taking any action that caused the witness to become unavailable — does not satisfy this standard regardless of the witness's actual current unavailability.

Remote testimony. Testimony delivered via videoconference or other remote technology may satisfy the confrontation right only when all four of the following conditions are met: (a) the defendant and their counsel can cross-examine the witness in real time, without delay, and with full ability to observe the witness's responses and demeanor; (b) the defendant personally and the jury can observe the witness's demeanor, expressions, and body language on a screen of sufficient quality and size to permit credibility evaluation; (c) the witness's in-person appearance at trial is genuinely impossible — not

merely inconvenient — due to death, physical incapacity, or documented circumstances beyond the witness's control that prevent travel; and (d) the defendant has been given advance notice that remote testimony is proposed and an opportunity to object. Convenience of the government, the witness, the court, or any party is not a basis for remote testimony over the defendant's objection. A court may not authorize remote testimony simply to accommodate scheduling preferences, reduce travel costs, or avoid logistical difficulty. Where remote testimony is authorized over the defendant's objection, the court must make specific written findings on each of the four conditions above.

Compulsory process. A defendant has the right to compel the attendance of witnesses who have relevant evidence favorable to the defense. A court may not deny a defendant's request for a subpoena for a relevant witness without specific findings that the witness has no relevant testimony. The government may not use state secrets or classification privileges to prevent a defendant from calling witnesses whose testimony is necessary to a meaningful defense without offering an appropriate substitution — such as a stipulation or a declassified summary — that does not disadvantage the defense.

Defense witness immunity. When a defense witness invokes the right against self-incrimination and refuses to testify, and the defendant demonstrates that the witness has material testimony unavailable from any other source, the court may order the government to grant use immunity to the witness — prohibiting the use of their testimony or any evidence derived from it against them in a criminal prosecution. The government's power to grant immunity is a constitutional resource it holds as a function of the justice system, not a tactical weapon it may deploy selectively to secure prosecution testimony while denying equivalent access to the defense. A defendant who can demonstrate that: the witness has material, non-cumulative testimony favorable to the defense; the testimony is unavailable from other sources; and the government has declined to grant immunity while having immunized its own witnesses in the same case or while using pending charges over the witness as leverage — has established that the government's refusal to immunize constitutes a denial of the right to compel witnesses under Right 22. Upon such a showing, the court shall order the government to grant use immunity or, if the government refuses, shall sanction the government as appropriate including by precluding prosecution evidence that the immunized testimony would have rebutted.

Government interference with defense witnesses prohibited. The government may not take any action designed to discourage, intimidate, or prevent a witness from testifying for the defense. Prohibited conduct includes: threatening the witness with prosecution for any matter arising out of their potential testimony; communicating — explicitly or implicitly — that cooperation with the defense will bring adverse consequences in any pending or potential government proceeding involving the witness; using pending charges against the witness as leverage to prevent their testimony for the defense; directing or inducing third parties to pressure a potential defense witness not to testify; and failing to protect a defense witness from threats or intimidation by third parties when the government is aware of those threats. Any government conduct that has the purpose or reasonably foreseeable effect of discouraging a defense witness from testifying constitutes interference with the right to

compel witnesses. The remedy for government interference is: dismissal of the charges if the interference was substantial and materially prejudiced the defense; exclusion of prosecution evidence that the suppressed defense testimony would have rebutted; an adverse jury instruction stating that the government improperly interfered with the defendant's right to present witnesses; and personal sanctions against the government official responsible for the interference.

Section 7. Right to Counsel: Public Defender Standards and Effective Assistance

Right 23 guarantees the right to counsel in any proceeding that could result in incarceration. This Section establishes the funding, caseload, and competency standards that make that right meaningful rather than nominal.

When the right attaches. The right to counsel attaches at the initiation of formal criminal proceedings — indictment, arraignment, or initial appearance — and extends through all critical stages of the proceeding including bail hearings, plea negotiations, trial, sentencing, and the first appeal as of right. It also applies during any custodial interrogation, as established in Section 4.

Public defender funding. The right to counsel is meaningless for the majority of criminal defendants — who cannot afford private counsel — unless the public defender system is funded at levels adequate to provide genuine representation. Congress and the states must fund public defender offices at levels sufficient to ensure that no public defender carries a caseload that prevents them from providing constitutionally adequate representation. Congress shall establish maximum caseload standards for public defenders by Constitutional Statute. A jurisdiction whose public defender caseloads systematically prevent adequate representation is in ongoing constitutional violation regardless of whether any individual defendant can demonstrate specific prejudice.

Effective assistance standard. The right to counsel is the right to competent, effective representation — not merely the formal assignment of a lawyer. Counsel is constitutionally ineffective when their performance falls below an objective standard of reasonableness and there is a reasonable probability that competent representation would have produced a different outcome. Ineffective assistance includes: failure to investigate available defenses; failure to file meritorious motions to suppress; failure to consult with the client about the facts; advising a guilty plea without investigating the evidence; and failure to explain the immigration consequences of a plea to a non-citizen client. Prejudice is presumed — the defendant need not prove the outcome would have been different — when counsel was entirely absent at a critical stage or was laboring under an actual conflict of interest.

Right to counsel of choice. A defendant who can afford to retain counsel has the right to be represented by the attorney of their choice. The government may not prevent a defendant from retaining chosen counsel by seizing all available assets before trial without providing a procedure to exempt funds reasonably necessary for legal representation. A pre-trial asset freeze, forfeiture action, or restraining order that has the effect of preventing the defendant from retaining chosen counsel implicates Right 23 and must be specifically justified by a compelling government interest, narrowly

tailored to freeze only what is necessary for the government's legitimate purpose, and accompanied by a procedure through which the defendant may seek release of funds for legal fees. Where the government's asset freeze effectively forces the defendant into the public defender system, any resulting conviction is subject to challenge on the grounds that the defendant was denied the right to retained counsel of choice.

Conflicts of interest defined. An actual conflict of interest — which triggers presumed prejudice under the effective assistance standard — exists when counsel's representation of the defendant is materially limited by: simultaneous representation of another client whose interests conflict with the defendant's; representation of a former client against whom the defendant's case requires argument; counsel's own financial, personal, or professional interest in an outcome adverse to the defendant; or any other duty owed to a person or entity that impairs counsel's undivided loyalty to the defendant. Joint representation of co-defendants creates an actual conflict when their interests have diverged — including when one co-defendant has agreed to cooperate with the government, when the defendants will offer mutually antagonistic defenses, or when a favorable outcome for one defendant requires an unfavorable outcome for the other. A conflict is not waivable when the joint defendants will offer mutually antagonistic defenses or when one co-defendant has agreed to cooperate against the other. Before permitting joint representation, a court must conduct an on-the-record inquiry into each defendant's understanding of the potential conflict and must specifically find that each defendant knowingly and voluntarily waives any identified conflict.

Waiver of counsel: pro se representation. A defendant may waive the right to counsel and represent themselves, but only after the court conducts a thorough on-the-record inquiry establishing that the waiver is: knowing — the defendant understands the nature of the charges, the range of potential penalties, and the specific risks and disadvantages of self-representation; voluntary — the decision is not the product of dissatisfaction with a specific attorney that could be addressed by appointing substitute counsel; and unequivocal — the defendant has made a clear, consistent decision to proceed without counsel, not a tactical or conditional request. Before accepting a waiver, the court must specifically advise the defendant that: they will be held to the same procedural and evidentiary rules as licensed attorneys with no special assistance from the court; legal training and experience make a material difference in outcomes; the right to counsel exists precisely because lay persons are at a severe disadvantage against trained prosecutors; and the court's acceptance of the waiver does not mean the court believes self-representation is advisable. In any serious criminal case — where the defendant faces potential imprisonment exceeding one year — the court must appoint standby counsel to be available throughout the proceeding even when the defendant proceeds pro se. Standby counsel may be directed by the court to take over the representation if the defendant's self-representation becomes so disruptive that it prevents a fair proceeding.

Section 8. Bail and Pretrial Detention: Right 24

Right 24 prohibits holding persons in jail before trial solely because they cannot afford bail. This Section establishes the framework for pretrial release and detention decisions.

The presumption of release. Every person charged with a crime is presumed entitled to pretrial release. Pretrial detention — incarceration before any finding of guilt — is a serious deprivation of liberty and requires specific justification. The default is release; detention is the exception that must be justified.

Permissible bases for detention. A person may be detained pending trial only upon a judicial finding, after an adversarial hearing with counsel, that: (a) the person poses a specific, documented, non-speculative danger to an identifiable person or persons that cannot be adequately addressed through conditions of release; or (b) the person poses a serious, documented risk of flight that cannot be adequately addressed through conditions of release. The burden is on the government to establish both the risk and the inadequacy of less restrictive alternatives.

Wealth neutrality required. The financial condition of the accused may not determine whether they are detained pending trial. A secured money bond that results in the detention of a person who cannot afford to pay it while a wealthier person charged with the same offense is released is unconstitutional. Courts must impose the least restrictive conditions necessary to address documented flight risk and danger — and those conditions must be equally applicable regardless of the accused's wealth. Unsecured bonds, signature bonds, pretrial supervision, electronic monitoring, curfews, and other non-financial conditions must be considered before any financial condition is imposed.

Pretrial detention review. A person detained pending trial must receive a hearing on the detention order within 7 days of initial detention and at any subsequent 30-day interval upon request. Changed circumstances — new evidence, changed personal situation, passage of time — must be considered at each review hearing. Pretrial detention that extends beyond 6 months triggers a presumption of speedy trial violation and requires specific judicial findings of necessity.

Conditions of release: minimum necessary, no de facto detention. Conditions of pretrial release must be the minimum necessary to address the specific documented risk of flight or danger that justified their imposition. A condition is de facto detention — and must be justified by the same standard as formal detention — when it prevents the person from working, caring for dependents, meeting basic needs, or living a minimally normal life pending trial. GPS monitoring that confines a person to their home without justification for the geographic restriction, curfews that prevent employment during working hours, and drug testing regimens that prohibit legal substances or create automatic violations from prescribed medications are de facto detention and must be individually justified. Conditions may not be imposed for the purpose of creating the likelihood of technical violation and re-detention — a condition package designed to guarantee failure is a detention order by another name and is unconstitutional on those grounds.

Bail schedules prohibited for individualized determinations. Predetermined bail schedules — fixed bail amounts based solely on the charge without individualized assessment of the specific person —

are unconstitutional as applied to any person who would be detained solely because they cannot afford the scheduled amount. The use of a bail schedule does not satisfy the individualized assessment requirement of this Section. Before setting any financial condition of release, a court must conduct an individualized assessment considering: the specific person's financial circumstances and ability to pay; their community ties, employment, family situation, and length of residence; their history of appearing for prior court dates; the nature and circumstances of the alleged offense; and the availability of non-financial conditions that would adequately address flight risk and danger. A financial condition set without this assessment, or set at a level the court knows or should know the defendant cannot pay, is a wealth-based detention order and violates Right 24.

Section 9. Proportional Sentencing: Right 25

Right 25 requires that punishment be proportionate to the offense. This Section establishes the framework for proportionality review and addresses mandatory minimums.

The proportionality standard. A sentence violates Right 25 when it is grossly disproportionate to the gravity of the offense — when a reasonable person, comparing the offense to the sentence, would conclude that the punishment shocks the conscience. Courts apply a two-step analysis: first, comparing the sentence to the offense to determine whether it raises an inference of gross disproportionality; and second, if the inference is raised, comparing the sentence to sentences imposed for similar offenses in the same and other jurisdictions. A sentence that is far in excess of what is imposed for comparable conduct in comparable jurisdictions is presumptively disproportionate.

Mandatory minimums. Mandatory minimum sentences — statutory provisions that require a specific minimum sentence regardless of the circumstances of the offense or the individual characteristics of the defendant — are constitutional only when the mandatory minimum is not grossly disproportionate to the least culpable conduct that triggers the statute. A mandatory minimum that requires the same severe sentence for a minor participant in a drug transaction as for the organizer of a trafficking network is disproportionate as applied to the minor participant. Courts may depart from a mandatory minimum sentence upon a finding that its application in the specific case would violate Right 25, made on the record with specific findings.

Life without parole. A sentence of life without the possibility of parole is subject to heightened proportionality scrutiny. For juveniles — persons under 18 at the time of the offense — life without parole is unconstitutional for any offense other than intentional homicide, and even for homicide it requires specific judicial findings that the individual's characteristics and the circumstances of the offense justify permanent incapacitation. For adults, life without parole for non-violent offenses is presumptively disproportionate and requires specific findings of extraordinary circumstances justifying permanent removal from society.

Systemic sentencing disparity. Proportionality under Right 25 applies to individual sentences and to patterns of sentencing. When data demonstrates that sentences for comparable conduct vary

significantly based on race, national origin, sex, or any other characteristic protected by Right 32 within the same jurisdiction — controlling for legitimate sentencing factors such as offense severity, criminal history, and mitigating circumstances — that disparity is evidence of disproportionality reviewable under this Section. A defendant who presents credible statistical evidence of a significant, unexplained sentencing disparity correlated with a protected characteristic is entitled to a proportionality hearing at which the prosecution must provide a race-neutral, characteristic-neutral explanation for the disparity. The explanation must be grounded in legitimate sentencing factors — not in prosecutorial discretion exercised on an unexplained basis. A jurisdiction with documented and persistent sentencing disparities that it has failed to address after notice is in ongoing constitutional violation of Right 25 as to every sentence imposed within that disparity pattern.

Cumulative enhancement analysis. When multiple sentencing enhancements are applied to a single criminal act or continuous course of conduct, the aggregate sentence from all enhancements combined must survive proportionality review as a whole. The two-step analysis of this Section applies to the total sentence imposed — not to each enhancement examined in isolation. An aggregate sentence that would be grossly disproportionate if imposed as a single term does not become proportionate because it was assembled from individually permissible components. Courts must conduct the proportionality analysis on the final sentence the defendant actually faces before imposing it, not after decomposing it into its constituent enhancements.

Recidivist enhancements. A prior conviction may justify an enhanced sentence only when the prior offense is of a character relevant to the current offense — meaning the prior conviction provides specific, articulable evidence of elevated dangerousness or culpability with respect to the conduct for which the defendant is currently being sentenced. A prior non-violent offense may not serve as the predicate for a mandatory life sentence upon a subsequent non-violent offense. Three-strikes provisions and habitual offender statutes that require mandatory life sentences or dramatically enhanced sentences upon a third or subsequent conviction must survive the cumulative enhancement analysis above — the aggregate sentence imposed under such a provision must not be grossly disproportionate to the gravity of the triggering offense considered in light of the defendant's full history. A court applying a recidivist enhancement must make specific findings on the record explaining how the prior offense history justifies the specific enhancement applied to the specific defendant for the specific conduct before it.

Substance sentencing parity. Sentencing for the possession, distribution, or manufacture of a controlled substance may not differ from the sentencing for possession, distribution, or manufacture of an equivalent quantity of any chemically similar form of the same substance, unless the difference in sentencing is justified by a documented, scientifically supported difference in the substance's pharmacological effect, addictive potential, or associated harm, established through evidence presented to and findings made by Congress at the time the sentencing distinction is enacted. Congress must review any existing sentencing distinction between different forms of the same controlled substance within 2 years of ratification and must repeal or scientifically justify any distinction lacking such

evidentiary support. A sentencing distinction's disparate impact on a particular racial, ethnic, or socioeconomic group, standing alone, does not justify the distinction; it is evidence the distinction requires the scientific justification this Section requires.

Section 10. Federal Marijuana Conviction Expungement: Administration and Implementation

Article Seventeen of the Constitution ends federal marijuana prohibition upon ratification and requires automatic expungement of all federal convictions for simple marijuana possession within 180 days of ratification. This Section establishes the administrative process for implementing that automatic expungement.

Simple possession defined. For purposes of this Section, simple possession means any federal conviction under any statute that criminalized the possession of marijuana for personal use without intent to distribute, including any conviction for possession of any amount of marijuana that did not also include a finding or charge of distribution, trafficking, or manufacture. A conviction that included a possession charge as a lesser included offense alongside a distribution or trafficking charge is subject to partial expungement of the possession element only, with the distribution or trafficking conviction subject to standard post-conviction relief procedures.

DOJ compilation and court expungement orders. Within 90 days of ratification, the Department of Justice must compile and certify to each federal district court a complete list of all federal simple possession convictions within that court's jurisdiction. The list must include the conviction date, the case number, the name of the convicted person, and the specific charge. Within 180 days of ratification, each federal district court must issue automatic expungement orders for all convictions on the certified list. No hearing, petition, or appearance by the affected person is required. The expungement orders are issued as ministerial acts of the court — the court exercises no discretion in issuing them.

Database updates and certified notice. Within 30 days of each expungement order, the FBI must update the National Crime Information Center database to reflect the expungement, flagging the record as expunged and unavailable for background check purposes. The DOJ must send certified written notice to each person whose conviction has been expunged at their last known address, as well as to any state criminal justice agency that received notification of the federal conviction. A person whose conviction has been expunged may legally represent on any background check, employment application, housing application, or federal form that they have not been convicted of the expunged offense. If the DOJ cannot locate a person's current address, the expungement is valid and effective regardless — the person need not be located for the expungement to take effect.

Persons currently incarcerated for simple possession. Any person currently serving a federal sentence solely for simple marijuana possession — with no other offense of conviction — is released within 30 days of ratification. Any person currently serving a sentence that includes a simple possession conviction alongside other offenses has their sentence recalculated as if the possession

conviction had never occurred, within 60 days of ratification. If removal of the possession conviction reduces the applicable sentence guideline range, the sentence is reduced to the maximum of the recalculated range unless a court finds specific documented reasons on the record to maintain a higher sentence.

Section 11. Juvenile Justice Transfer: Hearing Standards and Appellate Review

Article Twenty-One, Section 3 permits trial of a child under 18 as an adult only for homicide or other serious violent felonies, and only after a judicial hearing applying the best-interests standard and considering the child's age, development, and circumstances. This Section implements the transfer hearing standards, the burden of proof, and the required findings.

Eligible offenses for adult transfer. A child under 18 may be transferred to adult court only for: homicide in any degree; attempted homicide; rape or aggravated sexual assault; aggravated assault causing serious bodily injury with use of a deadly weapon; robbery with use of a deadly weapon causing serious bodily injury; and arson causing death or serious bodily injury. No other offense — regardless of the severity of the conduct, the criminal history of the child, or the child's age at the time of the offense — qualifies for adult court transfer. A prosecutor may not circumvent this limitation by charging multiple lesser offenses that in combination would approach the severity of a qualifying offense.

Transfer hearing requirements. Before any child under 18 may be transferred to adult court, a judicial hearing must be held in juvenile court before a judge — not a magistrate. The prosecution bears the burden of proving by clear and convincing evidence that transfer to adult court is in the best interests of the child and the public, considering all of the following factors, each of which must be addressed on the record: the child's age and developmental maturity at the time of the offense; the child's cognitive and psychological development as assessed by a qualified mental health professional retained by the court, not by either party; the nature and circumstances of the alleged offense, including the child's specific role; the child's prior record, if any, and the outcomes of any prior juvenile interventions; the availability and adequacy of rehabilitative programs within the juvenile justice system; the likelihood that the child can be rehabilitated before the age at which juvenile jurisdiction expires; and any mitigating circumstances including trauma history, family circumstances, substance abuse, mental health conditions, and the influence of adults or peers on the child's conduct. The child has the right to counsel throughout the transfer proceeding, to present evidence and witnesses, to cross-examine the prosecution's experts, and to allocute before the court. The child's own statement of their circumstances, understanding, and plans carries weight in the best-interests determination.

Required findings and appellate review. A transfer order must include specific written findings on each of the factors enumerated in this Section, explaining why each factor supports or does not support transfer and how the court weighed them. A transfer order that does not include the required specific written findings is void. A child transferred to adult court has an absolute right of appeal of the transfer order before trial in adult court — the transfer is stayed pending the appeal unless the court makes

specific findings that the child poses an imminent danger that cannot be managed in juvenile detention. Appellate courts review transfer orders under a de novo standard as to legal and constitutional requirements and for clear error as to factual findings — the deference typically afforded trial court discretion does not apply to transfer decisions given the constitutional weight of the determination.

Section 12. Controlled Substance Classification: Evidence, Review, and the Research Exception

The classification of a substance determines whether possessing it is a crime, whether it may be studied, and whether it may be prescribed. That decision is among the most consequential a government makes about individual liberty, and it may not rest on assertion, inertia, or political convenience. This Section governs how substances are classified — not which substances should be lawful, which remains a question for Congress and the people.

Classification rests on published evidence. Any classification or rescheduling of a substance shall be based on published, peer-reviewed scientific evidence regarding its pharmacology, its potential for harm and dependence, and its accepted or potential medical use. The agency shall publish the evidentiary record and the reasoning supporting the classification at the time it is made. A classification supported by no published evidence, or contradicted by the weight of published evidence, is arbitrary and void.

Mandatory periodic review. Every classification shall be reviewed on a fixed schedule established by Congress, and in no event less often than every eight years, against the current state of scientific evidence. A review that reaffirms a classification shall state the evidence supporting it. Failure to conduct a required review renders the classification unenforceable until the review is completed.

The research exception. A classification may not be used to prevent scientific study of a substance. Where a substance is classified in a manner asserting it has no accepted medical use, that classification shall not bar research into whether such use exists, and the agency shall maintain a workable process by which qualified researchers may obtain access. A classification regime that makes the research necessary to revisit it practically impossible is self-sealing and void: the government may not simultaneously claim a substance has no proven medical value and prevent the research that would establish whether it does.

Petition and judicial review. Any person, institution, or State may petition for the classification or rescheduling of a substance. The agency shall respond on the published evidentiary record within one year, with reasons. A denial is subject to judicial review, and a court shall set aside a classification that is unsupported by the evidentiary record, that fails to account for material contrary evidence, or that was not timely reviewed. The court reviews the evidentiary record itself and does not defer to the agency's characterization of it.

Anti-capture. Evidence that a private party with a financial interest in the classification of a substance — including a competing lawful product — participated in drafting, funding, or lobbying for the classification is admissible on whether the classification is arbitrary under this Section.

Section 13. Military Justice: Separate Discipline, Undiminished Rights

The armed forces require a system of discipline that civilian courts cannot provide. A soldier who abandons a post in combat cannot await a civilian docket. But military necessity justifies a separate forum — it does not justify a lesser standard of justice, and it has too often been used to shield serious crimes within the chain of command. This Section reconciles the two: Congress may maintain a separate military justice system, and the rights of Article Two follow the service member into it.

Authority and its limit. Congress may establish and regulate a system of military justice for offenses arising from military service. Its jurisdiction extends only to persons then serving in the armed forces and only to offenses connected to that service. No civilian may be tried by a military court while the civilian courts are open and functioning, and no person may be transferred to military jurisdiction to avoid the protections of a civilian trial.

Rights that follow the service member. Every service member tried under military authority retains: notice of the charges; the presumption of innocence and proof beyond a reasonable doubt; the right to counsel, provided at government expense and free of any duty to the command; the right to confront witnesses and present a defense; the right against compelled self-incrimination; protection against double jeopardy; and the prohibition on cruel, unusual, or disproportionate punishment. These rights are not diminished by rank, by deployment, or by declaration of emergency.

Independence from the chain of command. The decision to prefer charges, the selection of the members who decide the case, and the review of the outcome may not rest with a commander in the accused's own chain of command. Charging decisions for serious offenses — including homicide, sexual assault, and offenses causing grievous bodily harm — shall be made by an independent military prosecutor outside that chain, whose decision a commander may not overrule, and no commander may set aside a finding of guilt. A commander may not lawfully be both the accuser's supervisor and the architect of the tribunal that judges the accused.

Appeal to an Article III court. A service member convicted under military authority has the right to appeal to an Article III federal court. That court reviews the conviction on the law and on the sufficiency of the evidence, and does not defer to the military's characterization of either. A conviction that could not stand in a civilian court on the same record may not stand here.

Retaliation and reporting. A service member who reports a crime, an unlawful order, or misconduct within the armed forces is protected by the whistleblower provisions of Constitutional Statute 28, and retaliation through assignment, evaluation, discipline, or discharge is itself an offense. The independence of the reporting channel from the accused's chain of command is required.

Constitutional Statute 27

Humane Punishment and Permanent Confinement Standards Act

Implementing Right 29.

Section 1. The Death Penalty: Abolished in All Forms and Circumstances

The death penalty is abolished under this Constitution. No government — federal, state, or local — may execute any person as punishment for any offense, under any circumstances, at any time. This prohibition is absolute and admits no exception.

Scope. The abolition covers every method of execution without exception — lethal injection, electrocution, hanging, firing squad, gas chamber, or any method not yet developed. It covers executions carried out directly by government officials and executions carried out by private parties under government authorization. It covers executions following civilian trials and military tribunals. It covers executions of persons convicted of crimes against the United States and persons convicted of crimes against states.

Existing death sentences. Any person currently under a sentence of death at the time this Constitution takes effect has that sentence commuted by operation of law to permanent confinement. No further judicial proceeding is required for the commutation. The commuted sentence is permanent confinement under the terms of Section 2 if the offense qualifies, or the maximum non-permanent sentence available for the offense if it does not. The commutation does not affect the validity of the conviction or the person's right to continue any pending appeal.

No substitution through other means. The death penalty may not be reimposed through any mechanism — including by characterizing an execution as something other than punishment, by using extrajudicial means, or by enacting statutes that effectively authorize killing as a consequence of conviction. Any government action that results in the death of a convicted person as an intended consequence of that conviction violates this Right regardless of the label applied to it.

Section 2. Permanent Confinement: Qualifying Offenses, Conditions, and Release

For the most heinous offenses, permanent confinement in a secure federal or state penal institution is the appropriate constitutional maximum — replacing death as the response to conduct of the gravest severity. Permanent confinement means confinement for the remainder of the person's natural life in a secure prison, with no eligibility for parole, community supervision, home detention, or any form of release into the general public except as provided in this Section.

Qualifying offenses. Permanent confinement is available as a sentence — and Congress or a state legislature may make it mandatory — for the following categories of offense when proven beyond a reasonable doubt with the specific elements below: (a) *Aggravated multiple murder* — the intentional

killing of two or more persons in separate incidents, or the intentional killing of one or more persons under aggravating circumstances including torture, killing of a child under 14, or killing of a law enforcement officer in the performance of their duties; (b) *Serial rape* — conviction for the forcible rape of two or more persons in separate incidents; (c) *Crimes against children* — the sexual abuse, rape, or systematic exploitation of a child under 14, including the production, distribution, or possession with intent to distribute of child sexual abuse material; (d) *Treason causing death or grave national harm* — treason as defined in this Constitution that results in the death of one or more persons or causes grave and documented harm to the national security of the United States; (e) *Murder for hire* — conspiracy to commit, or commission of, murder as a paid or compensated agent, regardless of whether the victim was the intended target; (f) *Terrorism resulting in mass death* — any act of terrorism that results in the death of three or more persons. Congress may by statute add additional offense categories to this list, provided each additional category involves conduct of comparable gravity to those listed above and is approved by a two-thirds supermajority of both houses.

Placement: secure federal or state prison only. A person sentenced to permanent confinement shall be held in a federal Bureau of Prisons facility or a state maximum security penal institution that meets federal minimum standards for humane confinement. Persons under permanent confinement sentences are not eligible for: placement in home detention; placement in a halfway house, residential reentry center, or community corrections facility; work release programs that permit overnight absence from the secure facility; or any supervised release, parole, or probation that places the person in unsupervised or minimally supervised community settings. Within the secure institution, persons under permanent confinement may participate in educational programs, vocational training, religious observance, and other rehabilitative programming available to other incarcerated persons — humane treatment is a continuing constitutional obligation regardless of sentence length.

The only path to release: successful appeal. A person serving a permanent confinement sentence may be released from confinement only upon: (a) a final court order of acquittal on appeal; (b) a final court order reversing the conviction with a direction that charges be dismissed, where the reversal is based on insufficient evidence, prosecutorial misconduct of such severity that retrial is barred, or a newly established showing of factual innocence; or (c) a court order based on newly discovered evidence establishing by clear and convincing evidence that the person is factually innocent of the offense for which the permanent sentence was imposed. A commutation of sentence by the President or a Governor reduces the sentence to a specific term of years and makes the person eligible for release upon completion of that term or upon parole eligibility under the commuted term — but a commutation to a term of years that has already been served requires immediate release. A pardon restores civil rights and may result in immediate release. Neither commutation nor pardon is prohibited by this Section; the executive clemency power is preserved and operates independently of the permanent confinement sentence.

Proportionality and Right 25. A permanent confinement sentence for a qualifying offense satisfies the proportionality requirement of Right 25 — the legislature's determination that these specific

offenses warrant permanent removal from society is a constitutional judgment this Act implements. Courts reviewing a permanent confinement sentence for a qualifying offense apply the proportionality analysis of Right 25 only to determine whether the specific individual's offense and circumstances fall within the qualifying category — not to second-guess the legislature's determination that the category as a whole warrants permanent confinement.

Section 3. Solitary Confinement: Limits and Prohibited Uses

Extended solitary confinement — isolation of an incarcerated person from meaningful human contact for prolonged periods — causes severe, documented, and sometimes irreversible psychological harm. It constitutes cruel and degrading treatment under Right 29 when imposed beyond the narrow circumstances justified by genuine, documented safety necessity.

Maximum duration. No incarcerated person may be held in solitary confinement — defined as isolation in a cell for more than 20 hours per day with minimal meaningful human contact — for more than 15 consecutive days, or for more than 30 days in any 180-day period. These limits apply regardless of the person's offense, sentence length, or institutional classification.

Prohibited populations. Solitary confinement may not be imposed on: persons with diagnosed serious mental illness, where isolation predictably worsens their condition; persons who are pregnant; persons under 21 years of age; persons with serious medical conditions where isolation poses a documented health risk; and persons whose mental health has deteriorated as a result of prior solitary confinement, until a qualified mental health professional determines the risk has resolved.

Permitted uses within limits. Within the time limits above, solitary confinement may be used when: the person has committed or credibly threatened imminent serious violence against another incarcerated person or staff; the person poses a documented, specific, ongoing security threat that cannot be managed through less restrictive means; or the person requests protective separation from the general population. The basis for any solitary confinement placement must be documented in writing with specific findings, reviewed by supervisory staff within 24 hours, and reviewed by an independent oversight authority within 72 hours. A person placed in solitary confinement retains the right to communicate with their attorney without monitoring.

Section 4. Conditions of Confinement: Minimum Standards

Right 29's continuing obligation — that the government treat every person it holds as a human being — requires specific minimum conditions of confinement. These are not privileges; they are constitutional minimums. A facility that fails to provide them is in ongoing constitutional violation for every day of non-compliance.

Nutrition. Every incarcerated person must receive adequate nutrition — sufficient calories and nutritional content to maintain normal health — at regular intervals. Withholding food as punishment is prohibited. Dietary restrictions imposed for disciplinary purposes that reduce nutrition below the

minimum health standard are prohibited. **Physical environment.** Every incarcerated person must have: a sleeping area that is not shared beyond safe occupancy; access to adequate sanitation facilities; protection from extreme temperatures — facilities must be heated and cooled to temperatures that do not pose a health risk; adequate natural or artificial lighting; access to outdoor time of not less than one hour per day except in documented security emergencies; and protection from vermin and environmental hazards.

Physical safety. Every incarcerated person must be protected from assault by other incarcerated persons and by staff. An institution with documented, persistent rates of violence that exceed national norms and that has not taken documented corrective action is in constitutional violation. Staff who assault incarcerated persons are personally liable for damages and are subject to criminal prosecution under applicable law.

Human contact and programming. Every incarcerated person must have meaningful opportunities for human contact — not merely passive co-presence. Meaningful contact includes: the ability to communicate with family members by telephone, video, or mail; access to educational and vocational programming where available; access to religious observance; and access to reading materials. Restrictions on human contact that are not specifically justified by documented safety necessity and that reduce contact below these minimums violate Right 29.

Section 5. Medical Care: The Affirmative Obligation

The government's obligation to treat every person it holds as a human being includes the affirmative obligation to provide adequate medical and mental health care. This obligation is not merely the absence of deliberate indifference — it is an affirmative duty to identify and address serious medical and mental health needs.

Serious medical conditions. Every incarcerated person with a serious medical condition — one that causes significant pain, impairs normal functioning, or poses a risk of death if untreated — has the right to timely, competent treatment by qualified medical personnel. "Timely" means within a time frame that prevents unnecessary pain, deterioration, or death. Chronic conditions must be managed with appropriate ongoing care. Acute emergencies must be addressed as emergencies, with transfer to a hospital when necessary.

Mental health care. Every incarcerated person with a diagnosed serious mental illness has the right to treatment — not merely housing in a secure setting. Treatment must be provided by qualified mental health professionals, must be consistent with accepted professional standards, and must address both crisis stabilization and long-term symptom management. Incarcerated persons with serious mental illness may not be managed through disciplinary isolation as a substitute for mental health treatment.

End of life care. Incarcerated persons who are terminally ill or who have reached advanced age and suffer from serious medical conditions have the right to receive care appropriate to their condition, including hospice and palliative care where indicated. A permanent confinement sentence does not

deprive a person of the right to die with dignity and appropriate medical support. **Standard of care.** The standard of care owed to incarcerated persons is the standard of competent medical practice in the community — not a reduced standard justified by the person's incarcerated status. Medical care rationed below community standards solely on the basis of cost is not adequate care under this Section.

Section 6. Enforcement: Private Rights of Action and Structural Relief

Private right of action. Any incarcerated person whose rights under Right 29 and this Act are being violated has a private right of action in federal court. An incarcerated person need not exhaust administrative remedies that are inadequate, unavailable, or designed to deter claims rather than resolve them — the exhaustion requirement does not apply when the administrative process has no realistic prospect of providing the relief sought.

Damages. An incarcerated person who proves a violation of the conditions of confinement standards of this Act is entitled to compensatory damages for harm suffered. Staff members who personally inflict cruel treatment are personally liable. A government entity that establishes or maintains conditions that violate this Act is liable for injunctive relief and for damages for ongoing violations.

Structural injunctions. A court that finds systemic, ongoing violations of the conditions of confinement standards of this Act may issue structural injunctive relief ordering specific remediation — including population reduction, staffing increases, facility improvements, and independent monitoring. Structural injunctions issued under this Act are not subject to time limits or automatic termination provisions that would require reinstatement of unconstitutional conditions before the court may act.

Independent oversight. Every federal and state correctional facility must be subject to independent oversight by a body with the authority to inspect without advance notice, review records, interview incarcerated persons and staff, and publish findings. Oversight bodies must be independent of the correctional agency they oversee. Their findings are public records. Obstruction of an oversight visit or inspection is a constitutional violation independently of any underlying conditions violation.

Constitutional Statute 28

Whistleblower Protection Standards Act

Implementing Right 44.

Section 1. Who Is Protected: Universal Coverage Across All Sectors and Relationships

The protection of Right 44 extends to every person who makes a good-faith disclosure of covered information, regardless of their relationship to the subject of the disclosure or the form of their connection to the relevant organization.

Covered persons. Right 44 protects: current employees in any sector — federal, state, local government, private, nonprofit, and any other; former employees who make disclosures after their employment ends; contractors, subcontractors, and their employees; gig workers, independent contractors, and freelancers in any commercial relationship; volunteers; job applicants who disclose covered information in the course of an application process or who are retaliated against for a prior disclosure; and any other person who makes a good-faith disclosure of covered information to a responsible oversight authority, regardless of their formal relationship to the subject of the disclosure. The right is not limited to employment relationships. A patient, a customer, a community member, or any person who discloses covered information is protected from retaliation by the entity about which the disclosure is made.

Geographic scope. Right 44 applies to all covered persons employed, contracted, or operating within the jurisdiction of the United States, regardless of whether the reported conduct occurred domestically or abroad. An employee of a United States company who reports violations of United States law committed by that company in a foreign country is protected. A foreign national employed in the United States who reports covered information is protected.

Section 2. What Is Protected: Categories of Covered Disclosure

Protected categories. A disclosure is protected under Right 44 and this Act when it is made in good faith and the disclosing person reasonably believes it evidences any of the following: (a) a violation of any law, rule, or regulation — federal, state, or local — whether or not the violation results in prosecution or regulatory action; (b) a substantial and specific danger to public health or safety that is not a speculative or remote risk; (c) gross waste of public funds, meaning expenditures that are clearly unreasonable and that a reasonable person would conclude waste public resources; (d) fraud involving public funds, government contracts, or government programs, including false claims, bid rigging, kickbacks, and any other form of fraudulent procurement or disbursement; (e) abuse of authority by a government official or by a private person exercising delegated governmental authority; (f) obstruction of oversight — including interference with a lawfully authorized investigation, audit, or inspection;

and (g) retaliation for a prior protected disclosure — meaning the disclosing person reports that they or another person is being retaliated against for making a protected disclosure.

Good faith standard. Protection attaches when the disclosing person reasonably believes the information evidences a covered category. The disclosure need not be accurate, and the underlying violation need not be proven or even provable. A disclosure made in good faith based on a reasonable but mistaken belief is protected. A disclosure made with knowledge of its falsity, or with reckless disregard for its truth or falsity, is not protected. The good faith determination is based on what the disclosing person knew and reasonably believed at the time of the disclosure — not on what is later established by investigation or litigation.

Form of disclosure. A protected disclosure may be made: to any responsible oversight authority including the employer's internal compliance or ethics office; to any federal or state regulatory or law enforcement agency; to any inspector general or government oversight body; to a member of Congress or a congressional staff member; to a court; or, in the specific circumstances established in Section 7, to the press. A disclosure made internally to the disclosing person's supervisor is protected. A disclosure made to a federal agency other than the one with primary jurisdiction is protected.

Section 3. NDAs, Confidentiality Agreements, and Classification Orders

Right 44 provides that no non-disclosure agreement, contract, or classification order may prohibit a person from reporting potential violations to any responsible oversight authority. This Section implements that guarantee.

NDAs void as applied to Right 44 disclosures. Any non-disclosure agreement, confidentiality clause, employment contract provision, separation agreement, settlement agreement, or any other contractual or quasi-contractual obligation of confidentiality is void and unenforceable to the extent it would prohibit, deter, or penalize a covered person from making a protected disclosure to a responsible oversight authority. This includes provisions that: prohibit disclosure of information about a specific person, event, or matter to government agencies or oversight bodies; require the person to notify the company before making any government disclosure; or impose financial penalties — including clawback of settlement payments — if the person makes a government disclosure. An employer or contracting party that attempts to enforce a confidentiality provision against a person who has made or is making a protected disclosure has committed an act of retaliation subject to the remedies of this Act.

Classification orders. A government classification of information does not prohibit a person from disclosing that information to the Inspector General of the relevant agency, to the congressional intelligence committees, or to any body with lawful oversight authority over classified programs, provided the disclosure is made through a secure channel to an authorized recipient and is not publicly disclosed. The classification status of information does not bar a protected disclosure through appropriate oversight channels. A classification that is itself used to conceal illegal conduct does not create a lawful basis for prohibiting its disclosure to oversight authorities. See Section 7 for the

standards governing public disclosure of classified information in circumstances involving significant public interest.

Section 4. Anti-Retaliation: What Is Prohibited and the Burden Framework

Prohibited retaliation. No person, entity, employer, contractor, or government agency may take any adverse action against a covered person because of a protected disclosure or because of a reasonable belief that the person has made or is about to make a protected disclosure. Prohibited adverse actions include: termination of employment, contract, or other relationship; demotion, reduction in pay, reduction in hours, or removal of job responsibilities; denial of promotion, raise, award, contract renewal, or other benefit; harassment, hostile work environment, or intimidation; referral to law enforcement or government agencies for investigation based on the protected disclosure or the person's identity as a whistleblower; civil or criminal threats arising from the disclosure; blacklisting or communication to future employers, clients, or contractors about the person's whistleblower activity; and any other action that would deter a reasonable person from making a protected disclosure.

Burden-shifting framework. A covered person establishes a prima facie case of retaliation by demonstrating: (a) they made or were reasonably believed to have made a protected disclosure; (b) the adverse action occurred; and (c) the protected disclosure was a contributing factor — not the sole or primary factor — in the decision to take the adverse action. Contributing factor means the disclosure played any role in the adverse action; it need not have been the determinative reason. Once a prima facie case is established, the burden shifts to the respondent to prove by clear and convincing evidence that it would have taken the same adverse action in the absence of the protected disclosure. Temporal proximity between the disclosure and the adverse action raises a presumption of retaliation that the respondent must rebut.

Section 5. Process: Filing, Investigation, and Federal Court Access

Administrative complaint. A covered person who has suffered retaliation for a protected disclosure may file an administrative complaint with the Office of Special Counsel — or its successor — within three years of the retaliatory action. The Office must complete its investigation and issue a determination within 240 days of the complaint. The complainant has the right to be represented by counsel, to present evidence and argument, to receive copies of all evidence the Office proposes to rely on, and to respond to that evidence before a determination is made.

Federal court access. A covered person may file directly in federal district court without exhausting administrative remedies. A covered person who has filed an administrative complaint may transfer to federal court after 180 days if the administrative proceeding has not been resolved. In federal court, the covered person is entitled to a jury trial on all factual questions including whether retaliation occurred and the amount of damages. The same burden-shifting framework of Section 4 applies in federal court.

Preliminary relief. A covered person who has been terminated or subjected to serious retaliation may seek preliminary reinstatement pending final resolution of their complaint. A court must rule on a

preliminary reinstatement motion within 14 days. Preliminary reinstatement is warranted when the covered person demonstrates a reasonable likelihood of success on the merits — the burden of proof at the preliminary stage is preponderance of the evidence, not the higher clear-and-convincing standard applicable to the respondent's rebuttal burden.

Section 6. Remedies: Making Whistleblower Protection Meaningful

Remedies for proven retaliation under Right 44 and this Act are designed to make the whistleblower whole, to deter retaliation, and to ensure that retaliation is not a viable strategy for silencing disclosure.

Available remedies. A prevailing complainant is entitled to: reinstatement to their former position, or to an equivalent position if reinstatement is impractical, with full restoration of seniority, benefits, and standing; back pay for all lost wages and benefits from the date of the retaliatory action through the date of reinstatement; compensatory damages for non-economic harm including reputational harm, emotional distress, and harm to professional relationships; reasonable attorneys' fees and costs; and, where the retaliation was knowing and willful, punitive damages not to exceed ten times the amount of actual economic damages. A complainant who prevails on any element of their claim is entitled to attorneys' fees regardless of whether all elements succeed.

Financial awards for significant disclosures. Where a covered person's protected disclosure results in a successful enforcement action recovering more than $1 million in civil or criminal fines, penalties, or disgorgement, the covered person is entitled to a financial award of between 10% and 30% of the amount recovered, determined by the enforcing agency based on the significance of the disclosure, the risk undertaken by the disclosing person, and the degree to which the disclosure was the proximate cause of the recovery. This award is in addition to and does not affect any damages recoverable under this Section for retaliation.

No waiver. No settlement agreement, release, or contractual provision may waive a covered person's right to bring a retaliation claim under Right 44 and this Act, or may reduce the remedies available under this Section below the statutory minimums, as a condition of any payment made to resolve a claim involving the same underlying subject matter as the protected disclosure.

Section 7. Classified Information and Public Disclosures of Significant Public Interest

The tension between national security classification and the right to disclose government wrongdoing is among the most contested questions in whistleblower law. This Section resolves that tension by distinguishing between disclosures to oversight authorities — which are always protected — and public disclosures of classified information — which are protected only in specific, bounded circumstances.

Oversight channel disclosures: always protected. A disclosure of classified information to the Inspector General of the relevant agency, to the congressional intelligence committees through secure channels, to a court-appointed special master, or to any other body with lawful classified oversight

authority is a protected disclosure under Right 44 regardless of the classification level of the information. The classification status of the information is not a basis for denying the protection. Retaliation against a person for making such a disclosure is prohibited.

Public disclosure of classified information: limited protection. A person who publicly discloses classified information — including through the press — is protected under Right 44 when all of the following conditions are met: (a) the disclosed information evidences a violation of law, a substantial public safety danger, or a significant abuse of authority of the type covered by Section 2; (b) the disclosing person made a good-faith attempt to disclose the information through an oversight channel before making the public disclosure, or reasonably concluded that such a disclosure would be futile or would itself result in retaliation or destruction of evidence; (c) the public disclosure does not include operational details — such as the identities of covert sources, methods of collection, or specific operational plans — whose disclosure poses a specific, documented, non-speculative risk of imminent physical harm to identified individuals; and (d) the public disclosure is limited to the information necessary to communicate the covered violation, safety danger, or abuse — not a wholesale publication of classified archives. A public disclosure that meets all four conditions is a protected disclosure under Right 44, and the disclosing person may not be prosecuted, civilly liable, or otherwise penalized for the act of disclosure itself. The government may prosecute the underlying conduct only; it may not prosecute the disclosure.

Constitutional Statute 29

Congressional Regulatory Review Act

Implementing Article Twenty-Four.

Section 1. CRRO Composition and Structure

The Congressional Regulatory Review Office is headed by a Director appointed jointly by the Speaker of the House and the Majority Leader of the Senate, in consultation with the minority leadership of both chambers, for a term of four years. The Director may be reappointed without limit. The Director may be removed only by concurrent resolution of both chambers stating specific cause — meaning neglect of duty, malfeasance, or demonstrated partisan bias in the Office's analytical work — and is not removable for the content or conclusions of any economic impact analysis the Office has issued. The Office is staffed through the same nonpartisan, merit-based hiring process used by the Congressional Budget Office, and Office employees are prohibited from holding any position in a political campaign, party committee, or lobbying entity for two years following their employment at the Office. The Office is funded through a line-item congressional appropriation set at a minimum of 0.02% of total discretionary federal spending annually, adjusted for inflation, which may not be reduced below this floor except by a 60% supermajority of both chambers. The Office shall organize itself into divisions reflecting major regulatory subject areas — including but not limited to economic policy, public health and safety, environmental policy, financial regulation, and technology policy — each headed by a Deputy Director with relevant professional or academic expertise, appointed by the Director.

Section 2. Economic Impact Analysis Methodology

For any proposed rule submitted under Section 3 of this Act, the Office shall produce a written economic impact analysis containing: a quantified estimate of total annual compliance costs, disaggregated by affected industry sector and by small, medium, and large business size where data permits; a quantified estimate of the rule's projected benefits, including public health, safety, environmental, or consumer protection benefits, using the same valuation methodologies as the most recent guidance from the Office of Management and Budget's Circular A-4 or its successor; an assessment of distributional effects across income levels, regions, and demographic groups where reasonably calculable; an estimate of the rule's effect on employment, market competition, and innovation in the affected sector; and an explicit statement of the confidence level and methodological limitations of the analysis, including any assumptions that materially affect the cost or benefit estimate. The agency proposing the rule must provide the Office with all underlying data, models, and assumptions used in the agency's own cost-benefit analysis no later than 30 days before the rule's intended submission date; refusal or material delay in providing this data extends the 70-day review period under Section 3 by the length of the delay. The Office's analysis is subject to external peer review by not fewer than three independent economists or subject-matter experts with no current

financial relationship to the proposing agency or to any party with a direct financial interest in the rule's outcome; peer reviewer comments are published alongside the Office's final analysis. The Office shall publish its complete methodology, all data sources, and all models used in any analysis, in a format permitting independent replication, except where specific data is protected by existing confidentiality law — in which case the Office shall describe the data's general characteristics without disclosing the protected specifics.

Section 3. Major Rule Submission and Review Process

Before issuing any proposed rule, every federal agency, department, or independent commission must determine whether the rule meets the major rule definition established in Article Twenty-Four, Section 2. An agency's determination that a rule is not major is reviewable by the Office on its own initiative or upon petition by any Member of Congress; if the Office determines a rule meets the major rule definition, the agency must comply with this Section's submission requirements before the rule may take effect, regardless of the agency's own initial determination. A rule determined to be major must be submitted simultaneously to the Speaker of the House, the President of the Senate, and the Office, accompanied by the agency's own cost-benefit analysis, the proposed rule's full text, and a plain-language summary not exceeding 1,000 words. The Office must complete and publish its economic impact analysis under Section 2 within 45 days of submission. The 70 legislative days established under Article Twenty-Four, Section 2 begin to run upon the Office's publication of its analysis, not upon the agency's initial submission. Either chamber may introduce a joint resolution of approval at any time during the 70-day period; the resolution is not subject to amendment and is voted up or down on the rule as submitted. A rule approved by joint resolution signed by the President, or enacted over a presidential veto, takes effect on the date specified in the resolution or, if none is specified, 30 days after enactment. A rule not approved within the 70-day period does not take effect, and the agency may not reissue the same rule or a rule with substantially the same regulatory effect during that session of Congress without first securing a joint resolution authorizing reconsideration. Determining whether a reissued rule has "substantially the same regulatory effect" as a rejected rule is committed to the Office in the first instance, subject to review by the United States District Court for the District of Columbia upon petition by the agency or any Member of Congress.

Section 4. Emergency Rule Procedures

An agency invoking the emergency exception under Article Twenty-Four, Section 2 must, simultaneously with the rule's issuance, file with the Office and with both chambers of Congress a written emergency justification stating: the specific, factual nature of the imminent threat to public health, safety, or national security; why the normal 70-day review process under Section 3 of this Act is inadequate to address that threat; and the rule's anticipated duration of necessity. The Office must publish its own assessment of whether the stated emergency justification is factually supported within 15 days of filing; this assessment carries no legal effect on the rule's validity but is a public record available to Congress and any court reviewing the rule. An emergency rule expires automatically 90

days after issuance and does not take effect again in any form unless approved through the ordinary major rule process under Section 3 of this Act, including the full 70-day review period running from the publication of the Office's economic impact analysis under Section 2. An agency may not extend an emergency rule's effect by issuing a substantially similar emergency rule upon the first rule's expiration; a second emergency rule addressing substantially the same subject matter within 12 months of the first is presumptively invalid, and the agency bears the burden of demonstrating to the United States District Court for the District of Columbia that the second rule responds to a materially new and distinct emergency. Any person aggrieved by an emergency rule may petition that court for expedited review of whether the rule meets the constitutional definition of an imminent threat; the court must rule within 21 days. A pattern of emergency rule issuance by an agency that a court finds was not factually supported by an imminent threat, occurring three or more times within any 24-month period, is grounds for the Office to recommend, and either chamber to adopt by simple resolution, a finding of bad-faith circumvention — which strips that agency of emergency rule authority under this Section for a period of 24 months, during which all of the agency's major rules must proceed through the ordinary Section 3 process.

Section 5. Nullification Resolution Procedures

A concurrent resolution to nullify an executive order, regulation, rule, waiver, guidance document, emergency declaration, or other administrative action under Article Twenty-Four, Section 3 may be introduced by any Member of Congress in either chamber. The resolution must identify the specific action to be nullified with sufficient particularity that the action's scope is not reasonably in dispute. Upon introduction, the resolution is referred to the committee with primary jurisdiction over the subject matter of the action, which must report the resolution out, with or without recommendation, within 20 legislative days; if the committee fails to report within that period, any Member who introduced or cosponsored the resolution may file a motion to discharge the committee, which is voted on within 5 legislative days of filing and requires only a simple majority to succeed. A nullification resolution is not subject to amendment once reported to the floor and is voted up or down on the action as identified in the resolution. The resolution requires a simple majority of those present and voting in each chamber to adopt; it does not require unanimous consent, a supermajority, or any procedural threshold beyond ordinary majority vote, consistent with Article Twenty-Four, Section 3's explicit exemption from presentment. A nullification resolution adopted by both chambers takes effect immediately upon adoption by the second chamber, unless the resolution specifies a later effective date. The Office shall maintain and publish a public registry of every nullification resolution introduced, its current procedural status, and the text and status of every adopted nullification, updated within 24 hours of any status change. Any agency action taken in direct contravention of an adopted nullification resolution is void ab initio, and any officer who knowingly directs or authorizes such action is subject to removal and referral to the agency's Inspector General.

Section 6. Referendum-Triggered Review Integration

A petition proposing a referendum question under Article Twenty-Four, Section 4 is filed with, processed by, and administered by the Office of National Referendum within the OPCF, following the same Stage 1 through Stage 6 procedures established under Constitutional Statute 5, Section 9, with the following modifications: the petition must identify the specific executive order, rule, regulation, or administrative action that is the subject of the proposed congressional vote, with the same particularity required of a nullification resolution under Section 5 of this Act; the Office of National Referendum shall transmit a copy of the certified petition to the Congressional Regulatory Review Office upon certification under Stage 1; the referendum question is limited to the single question whether Congress should be required to vote on nullifying the identified action, and may not itself enact, modify, or repeal that action; and Stage 4's campaign-period spending restrictions apply in full. Upon national certification under Stage 6 that the referendum passed in three-fourths of the states, the Office of National Referendum shall immediately transmit certified notice to the Speaker of the House, the President of the Senate, and the Congressional Regulatory Review Office. The Congressional Regulatory Review Office shall publish its economic impact analysis of the petitioned action, prepared under Section 2 of this Act, within 20 days of receiving that notice if an analysis has not already been published under Section 3. The 30 legislative day period for the required congressional vote under Article Twenty-Four, Section 4 begins to run upon publication of that analysis. A referendum that fails to pass in three-fourths of the states under this Section may not be re-petitioned as to the same or a substantially equivalent action for two years following certification of its failure, consistent with the four-year re-petition bar that Constitutional Statute 5, Section 9 applies to ordinary national referendums, adjusted to reflect the narrower scope of a vote-forcing petition under this Section.

Section 7. Enforcement and Judicial Review

Standing to enforce any provision of this Act extends to: any Member of Congress; any registered voter in a state that has certified a petition or referendum under this Act; any person directly and adversely affected by an agency action that should have undergone review under this Act but did not; and the Office itself, which may petition the United States District Court for the District of Columbia in its own name to compel agency compliance with this Act's submission, disclosure, or data-provision requirements. Judicial review of any determination made under this Act — including whether a rule is major, whether a reissued rule has substantially the same regulatory effect as a rejected one, or whether an emergency justification is factually supported — is available exclusively in the United States District Court for the District of Columbia, with direct appeal to the United States Court of Appeals for the District of Columbia Circuit, in order to ensure consistent national application of this Act's standards. A court reviewing any such determination applies a substantial evidence standard to the Office's factual findings and reviews legal questions de novo. Prevailing parties other than the government are entitled to reasonable attorney's fees and costs. An agency that knowingly issues a major rule without submission required under Section 3, or knowingly mischaracterizes a rule's economic impact to the Office for the purpose of avoiding major rule status, is subject to a civil penalty of not less than $100,000 per violation, payable to the Treasury, in addition to any other

remedy available under this Act. Nothing in this Act limits any other right of judicial review, citizen suit, or enforcement mechanism available under any other provision of this Constitution or any other Constitutional Statute.

Constitutional Statute 30

Immigration Enforcement Accountability Act

Implementing Article Twenty-Three.

Section 1. The Categorical Non-Enforcement Standard

This Section implements Article Twenty-Three, Section 1.

Defining a categorical policy. A categorical policy of non-enforcement is a written or unwritten directive, guidance, memorandum, or established practice that forecloses case-by-case enforcement determinations for a defined class of persons as a matter of general practice, such that individual officers are directed or expected not to pursue enforcement against members of that class regardless of individual circumstances. A determination not to enforce against a specific individual, made on the basis of that individual's particular circumstances, available resources, or an enforcement-priority framework applied case by case, is not a categorical policy and is preserved as ordinary prosecutorial discretion.

Authorization requirement. An executive officer, department, or agency may not adopt or maintain a categorical policy of non-enforcement without express statutory authorization from Congress. A categorical policy adopted without such authorization is void and unenforceable, and any person with standing under the general standing provisions of this Constitution may seek a declaration to that effect.

Interaction with mass enforcement actions. A categorical non-enforcement policy that is reasonably anticipated to affect 100,000 or more persons is independently subject to Section 4 of this Act and the automatic-termination requirement of Article Twenty-Three, Section 4, regardless of whether it has received the authorization this Section requires; satisfying one requirement does not satisfy the other.

Section 2. Equal Application and Anti-Coercion

This Section implements Article Twenty-Three, Section 2.

Uniform application. The federal government must apply immigration enforcement priorities, allocate enforcement resources, and conduct enforcement activity on the basis of uniform, publicly stated criteria. The federal government may not direct heightened enforcement intensity or disproportionate enforcement resources against a state or locality on the basis of that jurisdiction's political affiliation, its officials' public statements, its policy positions, or its lawful decision to decline to assist federal enforcement.

Disparity as evidence. A documented, substantial disparity in enforcement intensity or resource allocation against a jurisdiction whose officials have publicly opposed federal immigration policy, without a uniform criterion accounting for the disparity, is evidence of a violation of this Section.

Anti-commandeering preserved. Nothing in this Section requires a state or locality to assist, cooperate with, or participate in federal immigration enforcement. A state's decision to decline enforcement assistance is protected under Article Six and may not be treated as a basis for any penalty, funding condition, or adverse enforcement treatment.

Funding anti-coercion. The federal government may not deny, reduce, condition, or threaten to deny or reduce any federal funding unrelated to immigration enforcement — including funding for transportation, infrastructure, healthcare, education, disaster relief, or law enforcement of non-immigration matters — on the basis of a jurisdiction's decision to decline immigration enforcement cooperation. A funding condition imposed in violation of this paragraph is void, and the affected jurisdiction has standing to recover wrongfully withheld funds, with interest, plus attorney's fees.

Section 3. Emergency Entry Restriction Procedures

This Section implements Article Twenty-Three, Section 3.

Required findings. Before issuing an entry restriction under Article Twenty-Three, Section 3, the President must publish a written finding identifying the specific qualifying threat — an armed invasion, an imminent foreign military attack, a specific and credible terrorist threat, a declared public health emergency, or another catastrophic threat to national security — the specific class of persons the restriction covers, and the specific basis for believing the restriction will address the identified threat. A restriction issued without this published finding is void.

Automatic expiration. An entry restriction expires automatically 90 days after issuance unless Congress has enacted a law renewing it. A restriction may not be reissued in substantially the same form after expiration without intervening congressional authorization. The 90-day limit of this Section is the controlling emergency-powers limit for entry restrictions and supersedes the general 180-day limit of Article Four, Section 4 for this category of action.

Protected persons. An entry restriction may not apply to, and may not be used to revoke the status of, any person who already holds a valid visa, lawful permanent resident status, or other previously granted lawful status, nor any person already lawfully present in the United States. A restriction reaches only new entry by persons not already holding lawful status.

Prohibited criteria. An entry restriction may not use religion as a categorical criterion and is subject to the nondiscrimination standard of Section 6 of this Act, Article Twenty-Three, Section 2, and Right 32. No entry restriction may suspend the due process protections of Article Seven, Section 3 for any person within the jurisdiction of the United States.

Judicial review. A person harmed by an entry restriction issued in violation of this Section may seek injunctive and declaratory relief in federal district court, and the court reviews the adequacy of the published finding on its face and the restriction's compliance with the protected-persons and prohibited-criteria requirements above.

Section 4. Mass Enforcement Action Approval and Termination

This Section implements Article Twenty-Three, Section 4. **Covered actions.** An executive action is a mass enforcement action subject to this Section if it is reasonably anticipated to affect 100,000 or more persons through deferred enforcement, temporary protected status, mass parole, suspension of removals, or mass removal operations. The agency taking the action must publish, at the time the action is announced or initiated, a good-faith estimate of the number of persons the action will affect; an estimate that is materially understated to evade this Section is itself a violation, and the affected action is treated as covered.

Approval requirement and automatic termination. A mass enforcement action requires approval by joint resolution enacted within 120 days of the action's announcement or initiation. If Congress has not enacted an approving joint resolution within that period, the action terminates automatically at the end of the 120-day period by operation of law, without the need for any further act by Congress, a court, or the executive. A terminated action may not be reissued in substantially the same form during the same session of Congress without intervening legislative authorization.

Evenhanded application. This Section applies identically to an action that extends protection from removal and to an action that increases the scale or pace of removal. No agency may characterize an action to evade this Section, and the 100,000-person threshold is measured by the total number of persons whose status or risk of removal is changed by the action, in either direction.

Enforcement. Any Member of Congress, any state or locality affected by the action, or any person whose status is affected by the action has standing to seek a declaration that an unapproved action has terminated by operation of this Section, and to enjoin its continued implementation after the 120-day period.

Section 5. Immigration Inspector General

This Section implements Article Twenty-Three, Section 5.

Establishment and independence. There is established an Immigration Inspector General with jurisdiction over every federal agency and component engaged in immigration enforcement, detention, or removal. The Immigration Inspector General is appointed, protected from removal, and subject to judicial review of any removal under the same framework established for Inspectors General under Article Ten, Section 5 and its implementing statute, including the judicial-stay mechanism that governs an attempted removal.

Authority. The Immigration Inspector General shall: audit enforcement activities for compliance with Article Twenty-Three and applicable law; investigate credible allegations of misconduct, excessive force, or civil rights violations by immigration enforcement personnel; conduct unannounced inspections of any facility holding persons under immigration authority, with access to the facility, its records, and its detained persons; and refer evidence of criminal conduct to the appropriate prosecuting authority.

Quarterly public reporting. The Immigration Inspector General must publish, not less than once every calendar quarter, a public report detailing enforcement activity by category and jurisdiction, detention facility conditions and population data, the number and disposition of complaints and investigations, and any pattern of misconduct identified. The report must be published in a form accessible to the public and may withhold only specific information whose disclosure would endanger an individual's safety or compromise an active criminal investigation, with the basis for any withholding stated.

Anti-interference. No officer of the executive branch may interfere with, delay, edit, suppress, or retaliate against the Immigration Inspector General for any report, investigation, or inspection. An attempt to do so is subject to the anti-retaliation enforcement framework established for Inspectors General generally, and any affected person or the Inspector General may seek injunctive relief.

Section 6. Civil Liberties Enforcement Standard

This Section implements Article Twenty-Three, Section 6.

Prohibited bases. No immigration enforcement action — including a decision to investigate, stop, question, detain, arrest, or initiate removal proceedings — may be based, in whole or in part, on a person's race, ethnicity, national origin, religion, political belief, or lawful exercise of speech, assembly, or association. An enforcement action taken in violation of this standard is unlawful, and any evidence obtained as a direct result of the violation is inadmissible in a removal proceeding against the affected person.

Pattern as evidence. A pattern of enforcement activity disproportionately affecting a particular racial, ethnic, religious, or national-origin group, absent an articulable basis tied to the specific enforcement actions rather than the group's characteristics generally, is evidence of a violation of this Section and may establish a violation without proof of any individual officer's subjective intent.

Standing independent of status. Any person alleging a violation of this Section has standing to seek declaratory and injunctive relief, and damages under Section 7 of this Act, in federal district court, regardless of the person's immigration status and regardless of the outcome of any removal proceeding. A person's unlawful presence is not a defense to a claim under this Section and is not grounds to dismiss such a claim for lack of standing.

Section 7. Officer Accountability and Qualified Immunity Abrogation

This Section implements Article Twenty-Three, Section 7.

Liability standard. A federal officer who knowingly violates a right guaranteed by Article Twenty-Three is liable to the person harmed for compensatory damages, and for punitive damages where the violation was willful or reckless. The standard of liability is whether the officer's conduct violated the plain text of Article Twenty-Three; a plaintiff need not identify a prior judicial decision addressing materially identical facts, and qualified immunity does not bar the action.

Removal and criminal liability. An officer found to have knowingly violated a right guaranteed by Article Twenty-Three is subject to removal from federal office, and to any criminal penalty Congress prescribes by law. A supervisor who directed, ratified, or with knowledge failed to prevent the violation is subject to the same liability as the officer who committed it.

Reconciliation with custodial death and injury framework. Where a violation results in the death of or serious bodily injury to a person in immigration custody, the standards, presumptions, and remedies of the custodial death and injury framework established under Constitutional Statute 26 apply in full, including its own abrogation of qualified immunity. This Section's abrogation is in addition to, and does not narrow, that framework; where both apply, the more protective standard governs.

Indemnification limit. A federal agency may indemnify an officer for compensatory damages under this Section, but may not indemnify an officer for punitive damages assessed for a willful or reckless violation; punitive damages are the personal liability of the officer.

Section 8. Reservation of Powers Enforcement

This Section implements Article Twenty-Three, Section 8.

No inherent authority. No executive action regarding immigration, naturalization, admission, removal, or the enforcement of immigration law is valid unless it is authorized by an Act of Congress or by explicit provision of the Constitution. A court reviewing a challenged immigration action must identify the specific statutory or constitutional provision authorizing it; an action for which no such authorization exists is void, and no asserted foreign affairs, national security, or general executive power rationale supplies authorization in the absence of congressional delegation.

Preserved Article II functions. This Section does not limit the President's authority to conduct diplomatic relations, negotiate international agreements subject to their constitutionally required ratification or approval, or command the armed forces consistent with this Constitution's war powers framework. It limits only the unilateral assertion of authority to make, alter, or enforce immigration policy without congressional authorization.

Standing and review. Any person subject to or harmed by an immigration action taken without authorization, any state or locality affected by it, and any Member of Congress has standing to seek a declaration that the action is void for lack of authorization and to enjoin its implementation. Nothing in this Act limits any other right of judicial review, citizen suit, or enforcement mechanism available under any other provision of this Constitution or any other Constitutional Statute.

Section 9. Employment Verification and Equal Labor Rights

This Section implements Article Twenty-Three, Section 9. It establishes a uniform system for confirming who is authorized to work in the United States, built so that the system serves identification and labor protection and cannot be repurposed as an enforcement dragnet.

Verification requirement. An employer must verify the work authorization of every new hire through the federal verification system before the employee's 30th day of work. The system must return a result within 3 business days. An employer may not suspend, withhold pay from, demote, or terminate a worker during a pending or contested verification.

Worker protections in the verification process. A worker flagged as unauthorized must receive written notice and no fewer than 60 days to contest and correct the determination, during which employment and pay continue. The government must publish the verification system's error rate annually. A worker is never subject to criminal penalty for a failed or contested verification; penalties for knowingly employing an unauthorized worker fall on the employer alone.

Database firewall. The verification system may be used only to confirm work authorization. It may not be queried, accessed, repurposed, or cross-referenced for any immigration-enforcement-location, surveillance, or general law-enforcement function; it may not be used to locate, detain, or initiate removal against any worker or their household; and it may not retain a query record beyond the period necessary to complete verification and any contest of it. A query of the system in violation of this firewall is unlawful, and any evidence derived from it is inadmissible in any removal proceeding, consistent with Section 6 of this Act.

Anti-discrimination. An employer may not use the verification requirement as a basis to refuse to hire, or to demand additional or different documents from, a person because of their national origin, accent, name, or apparent ethnicity. Document abuse and citizenship-status discrimination in hiring are violations enforceable under Right 32 and Constitutional Statute 15.

Equal labor rights regardless of status. Every worker, regardless of immigration status or the outcome of any verification, holds the full labor rights guaranteed under Constitutional Statute 6 — minimum wage, overtime, safety, organizing, and anti-retaliation. An employer may not raise, report, or threaten to report a worker's immigration status in response to the worker asserting any labor right. An employer who knowingly employs an unauthorized worker and uses that status to pay below the lawful wage, evade labor protections, or suppress labor rights is liable for the full labor violation plus enhanced penalties payable to the affected worker, in addition to any penalty for the verification violation itself.

Section 10. Asylum and the Prohibition on Return to Danger

Article Seven, Section 3 guarantees that no person is removed from the United States without due process. This Section establishes what that process must determine before a person is returned: whether return would deliver them to persecution, torture, or death. A removal that satisfies every procedural requirement and still sends a person to be killed has not satisfied the Constitution.

The prohibition on return to danger. No person may be removed, returned, or transferred to any country where there are substantial grounds to believe they would face persecution on account of race, religion, nationality, political opinion, or membership in a particular social group, or where they would

face torture, or a serious risk to life or physical safety. This prohibition applies regardless of how the person entered the United States, regardless of their immigration status, and regardless of whether they applied for protection in another country first. It is absolute as to torture and admits no exception. **The right to seek protection.** Every person physically present in the United States, or presenting themselves at a port of entry, has the right to apply for protection and to have that application heard on its merits by a neutral adjudicator. The right to apply may not be extinguished by the manner of the person's arrival, by a numerical cap, by a metering or waitlisting practice that denies access to the process, or by an executive declaration that suspends applications categorically. A person seeking protection shall be informed of that right in a language they understand.

No return without a hearing. No person expressing a fear of return may be removed before that fear is assessed by a neutral adjudicator, with the procedural protections of Article Seven, Section 3, including representation and the right to appeal to an Article III court. Expedited procedures may not be used to bypass this assessment. A removal carried out in violation of this provision is void, and the government bears an affirmative duty to return the person and restore them to the process.

Detention of protection seekers. A person seeking protection may not be detained solely for having sought it. Detention is permitted only on an individualized finding of flight risk or danger, subject to the 48-hour hearing and the prohibition on indefinite detention established by Article Seven, Section 3. Children may not be detained for immigration purposes, and families may not be separated as a means of deterrence.

Enforcement. A person harmed by a violation of this Section has a private right of action for injunctive relief, including an order compelling return, and for damages. The officer accountability and qualified immunity abrogation of Section 7 apply. The Immigration Inspector General established by Section 5 shall audit compliance and report publicly on removals carried out without the assessment this Section requires.

Constitutional Statute 31

Safeguards Against Concentrated Power Act

Implementing Article Twenty-Five.

Section 1. Enforcing the Prohibition on Domestic Military Force

This Section implements Article Twenty-Five, Section 1.

Covered forces and conduct. The prohibition reaches the active armed forces, the National Guard when federalized or operating under federal direction, and any federal agency force organized, equipped, or operating in a military character. Prohibited conduct includes patrol, crowd dispersal, detention, search, surveillance, checkpoint operation, use of force, or any other law-enforcement function directed at persons within the United States, except within the narrow exception Section 1 permits.

The required finding. Before any domestic deployment, the President must publish a written finding that identifies the specific organized armed force constituting an actual invasion or insurrection, the specific geographic area affected, the specific reason civilian law enforcement is genuinely unable to meet it, and the date and hour the deployment begins. A deployment without this published finding is void from the outset, and every official participating in it acts without authority.

The anti-pretext rule is jurisdictional. Where a deployment is predicated on any circumstance Section 1 declares is never an invasion or insurrection — protest, strike, civil disobedience, immigration, protected expression, ordinary crime, natural disaster, public health emergency, or a jurisdiction's policy disagreement — a court must declare the deployment void without deference to the executive's characterization of the threat. The executive's recharacterization of such a circumstance as an "invasion" or "insurrection" does not bind any court.

Automatic expiration and the burden of continuation. A deployment expires by operation of law 10 days after the hour stated in the finding unless Congress has, by affirmative recorded vote, authorized its continuation; total duration may not exceed 30 days without a renewed congressional vote. At any point, any affected person, any Member of Congress, any affected state or locality, or a State's attorney general may seek an order ending the deployment, and the government bears the burden of proving every condition of Section 1 is met.

The duty to disobey. An order to act against the people in violation of Section 1 is an unlawful order. A member of the armed forces who refuses such an order commits no offense and may not be charged, punished, discharged, demoted, or disadvantaged for the refusal; a refusal under this Section is a protected act. A member who obeys such an order is not shielded by the fact of the order, and the official who issued it — including the President — is personally liable, without qualified immunity, in addition to any applicable criminal penalty Congress prescribes. Nothing in this Section requires a

service member to determine the lawfulness of an order correctly at peril of liability for a good-faith refusal; the risk of error falls on the official who issued an order that violates Section 1, not on the member who declined it.

Inadmissibility. Evidence obtained through a domestic military deployment that violates Section 1 is inadmissible in any proceeding against any person, and detention effected through such a deployment is unlawful detention subject to immediate release.

Section 2. Standing Force Limits and the Secret Police Prohibition

This Section implements Article Twenty-Five, Section 2.

Two-year military appropriation. No appropriation for raising or maintaining the armed forces may have a duration exceeding two years. An appropriation purporting to fund the armed forces permanently, indefinitely, or through automatic renewal is void as to any period beyond two years, and the Treasury may not disburse military funds under it beyond that period. This Section does not interrupt pay or essential operations already obligated; it requires that the authority to continue funding be affirmatively re-enacted, so that each Congress reconsiders the maintenance of the military.

Prohibited institutions. No federal agency, office, program, or unit may be created, funded, or operated whose purpose or effect is to function as a secret police, a political police, or a domestic-intelligence force monitoring persons for their lawful political, religious, or associational activity. A program that infiltrates, disrupts, surveils, or maintains dossiers on a person or group for engaging in lawful advocacy, protest, worship, or association is prohibited regardless of the agency that operates it or the label it is given. Conduct of the kind historically conducted under domestic counterintelligence programs against lawful political activity is prohibited by this Section.

Mandatory identification of federal force. A federal officer who detains, questions under compulsion, searches, or applies force to a person within the United States must wear or present visible identification of the officer's agency and an individual identifier traceable to the officer, and must identify the agency on request. A specific undercover operation may proceed without visible identification only under a particularized judicial authorization issued in advance. The use of masked, unmarked, or unidentified federal personnel to detain, question, or apply force outside such an authorization is unlawful; a detention so conducted is unlawful detention, and the officer and the official who ordered the concealment are personally liable, without qualified immunity. The right of genuinely undercover officers and the protection of an officer's home address and personal data are preserved; what is prohibited is anonymous force in the field against the public.

Institutional transparency. The existence, organizational identity, budget total, and general function of every federal agency exercising domestic enforcement or intelligence authority must be published. Specific operations, sources, and methods may be classified where genuinely necessary, but the existence of the institution, the scale of its domestic enforcement budget, and its general mission may

not be concealed from Congress or the public. A wholly secret domestic enforcement agency or a concealed domestic enforcement budget is prohibited.

Enforcement. Any person subjected to prohibited surveillance, dossier-keeping, infiltration, or anonymous federal force, and any person or organization targeted for lawful activity, may bring an action for injunctive relief, damages, destruction of unlawfully maintained files, and attorney's fees. A Member of Congress, and any person with standing, may seek a declaration that an appropriation, agency, or program violates this Section.

Section 3. Protecting Judicial Independence

This Section implements Article Twenty-Five, Section 3.

The jurisdiction-stripping bar. A statute that purports to remove from the federal courts, or from the Supreme Court, the jurisdiction to decide whether a law or government action violates a right or structural guarantee of this Constitution is void to that extent. Congress retains authority over venue, procedure, filing rules, and the orderly distribution of cases among courts, but a measure whose purpose or effect is to insulate a particular law or action from constitutional review, or to deny a class of persons access to a court for a constitutional claim, is not a regulation of jurisdiction and is void. A court presented with such a measure retains jurisdiction to hear the constitutional claim notwithstanding the measure.

Confirmation timeline and deemed confirmation. Within 120 days after a nomination to the Supreme Court or any federal court is transmitted to the Senate, the Senate must hold a final, recorded confirmation vote. The Senate may confirm or reject the nominee by that vote. If the Senate has neither confirmed nor rejected the nominee by a final recorded vote within the 120-day period, the nominee is deemed confirmed and is commissioned to the office. The period is not tolled by recess, adjournment, or procedural device; the duty to vote is a constitutional obligation of the Senate enforceable by mandamus, and any Member or affected person has standing to seek an order compelling the vote or recognizing a deemed confirmation.

Fixed seats; no blockade by attrition. The number of authorized seats on each federal court is fixed by law and is not reduced by a vacancy. A vacancy must be filled through the process above; no branch may leave a seat unfilled for the purpose of altering a court's balance, denying an administration its appointments, or reserving the seat for a future appointing authority.

No legislative outcome dictation. A statute directing how a specific pending case must be decided, or reopening or setting aside a final judicial judgment by legislation, is void. Congress may change the law prospectively, and may change the law governing classes of future cases, but may not adjudicate a particular case or reverse a particular final judgment, which is the judicial power alone.

Section 4. Securing the Peaceful Transfer of Power

This Section implements Article Twenty-Five, Section 4. **Void acts after term's end.** Any official act — order, directive, appointment, pardon, expenditure, or command — purportedly taken by a person after their term of office has ended is void from the moment it is made. No agency may execute it, no person is bound by it, and the lawful successor may disregard and reverse it without process. A purported act by a former officeholder carries no presumption of regularity and confers no authority.

Chain of obedience attaches to the office, not the person. On the transfer date, the obligation of every member of the armed forces, every officer, and every employee of the United States runs to the person who lawfully holds the office under this Constitution, and to no one else. An instruction from a person whose term has ended is not a lawful order; carrying it out is unlawful and is not excused by the instruction. A service member or officer who declines to follow a person whose term has ended commits no offense and may not be disciplined for the refusal. The official who issues commands after their term has ended, and any official who knowingly executes them, is personally liable and subject to criminal penalty for usurpation, without qualified immunity.

No postponement of elections or extension of terms. No executive order, agency action, emergency declaration, or administrative measure may postpone, cancel, or delay a scheduled federal election, or extend any term of federal office. An official who issues or attempts such a measure forfeits their office by operation of law upon the attempt, and the measure is void. Only the people, through the constitutional amendment process, may alter the date of an election or the length of a term. Any person, any Member of Congress, and any state may obtain an immediate court order voiding such a measure, and the courts shall treat such an application with the highest priority.

Unresolved disputes do not extend power. Where a genuine dispute over the lawful winner of an election remains unresolved at the transfer moment, the incumbent's term still ends; power passes to the next person in the constitutional line of succession, who exercises it in an acting capacity only, until the dispute is finally resolved through the judicial process, whereupon the lawful winner assumes the office. At no point does an unresolved dispute leave power in the hands of a person whose term has ended.

Enforcement priority. An action under this Section to recognize the lawful officeholder, void a usurping act, or compel obedience to the office takes precedence on the docket of any court, which shall hear and decide it on an emergency basis. The judgment of the court is enforceable against any person regardless of their claimed office or prior position.

Section 5. The Ministerial Duty to Certify Elections

This Section implements Article Twenty-Five, Section 5.

Certification is ministerial. An official charged with canvassing, certifying, or transmitting an election result must certify the result produced by the lawful count of valid votes. The official has no discretion to refuse, delay beyond the deadline set by law, alter, or attach conditions to certification. The only ground on which a count may be altered before certification is a specific, written order of a

court of competent jurisdiction finding an identified legal defect in the count; in the absence of such an order, the official certifies the count as it stands.

Allegations are referred, not adjudicated by the certifier. An official presented with a claim of fraud or irregularity must still certify the counted result and refer the claim to the appropriate court and prosecuting authority. The certifying official may not act as judge of the claim, may not withhold or delay certification while the claim is investigated, and may not treat an unproven allegation as a defect in the count. Adjudication of election disputes belongs to the courts alone.

Mandamus, removal, and substitution of the certifier. An official who refuses, delays, conditions, or alters certification in violation of this Section may be compelled to perform the act by a writ of mandamus issued on an emergency, expedited basis. Such an official forfeits the office and is subject to criminal penalty for the refusal. Where an official refuses or is unable to certify, the court may enter the certification directly or designate a substitute official to perform the purely ministerial act, so that the refusal of any individual cannot prevent the certification of a lawfully counted result.

No substitution of the count by any body. No official, canvassing board, election authority, or legislature may set aside the result of the lawful count of valid votes and substitute a different result, an alternate slate, or its own determination of the proper winner. The outcome of an election is fixed by the valid votes cast, as counted and as corrected only by a court; no legislative resolution, board vote, or executive act may displace it. An attempt to certify or transmit a result other than the one the valid count produced is void and is itself a violation subject to the penalties of this Section.

Standing and priority. Any candidate, any registered voter, any Member of Congress, and any affected party has standing to compel certification of the lawful result or to void a substituted result. A court hears such an action on an emergency basis with priority over its other business, and its order is enforceable against any official regardless of position.

Section 6. Military Spending Discipline and the Funding Priority

This Section implements Article Twenty-Five, Section 6.

The mandatory audit. The Department of Defense and every agency receiving military or defense appropriations must complete an independent financial audit each fiscal year, and must pass it. An agency that cannot account for its appropriated funds, or that fails an audit, may not receive an increase in appropriations in the following fiscal year until it passes, and the unaccounted amount is reported publicly. No agency is exempt from audit, and no military program may be classified in a manner that prevents the audit of whether its funds were spent as appropriated.

The funding-priority test. In each budget, guaranteed spending under Article Twenty-Five, Section 6 is appropriated first. Where projected revenue is insufficient to fund both the guaranteed provisions and the proposed discretionary spending, discretionary spending is reduced before any guaranteed provision; the budget must demonstrate, in a published statement, that every guaranteed provision is

fully funded before any discretionary increase — including any increase to military or enforcement appropriations — takes effect.

Discretionary military spending defined. Discretionary military spending is military spending above the level required to maintain the genuine defense of the nation. The genuine-defense baseline is the level necessary to defend against actual or imminent attack and to meet existing treaty and personnel obligations; spending above that baseline — including new weapons programs, force expansions, and overseas operations not required by an actual or imminent threat — is discretionary and subject to the funding-priority test. A declared war or a genuine national-defense emergency under the war-powers provisions of this Constitution suspends the priority test as to spending genuinely necessary to that emergency, for its duration only.

Enforcement-agency expansion is discretionary. The expansion of an enforcement agency's budget, personnel, or detention capacity is discretionary spending subject to the funding-priority test, and may not be funded while a guaranteed human-needs provision is unfunded. An enforcement expansion enacted in violation of this Section is void as to the unfunded amount.

Enforcement and standing. Any person denied a guaranteed provision on the ground of insufficient funds, any Member of Congress, and any affected party may bring an action to establish that discretionary spending was funded in violation of the priority, and a court may order the discretionary appropriation enjoined to the extent it violates this Section. The government bears the burden of proving the priority was honored.

Section 7. No Secret Military: Mandatory Disclosure to Congressional Oversight

A military program the people's representatives cannot see is a military program that operates outside the Constitution. Secrecy is sometimes necessary against an enemy. It is never permissible against the body that authorizes the money. This Section establishes that no branch of the armed forces, no Secretary, no agency, and no President may maintain any program, operation, account, or expenditure hidden from congressional oversight.

Total access. The congressional committees charged with oversight of the armed forces and defense appropriations shall have complete access to every program, project, activity, operation, contract, account, transfer, and expenditure of the Department of Defense, every branch of the armed forces, and every agency receiving defense or intelligence appropriations. Access extends to special access programs, unacknowledged and waived programs, compartmented programs, covert action, classified annexes, reprogramming actions, contingency accounts, and any program however designated or denied. There is no category of program exempt from this Section, and no program may be structured, named, funded, or denied in a manner designed to place it outside this Section.

No compartmentalization from the committee. Access belongs to the full membership of the oversight committee and its cleared professional staff — not to a subset of members selected by the

executive branch. A briefing limited to designated leadership does not satisfy this Section. No official may condition access on an individual member's vote, party, or prior position.

No privilege may be asserted. Neither executive privilege, the state secrets doctrine, classification at any level, contractor proprietary claims, nor any other privilege or designation may be asserted to withhold information from the oversight committee. Disclosure to the committee in its secure facilities is not public disclosure and creates no waiver of secrecy as to the public or an adversary.

The funding switch. No appropriation may be disbursed for any program that has not been fully disclosed to the oversight committee. Where the committee certifies that a program, account, or expenditure has been concealed, misdescribed, or withheld, the appropriation for that program is void by operation of law and the Treasury may not disburse against it until disclosure is complete. Funds already expended on a concealed program shall be reported publicly in aggregate.

Personal liability, and no superior-orders defense. An official who conceals, misdescribes, or withholds a program, account, or expenditure from the oversight committee, or who directs a subordinate to do so, is personally liable, forfeits any bonus or incentive compensation, is subject to removal, and is referable for criminal prosecution. An instruction from the President, the Secretary, or any superior to withhold information from the oversight committee is void, confers no protection on the person who obeys it, and is itself a high crime for the officer who issues it. A subordinate who discloses to the committee contrary to such an instruction has committed no offense.

Contractors. A private contractor receiving defense funds is subject to this Section as a condition of the contract. A contractor that withholds information from the oversight committee, or that asserts a proprietary claim to do so, forfeits the contract, forfeits payment for the concealed work, and is barred from federal contracting for a period fixed by law.

Direct reporting channel. Any member of the armed forces, civilian employee, or contractor employee may report concealment directly to the oversight committee. That channel may not be routed through, monitored by, or made contingent on the approval of any superior. Retaliation is prohibited and subject to the whistleblower protections of Constitutional Statute 28.

Secrecy from the public ends. No program may remain classified from the public indefinitely. Every classified program shall be declassified and published no later than twenty-five years after its authorization, unless the oversight committee affirmatively renews the classification in a recorded public vote stating that a specific, continuing danger requires it, renewable in ten-year increments. Secrecy that outlives its reason is concealment.

Section 8. The Duty to Execute the Laws; No Nullification by Non-Enforcement or Impoundment

Article Twenty-Five forbids the executive to nullify a law by refusing to enforce it. This Section makes that prohibition enforceable and draws the line between the ordinary discretion the Constitution protects and the abdication it forbids. **The duty.** The executive shall enforce the laws Congress has

enacted. The decision whether and how to enforce in a particular case, and the setting of enforcement priorities among competing demands on genuinely limited resources, are committed to the executive's honest judgment. But the executive may not adopt, by order or by practice, a general policy of non-enforcement that reduces the enforcement of a law, in whole or against a class of persons or conduct, to a nullity.

The line: prioritization versus abdication. Lawful enforcement discretion is the equitable administration of a law: declining weak cases, pursuing the worst violators first, adapting to real and neutral resource constraints. Unlawful nullification is the disabling of a law: the stand-down of its enforcement not to administer it better but to defeat it, because the executive disfavors the law itself. The distinction is between enforcing a law imperfectly and refusing to enforce it at all.

The presumption. Where the enforcement of a law — measured by cases opened, actions brought, penalties assessed, or resources deployed — falls substantially below the levels sustained before, or below what the resources Congress appropriated for that purpose would support, and remains there, a rebuttable presumption arises that the law is being nullified. The executive may rebut the presumption only by showing a genuine, neutral, and documented justification grounded in the honest administration of the law — a true change in the underlying conduct, a bona fide resource emergency applied evenhandedly, or a comparable reason. Disagreement with the law, or a purpose to disable it, is not such a justification, and a collapse in enforcement that tracks the executive's stated hostility to a law is evidence of nullification.

No nullification by impoundment. Funds Congress has appropriated to enforce or carry out a law may not be impounded, withheld, frozen, or redirected for the purpose or with the effect of defeating that law's enforcement. An executive that declines to spend enforcement funds, leaves enforcement offices deliberately unstaffed, or reprograms enforcement money away from its purpose, so as to nullify a law, violates this Section as surely as one that orders non-enforcement outright.

No nullification by starvation of officers. The deliberate stripping, reassignment, or hollowing-out of the officers, investigators, or personnel charged with enforcing a law, done to render its enforcement impossible, is nullification by other means and is equally forbidden. The protections of the officers who enforce the law, and the whistleblower protections of Constitutional Statute 18, extend to those who report or resist an order to abandon enforcement.

Standing and review. Because the harm of nullification is precisely that the executive has declined to act, the ordinary presumption against reviewing a decision not to enforce does not apply to a claim of nullification under this Section. Standing to bring such a claim belongs to: either house of Congress or an authorized committee, whose enactment is being erased; any person or class denied the protection of a law the executive has abandoned; any State injured by the non-enforcement; and the independent oversight authorities of Constitutional Statute 18. A court finding nullification shall declare it unlawful and may compel the executive to present and carry out a good-faith plan to resume the faithful enforcement of the law. **What this does not do.** This Section does not compel any particular

prosecution, does not strip the executive of honest case-by-case discretion, and does not forbid genuine prioritization under real resource limits. It forbids one thing only: the use of non-enforcement, impoundment, or the starving of enforcement as a device to repeal, without Congress, a law the executive lacks the votes to repeal with it.

Constitutional Statute 32

Intellectual Property and Public Domain Act

Implementing Article Three, Section 7.

Section 1. Copyright: A Genuinely Limited Term and a Guaranteed Public Domain

Copyright in a work of authorship subsists from its creation for the life of the author plus fifty years, and for a work of corporate or anonymous authorship, for seventy years from publication, after which the work enters the public domain permanently and belongs to all. These terms are the maximum; Congress may shorten them by ordinary legislation but may lengthen them only by the supermajority required to amend a Constitutional Statute, and may never lengthen them retroactively as to any existing work. No work that has entered the public domain may be removed from it by any means, including reissue, restoration, or treaty. The term of a work is fixed at its creation and is not altered by any later change in the law.

A copyright protects the particular expression of a work, never the facts, ideas, methods, or information it contains, which remain free for all to use. Registration may be required as a condition of certain remedies but never as a condition of the public's eventual ownership.

Section 2. Patents: Limited Term, Genuine Invention, No Evergreening

A patent on an invention subsists for twenty years from the date of application, after which the invention enters the public domain permanently. This term is the maximum and may not be extended retroactively, nor extended in substance by the patenting of an insubstantial modification of an existing invention. A patent may be granted only for a genuine, novel, non-obvious, and useful invention, and not for a law of nature, a natural phenomenon, an abstract idea, a mathematical formula, or the basic building blocks of knowledge.

No evergreening. A modification, reformulation, or new use of an existing patented invention that does not reflect a genuine and substantial advance does not extend the original patent term and may not be used to maintain a monopoly past the original expiration. This rule applies to all fields, and incorporates the anti-evergreening protections for medicines in Constitutional Statute 3.

Section 3. The Anti-Troll Rule: Exclusive Rights Serve Creators, Not Extractors

The exclusive rights secured by this Act exist to reward genuine creation and invention. A person who did not create an invention or work, and who does not practice or make genuine use of it, may not wield the exclusive right principally to extract payment from those who do. A court shall deny enforcement of an exclusive right asserted in violation of this rule, and may award the prevailing party its costs and fees where the assertion was made principally for extraction rather than to protect genuine creation or use. The accumulation of numerous trivial or overlapping claims for the purpose of walling

off a field of knowledge or deterring legitimate competition is prohibited, and such claims are unenforceable to the extent of the abuse.

Section 4. Fair Use and the Public's Right to Knowledge

The public retains the right to use protected works without permission for purposes including criticism, comment, news reporting, teaching, scholarship, research, parody, and other fair uses, considering the purpose of the use, the nature of the work, the amount used, and the effect on the work's market. Libraries, archives, and educational institutions may preserve, lend, and provide access to works consistent with this right. No contract, technological measure, or terms of service may eliminate a fair use or the public's right to use a work that has entered the public domain; a technological lock may not be used to extend an exclusive right beyond its lawful term or to defeat a lawful use.

Section 5. Authorship, Creation, and Works Made by Machine

An exclusive right under this Act vests only in a human author, inventor, or creator, or in the entity to which a human creator has lawfully assigned it. A work generated without human creative authorship is not eligible for an exclusive right and belongs to the public domain. Where a work is created by a human using automated tools, protection extends only to the human creative contribution. A creator may not be compelled to assign their rights as an unconscionable condition of employment or publication beyond what is fair and freely agreed, and moral attribution of authorship is protected.

Section 6. Administration: The Office, Compulsory Licensing, and Remedies

Congress shall maintain an office to register and examine claims of copyright and patent, operating transparently and at fees no higher than necessary to cover its function. Where an exclusive right is necessary to public health, safety, or a comparable public need and the holder will not license it on reasonable terms, the public may license its use for a reasonable royalty, on the model of the medicine provisions of Article Eleven and Constitutional Statute 3, the holder's remedy being the royalty and not a veto over public access. Remedies for genuine infringement shall be sufficient to deter and compensate but proportionate, and statutory damages may not be set so high as to punish ordinary non-commercial use out of proportion to any harm.

Section 7. Patents on Living and Self-Replicating Organisms: The Farmer's Right to Save Seed, to Fair Dealing, and to an Alternative Source

A patent on a seed, plant, or other self-replicating living organism is a patent on something that copies itself by its own nature. The exclusive rights granted under Section 2 remain valid for such inventions, but they may not be stretched to defeat a practice older than patent law itself: the saving of seed by the farmer who grew it, nor to trap a farmer in dependence on a single supplier. This Section fixes the boundary between the patent holder's legitimate protection and the farmer's enduring rights.

The farmer's right to save seed. A farmer or grower who has lawfully obtained a patented seed, plant, or other self-replicating organism, and who plants it, retains the right to save seed, offspring, or

propagating material from that harvest and to replant it on land they own or operate. No patent, and no license or technology agreement accompanying the sale of such an organism, may extinguish, waive, or condition away this right. A contract term purporting to forbid a farmer from saving seed of their own harvest for their own use is void and unenforceable. This right restores to patented organisms the seed-saving exemption long recognized under the Plant Variety Protection Act, which the use of utility patents had circumvented.

The boundary of that right — what the patent still protects. The right to save seed is a right of *own use*, not a right of commercial reproduction. The patent holder retains full protection against, and this Section does not authorize: the sale or transfer of saved seed or propagating material to another person for planting; the reproduction of the patented organism for commercial distribution; or the operation of a seed-multiplication or seed-dealing business trading in the patented material. A farmer may save and replant for their own operation; a farmer may not become an unlicensed seed company. Within this boundary the patent remains fully enforceable, and upon its expiration the organism enters the public domain under Section 2 like any other invention.

Immunity for inadvertent presence. The unintended, incidental, or naturally occurring presence of a patented trait in a farmer's crop, seed, or land — arising from cross-pollination, seed drift, volunteer plants, commingling in shared equipment or storage, or any means not involving the farmer's deliberate acquisition and reproduction of the patented organism — is never infringement, and may never be the basis of any claim, demand, or suit. A patent holder bears the burden of proving deliberate acquisition and intentional reproduction by clear and convincing evidence. A farmer has no duty to test for, monitor for, remove, or account for a patented trait that arrives by nature or by the acts of others; the presence of such a trait creates no license obligation and no liability.

The duty of fair dealing; no retaliation; neutral allocation. A firm holding market power in the supply of seed or agricultural inputs — as measured under Constitutional Statute 9 — owes a duty to deal on fair and non-discriminatory terms, and may not refuse to sell, delay, deprioritize, ration, cut off, or condition the supply of seed to a farmer as retaliation for the farmer's exercise of a protected right or for any reason unrelated to legitimate commercial dealing. Retaliation prohibited by this section includes adverse treatment because a farmer saved seed as permitted above, purchased from a competitor, declined a technology agreement's unlawful terms, criticized or organized against the supplier, or asserted any right under this Constitution. When supply is genuinely limited, a dominant supplier shall allocate available seed on neutral, objective terms — such as pro-rata by prior purchase, order sequence, or demonstrated need — and never as reward for loyalty or punishment for independence. A farmer denied fair dealing may recover the seed or its value, consequential damages for lost planting, costs, and fees, and the pattern of such denials is a harm cognizable under Constitutional Statute 9.

The right to an alternative source, including importation. A farmer's right to obtain seed or propagating material equivalent to that they are denied, from any lawful source — whether another

domestic supplier or a source outside the United States — may not be blocked, penalized, or conditioned by a patent holder or by any private agreement. No license or technology agreement may forbid a farmer from purchasing equivalent seed elsewhere, and any term purporting to do so is void. This right is subject to genuine, generally applicable, and non-pretextual plant-health, phytosanitary, and biosecurity regulation necessary to prevent the introduction of pests, disease, or invasive organisms; but such regulation may not be applied, designed, or invoked as a pretext to insulate a dominant supplier from competition, and a farmer denied importation on biosecurity grounds is entitled to a prompt statement of the specific hazard and to independent review of whether the restriction is genuine or pretextual.

Bar against abusive enforcement. The costs of litigation may not be used to convert a valid patent into an instrument of coercion against those who cannot afford to resist it. A patent holder who brings an infringement action against a farmer or grower and does not prevail shall bear that farmer's full costs and reasonable attorney's fees. A patent holder who brings such an action without a good-faith basis to believe the farmer deliberately acquired and commercially reproduced the patented organism — including any action premised on inadvertent presence barred above — is liable for the farmer's costs, fees, and punitive damages, and the action is subject to early dismissal. Field entry, sampling, or investigation of a farmer's land or crop without the farmer's consent or lawful process is prohibited, and evidence so obtained is inadmissible.

Anti-concentration hook. The seed and agricultural-input supply is essential infrastructure within the meaning of Constitutional Statute 9, and control of it is subject to the anti-monopoly, essential-facilities, and structural-separation provisions of that statute. Where a small number of firms control the seed supply of a staple crop such that farmers lack a genuine alternative, that concentration is itself a harm cognizable under Constitutional Statute 9, and the remedies of Constitutional Statute 9 — including divestiture, mandatory licensing, and interoperability — apply. A patent lawfully held does not immunize its holder from the antitrust and anti-concentration obligations that apply to any other holder of market power.

Constitutional Statute 33

Bankruptcy and Fresh Start Act

Implementing Article Three, Section 7.

Section 1. The Fresh Start: Discharge Available to Honest Debtors

An honest debtor overwhelmed by debt is entitled to relief through discharge, restoring them to full economic participation. The process for individuals shall be accessible, affordable, and free of conditions whose purpose or effect is to deny relief to honest debtors. The means test, mandatory pre-filing requirements, and comparable barriers may exist only to the extent they distinguish genuine ability to pay from genuine inability, and may not be calibrated to deter or delay honest debtors from obtaining relief; ability to pay is measured against the debtor's actual income net of the cost of a dignified subsistence for the debtor and dependents, not against a creditor's preferred standard. A debtor may not be charged fees that place relief out of reach, and fee waivers are available to those who cannot pay.

Section 2. No Categorically Unforgivable Debt; Education and Medical Debt Dischargeable

No category of debt owed by a natural person may be excluded from discharge in a manner that defeats the fresh start. Debt arising from education — including student loans of every kind, public and private — is dischargeable on the same terms as other debt, and the "undue hardship" standard and any rule making education debt uniquely difficult to discharge are abolished. Debt arising from medical care is dischargeable, and is additionally subject to the protections of the Essential Care System; medical debt may not be reported to credit agencies in a manner that punishes a person for having been ill, and aggressive collection of medical debt is restricted by statute. Debt arising from basic subsistence may not be singled out as uniquely unforgivable. Genuinely fraudulent debts, and obligations such as child support and restitution to victims, may be treated distinctly, as relief of those is not the purpose of this power.

Section 3. Exemptions: Preserving a Dignified Life

A debtor in bankruptcy retains the essentials of a dignified life: the means of basic subsistence; a home of modest value or the equivalent protection for rented shelter; necessary household goods; a vehicle reasonably necessary for work or family care; the tools, equipment, and credentials of the debtor's trade or profession; and earned pension and retirement savings, which are fully protected from creditors. Exemption amounts are set by statute, are uniform in principle nationwide, and are indexed so that inflation does not erode the dignity floor. No debtor may be left destitute as the price of relief.

Section 4. No Debtors' Prison; Dignity in the Process

No person may be imprisoned for the inability to pay a debt, a fine, a fee, or a civil judgment. A court may not jail a person for nonpayment without first determining, on the record, that the person has the genuine ability to pay and has willfully refused; inability to pay is never contempt. The bankruptcy process may not subject a debtor to humiliation, and a debtor retains the protections of privacy and dignity throughout. Wage garnishment, account seizure, and similar collection measures are limited so that they may never reach the income or property necessary for basic subsistence.

Section 5. Corporate Bankruptcy May Not Be Used to Loot

The bankruptcy of an enterprise may not be used as a device to discharge the wages, earned benefits, earned pensions, or healthcare obligations owed to its workers and retirees while preserving the wealth of its owners, executives, or investors. In any reorganization or liquidation: earned wages, benefits, and vested pension obligations owed to workers and retirees hold priority over the claims of owners and equity holders, over unsecured claims of insiders, and over any discretionary or incentive payment to executives. A court shall set aside, as a fraudulent transfer, any bonus, dividend, distribution, or transfer to an owner, executive, or insider made in anticipation of or during bankruptcy that has the purpose or effect of extracting value at the expense of workers, legitimate creditors, or the public. The deliberate use of bankruptcy to break a collective bargaining agreement or to shed pension obligations while insiders are made whole is prohibited, and pension obligations abandoned in violation of this Section are restored as a first-priority obligation of any successor entity.

Section 6. Administration and Uniformity

Congress shall maintain a uniform system of bankruptcy courts and trustees operating on consistent rules nationwide, so that the relief available to a debtor does not depend on the state in which they live. The system shall be adequately funded, accessible without specialized counsel for straightforward individual cases, and transparent in its operation. Credit reporting of a discharged debt shall reflect the discharge and may not be used to punish the debtor beyond a limited, statutorily fixed period, after which the fresh start is reflected in full.

Section 7 — No Fresh Start Built on Harm: Liability for Wrongdoing Is Not Escapable

Section 5 forbids the use of bankruptcy to loot workers and retirees. This Section forbids its use to escape liability to those an enterprise has harmed. Bankruptcy relieves honest misfortune; it does not launder wrongdoing.

Rights-liabilities are not dischargeable. A liability of an organization arising from fraud, from a knowing or reckless violation of the constitutional or statutory rights of any person, or from a harm the organization caused and concealed, is not dischargeable and survives any reorganization, sale, or dissolution. Compensation to those harmed is satisfied ahead of, not behind, the claims of the investors and lenders who profited from the enterprise. **No escape by division.** Where an organization separates a liability from the assets that could satisfy it — by spinning the liability into a new or undercapitalized

entity, by a divisional merger, by transferring assets to an affiliate, or by any device whose effect is to place the harm on one side and the wealth on the other — the separation is void as against the persons harmed. The assets remain reachable wherever they are moved, and every entity produced by the division, and every affiliate that received the assets, is jointly liable. The bankruptcy of the entity holding the liability does not shield assets held by an affiliate that did not file.

Successor liability. One who acquires the business, the assets, or the going concern of a liable organization takes it subject to its rights-liabilities; the form of the transaction does not extinguish them.

The honest debtor preserved. Nothing in this Section enlarges the ordinary debts of a business that failed honestly, nor denies any person or enterprise the genuine fresh start bankruptcy exists to provide. It reaches only liabilities arising from wrongdoing, and only the structures built to escape them. This Section implements the accountability principle of Article Thirty-One, Sections 5 and 8.

Constitutional Statute 34

Uniform Commercial Law and Anti-Arbitrage Act

Implementing Article Eighteen, Section 7.

Section 1. A Uniform Commercial Code

There shall be a uniform body of commercial law governing contracts, the sale and lease of goods, secured transactions, negotiable instruments, fund transfers, and comparable commercial dealings, applicable consistently throughout the United States. Congress may enact this code as federal law, or may require the states to adopt and maintain it without material variation; in either case the governing rules of commerce may not differ from jurisdiction to jurisdiction in a manner that allows a party to select more favorable rules to the disadvantage of those it deals with. The technical mechanics of commercial law — including the perfection of security interests, the transfer of negotiable instruments, and the rules of fund settlement — are set within this uniform framework and may be improved over time consistent with the administrative-improvement principle, provided no change reduces a protection this Constitution guarantees.

Section 2. The Anti-Arbitrage Rule: Protections Follow the Person

A term in any contract or instrument that selects the governing law, the forum, the venue, or the procedure for resolving a dispute is unenforceable against a natural person to the extent it would deprive that person of: the protections of the law of the state of their own residence; the protections of this Constitution and its Statutes; or access to a court for a claim this Constitution makes enforceable. An enterprise may organize, incorporate, or operate wherever it lawfully chooses, but it may not use the place of its incorporation, the location of its operations, a choice-of-law clause, or a forum-selection clause to escape the legal protections owed to the people it deals with, employs, or serves. Where a contract between an enterprise and a natural person is silent or ambiguous as to governing law, the law most protective of the person, among those reasonably connected to the dealing, applies.

Section 3. Unconscionability, Hidden Terms, and Good Faith

A contract or a term is unenforceable to the extent it is unconscionable — so one-sided, at the time it was made, that no informed party with a genuine choice would have agreed to it — or to the extent a material term was hidden, buried, or presented so as to defeat genuine understanding. A term imposed on a take-it-or-leave-it basis by a party with superior bargaining power is enforceable only to the extent it is fair, conspicuous, and within the reasonable expectation of an ordinary party. Every contract carries an obligation of good faith and fair dealing in its performance and enforcement; this obligation may not be disclaimed or waived. Ambiguities in a contract drafted by one party are construed against the drafter.

Section 4. The Uniform Usury and Cost-of-Credit Ceiling

There shall be a uniform ceiling on the rate of interest and the total cost of consumer credit, set by statute, applicable to every person and enterprise that lends to the public, regardless of the jurisdiction from which the lender operates or the jurisdiction whose law the loan purports to select. A loan made to a person in the United States is subject to this ceiling, and a lender may not escape it by locating in, or choosing the law of, a jurisdiction with a higher limit or none. Interest, fees, and charges that together exceed the ceiling are void as to the excess, and a knowing and systematic violation is subject to penalty and restitution. Predatory lending — including the extension of credit designed to trap a borrower in a cycle of debt, and the exploitation of a person's necessity or lack of bargaining power — is prohibited.

Section 5. Forced Arbitration and the Right to a Forum

A pre-dispute term requiring a natural person to submit a future claim to binding arbitration is unenforceable as to any claim arising under this Constitution or its Statutes, and as to claims of personal injury, discrimination, harassment, fraud, or violation of consumer or worker protections, consistent with the protections established elsewhere in this Constitution. Where arbitration is genuinely chosen after a dispute arises, or is freely agreed between commercial parties of comparable bargaining power, it remains available. No person may be denied access to a court, or required to waive the right to join with others similarly situated, as a non-negotiable condition of employment, credit, housing, healthcare, or an essential good or service.

Constitutional Statute 35

Foreign Government Influence Accountability Act

Implementing Article Twenty-Five, Section 7.

Section 1. The Foreign-Government Money Prohibition and the Anti-Routing Rule

No foreign government, foreign political party, foreign state-owned or state-controlled entity, or person acting as their agent, may directly or indirectly make, promise, or finance any contribution, expenditure, gift, loan, payment, or thing of value to or for the benefit of any candidate, officeholder, party, campaign, or political organization, at any level of government in the United States. It is equally prohibited to route such funds or benefits through a citizen, a domestic corporation, a non-profit, a trade association, or any other intermediary for the purpose of concealing their foreign-government origin. A domestic organization that receives funds from a foreign government and deploys them for political purposes is liable for the violation, and a person who knowingly serves as a conduit is personally liable. The burden of demonstrating that politically deployed funds are free of prohibited foreign-government origin rests on the organization that received and spent them, where credible evidence of foreign-government funding is shown.

Section 2. No Personal Foreign Benefit; the Dual-Loyalty Removal Standard

No person holding office under the United States or any state or local government may accept, for themselves or a member of their household, any payment, gift, office, title, paid or promised future employment, equity, favorable financial arrangement, or other thing of value from a foreign government or its agents, during their service and for a period set by statute after leaving office. Ordinary diplomatic courtesies of nominal value, fully disclosed, are permitted. An official who acts under the direction or control of a foreign government, or whose official conduct is shaped by personal financial dependence on a foreign government, has betrayed the public trust; such conduct is grounds for removal from office and, where it meets the definition, prosecution. Former officials may not, for a defined period, accept compensation to represent or advise a foreign government on matters they handled in office.

Section 3. Registration and Disclosure of Foreign-Government Influence

Any person or entity that acts within the United States at the direction, request, or material funding of a foreign government to influence American officials or public opinion — through lobbying, paid advocacy, public communication, funded media, or organized influence operations — must register as an agent of that foreign government and disclose the relationship, the funding, and the activities conducted, on a timely and public basis. Communications produced under such direction or funding must be conspicuously labeled as to their foreign-government origin so that the public knows the source of the message reaching them. **The citizen-speech protection.** This Section reaches only those

acting at the direction or material funding of a foreign government. It does not reach, and may never be applied to suppress, monitor, or burden, the political speech, advocacy, association, assembly, or petition of United States citizens and residents acting on their own behalf or in voluntary association with one another, whatever cause or country they support or oppose. Membership in, donation to, or advocacy alongside an organization is not, by itself, evidence that a person is a foreign agent. The distinction this Section draws is solely between acting at the direction and funding of a foreign government, which must be disclosed, and the exercise of one's own protected freedoms, which is absolute and unconditioned.

Section 4. No Foreign-Government Control of the Means of Public Information

A foreign government, or an entity owned or controlled by a foreign government, may not own or exercise control over a media outlet, broadcast license, or communications platform of significant reach through which Americans inform themselves about their own government and elections. Foreign private investment, foreign ownership of non-controlling stakes, and foreign journalism are not prohibited, but a controlling interest held by or on behalf of a foreign government is, and foreign-government-funded media must be clearly and continuously labeled as such. This Section is applied consistent with freedom of the press and may not be used to suppress journalism or disfavor viewpoints; it reaches ownership and control by foreign governments, not the content of speech.

Section 5. Foreign Aid and Commitments Remain Perpetually Reviewable

No commitment of aid, funds, weapons, or military support to any foreign government binds a future Congress. Every such commitment is subject at all times to review, reduction, conditioning, suspension, or termination by Congress, and no treaty, executive agreement, memorandum, or course of dealing may foreclose that authority or render any such commitment permanent, automatic, or unreviewable. Any provision purporting to do so is void as to its entrenching effect. Each significant commitment of aid or military support to a foreign government shall be periodically reviewed and reauthorized by Congress on a published schedule, with the terms, amounts, and conditions disclosed to the public, so that the people's representatives affirmatively choose to continue it rather than allowing it to persist by inertia. No foreign government's reaction to the exercise of this authority diminishes it; the power to give is the power to review and to cease.

Section 6. No Foreign Tribunal May Override American Law

An agreement with another nation may bind the United States as a nation. It may not create a private court in which a foreign corporation sues the American people for enacting their own law. Where a trade agreement establishes such a tribunal, a regulation adopted under this Constitution — protecting water, wages, health, or safety — becomes a liability to be paid rather than a decision to be made. This Section forecloses that.

The prohibition. No treaty, trade agreement, or executive arrangement may subject the United States, a State, or a subdivision to the jurisdiction of any tribunal, panel, or arbitral body empowered to invalidate, suspend, penalize, or award damages on account of a law, regulation, judicial decision, or administrative action adopted under this Constitution. Investor-state dispute settlement, however denominated, is prohibited.

Unenforceable awards. An award, judgment, or order issued by such a body against the United States, a State, or a subdivision is void and unenforceable in every court of the United States. No court may recognize or enforce it, no officer may pay it, and no appropriation may be made to satisfy it.

Foreign investors use the same courts as everyone else. A foreign investor or enterprise operating in the United States has full access to American courts on the same terms as any domestic party, and the same protections of this Constitution — including the protection against uncompensated taking. It receives no additional forum, no additional remedy, and no rights unavailable to a citizen. Equal treatment is the guarantee; superior treatment is not.

What remains permitted. This Section does not restrict dispute resolution between the United States and another sovereign government conducted on a state-to-state basis; commercial arbitration between private parties who have genuinely agreed to it, subject to Constitutional Statute 34, Section 5; or the enforcement of an arbitral award between private parties. It restricts only the subjection of American law itself to a body outside the courts established under this Constitution.

Existing agreements. Where the United States is party to an agreement containing a prohibited mechanism, the President shall seek its removal by renegotiation. If it is not removed within four years of ratification, the United States shall withdraw from that mechanism by the terms the agreement provides. Nothing in this Section requires withdrawal from an entire agreement whose remaining terms are lawful.

Transparency. The text of any proposed trade agreement, and the text of any provision affecting the authority of American courts or the enforceability of American law, shall be public for not less than 90 days before Congress votes. An agreement negotiated in secret and presented for immediate approval may not be enacted.

Section 7. Integrity of Diplomatic Appointment

The protections of this Act against foreign-government influence are undone if the posts that conduct foreign policy can be bought with domestic money. Article Four, Section 13 forbids selling the nation's diplomacy; this Section administers the qualification floor and the bar on patronage.

The qualification floor. A person nominated as ambassador, chief of mission, or to any senior diplomatic post shall possess a demonstrated qualification for it — relevant professional experience, regional or subject-matter expertise, or command of a relevant language. The nominating authority shall publish, with each nomination, a statement of the nominee's qualifications and of any political

contributions, fundraising, or party service by or attributable to the nominee within the preceding seven years.

No sale, no trade. No such post shall be awarded, promised, traded, or arranged in exchange for a political contribution, for fundraising, or for party service. An appointment made in violation of this Section is void, the officeholder may not act, and any official who conditioned or arranged the appointment on such consideration is subject to removal and to the penalties for public corruption.

The waiver, on the record. The Senate may confirm a nominee who does not meet the qualification floor only by a recorded supermajority vote accompanied by a written statement of the particular reasons the nominee is nevertheless fit to serve. The waiver is specific to the nominee and the post; it establishes no general exception.

Constitutional Statute 36

Postal Service and Integrity of Standards Act

Implementing Article Three, Section 7.

Section 1. Universal Postal Service to Every Address

A public postal system shall deliver to and collect from every address in the United States and its territories, however remote or unprofitable, at uniform rates that do not vary by the difficulty or cost of reaching a particular place. Service to rural, remote, tribal, and low-income communities may not be reduced below service to profitable areas. The postal system is public infrastructure: it may not be sold, privatized, or transferred to private control in a manner that abandons universal service, and it may not be deliberately starved of funds or burdened with artificial financial obligations for the purpose of manufacturing failure as a pretext for dismantling it. Its mandate is service, and it shall be funded and governed to fulfill that mandate.

Section 2. Affordable Rates and the Public Mission

Postal rates shall be affordable to ordinary people and set transparently. The postal system may pursue efficiency and may offer competitive services, but efficiency and revenue may never override the universal-service mandate. The postal network may serve as a platform for other essential public services — including, as Congress provides, basic financial services for the unbanked — where doing so advances the public mission and the reach of the network is a public asset.

Section 3. Privacy of the Mails and of Public Communication

Sealed correspondence carried by the postal system may not be opened, read, or its contents disclosed except upon a warrant supported by probable cause and describing what is sought. Records of who corresponds with whom may not be compiled, retained, or surveilled for the purpose of monitoring lawful association or expression. As communication extends beyond physical mail, the principle that the contents of a person's private correspondence are protected from warrantless intrusion governs the public communication infrastructure as well, consistent with the privacy protections established elsewhere in this Constitution.

Section 4. Uniform National Standards

There shall be a uniform national system of standards for weights, measures, time, and the measurable qualities of goods and services, so that a unit of weight, volume, length, energy, value, or comparable measure means the same throughout the United States. Standards shall be established and maintained by a competent body operating transparently, by the best available science, and insulated from capture by the industries it measures and governs. Standards are a public trust and are published and freely available.

Section 5. The Prohibition on Deceptive Measurement

No person or enterprise may falsify, manipulate, rig, or conceal the true measure of what they sell, charge for, meter, or provide, to the disadvantage of another. This includes false weights and volumes, rigged meters and gauges, deceptive labeling of quantity or quality, the misstatement of a rate or charge, and the manipulation of any instrument or method of measurement on which another reasonably relies. A measurement presented to the public must be accurate and verifiable, and the deliberate use of deceptive measurement to extract value is subject to penalty, restitution, and disgorgement of the gain.

Constitutional Statute 37

Militia, National Guard, and Anti-Paramilitary Act

Implementing Article Twenty-Five, Section 8.

Section 1. The National Guard: A Military Reserve Under Civil Command

The National Guard is organized within the branches of the armed forces as a military reserve, under military command, discipline, and standards. In its ordinary status it serves under the governor of its state for state defense and emergency response. It may be called into federal service as Congress provides; while federalized it is part of the regular armed forces and is bound in full by the prohibition on domestic military force in Article Twenty-Five and by every safeguard of that Article, and federalization grants no authority to act against the people that the regular armed forces would not possess. A member of the Guard takes orders only through the lawful military chain of command, and the duty to refuse an unlawful order applies to the Guard as to all armed forces.

Section 2. The Lawful Militia: A Regulated Right, Verified Locally

The right of the people to organize and serve in a lawful militia, regulated by a state or county, is recognized. A state shall publish the standards a militia must meet, and meeting them is verified by a designated county official, who confirms eligibility against the published standards. The state or county may not arbitrarily or pretextually deny militia status to a body that meets the standards, nor grant or withhold status on the basis of the viewpoint, politics, or identity of the applicants; verification is an even-handed, standards-based determination, and a wrongful denial may be challenged before a court. A lawful militia is never federalized, is never part of the regular armed forces, and acts only when called into service by the civil authority of the state or county.

Section 3. The Standards That Define a Lawful Militia

A lawful militia must meet, and continuously satisfy, each of the following standards. These standards are the line between a militia and a prohibited private army:

(a) **Authorization.** It exists by the authorization and under the regulation of the state or county, not by its own declaration.

(b) **Activation by civil authority.** It acts only when lawfully called into service by civil authority, and never upon its own or its members' private judgment.

(c) **Subordination.** It answers to the civil authority of the state or county, not to a private leader, and is bound by the safeguards of Article Twenty-Five.

(d) **Identifiability.** Its members, acting as militia, are identifiable and may not be masked, anonymous, or concealed, and its membership rolls are known to the verifying authority.

(e) **Arming limit.** Its members bear only personal small arms and individual equipment, and it may not possess artillery, armor, explosives beyond personal lawful use, military materiel, or the weapons

of offensive war.

(f) **Defensive and lawful purpose.** Its purpose is the lawful local defense of the community and state; it does not exist to intimidate, coerce, or use force against other people, against peaceful assembly or protest, or against any group on account of who they are or what they believe.

(g) **Lawful conduct.** It does not train for, plan, threaten, or commit unlawful violence, intimidation, or coercion.

(h) **Transparency.** Its existence, leadership, and authorization are a matter of public record with the verifying authority, not secret.

Section 4. The Prohibition on Private Paramilitaries

An organized armed body that is not the lawful armed forces, the National Guard, the accountable law enforcement of a government, or a lawful militia meeting the standards of Section 3, is a prohibited private paramilitary, whatever name it uses. The organization, command, funding, training, or arming of such a body is unlawful. A group that organizes as an armed force without authorization, activates itself, masks its members, stockpiles the materiel of war, answers to a private leader, or exists to intimidate or use force against people or government, holds no protection of the Constitution and is subject to the criminal law. Individual rights of speech, assembly, association, and the keeping and bearing of arms are unaffected by this Section, which prohibits the organization of private armed bodies, not the exercise of individual liberty.

Section 5. Fast Judicial Review: Suspension and Revocation

Lawful militia status may be suspended and revoked only through the following expedited judicial process, which no executive official may circumvent:

Standing and trigger. Any state, county, or federal official who possesses proof of a violation of the standards of Section 3 may petition a court for suspension or revocation of a militia's lawful status, presenting the evidence.

Immediate interim suspension. Upon a showing of proof of a violation of standards (a), (b), (d), (e), (f), or (g) — the bright-line standards — a court may immediately suspend the militia's lawful status pending hearing, as it would issue emergency relief, so that the body may not continue to operate under color of lawful status while review proceeds. A suspended body that continues to operate as an armed force does so unlawfully.

Expedited hearing on a hard clock. An interim suspension triggers a mandatory expedited hearing, which must be held within fourteen days. If the hearing is not held within that period, the suspension lapses and lawful status is restored automatically, unless the militia itself has requested additional time; the clock runs against the party seeking suspension, never against the militia by default. A court may extend the period only by published, reasoned order on a showing of necessity not attributable to the petitioner.

Burden and determination. For the bright-line standards, where the violation is shown the burden is on the militia to demonstrate that it did not occur or has been cured. For revocation on other grounds, the burden is on the petitioning official to prove the violation by clear and convincing evidence. Only a judge may permanently revoke lawful status, and only after the hearing.

Consequence. A militia whose status is revoked, and any body that never held lawful status, is a prohibited private paramilitary subject to Section 4 and to the criminal law. Where review clears the militia, its status is restored in full, and a suspension shown to have been sought without proof or for a pretextual purpose may not be repeated as a means of harassment and may expose the petitioner to liability.

Constitutional Statute 38

Mental-Health Detention Due Process Act

Implementing Right 51.

Section 1. The Evidentiary Threshold for Any Involuntary Hold

No person may be detained or subjected to involuntary treatment on mental-health grounds except upon specific, articulable evidence that the person, as a result of a genuine condition, presents a serious and demonstrable danger to themselves or to others, or is genuinely unable to provide for their own basic survival. The belief, opinion, or assertion of an official, family member, employer, institution, or any other person, unsupported by such evidence, is never a sufficient basis. A person's disagreement with an assessment, refusal of voluntary treatment, unusual beliefs, or nonconformity may not, by itself or in combination with one another, be treated as the evidence that justifies a hold; nor may a conclusion that a person "cannot recognize their own condition" substitute for evidence of actual danger or actual inability to meet survival needs.

Section 2. No Self-Certification; The Independent Clinical Examination

A person who initiates an emergency hold may not also be the person who certifies its grounds. An officer, official, or private party may take a person into custody on mental-health grounds only for the purpose of bringing them promptly before a qualified, licensed mental-health professional who is independent of the person or institution requesting the hold and has no financial or personal interest in the outcome. That professional, not the initiating party, determines whether the evidentiary threshold of Section 1 is met. No hold may continue past the initial emergency period without this independent examination, and a professional who certifies a hold without a genuine examination, or contrary to the evidence, is subject to professional discipline and liability.

Section 3. The Emergency-Hold Time Limit

An emergency hold imposed before the independent examination and judicial hearing may not exceed seventy-two hours, excepting only genuine medical necessity that physically prevents examination, which must be documented and which does not extend the period for its own convenience. Upon expiration of the emergency period, the person must be released unless an independent professional has certified the grounds under Section 2 and a judicial hearing under Section 4 has been set to occur promptly. The passage of time is never itself a ground for continued detention.

Section 4. The Prompt Judicial Hearing

Any detention or involuntary treatment continuing beyond the emergency period requires a hearing before a neutral judge, held promptly and in no event later than the expiration of the emergency hold extended only as needed to convene the court. At the hearing the person has the right: to be present; to

be represented by counsel, provided at public expense if they cannot afford it; to timely notice of the evidence; to see, confront, and challenge the witnesses and evidence against them; to present their own evidence and witnesses; and to an independent evaluation at public expense if they cannot afford one. The government bears the burden of proving the grounds for detention or involuntary treatment by clear and convincing evidence. The deprivation of liberty on mental-health grounds is a judicial act; it may not be accomplished by administrative order or private action alone.

Section 5. Least Restrictive Means, Ongoing Review, and the Bar on Misuse

Detention or involuntary treatment is permissible only where no less restrictive alternative would meet the genuine need, only to the extent necessary, and only while the grounds genuinely persist. A person held beyond the initial hearing retains the full ongoing-review protections of Constitutional Statute 5B, including a full adversarial review at which the government again bears the burden at least every ninety days, the rule that the standard for continued commitment is no lower than for initial commitment, and an independent evaluation before any commitment is continued beyond one year. Mental-health detention may never be used to punish, silence, isolate, retaliate against, or control a person for their beliefs, speech, identity, nonconformity, or inconvenience to another; the authority to initiate it may not be delegated to any person to exercise against those they merely deem unwell; and any person who procures a detention in bad faith, or on knowingly false or pretextual grounds, is subject to penalty and liability, and the person wrongly detained is entitled to immediate release and to a remedy.

Constitutional Statute 39

Freedom From Private Neighborhood Government Act

Implementing Right 52.

Section 1. Definitions

Sole-owned home means a detached house, duplex, townhouse, rowhouse, or other dwelling whose owner solely owns its exterior walls and roof, regardless of whether it shares a party wall with an adjacent unit. **Shared structure** means a condominium, cooperative, or attached multi-unit building whose exterior walls, façade, roof, or balconies are structurally shared among unit owners. **Shared infrastructure** means a private road, common well, shared septic, stormwater, gate, or comparable physical system serving multiple sole-owned homes. **Primary residence** means the dwelling in which a person lives more than 183 days per year; a person has one. **Private association** means any homeowners association, property owners association, condominium or cooperative association, or any body created by covenant or deed restriction that governs owners' property, appearance, or conduct.

Section 2. Sole-Owned Homes: No Exterior or Conduct Authority

Over a sole-owned home, no private association, covenant, or deed restriction may control or penalize the exterior, appearance, materials, landscaping, or lawful use of the home or its lot, including paint, roofing, flags, signs, religious or political displays, solar or renewable-energy installations, clotheslines, native or drought-tolerant landscaping, lawful vehicles, or whom the owner lawfully houses. Any covenant term purporting to do so is void and unenforceable. The owner remains subject only to generally applicable law and validly enacted local ordinances.

Section 3. Shared Structures: Authority Over Shared Elements Only

For a shared structure, an association may adopt and enforce reasonable rules governing the shared exterior and common elements — the façade, shared walls and roof, balconies visible on the common exterior, hallways, and common grounds — because one owner's use of a shared surface affects the others. It may not reach the interior of any unit, except to access shared plumbing, electrical, structural, or similar systems for bona-fide maintenance or emergency, on reasonable written notice or, in a genuine emergency, as promptly as safety allows. Rules governing shared elements remain subject to Sections 5 through 8.

Section 4. Shared Infrastructure: Maintenance Only

Where sole-owned homes genuinely share infrastructure, a bare-bones association may exist for the sole purpose of maintaining that infrastructure and may levy only charges proportionate to each home's share of its cost. Such an association has no authority over the appearance, use, or conduct of any

home or owner, and any attempt to exercise such authority is void. Where a locality is willing to assume the infrastructure, owners may transfer it and dissolve the association.

Section 5. Prohibited Powers

No private association may, over any person: (a) foreclose upon, force the sale of, or evict any person from a primary residence for unpaid dues, fines, or assessments; any unpaid amount survives only as an ordinary unsecured debt, or as a lien satisfied at the owner's voluntary sale or transfer, never as a basis for taking the home; (b) restrict speech, religious exercise, political activity, assembly, or the display of a flag or sign; (c) impose any fine or assessment penalty without written notice specifying the rule violated, a fair hearing before a neutral decision-maker not controlled by the association's officers, and proportionality between the penalty and the violation; (d) bind any person who did not knowingly and voluntarily consent in writing to the association's authority; a covenant recorded against land does not by itself constitute such consent by a later purchaser; (e) enforce any rule selectively to target a disfavored person, or enforce a rule not uniformly published and applied; (f) charge a fine exceeding the limits set by regulation under this Act, or accumulate fines to a sum that functions as a forced sale by another name.

Section 6. Democratic Governance and Transparency

Every private association permitted under this Act shall: maintain open financial books available to every member on request; hold regular elections of its governing board by its members, one vote per unit or home; provide advance notice and an opportunity to be heard before adopting or raising any charge; and undergo independent financial audit at intervals set by regulation. Officers owe fiduciary duties to the members and may not self-deal.

Section 7. Transition for Existing Associations

On ratification: (a) every covenant, rule, or deed restriction inconsistent with the constitutional right or this Act becomes void and unenforceable, without any further action by any owner; (b) an existing single-family or two-family association retains only the functions permitted by Sections 2 and 4 — meaning it loses all exterior and conduct authority and continues, if at all, solely to maintain genuine shared infrastructure; (c) an existing association's reserves, common property, and shared facilities are held for the benefit of the members and residents, and may not be distributed to officers, developers, or third parties; where an association dissolves, its net assets and its shared infrastructure pass to the members in common or, by their vote, to the locality or a utility willing to assume them; (d) no association may levy a special assessment, penalty, or fee to resist, delay, or recover the costs of complying with this Act; (e) existing debts genuinely owed for past lawful services remain collectible as ordinary debts, subject to Section 5(a).

Section 8. Enforcement and Remedies

Any person subject to a private association has a private right of action in federal or state court to void an offending covenant or rule, enjoin its enforcement, and recover actual damages, statutory damages set by regulation, and reasonable attorney's fees. A pattern of prohibited conduct by an association's officers exposes them to personal liability not indemnifiable by the association. Courts shall construe this Act to end private governmental power over the home while preserving only the maintenance of genuinely shared physical structures. The specific fine limits, audit intervals, notice-and-hearing procedures, and statutory-damage amounts are established by regulation consistent with this Act and the constitutional right.

Constitutional Statute 40

Centennial Convention of Review Delegate Selection Act

Implementing Article One, Section 3.

Section 1. Timing and Convening

The first Convention convenes in the one-hundredth year after this Constitution takes effect, and every hundredth year thereafter. Delegate selection begins in the year preceding the Convention year, on a schedule fixed by law and administered by the same independent election authority that administers federal elections. No official, chamber, court, or state may delay, defund, or obstruct the selection or convening; if any body charged with a step fails to act, the independent election authority shall perform it, and any citizen has standing to compel performance in federal court.

Section 2. Composition and Apportionment

Delegates shall be apportioned among the states in proportion to population, as the House of Representatives is apportioned, so that the Convention reflects the people rather than the states as units. The total number of delegates shall be fixed by law at a number large enough to be broadly representative and small enough to deliberate — not fewer than the membership of the House of Representatives. Each state's delegates shall be selected from within that state.

Section 3. Method of Selection: Sortition and Election Combined

To be both representative and resistant to capture, delegates shall be chosen through a combination of two methods, in proportions fixed by law with neither less than one-third of the whole: (a) a randomly selected citizen assembly — delegates drawn by lot from the whole body of eligible citizens, as juries are drawn, stratified so that the assembly mirrors the population in age, geography, and other broad characteristics, with service supported by compensation and accommodation so that ordinary people can afford to serve; and (b) delegates elected by the people in nonpartisan elections held for that purpose, funded through the public campaign-financing system of Constitutional Statute 5, with the disclosure and anti-coordination protections of that Act applying. No person may purchase, and no office may confer, a seat at the Convention. Sortition guarantees that ordinary citizens who seek no power are represented; election guarantees that those the people affirmatively choose are represented; the combination denies any single faction control of the whole.

Section 4. Eligibility and Disqualification

Any citizen eligible to vote is eligible to serve as a delegate. To keep the Convention the people's rather than the government's, no person shall serve as a delegate while holding federal or state elected office, a federal judgeship, or a senior appointed executive office; such persons may testify before and

petition the Convention but may not sit as delegates. No person may be excluded from service on the basis of any characteristic protected under this Constitution.

Section 5. Independence of the Selection

The selection shall be administered by an independent authority insulated from partisan control, with its methods, random draws, and stratification criteria public and auditable in advance. The random selection shall use a publicly verifiable method. Any manipulation of the draw, the apportionment, the rolls, or the stratification is a federal offense, and a pattern of such manipulation by an official carries personal liability not indemnifiable by any government.

Section 6. Conduct of the Convention

The Convention's proceedings, records, votes, and drafts shall be open to the public in full and in real time, save only for the deliberative privacy of individual delegates' notes. The Convention shall establish its own rules by majority of its delegates, elect its own officers from among themselves, and sit for a duration sufficient to complete its review, subject to a maximum fixed by law and extendable only by a supermajority of the delegates. The Convention shall afford the public, the states, and government officials a meaningful opportunity to submit views.

Section 7. The Limits Are Binding on the Convention

The Convention holds only the power Article One, Section 3 grants it: to examine the Constitution and to *propose*. It enacts nothing. Every proposal it approves is a proposal only, effective solely upon ratification by the states in the proportions the Constitution requires — three-fourths generally, four-fifths for any proposal affecting the rights in Article Two. The Convention may not, by any vote or device, declare itself to enact, to suspend any provision of this Constitution during its sitting, to extend its own membership's tenure, or to exceed its hundred-year mandate. A proposal to repeal, diminish, or narrow any enumerated right, or to reduce the abolition of slavery, the equal protection of persons, or the confinement of constitutional rights to human beings, is void at the moment of its making and may not be transmitted for ratification; no ratifying body may act upon it.

Section 8. A Convention That Proposes Nothing

If the Convention, having reviewed the Constitution, finds it sound, it concludes by recording that finding and proposes nothing. Such a conclusion is a lawful and complete discharge of its duty — the considered reaffirmation of the framework by a living generation — and is entered in the public record as such.

Section 9. Enforcement

Any citizen has standing to compel the convening, the selection, or the transparency this Act requires, and to enjoin any act of the Convention that exceeds its constitutional limits. The federal courts shall

hear such actions on an expedited basis. No appropriation, rule, or omission may be used to prevent the Convention the Constitution guarantees.

Constitutional Statute 41

Energy Security and Self-Generation Act

Implementing Right 53.

Section 1. Prohibited Disconnection

Article Twenty-Six, Section 1 prohibits disconnection that endangers life; this Section administers that rule. A disconnection is presumed to endanger life where: (a) a forecast or actual heat index or temperature crosses a threshold established by rule; (b) an occupant depends on electrically powered medical equipment, including oxygen concentration, dialysis, ventilation, powered mobility, and refrigerated medication; or (c) an occupant is under 18, over 65, seriously ill, or disabled. The presumption is rebuttable only by proof that the dwelling is unoccupied.

A utility shall verify occupancy and medical dependence through a simple registration process that may not require a fee, an attorney, or a repeated annual filing for a permanent condition. Failure of a household to register does not authorize a disconnection otherwise prohibited by this Section.

Section 2. Arrears Are a Debt, Not a Switch

Nonpayment is collected through the ordinary law of obligations: billing, payment plans, and, where necessary, civil action. A utility shall offer an arrears repayment plan calibrated to household income before pursuing any other remedy. Disconnection is never a permissible method of collection where Section 1 applies.

A utility that disconnects in violation of Section 1 is liable to the occupant for statutory damages, actual damages, and attorney fees. Where death or serious bodily injury results from a prohibited disconnection, the officers and directors who authorized, directed, or maintained the practice are personally liable, and the conduct is referable for criminal prosecution.

Section 3. Affordability

Essential electrical service shall not exceed 3% of household income for households below the median, with subsidy reducing the cost to zero for the lowest income band. The threshold is reviewed biennially. Consistent with Article Seven, the percentage may be lowered by simple majority; it may be raised only by the supermajority this Constitution requires for the weakening of a protection.

Section 4. Reliability: A Preventable Failure Is a Violation

Congress shall maintain enforceable reliability standards for every electrical system serving the public, including winterization, weatherization, reserve margin, fuel security, and interconnection adequacy. A grid operator shall publicly disclose known vulnerabilities and the cost of remedying them.

Where a failure of the electrical system was foreseeable and preventable — in particular where the operator was warned, or where a prior failure of the same character had occurred — the failure is a

violation of Right 53, and the operator is liable to those harmed. An operator may not plead an act of God for a condition it was told about and declined to fix. The affirmative defense is available only where the operator proves it met every applicable standard and the event exceeded the design basis those standards required.

Section 5. The Right to Generate: Prohibitions on Government and Association

Article Twenty-Six, Section 3 establishes the right to self-generate and the prohibitions on any government body or association that secure it. This Section adds the operative consequences: any ordinance, code provision, covenant, or rule inconsistent with that Section is void as enacted; "effectively prohibit" reaches restrictions that make self-generation impractical though not formally banned; and no person may be fined, cited, evicted, condemned, or denied occupancy for lawfully powering their own dwelling.

Section 6. The Safety-Only Rule

Article Twenty-Six, Section 4 permits regulation of self-generation only to prevent physical harm. Legitimate subjects of regulation are: anti-islanding and backfeed protection for the safety of utility workers; electrical and fire code compliance; the installation, containment, and thermal management of energy storage; combustion venting and carbon monoxide safety; fuel storage; and structural load.

Every such standard shall be objective, published in advance, technically justified by reference to an identified hazard, and applied identically without regard to whether the person remains a utility customer.

A regulation is void where its purpose or its practical effect is to preserve utility revenue, to discourage exit from the grid, or to enforce an aesthetic preference. The following are prohibited: standby charges, exit fees, departing-load charges, minimum-purchase requirements, discriminatory interconnection terms, and permitting fees or delays that function to make self-generation uneconomic. Evidence that a rule was adopted with the support, drafting assistance, or sponsorship of a utility is admissible on the question of purpose.

Section 7. Approval Is Ministerial

Article Twenty-Six, Section 4 makes approval of a system that meets the published safety standards a ministerial duty; this Section sets the procedure. The authority shall approve or state, in writing and with specificity, the standard the system fails and the modification that would satisfy it. Silence beyond 45 days is approval by operation of law.

The burden rests on the government or association to prove by clear and convincing evidence that a restriction is necessary to prevent physical harm. The burden never rests on the person to justify the decision to generate their own power. A person prevailing against a prohibited restriction recovers costs and attorney fees.

Section 8. Tenants

Article Twenty-Six, Section 5 establishes the tenant right to self-generate and the limits of an owner's consent. This Section supplies the operating rules: a self-contained system installed as of right must not penetrate, alter, or permanently attach to the structure, must not tie into the building's electrical system beyond a standard outlet, must be removable without damage or trace, must stay within the tenant's own space, and must meet safety, fire, and equipment-certification standards; the tenant shall give written notice before installation and carry any insurance the standard requires. A system requiring the owner's consent, and the anti-self-dealing rule voiding a refusal made to protect electricity-resale revenue, are governed as Section 5 provides.

Section 9. The Shared Grid

Article Twenty-Six, Section 6 preserves the grid as a shared asset. The fixed cost of the network shall be recovered in a manner that neither punishes those who leave nor shifts the burden of departure onto those who remain — who are, as a class, poorer than those able to self-generate. Network cost recovery shall be designed against that outcome, and no charge may be structured for the purpose of trapping customers within the system.

A person who self-generates retains the right to interconnect on nondiscriminatory terms, to sell surplus energy back to the system at a rate set by rule, and to reconnect without penalty.

Section 10. Enforcement

A person harmed by a violation of this Act has a private right of action, with statutory damages, injunctive relief, costs, and attorney fees. State and local governments, utilities, and associations are subject to suit. The Federal Energy Regulatory Commission shall receive and act on complaints within 60 days, and shall maintain a public registry of ordinances, codes, and covenants found void under Section 5 — so that a rule struck in one jurisdiction is not quietly re-enacted in the next.

A complete rewrite of the United States Constitution. 54 rights. 32 articles. 41 implementing statutes. Ratification through Article V — 34 state legislatures, constitutional convention, 38 states ratify.

Constitutional Statute 42

Transportation Safety Independence Act

Implementing Article Thirty-Two.

Section 1. Non-Delegation of Safety Certification

The determination that a vehicle, aircraft, vessel, railcar, pipeline, or transportation product or system is safe for the public shall not be delegated to, contracted to, or performed by the person who designs, builds, operates, or profits from it. A maker shall test its product and shall stand behind that testing under penalty of law; it shall not be the authority that issues the safety determination. Any arrangement purporting to delegate that determination to the regulated party is void, and a certificate issued under it confers no protection and no presumption of safety.

Section 2. The Independent Technical Authority

Safety-critical certification rests with a public authority staffed by qualified engineers and inspectors competent to examine the work and reach an independent judgment. Where a test can be performed only with the maker's facilities, the authority shall supervise it, independently review the results, retest whatever it judges necessary, and bear sole responsibility for the finding. No person may hold a certifying role who, within the preceding period set by rule, was employed by or derived significant income from the entity whose product is under review, and the same restriction applies on departure.

Section 3. The Right and Duty to Halt; Protection of the Engineer

Any engineer, inspector, or official with a reasonable basis to believe a safety-critical defect exists has both the right and the duty to halt the certification or operation at issue until the question is resolved, and a confidential channel to report it. No person shall be dismissed, demoted, reassigned, stripped of duties, or retaliated against in any form for raising a safety concern in good faith. Retaliation is a federal felony; the person who suffers it is entitled to reinstatement, full back pay and restoration, and damages, and the officials who directed the retaliation are personally liable.

Section 4. The Fee Firewall

Fees paid by a regulated maker or operator may fund the safety authority but shall not condition, accelerate, soften, or influence a safety finding. No certification may be purchased, expedited for payment, or shaped by the financial interest of the party seeking it. A determination shown by a preponderance of the evidence to have been influenced by the fee-payer's interest rather than by the technical record is void, the product's authorization is suspended pending independent review, and the officials who permitted it are personally accountable.

Section 5. The Public Infrastructure-Condition Registry

The responsible authorities shall maintain a public registry of the condition of the roads, bridges, transit systems, ports, waterways, and air-traffic systems on which public life depends, including inspection results, known deficiencies, and the cost and schedule to remedy them. Where a known deficiency presents a serious danger, the duty to warn the public and to remedy or restrict use is immediate and may not be deferred for budgetary convenience. Concealing or falsifying the condition of public infrastructure is a violation of this Act and, where it endangers life, a felony.

Section 6. Enforcement

A certification issued in violation of this Act is void and creates no defense to liability. A person harmed by a product or system certified in violation of this Act, and any affected member of the public as to the infrastructure registry, has standing to enforce it. Remedies include suspension of the authorization, mandatory re-certification by the independent authority, damages, and the personal liability and criminal referral this Act provides.

Constitutional Statute 43

Veterans' Earned-Benefit and Care Protection Act

Implementing Article Thirty-Three.

Section 1. Earned Benefits Held in Trust

The disability compensation, pension, health care, education, home, burial, and survivor benefits earned through military service are earned by service and sacrifice and are held in trust for those who served and their families. They are a debt already incurred; they shall not be withdrawn, rationed, or traded away as a matter of fiscal convenience, and a reduction in them is subject to the supermajority this Constitution requires for the weakening of a protection.

Section 2. The Privatization Floor

The funds, facilities, and capacity dedicated to the care of those who served may be placed in private hands only where private delivery is shown, on published and independent evidence, to meet or exceed public delivery in quality, access, timeliness, and cost. The burden of that showing rests on those proposing the diversion and shall be met before the transfer, not after. A veteran's right to care shall not be reduced, delayed, or degraded in order to create a market in it; no entity may profit by denying, delaying, or diminishing earned care; and where private delivery fails to meet the floor, the function reverts to public control with care uninterrupted.

Section 3. No Toll on an Earned Benefit

No person shall charge a veteran a fee to obtain, claim, advise upon, or expedite a benefit the veteran has already earned, beyond the accredited and fee-capped representation the law permits. Free accredited assistance shall remain available to every veteran, and a fee charged in violation is void and recoverable. This Section carries forward and does not limit the anti-“claim shark” protections of Constitutional Statute 15.

Section 4. Decided in Time

Claims for the benefits this Act protects shall be decided within the time limits Congress sets, which shall be reasonable in light of the claim's complexity. A backlog that leaves those who served without the care or support they are owed is a harm the government is bound to remedy; where a decision is overdue, the claimant is entitled to interim care or support consistent with the claim pending final decision, and the agency shall publish its decision times and its backlog each year.

Section 5. Enforcement

A veteran, a survivor, or a family member entitled under this Act has standing to enforce it. Remedies include the voiding and recovery of unlawful fees, the reversion of improperly privatized functions, damages, and, for the deliberate exploitation of veterans' earned benefits for private gain, the penalties

this Act and Constitutional Statute 15 provide, including personal liability for those who directed the conduct.