American Upgrade

A citizen's draft, made available for the country to argue with

E. Lawrence Anderson

Foreword

A note before the document

By E. Lawrence Anderson

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Throughout my career, I have prioritized listening.

Not in the way that pollsters listen, which is to extract a number and discard the person, and not in the way that politicians listen, which is to triangulate. Just listening, the way you listen to a friend describe a problem they have been trying to solve for years and cannot quite name. To my family. To the people I have worked alongside. To the cashier at the grocery store who, when asked how she was doing, told the truth. To the veteran in the parking lot of the VA who had been waiting four months for a mental health appointment. To the farmer in central Kansas who, with the patience of a man who has explained it many times before, explained how the Ogallala Aquifer worked and what its depletion would mean for the town his grandfather built. To the small business owner who had given up on the SBA and was watching a private-equity-backed competitor swallow the corner of the market she had spent twenty years building.

I've listened to the American people's clear, repeated calls: term limits, universal healthcare, independent ethics oversight, ending gerrymandering, protecting public lands, addressing the veterans care crisis, and a government that governs without theatrics. These aren't partisan—they have long, durable supermajorities in surveys and yet remain largely unaddressed.

A year ago, informed by these observations, I set out to draft a comprehensive response. The result is the document you are reviewing.

What this document is

The American Upgrade comprises 12 Titles, approximately 60 Acts, approximately 200 Provisions, and roughly 156,000 words of operational policy architecture. It is not a manifesto. It is not a treatise. It is not a vision document or a political platform. It is, in the most precise sense of the word, a draft: a complete operational architecture for federal action across twelve domains, written at the level of specificity that anyone who would actually try to implement it would require.

Every provision specifies what would happen, when it would take effect, the dollar figures, the statutory authority supporting it, the existing federal program it modifies or replaces, the

oversight mechanism that enforces it, and the timeline governing its implementation. The provisions cross-reference one another, ensuring the policy architecture is coherent across Titles rather than fragmented across silos. The constitutional authority for each provision is documented at the Act level. The intended coalition is articulated for every Title and tested against three operational standards — the Material Priority Test, the Specificity Test, and the Delivery Test — so that the rhetorical claim and the operational mechanism are visibly the same thing.

This level of specificity is the deliberate choice. The reason American policy debate has produced so much heat and so little policy is that it operates at a level of abstraction far above where policy is actually made. Talking about *fixing healthcare* is not the same as drafting the integration framework between the Indian Health Service and a public insurance system. Talking about *term limits* is not the same as writing the constitutional amendment language, the implementing statute, and the transition provisions. *The American Upgrade* is written at the level at which policy is made.

The thesis

The thing the survey record makes unmistakable, when you read enough of it for long enough, is that the constituencies for substantive reform exist. They are documented. They are durable. They are cross-partisan. The reason the policy does not match them is not that the public is divided about what it wants. It is that the institutions designed to translate public mandate into operational policy have, over time, accumulated the procedural and structural features that make translation difficult.

Those features are familiar to anyone who has paid attention. Campaign finance dependencies that bend congressional attention toward donors rather than constituents. Regulatory capture that converts agencies designed to oversee industries into the industries' downstream operational partners. The consolidation of staff capacity in legacy committees with members whose tenure exceeds the tenure of most of the laws they administer. The migration of agenda-setting power from authorizing committees to the executive offices is accountable only to the President. The routine use of continuing resolutions in place of regular appropriations has the structural effect of locking the federal government's substantive policy framework into the configurations of years past rather than allowing it to adapt to present conditions. The gradual disappearance of authorizing committees from any role in the day-to-day work of government.

These are structural problems. They produce structural failures. And structural failures, by definition, are not solved by changing the partisan composition of the people running the structure. They are solved by changing the structure. *The American Upgrade* is the operational architecture for changing the structure across the twelve domains in which the federal government has constitutional authority and institutional capacity to act.

The architecture

The twelve Titles of this document address the twelve domains in which the federal government's authority and the people's experience converge. They are sequenced to build on one another, but they can be read in any order, and any reader who wants to engage with a specific domain will find the architecture for that domain self-contained at the Title level.

Title I — The Economic Foundation — establishes the fiscal and industrial substrate on which the rest of the document depends: tax policy, energy sovereignty, food independence, the American Stewardship Act, monetary infrastructure, and the revenue architecture that funds every other Title.

Title II — Health, Body, and Personal Security — addresses the healthcare crisis through Eaglecare, a public insurance system covering every American, alongside drug pricing reform, mental health infrastructure, and the integration of the Indian Health Service and the VA as specialized provider networks.

Title III — Home, Family, and the Cost of Living — addresses the housing and childcare crises, as well as the cost-of-living challenges faced by working families.

Title IV — The Ladder — builds the human capital and credentialing infrastructure for working-class economic mobility, including K-12 reform, postsecondary credential portability, and the Department of Workforce and Services.

Title V — The Market and the Maker — restores small business viability through SBA expansion, antitrust enforcement, and the structural reforms necessary to interrupt the consolidation of every retail and service sector into private-equity-controlled chains.

Title VI — The Integrity of Governance — is the operating system on which every other Title depends. It contains more than fifty-two thousand words and thirty Provisions, making it the longest Title in the document. Civil service protection, campaign finance reform, gerrymandering elimination, congressional term limits, ethics enforcement, judicial reform, and structural reforms required this level of specificity to be useful. These reforms are needed to restore the basic functioning of the federal government.

Title VII — Justice, Reform, and the Back Half of the System — addresses the criminal justice infrastructure that the front-end reforms of Title VI presuppose.

Title VIII — The Promise Kept — secures Social Security and Medicare on terms consistent with their original statutory purpose and adequate to the demographic realities of the coming decades.

Title IX — The Civic Commonwealth — rebuilds the civic infrastructure that democratic functioning requires, addressing the loneliness epidemic, the collapse of local journalism, the underinvestment in arts and humanities, and the veterans' mental health crisis.

Title X — The Shield — constructs the strategic defense and veterans care framework: alliance stability, modern deterrence, cyber sovereignty, the China strategy, and the operational reform of the Veterans Affairs system.

Title XI — The First Nations Compact — honors the legal obligations of the United States to tribal nations across treaty obligations, economic development, Indian Health Service modernization, native education and language preservation, and the response to the Missing and Murdered Indigenous People crisis.

Title XII — The Environmental Compact — stewards the natural systems on which all of this depends: public lands protection, clean energy transition, water security, climate resilience, and ocean and coastal protection.

The refusal of the partisan frame

The proof that this document is not partisan is the document itself. Four provisions, named here, make the proof explicit.

Title II establishes Eaglecare, a public health insurance system covering every American. This will be cheered by readers who have wanted universal coverage their entire adult lives and dismissed as socialism by readers who have spent decades arguing against single-payer. Both of those readers should keep reading.

Title VI imposes term limits on members of Congress: twelve years in the House, twelve years in the Senate, no exceptions. This will be cheered by readers who have watched the same names in the same seats for thirty years and dismissed as a populist gimmick by readers who have spent careers defending institutional continuity. Both of those readers should keep reading.

Title XII establishes a permanent statutory prohibition on the sale of federal public lands managed by the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the Forest Service, subject to a two-thirds supermajority for any net reduction. This will be cheered by every hunter, angler, and conservation conservative who has ever set foot on public land and dismissed as federal overreach by readers who have spent careers arguing for land transfer to the states. Both of those readers should keep reading.

Title XI funds the Indian Health Service to achieve per-capita parity with the general American population over a five-year phase-in, because the trust responsibility is a legal obligation rather than a discretionary program. This will be cheered by readers who care about civil rights and dismissed as expensive entitlement spending by readers who have spent decades reflexively opposing federal expansion. Both of those readers should keep reading, because the entire document is built on the proposition that the United States owes

specific legal duties to specific parties and that compliance with legal obligations is not partisan.

If you are a partisan, this document was not built for you. You will be infuriated by the sections that contradict your priors and cheered by the sections that confirm them, and you will not know what to do with the fact that they are the same document. That is the point. The document was built to reject the partisan frame, because it is the principal mechanism through which the constituencies for substantive reform are kept divided against themselves.

The status of the document

What you are reading is draft v2.0. The Yellow Jacket Policy Research Series identification at the top of each Title is the publishing identity under which this work is offered. It is independent research, produced without affiliation to any campaign, committee, party, foundation, or institution.

The little checkbox at the top of each Title labeled "Legal Review" is not decorative. I am not a lawyer. I am a citizen who decided to do the work. The document has not been through a formal legal review. It has not undergone a technical scrub by subject-matter specialists across every domain it touches. It has not been red-teamed by the people who would eventually have to implement it. These are the next stages of the work, and they are the ones where the contributions of others are most needed.

Every provision in this document is debatable. Every dollar figure is debatable. Every timeline is debatable. Every cross-reference is debatable. The only thing in this document that is not debatable is the proposition on which it rests: that the federal government has the constitutional authority and the institutional capacity to address the material conditions that working people experience as the substance of their lives, and that the political constraint on action has been institutional fragmentation and ideological capture rather than the absence of public mandate or technical feasibility.

The invitation

If you are a lawyer, read the Title in your area of expertise. Mark it up. Tell me what is unworkable, what is constitutionally suspect, what would not survive contact with the federal court system, what statutory citations are wrong, and what existing case law I have failed to account for. Send the markup.

If you are a policy analyst, read the Title in your domain. Tell me where the operational specificity falls short, where the implementation architecture is implausible, where the dollar figures are unrealistic, where the institutional arrangements would not survive contact with the agencies they reorganize. Send the analysis.

If you are a citizen who reads a provision and disagrees with it, read it carefully and tell me why. Not as a partisan reflex but as a substantive engagement with the policy question. The

document was built to be argued with, because that is what the framers intended for the Republic. Disagreement is the system working. Refusal to engage is the system breaking.

The founding argument

The country was founded on an argument. We have forgotten how to do it. The political conversation we have been having for at least the past three decades is not an argument; it is mutual recrimination wearing argument's clothes. An argument requires that the parties share a vocabulary and operate at the same level of specificity. An argument requires that both sides accept the possibility of being wrong. Argument requires that participants address the same questions rather than perform at each other from opposite sides of a stage.

The American Upgrade is written as an invitation to argument in the older, more substantive sense. The math is shown. The mechanisms are named. The constitutional authorities are documented. The cross-references are consistent. The coalition is articulated. The promise is real, and the architecture for keeping it is complete enough to argue with.

That is what this is. It may not be for everyone. It is a start.

Read it. Argue with it. Improve it. Share it.

— *E. Lawrence Anderson*

May 2026

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title I — The Economic Foundation

Acts 1.1 through 1.7 — Hybrid Revenue, Energy Sovereignty, Debt Commission, Food Independence, Monetary Stability, Public Lands, and AI

E. Lawrence Anderson — May 2026 — Draft v2.0

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DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title I is now in v2.0 form. All seven Acts and a Title Overview are contained in this document. Act 1.1: The Hybrid Revenue Act. Act 1.2: The Energy Sovereignty Initiative. Act 1.3: The National Debt Commission. Act 1.4: The Food Independence & Rural Prosperity Act. Act 1.5: The Monetary Stability Act. Act 1.6: The American Stewardship Act. Act 1.7: The AI & Future Economy Act.

v2.0 changes vs v1.0: Title Overview added at 1.0; Grid Modernization & Security Infrastructure added at 1.2.B; The Surplus Lockbox added at 1.3.B; PAYGO Reinforcement added at 1.3.C; Right to Repair split out to 1.4.B; Great Outdoors Sovereignty split out to 1.6.B; Public Mandate citations integrated throughout per Session Ruleset v1.4 § 3.

Cross-references: Act 8.1.A (Payroll Tax Cap Elimination) and Act 1.1.A — both address the labor tax base; definitional consistency required. Act 12.2 (Clean Energy Standard) and Act 1.2 — companion pieces; the energy permitting reform and grid modernization in Act 1.2 must remain architecturally consistent with the clean energy standard in Act 12.2. Act 12.1 (Public Lands Compact / Statutory Lockbox) and Act 1.6 — Act 1.6 is the original framework; Act 12.1 extends and fortifies it; review for consistency and cross-reference both Acts explicitly.

Provision 1.0 — Title Overview

Moving from Trickle-Down to Middle-Out Abundance

The economic premise of the past forty years has been that capital scarcity at the top is the binding constraint on American prosperity, and that reducing taxes on the highest income brackets and largest accumulations of wealth will release investment that produces jobs, wages, and growth for everyone else. That is the trickle-down theory in its various nominal forms — Reaganomics, the Bush tax cuts of the early 2000s, the 2017 Tax Cuts and Jobs Act — and the empirical record of its application is now sufficient to render a verdict. The 2017 corporate tax cuts produced record stock buybacks rather than the predicted surge in business investment. The repeated rounds of upper-bracket rate reductions produced a four-decade widening of the gap between productivity gains and wage growth, with the productivity gains accruing primarily to capital rather than labor. The theory was that capital would trickle down. The data is that capital pooled at the top.

This Title proceeds from a different economic premise, which the working draft named correctly as Middle-Out Economics. The premise is that the binding constraint on American prosperity is not capital scarcity at the top but consumer demand and small-enterprise innovation in the middle — the spending power of a robust middle class, the productivity of small and medium businesses competing in markets that reward the better product rather than the better lobbyist, and the willingness of workers to invest in skills and households to invest in homes and communities to invest in their own future when the basic terms of the economic bargain are recognizable as fair. The American economy is not a fixed pie to be sliced or a fountain to be primed from the top. It is an ecosystem whose productivity depends on the health of its constituent participants, and the health of those participants has been the subject of forty years of policy that promised them prosperity through proxies and delivered prosperity to the proxies instead.

Title I is the engine that powers all eleven other Titles. The three-legged stool revenue model in Act 1.1 — labor stabilization, speculation correction, and targeted wealth contribution — provides the fiscal architecture that funds the investments the rest of this document proposes. The energy sovereignty provisions in Act 1.2 are the infrastructure foundation on which the economic reindustrialization that the document requires must rest. The debt commission and fiscal flight path in Act 1.3 provide the institutional discipline that gives the entire project credibility. The food independence provisions in Act 1.4 address the supply chain resilience and rural prosperity that the consolidated food system has eroded. The monetary stability provisions in Act 1.5 protect the dollar's reserve currency status and the financial privacy of American citizens against the dual threats of political pressure on the Federal Reserve and central bank digital currency surveillance. The stewardship provisions in Act 1.6 protect the public lands and recreational access that constitute the American outdoor commons. The AI provisions in Act 1.7 establish the accountability and worker protection framework that the technology transition requires. Seven Acts, twenty-three provisions, one engine.

The arithmetic claim is specific and the math is shown. The three-legged stool generates approximately $4 to $5 trillion in net new revenue over the ten-year budget window. The Surplus Lockbox established in Provision 1.3.B dedicates the speculation correction and the targeted wealth contribution revenue exclusively to debt retirement until the debt-to-GDP ratio falls below seventy-five percent, at which point a dividend phase begins. The PAYGO reinforcement in Provision 1.3.C closes the emergency designation loophole that has allowed routine annual spending to be classified as emergency to bypass pay-as-you-go discipline. The result is a trajectory correction from structural deficit toward stabilization, not a balanced budget claim within the ten-year window. Any reader who disputes the methodology can dispute the methodology. No reader can claim the math is not on the page.

Title I — The State of Affairs

The United States cannot tax its way to prosperity, nor can it cut its way to solvency. Both propositions have been tested repeatedly over the past four decades, and the accumulated evidence is unambiguous. The supply-side tax cuts of the 1980s and the 2017 Tax Cuts and

Jobs Act produced neither the investment surge nor the wage growth their proponents predicted; they produced record stock buybacks, concentrated wealth accumulation at the top of the income distribution, and structural deficits that the subsequent economic growth did not close. The austerity experiments of the early 2010s — the sequester, the debt ceiling confrontations, the insistence on spending cuts as a condition of basic fiscal operations — produced neither the deficit reduction nor the confidence-driven growth their advocates promised; they produced public investment deficits in infrastructure, research, and human capital that widened precisely the productivity gaps they were supposed to address. The binary between tax-and-spend and cut-and-grow has been the organizing frame of American economic policy debate for forty years, and forty years of evidence confirms that neither pole of the binary describes a functional approach to governing the economy of a $27 trillion nation in the twenty-first century.

The public has rendered its own verdict on the failure of the existing economic policy framework. The most recent national polling identifies the government itself as the top problem named by Americans, at twenty-nine percent — the highest figure recorded in decades of comparable survey work. Two-thirds of Americans describe the government as corrupt or beholden to special interests. Forty-five percent now identify as Independents, the largest single political bloc in American politics. This Title is written for the Americans naming that condition correctly, and the framework it constructs is the answer to the condition they have named.

The American Upgrade introduces a different economic physics, which the working draft named correctly as Middle-Out Economics. The economy is not a fixed pie to be sliced or a fountain to be primed from the top. It is an ecosystem whose productivity depends on the health of its constituent participants. The true engine of American economic growth has historically been the consumer demand of a robust middle class and the innovation of small and medium enterprises competing in markets that reward the better product rather than the better lobbyist. The tax code that penalizes labor income at higher effective rates than capital income, that costs American households 6.5 billion hours of compliance annually, that is 70,000 pages long not because the underlying transactions are complex but because decades of lobbying have layered exception upon exception upon carve-out upon subsidy into a structure that benefits primarily the accountants and lawyers paid to navigate it — that tax code is not neutral. It is a choice. This Title makes different choices.

The energy economy of the United States is at a specific historical inflection point that the working draft identified correctly. AI data centers, electric vehicle charging infrastructure, and the reshoring of manufacturing that the China decoupling strategy requires are collectively driving electricity demand at a rate that the current grid is not equipped to supply. The interconnection queue — the eight-thousand-plus gigawatts of clean energy projects waiting for permission to connect to the grid — and the permitting process that takes an average of four and a half years to produce an Environmental Impact Statement for a major infrastructure project are not regulatory caution. They are the effective prohibition of the investment the energy transition requires, imposed through process rather than policy. This Title removes the prohibition.

The national debt is a constraint on the governing ambitions of this document and it is named as such. The interest payments on the national debt now consume twenty-two cents of every federal tax dollar — buying no roads, no schools, no healthcare, no defense capacity, no investment in any productive purpose. The structural deficit is not a temporary condition to be grown out of on optimistic projections. It is the arithmetic consequence of a revenue system designed in a different economy collecting revenue from a different distribution of income than the one that currently exists. The three-legged stool does not propose to balance the budget immediately or through austerity. It proposes to modernize the revenue system to match the economy it is taxing, generating the resources necessary to fund the investments that produce the growth that closes the gap over time. The math is shown.

Act 1.1 — The Hybrid Revenue Act

Provision 1.1.A — The Labor Stabilization

The Two-Tier Tax System

The United States currently operates two distinct tax systems depending on the nature of your income. If you earn wages, your employer withholds taxes automatically, your income is fully transparent to the IRS, and you pay the full applicable rate from the first dollar. If you earn capital gains, dividends, or business income structured as pass-through, you choose when to recognize income, you can employ sophisticated strategies to defer, minimize, or permanently avoid taxation, and the maximum rate applicable to your income is lower than the maximum rate applicable to labor income. The hedge fund manager whose income is structured as carried interest pays a twenty percent maximum rate on compensation that any economic analysis would categorize as performance fees for labor. The janitor who cleans their office pays a twenty-two percent rate on the same dollar of income. The working draft's formulation is accurate: we have penalized work to subsidize speculation.

The Income Tax Simplification

The individual income tax shall be restructured as follows: a standard exemption of not less than fifty thousand dollars for single filers and one hundred thousand dollars for joint filers, below which no federal income tax is owed, shall replace the current complex system of standard and itemized deductions; above the exemption, income shall be taxed at a flat rate of twenty percent on all income regardless of source — wages, salaries, capital gains, dividends, business income, and all other forms of income shall be subject to the same rate without preference or distinction; the step-up in basis at death, which currently allows unrealized capital gains accumulated over a lifetime to escape taxation permanently, is eliminated, with carryover basis treating inherited assets as if the heir had purchased them at the decedent's original cost basis; and a simplified free federal filing system shall be established by the IRS and available to all taxpayers, ending the mandatory dependence on private tax preparation software for the ninety percent of filers whose returns involve only standard income and deduction categories.

The flat rate at twenty percent, applied to all income above a generous standard exemption, produces a tax structure that is more progressive in effective rate terms than the current system for middle-income earners, because the current system's nominal progressivity is neutralized by the deductions, credits, and preferred rates that benefit primarily high-income filers. The worker earning seventy thousand dollars who takes the standard deduction is paying an effective federal tax rate of approximately fourteen percent under the current system and would pay approximately thirteen percent under the simplified system, while facing substantially lower compliance costs. The investor whose income is structured to minimize recognition is paying an effective rate that in documented cases falls below ten percent under the current system and would be subject to the full twenty percent under the simplified system. The 1986 Tax Reform Act broadened the base and lowered the rates, and it worked. This is the 1986 logic applied to 2026 reality.

Capital Gains and the Buy-Borrow-Die Correction

The elimination of the step-up in basis addresses the most significant single mechanism of permanent tax avoidance available to high-net-worth individuals: the Buy-Borrow-Die strategy, under which an investor purchases an asset, borrows against its appreciated value rather than selling, and holds until death, at which point the heir receives the asset at a stepped-up basis equal to its fair market value at the date of death and the lifetime appreciation escapes taxation entirely. The strategy is legal, widely used, and produces the outcome that a hedge fund manager whose entire portfolio has appreciated by hundreds of millions of dollars pays no capital gains tax on that appreciation while the janitor who has accumulated a modest retirement account pays tax on every dollar of their income. The carryover basis reform does not increase any tax rate. It closes the permanent exclusion of unrealized gains that have been converted to borrowing capacity, and ensures that the same income is subject to the same tax when it is ultimately recognized regardless of how many generations of heirs have held the asset.

The Fiscal Revenue Table

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HYBRID REVENUE ACT — PROVISION 1.1.A REVENUE ESTIMATES
(10-year budget window, Joint Committee on Taxation methodology)

Income tax simplification (flat 20% above exemption):
  Step-up in basis elimination:          +$500-700B over 10 years
  Capital gains rate equalization:       +$400-600B over 10 years
  Compliance efficiency (IRS/private):   +$200B savings over 10 years
  Net middle-class effective rate:        Neutral to slightly lower

Note: Revenue-neutral for households below $400K combined income.
Revenue-positive at the top quintile, concentrated above $1M income.
All figures subject to formal JCT scoring upon legislative introduction.
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Provision 1.1.B — The Speculation Correction — Financial Transaction Tax

Taxing Volatility, Not Investment

The United States financial markets process approximately $100 trillion in securities transactions annually — a volume that bears no relationship to the amount of productive investment occurring in the economy. The vast majority of this transaction volume is high-frequency trading — algorithmic strategies that hold positions for milliseconds, that profit from infinitesimal price discrepancies generated by speed advantages measured in microseconds, and that provide no productive economic function analogous to capital formation or price discovery. High-frequency trading strategies that execute ten million transactions per day to exploit a one-cent price discrepancy are not allocating capital to productive enterprise. They are extracting rent from the market infrastructure by being faster. A modest transaction tax — one-tenth of one percent on each covered transaction — is invisible to the long-term investor who turns their portfolio over once a year and pays a tax of $1.00 per $1,000 in securities value. It is material to the high-frequency strategy that depends on executing thousands of transactions per second, each of which generates a fraction of a cent in profit that the transaction tax would eliminate. The tax does not burden investment. It burdens speculation.

The Legislative Mechanism

There is hereby imposed a tax of zero-one percent of the fair market value of each covered transaction in a specified security, assessed at the time of the transaction. Covered transactions include: secondary market transfers of stocks, bonds, futures, options, swaps, credit default swaps, and derivatives. The following are exempt: initial issuances of stock, including initial public offerings and primary market purchases, which are exempt to preserve capital formation; transactions occurring within qualified retirement accounts including 401(k), IRA, and pension fund accounts, which are exempt to protect middle-class savings; short-term debt instruments with maturities of less than one hundred days, which are exempt to preserve liquidity in overnight lending markets; foreign exchange transactions for non-speculative commercial purposes; and transactions by market makers in the performance of their registered market-making function, subject to a certification requirement. The tax shall be collected at the point of transaction by the clearing and settlement system and remitted to the Treasury.

Revenue Projection

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FINANCIAL TRANSACTION TAX — REVENUE ESTIMATE

Annual US securities transaction volume:    ~$100 trillion
Expected volume reduction (tax effect):     ~25-35% (academic consensus)
Taxable volume after behavioral response:   ~$65-75 trillion
Revenue at 0.1%:                            $65-75B annually
10-year budget window:                      $750-900B

Comparison: UK Stamp Duty (0.5% on equities) has operated since 1986
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without materially reducing market liquidity or long-term investment.
France (2012), Italy (2013), EU ongoing discussion all provide precedent.

Retirement account exemption cost:          ~$15-20B annually
Net revenue after exemptions:               ~$50-60B annually
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Provision 1.1.C — The Targeted Wealth Contribution

The Maintenance Fee

Extreme wealth in the twenty-first century is held primarily in unrealized assets — stock appreciation, real estate appreciation, and other asset value increases that are not realized as income under the current tax code and therefore generate no tax liability regardless of their magnitude. A household with a net liquid asset value of five hundred million dollars that holds those assets without selling can have a reported income of zero for decades, borrowing against the appreciated value to fund consumption while the tax code records nothing taxable. The billionaire whose stock portfolio appreciates by ten billion dollars in a single year has created no taxable event under the current code. The teacher whose salary rises by five thousand dollars has created a fully taxable event. The tax code treats these two outcomes identically in the sense that neither is considered abusive — each is simply the operation of existing law. But the outcomes are not identical in their effects on the fiscal position of the federal government or on the distribution of the tax burden among those who benefit from the American legal and market infrastructure that made both outcomes possible.

The Legislative Mechanism

Any household whose net liquid asset value — defined as the aggregate fair market value of all publicly traded stocks, bonds, cash equivalents, cryptocurrencies, and precious metals held by the household and its controlled entities, excluding the primary and secondary residence, privately held operating businesses in which the household has an active management role, and agricultural land and equipment in active use — exceeds fifty million dollars on the last day of the fiscal year shall owe an annual Targeted Wealth Contribution of two percent of the net liquid asset value above fifty million dollars. A household with one hundred million dollars in net liquid assets owes one million dollars annually. A household with one billion dollars in net liquid assets owes nineteen million dollars annually. The contribution is not a tax on income. It is a maintenance fee for the economic platform — the legal system, the regulatory infrastructure, the military, the research base, the currency stability, and the rule of law — that makes the accumulation and preservation of that wealth possible.

The anti-evasion Exit Tax shall apply to any covered person who renounces United States citizenship or permanent residency: all worldwide assets shall be treated as constructively sold at fair market value on the date of expatriation, and a tax of forty percent shall apply to the total deemed gain. The United States market and legal system is a privilege, not a right. Expatriation to avoid the maintenance fee for the system that produced the wealth is not a legitimate tax

planning strategy. It is the withdrawal of oneself from the community whose collective investment generated the opportunity. The exit tax prices that withdrawal appropriately.

Revenue Projection and Fiscal Impact

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TARGETED WEALTH CONTRIBUTION — REVENUE ESTIMATE

Estimated US households with NLAV > $50M:   ~180,000 (Forbes/IRS data)
Estimated aggregate NLAV above threshold:   ~$20-25 trillion
Annual contribution at 2%:                  $400-500B annually
10-year budget window:                      $3.2-4.0 trillion

Behavioral adjustments (tax planning, avoidance): estimated -20-30%
Net annual revenue after behavioral response:     ~$300-400B
Net 10-year window:                               ~$2.5-3.0 trillion

TOTAL THREE-LEGGED STOOL (10-year estimate):
  Labor Stabilization (net):             +$1.0-1.2 trillion
  Financial Transaction Tax (net):       +$0.6-0.8 trillion
  Targeted Wealth Contribution (net):    +$2.5-3.0 trillion
  TOTAL NET NEW REVENUE (10 years):      +$4.0-5.0 trillion

Sufficient to fund the investment provisions of Acts 1.1 through 1.7
and to reduce the structural deficit over the 10-year budget window.
Not a surplus projection. A trajectory correction from structural
deficit toward balance.
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The three-legged stool does not claim to balance the budget within the ten-year window. It claims to reverse the trajectory — to bring the structural deficit from its current unsustainable growth path to a stabilizing path that the economic growth the document's investment provisions are designed to produce can close over time. The math is shown because the claim requires it. Any reader who disputes the estimates can dispute the methodology, the behavioral assumptions, or the revenue scoring — but they cannot dispute that the math is on the page.

Constitutional Authority

The income tax provisions derive from the Sixteenth Amendment's grant to Congress of the authority to lay and collect taxes on incomes from whatever source derived. The financial transaction tax derives from Congress's Article I, Section 8 authority to lay and collect taxes and from the Commerce Clause authority over financial markets. The targeted wealth contribution raises the most significant constitutional question in this Act: whether a tax on unrealized appreciation constitutes a tax on income within the meaning of the Sixteenth Amendment. The Supreme Court's 2024 decision in Moore v. United States left open the question of whether an unrealized gains tax is constitutional, with several Justices writing separately to flag the issue

without resolving it. The TWC as designed applies to net liquid asset value, not to unrealized gains as such, which provides a potential constitutional distinction from a pure mark-to-market tax. Flag for full treatment at legal review. Alternative structural options including a deemed realization approach and a retroactive income inclusion approach are documented in the implementing regulations.

Act 1.2 — The Energy Sovereignty Initiative

Provision 1.2.A — The Permitting Revolution

The Regulatory Paralysis

The National Environmental Policy Act was signed in 1970 to ensure that federal agencies considered the environmental consequences of their actions before proceeding. It was a sound policy response to documented failures of federal agencies to account for environmental harm. Over fifty years, it has been interpreted, litigated, and expanded to the point where the average Environmental Impact Statement for a major infrastructure project takes four and a half years to complete and the completed statement averages over six hundred pages. Some projects have been in environmental review for a decade before a permit decision is issued. This is not environmental protection. It is the procedural prohibition of investment through delay. Over eight thousand gigawatts of clean energy projects are stuck in the interconnection queue. Nuclear power plants that could provide carbon-free baseload electricity cannot be licensed on a timeline that makes investment rational. Highway projects, transmission lines, water infrastructure, and port expansions are delayed by years of process that the infrastructure they replace has already deteriorated past.

Public opinion on the energy question reflects the bipartisan demand for abundance that the existing permitting framework defeats. Seventy-one percent of Republicans support the expansion of domestic fossil fuel production. A majority of Americans across partisan lines support the continued expansion of renewable energy generation. Nuclear energy has reached bipartisan supermajority support for the first time in four decades. The public is not divided on whether the country needs more energy. The public is frustrated by a regulatory system that has made building more energy effectively impossible regardless of the source. This Provision answers that frustration.

The Two-Year Shot Clock

For any major federal infrastructure project requiring an Environmental Impact Statement, the lead agency shall issue a Record of Decision — an approval or a denial — within twenty-four months of the initial notice of intent. If the agency fails to issue a decision within the statutory window, and the delay is not attributable to the applicant’s failure to provide required information, the permit shall be deemed approved subject to the standard conditions applicable to similar projects, provided that the applicant has posted a liability bond meeting federal safety and environmental standards. The deemed approval mechanism is not a license to bypass

environmental review. It is a consequence for the agency that uses process as a veto. Bureaucratic inaction should not be a veto.

The One Federal Decision principle shall govern all major infrastructure permitting: one lead agency shall manage the schedule for all participating federal agencies including the EPA, Fish and Wildlife Service, Army Corps of Engineers, and any other agency with permitting jurisdiction. All agencies shall produce a single coordinated environmental document rather than sequential, duplicative reviews. Any lawsuit challenging a federal infrastructure permit shall be filed within one hundred twenty days of the permit's issuance, with standing limited to parties who participated in the public comment period and can demonstrate direct, localized harm. The strategy of filing litigation years after permit issuance to prevent construction that has already begun is ended by this provision.

The Nuclear Renaissance

Nuclear energy is the safest, densest, and most reliable zero-carbon power source known to engineering. It provides firm baseload capacity that wind and solar cannot provide without massive storage investment. The United States built no new nuclear capacity for thirty years following the Three Mile Island accident in 1979, not because nuclear energy became less safe but because the regulatory environment became less navigable. The Nuclear Regulatory Commission shall establish a Manufacturing License pathway for Small Modular Reactors — factory-built, modular nuclear units with passive safety systems — that treats SMR certification as a manufacturing process subject to type approval rather than a bespoke site-specific engineering process. An SMR design that has received NRC type certification shall be deployable at any prepared site without repeating the full site-specific licensing process that applies to first-of-a-kind designs. The France case is the correct precedent: France's standardized reactor program, which produced seventy percent of its electricity from nuclear power with some of the lowest carbon emissions and lowest electricity costs in Europe, succeeded because it treated reactor construction as a manufacturing process that gets better with repetition rather than as a novel engineering challenge requiring full review at each deployment.

Provision 1.2.B — Grid Modernization and Security Infrastructure

The Grid Capacity Crisis

The American electric grid is the physical infrastructure on which every provision in this Title that involves moving electrons depends. The clean energy projects that the permitting reform in Provision 1.2.A unblocks must connect to a grid that can accept the additional capacity. The data centers that artificial intelligence deployment requires, the electric vehicle charging infrastructure that transportation electrification requires, and the manufacturing reshoring that the China decoupling strategy requires are collectively driving electricity demand at a rate that no decade since the 1960s has produced. The grid that must accept this demand is, by the assessment of the American Society of Civil Engineers, rated C-minus — a passing grade that masks the documented condition of aging transformers, insufficient long-distance transmission capacity, and growing vulnerability to physical, cyber, and electromagnetic threats. Major power

outages have increased by approximately sixty percent since 2015. The interconnection queue contains over eight thousand gigawatts of clean energy projects awaiting grid connection, and the average wait time in the queue exceeds four years. The grid is the bottleneck.

The constraint is not technological. The technology to build high-voltage direct current transmission across continental distances exists and has been deployed at scale in China, Europe, and Brazil. The technology to manufacture large power transformers and other critical grid components exists and has been deployed at scale in countries the United States has chosen to depend on for those components. The technology to harden the grid against electromagnetic pulse, geomagnetic disturbance, and coordinated cyber-physical attack exists and has been documented in classified and unclassified federal studies for over two decades. The constraint is the regulatory architecture that gives local jurisdictions the authority to veto projects whose benefits are interstate, the procurement architecture that has allowed the domestic transformer manufacturing base to atrophy in favor of imports with twelve-to-twenty-four month lead times, and the policy architecture that has treated grid resilience as a discretionary appropriation rather than a national security investment. This Provision changes each of those architectures.

National Interest Electric Transmission Corridors

The Department of Energy is granted express statutory authority to designate transmission corridors of national strategic importance, identified by reference to the geographic disjunction between the regions of the country where wind, solar, and other clean energy resources are most economically generated and the regions of the country where electricity demand is concentrated. Within designated corridors, the Federal Energy Regulatory Commission assumes primary siting authority over high-voltage direct current transmission lines and the associated converter station infrastructure, displacing the patchwork of state public utility commission and local zoning authority that has prevented the construction of interregional transmission for over four decades. The federal siting authority granted by this Provision is structurally analogous to the authority FERC already exercises over interstate natural gas pipeline siting under the Natural Gas Act, which has produced a functioning interstate pipeline network. A single county board cannot veto a power line that serves the energy security of ten states. The federal eminent domain authority that applies to natural gas pipelines applies to electric transmission lines within designated corridors, subject to the just compensation requirements of the Fifth Amendment.

The compensation framework for transmission corridor host communities incorporates a royalty share mechanism. States and counties that host segments of designated National Interest Electric Transmission Corridors receive a percentage of the transmission tariff revenue generated by the corridor, structured to ensure that hosting interstate transmission infrastructure is a fiscal benefit rather than a fiscal burden for the local communities the line crosses. The royalty share does not displace the just compensation due to individual landowners whose property is acquired or burdened by the corridor; it supplements it with a community-level revenue stream that aligns local political incentives with the national interest in completing the interregional grid.

The Energy Opportunity Zone Framework

There is hereby established the Energy Opportunity Zone framework, under which the Department of Energy may designate specific geographic regions — including former coal communities, regions with concentrated renewable resource potential, and regions with existing transmission and industrial infrastructure suitable for energy-intensive manufacturing — as Energy Opportunity Zones. Projects sited within designated EOZs are eligible for the federal permitting fast-track established in Provision 1.2.A, a ten-year federal corporate income tax holiday on operations directly attributable to the EOZ project, guaranteed grid interconnection within twenty-four months of operational readiness, and priority federal loan guarantee eligibility under the Department of Energy's existing loan programs. The EOZ framework is the federalism gateway through which the energy transition is converted from a coastal policy imposed on the heartland into a heartland economic development opportunity that the heartland competes to host. The wind of the Plains powers the steel of the Rust Belt; the host states are paid for the privilege.

The Coal-to-Nuclear Brownfield Fast-Track

Retired coal-fired electric generating stations are pre-validated industrial assets. Each retired coal site retains the high-voltage transmission interconnection that connected the original plant to the grid, the cooling water access that the steam cycle required, the rail or barge logistics infrastructure that the original fuel supply chain required, and the skilled industrial workforce that the original plant employed. The conversion of these sites to small modular reactor host sites is one of the highest-leverage infrastructure investments the federal government can make, because the infrastructure investment has already been made and only the generating asset itself requires replacement. The Nuclear Regulatory Commission, in coordination with the Department of Energy, shall establish a Brownfield Fast-Track licensing pathway for SMR deployment at retired coal sites, under which the site characterization, transmission interconnection, and cooling water permits applicable to the prior coal facility are presumptively transferable to the SMR project subject to confirmatory environmental review. The pathway shall produce a Record of Decision within twelve months of complete application for a Type-certified SMR design proposed at a qualifying retired coal site.

The Strategic Transformer Reserve

The Department of Energy shall establish, within eighteen months of enactment, a Strategic Transformer Reserve modeled on the Strategic Petroleum Reserve framework. The Reserve shall procure, through domestic manufacturing capacity, an initial inventory of large power transformers, extra-high-voltage transformers, and related grid components in quantities sufficient to replace the simultaneous loss of critical transformer assets at not fewer than ten major substations serving the national bulk power system. The initial appropriation for the Reserve is five billion dollars, with subsequent appropriations subject to ordinary review. The Reserve serves two purposes: it eliminates the twelve-to-twenty-four-month replacement lead time that current import dependency imposes in the event of physical or cyber attack on grid transformer assets, and it provides the demand signal necessary to rebuild the domestic large power transformer manufacturing capacity that has atrophied to the point that the United States

now produces only a fraction of its own transformer requirements. The Reserve is a national security investment, not a discretionary infrastructure program.

The Grid Hardening Mandate

The North American Electric Reliability Corporation, under the supervision of the Federal Energy Regulatory Commission, shall promulgate and enforce mandatory physical and cyber hardening standards for all bulk power system facilities, including specific protective measures against electromagnetic pulse events, geomagnetic disturbances, and coordinated cyber-physical attack. The standards shall be technology-neutral with respect to the specific protective hardware and software employed, but performance-based in their specification of the resilience characteristics the bulk power system must demonstrate. Compliance is a condition of continued participation in interstate electricity markets. The grid hardening provisions are paired with a federal cost-share program covering up to fifty percent of the documented cost of compliance for cooperative and municipally-owned utilities serving populations under one hundred thousand, ensuring that small utility customers do not bear the disproportionate burden of grid resilience investments that benefit the national bulk power system as a whole.

The Spent Fuel Recycling Authorization

The 1977 administrative prohibition on commercial reprocessing of spent nuclear fuel is hereby repealed. Spent fuel from commercial reactors contains approximately ninety-five percent of its original fissile material content, recoverable through closed fuel cycle reprocessing technology that has been operationally deployed at commercial scale in France, the United Kingdom, Japan, and Russia for decades. Domestic spent fuel reprocessing reduces the volume of long-term radioactive waste requiring geological disposal by approximately ninety percent, recovers fissile material that can be used as fuel in advanced reactor designs, and addresses the spent fuel storage problem that has constrained nuclear power expansion in the United States since the Yucca Mountain repository program was politically abandoned. The Nuclear Regulatory Commission shall establish, within twenty-four months of enactment, a regulatory framework for commercial spent fuel reprocessing that incorporates the safeguards, proliferation resistance, and security standards required by the Atomic Energy Act and consistent with United States obligations under the Treaty on the Non-Proliferation of Nuclear Weapons.

Constitutional Authority

The permitting reform provisions in 1.2.A derive from Congress’s authority under NEPA and the Administrative Procedure Act to define the procedures for federal agency action, from the Commerce Clause authority over infrastructure in interstate commerce, and from Congress’s established authority to impose timelines on federal agency decision-making. The NRC SMR pathway and the Coal-to-Nuclear Brownfield Fast-Track derive from the Atomic Energy Act as amended by the Nuclear Energy Innovation and Modernization Act. The transmission corridor provisions in 1.2.B derive from Congress’s authority under the Commerce Clause to regulate interstate commerce in electricity, from the Federal Power Act, and from Congress’s established authority to delegate federal eminent domain authority for interstate energy infrastructure as it has done under the Natural Gas Act. The Energy Opportunity Zone framework derives from Congress’s taxing and spending authority and from the established federal authority over

energy infrastructure. The Strategic Transformer Reserve derives from Congress's authority to provide for the common defense and general welfare and from precedent established under the Energy Policy and Conservation Act for the Strategic Petroleum Reserve. The Grid Hardening Mandate derives from the Federal Power Act and the established authority of the Federal Energy Regulatory Commission to delegate reliability standard-setting authority to the North American Electric Reliability Corporation as a self-regulatory organization. The spent fuel reprocessing authorization derives from the Atomic Energy Act, which Congress may amend, and is consistent with the Nuclear Non-Proliferation Treaty as implemented through United States law.

Act 1.3 — The National Debt Commission

Provision 1.3.A — The Fiscal Flight Path

The Interest Trap

The United States federal debt now exceeds $34 trillion. Interest payments on the debt consumed approximately $870 billion in fiscal year 2024 — more than the defense budget, more than Medicare, more than any single domestic program. Twenty-two cents of every federal tax dollar are being used exclusively to pay the interest on past borrowing, purchasing no roads, no schools, no healthcare, no defense capacity, and no investment in any purpose that serves the people paying the taxes. The Congressional Budget Office projects that interest costs will exceed defense spending by an increasing margin over the next decade under current policy and that the debt-to-GDP ratio will reach approximately one hundred twenty percent by the mid-2030s, approaching the levels that have historically been associated with sovereign debt crises in other countries. These are not projections about a distant future. They are the near-term consequence of structural deficits that the three-legged stool is designed to address but that require institutional discipline to close on a defined timeline.

Public opinion data is unambiguous on the question. Approximately half of Americans report a high level of concern about the national debt, and two-thirds describe the federal debt as a serious problem requiring a long-term plan even if the plan requires difficult trade-offs. The political constituency for fiscal trajectory correction exists. The institutional mechanism through which that constituency translates its preference into legislation has been absent. This Act constructs the missing mechanism.

The Commission Structure

There is hereby established the National Debt Commission, a bipartisan body composed of eight members appointed equally by the President and the congressional leadership of both parties, charged with developing a Fiscal Stabilization Flight Path — a ten-year plan for reducing the federal deficit from its current trajectory to a level consistent with stable debt-to-GDP ratios — and with submitting that plan to Congress for an up-or-down vote within eighteen months of enactment. The Commission's mandate requires it to consider both revenue and expenditure options; a plan that achieves deficit reduction exclusively through spending cuts

that eliminate programs Congress has already determined serve the public interest is not a balanced plan, and the Commission's charter requires balance. The up-or-down vote requirement — modeled on the Base Realignment and Closure Commission's procedural structure — prevents the Commission's work from being buried in the same committee process that has prevented every prior bipartisan fiscal commission's recommendations from being acted upon.

The debt ceiling statute is hereby repealed. The debt ceiling is not a fiscal discipline mechanism. It is a mechanism for the minority party in Congress to threaten default on obligations that Congress has already incurred, to extract policy concessions through the threat of economic catastrophe, and to create the periodic governance crises that the 2011 downgrade of US credit demonstrated impose real costs on the economy. Congressional fiscal discipline is exercised through the appropriations process, not through the threat of default. The repeal does not authorize unlimited spending; it removes the mechanism through which already-authorized spending is threatened with non-payment as a negotiating tactic.

Provision 1.3.B — The Surplus Lockbox

The Discipline Problem

The structural deficit that the Three-Legged Stool revenue model in Act 1.1 is designed to address can only be closed if the new revenue is dedicated to closing it. The historical pattern of Congressional fiscal behavior is unambiguous: new revenue, in the absence of binding structural limits on its use, is consumed by new spending programs whose authorization is justified by the projected availability of the new revenue. The 2010 Bowles-Simpson commission identified this dynamic as the central obstacle to deficit reduction. The 1986 Tax Reform Act's revenue-positive provisions were dissipated within a decade by subsequent rate cuts and spending increases. The pattern is not a function of partisan affiliation or institutional malice. It is a function of the natural incentive structure of legislators whose political survival depends on producing visible benefits for identifiable constituencies and whose institutional incentives provide little reward for the long-horizon trajectory correction that deficit reduction requires.

The Three-Legged Stool generates approximately $4 to $5 trillion in net new revenue over the ten-year budget window. Two of the three legs — the Financial Transaction Tax in Provision 1.1.B and the Targeted Wealth Contribution in Provision 1.1.C — fall on transaction volumes and asset bases that are concentrated at the top of the income and wealth distributions. The political case for this revenue is that it represents the maintenance fee for the economic platform that produced the wealth from which it is drawn. The fiscal case for this revenue is that it is the largest single source of structural deficit reduction available to a revenue-only approach. The two cases are not in tension. The case is undermined only if the revenue is consumed by new spending rather than applied to the structural deficit it was raised to address.

The National Debt Redemption Fund

There is hereby established within the Treasury of the United States a dedicated trust fund known as the National Debt Redemption Fund. The Fund shall receive, by mandatory deposit and without further appropriation, one hundred percent of the gross revenue collected under

Provision 1.1.B (the Financial Transaction Tax) and one hundred percent of the gross revenue collected under Provision 1.1.C (the Targeted Wealth Contribution). The Fund's deposits are exclusively dedicated to the retirement of the principal of the public debt held by the public and shall not be available, by appropriation or otherwise, for any other purpose including discretionary spending, mandatory spending program expansion, offsetting the cost of new revenue reductions, or any form of dividend distribution prior to the satisfaction of the conditions in this Provision.

The Treasury shall, on a quarterly basis, apply the accumulated balance of the National Debt Redemption Fund to the open-market purchase and retirement of Treasury securities, prioritizing the longest-maturity and highest-coupon obligations consistent with prudent debt management. The retired securities shall be canceled and shall not be reissued. The quarterly debt retirement operations shall be reported to Congress and to the public, including the face value of securities retired, the average yield retired, and the projected interest savings to the Treasury over the remaining term of the retired obligations.

The Seventy-Five Percent Trigger and the Dividend Phase

The mandatory deposit requirements established by this Provision remain in effect until the ratio of debt held by the public to Gross Domestic Product, as reported by the Office of Management and Budget on the basis of Bureau of Economic Analysis data, falls below seventy-five percent for four consecutive fiscal quarters. Upon the satisfaction of the seventy-five percent trigger, the mandatory deposit requirement is reduced from one hundred percent to fifty percent of the gross revenue collected under Provisions 1.1.B and 1.1.C, with the remaining fifty percent diverted to the National Strategic Investment Fund established under this Provision.

The National Strategic Investment Fund, available only upon the satisfaction of the seventy-five percent trigger, shall be dedicated to long-horizon federal investments in basic research, advanced infrastructure, education and human capital, and other categories of public investment whose returns are realized over multi-decade horizons that the ordinary appropriations process is institutionally unsuited to fund at adequate scale. The Strategic Investment Fund's expenditures shall be authorized through the ordinary appropriations process, subject to the constraint that the Fund's resources may not be diverted to current consumption, transfer payments, or operating expenditures of existing federal programs. The Fund is the dividend the discipline pays once the discipline has produced the trajectory correction.

The trigger structure produces a specific incentive architecture. Until the debt-to-GDP ratio is below seventy-five percent, the political constituency for additional revenue raised through Provisions 1.1.B and 1.1.C is the constituency for debt reduction. Once the trigger is satisfied, the political constituency for additional revenue is the constituency for strategic investment. In neither case is the political constituency for the revenue the constituency for current consumption. The trigger is the architectural mechanism that converts a one-time revenue increase into a sustained fiscal trajectory correction.

The Lockbox Override

The mandatory deposit requirements established by this Provision may be suspended only by joint resolution of Congress, passed by a two-thirds supermajority in both chambers, in response to a declared national emergency meeting the four-part definition established in Provision 1.3.C of this Title. The supermajority requirement, modeled on the override requirement for the budget reconciliation procedures established under the Congressional Budget Act, ensures that the Lockbox cannot be dissolved by ordinary majority action and that any suspension is accompanied by the bipartisan consensus that genuine emergency circumstances require.

Provision 1.3.C — PAYGO Reinforcement and Emergency Designation Reform

The Emergency Loophole

The Pay-As-You-Go statutory framework requires that new mandatory spending or tax reduction legislation be offset by corresponding mandatory spending reductions or tax increases, with the requirement enforced through sequestration if the cumulative deficit impact of legislation passed during a session exceeds the statutory threshold. The framework, originally enacted in 1990 and reauthorized in 2010, is the principal statutory mechanism through which Congress has sought to impose discipline on its own fiscal decisions. The framework has been routinely circumvented through the device of designating new spending as “emergency” — a designation that exempts the spending from the PAYGO offset requirement on the theory that emergency circumstances do not permit the deliberative consideration of offsets that ordinary legislation requires.

The empirical record of emergency designations over the past two decades documents the failure of the existing framework. Emergency designations have been applied to recurring annual disaster relief appropriations whose magnitude is statistically predictable from historical data, to defense supplemental appropriations that fund operations that have continued for over a decade and cannot meaningfully be characterized as unforeseen, to tax extender legislation reauthorizing tax preferences scheduled to expire under prior law, and to a wide range of additional categories of spending whose connection to genuine emergency circumstances is rhetorical rather than substantive. The cumulative deficit impact of legislation passed under emergency designation over the past two decades exceeds the cumulative deficit impact of all other categories of legislation combined. The Pay-As-You-Go framework, in operation, has not constrained the categories of spending it was designed to constrain because the categories of spending it was designed to constrain have been redesignated as emergency.

The Four-Part Definition

The statutory definition of “emergency” for the purpose of bypassing the PAYGO offset requirement is hereby restricted to spending that satisfies, by Congressional Budget Office certification, all four of the following criteria: the spending responds to a circumstance that is sudden — meaning the precipitating event occurred within the twelve months preceding the legislation’s introduction; the spending responds to a circumstance that is urgent — meaning a delay in funding of more than six months would produce documented harm to identified

persons, infrastructure, or institutions; the spending responds to a circumstance that is unforeseen — meaning the precipitating event was not subject to actuarial projection on the basis of historical data available at the time of the prior appropriations cycle; and the spending is temporary — meaning the appropriation does not extend beyond the period necessary to address the precipitating event and is not structured to convert into a recurring program.

Spending that fails any one of the four criteria does not qualify as emergency spending and is subject to the ordinary PAYGO offset requirement. The Congressional Budget Office's certification is reviewable for clear error by the Comptroller General at the request of any Member of Congress, with the Comptroller General's determination final for the purpose of the PAYGO compliance assessment.

The Two-Thirds Supermajority Requirement

The designation of spending as emergency under this Provision requires the affirmative vote of two-thirds of the Members of each chamber, computed on the basis of the Members present and voting. The supermajority requirement applies to the emergency designation itself and is independent of the supermajority or simple majority requirements applicable to the underlying spending legislation. Legislation that fails to receive the two-thirds vote for emergency designation may still proceed under the ordinary PAYGO offset requirement on the basis of a simple majority vote, with the spending subject to offset by corresponding mandatory spending reductions or tax increases.

The two-thirds requirement produces a specific procedural effect. Spending that genuinely responds to an emergency circumstance — the response to a natural disaster of catastrophic magnitude, the response to a foreign military action that requires immediate American response, the response to a public health crisis of the scale documented in the 2020 pandemic — will produce the bipartisan consensus that a two-thirds vote requires, because the emergency character of the circumstance is itself recognizable across partisan lines. Spending that does not genuinely respond to such a circumstance — the routine annual appropriations whose emergency designation has been the principal source of the loophole — will not produce the bipartisan consensus that a two-thirds vote requires, and will accordingly proceed through the ordinary PAYGO offset process.

The Sequestration Backstop

If the cumulative deficit impact of legislation enacted during a session of Congress exceeds the statutory PAYGO threshold and the excess has not been offset by the close of the session, the existing PAYGO sequestration mechanism applies without modification. The sequestration applies on a pro-rata basis to the categories of mandatory spending subject to sequestration under the existing framework, with the exemptions for Social Security benefits, Medicare benefits to beneficiaries, veterans' programs, and the other categories established by the 2010 statutory framework preserved without modification. The sequestration mechanism is the backstop that gives the offset requirement and the emergency designation reform their operational force.

Constitutional Authority

The National Debt Commission derives from Congress's authority under Article I to establish advisory commissions and to define the procedures through which Congress considers fiscal legislation. The debt ceiling repeal derives from Congress's authority under the Fourteenth Amendment, Section 4, which provides that the validity of the public debt of the United States shall not be questioned, and from Congress's plenary authority over the borrowing process under Article I, Section 8. The National Debt Redemption Fund derives from Congress's taxing and spending authority under Article I, Section 8 and from Congress's plenary authority over the borrowing of money on the credit of the United States under Article I, Section 8, Clause 2. The mandatory deposit structure is consistent with established trust fund precedents including the Social Security Trust Fund, the Highway Trust Fund, and the Airport and Airway Trust Fund. The supermajority override provision derives from Congress's authority to establish the procedural rules of each chamber under Article I, Section 5. The PAYGO reinforcement and emergency designation reform derive from Congress's authority under Article I, Section 5 to determine the rules of its own proceedings, from Congress's taxing and spending authority under Article I, Section 8, and from established precedent under the Congressional Budget Act, the Balanced Budget and Emergency Deficit Control Act, and the Statutory Pay-As-You-Go Act of 2010.

Act 1.4 — The Food Independence & Rural Prosperity Act

Provision 1.4.A — Ag-Tech and Supply Chain Resilience

The Consolidation Problem

The structural consolidation of the American food system — addressed at length in Act 5.2.B in the context of antitrust enforcement — has a supply chain resilience dimension that this Act addresses as a complementary and equally urgent concern. When four companies control eighty-five percent of beef processing and a similar concentration exists in pork, poultry, and grain handling, the food supply chain has the fragility characteristics of any system organized around a small number of large nodes: the failure of any one node propagates throughout the system in ways that a distributed system would absorb locally. The 2020 COVID-19 closures of a small number of massive meatpacking plants produced grocery store shortages and forced euthanization of livestock that could not reach processing capacity — not because there was a shortage of cattle or a shortage of consumer demand, but because the system had eliminated the redundancy that would have allowed those cattle to reach processing through alternative channels.

The Ag-Tech Modernization Grant

The USDA shall redirect not less than thirty percent of existing commodity subsidy outlays into a Competitive Ag-Tech Grant program available to family-owned farms, cooperatives, and small and medium agricultural enterprises for: precision agriculture technology including GPS-guided

equipment, drone monitoring, and soil analysis systems that increase yield efficiency per acre; vertical farming and controlled environment agriculture infrastructure in regions where climate conditions limit traditional growing seasons; automation systems that reduce dependence on seasonal migrant labor while maintaining or improving production; and water efficiency technology in agricultural regions with documented groundwater depletion or surface water scarcity. The commodity subsidy redirection does not eliminate commodity price supports; it redirects the portion of the subsidy that currently incentivizes monoculture production by large operations toward the technology investment that enables small and medium producers to compete on efficiency rather than scale.

The Local Processing Network

The USDA shall provide zero-interest loan guarantees for the construction of small-scale, regional meat processing facilities, grain mills, dairy cooperatives, and cold storage hubs that provide producers with market access outside the consolidated national processing network. The cooperative interstate shipment framework shall be expanded so that regional processors meeting state inspection standards equivalent to federal standards may sell products across state lines, eliminating the USDA inspection barrier that currently confines locally processed products to intrastate markets and prevents the development of the regional supply chains that would reduce consolidation risk. The regional processing network is the physical infrastructure complement to the antitrust enforcement of Act 5.2.B: antitrust action can break up existing concentrated structures, but the producer needs an alternative processing channel to access when they do. This provision builds that channel.

Provision 1.4.B — The Right to Repair

Ownership and the Software Lock

The Right to Repair, organized in the v1.0 draft as a sub-section of the agricultural supply chain provision, is promoted in v2.0 to a standalone Provision because its application extends beyond agriculture to a broader class of consumer and commercial equipment in which software-mediated manufacturer control has displaced traditional ownership rights. The agricultural case remains the anchor application — modern tractors, combines, and other farm equipment are increasingly platforms rather than tools — but the same software-lock pattern operates in heavy construction equipment, in consumer electronics, in medical devices, in commercial appliances, and in the maintenance ecosystem of nearly every product in which embedded software has become a load-bearing component. The consequence is the same in every domain: an owner who has purchased a product outright cannot perform basic maintenance or repair on that product without manufacturer-controlled software access that the manufacturer charges to provide, gates behind authorized dealer networks, or refuses to provide at all.

The Agricultural Anchor Case

Modern agricultural equipment is increasingly computerized. Manufacturers use proprietary software locks to prevent farmers from performing basic repairs or diagnostics on equipment they own outright, requiring instead that the farmer wait for an authorized dealer technician whose availability during the harvest window may mean the difference between a successful

harvest and a crop loss. A weather window measured in days cannot accommodate a service appointment scheduled three weeks out. The farmer in this position is not the victim of a software bug. They are the victim of a deliberately constructed ownership architecture in which the equipment they purchased remains, in substantive effect, the property of the manufacturer who has retained the operational control of it.

The DMCA Amendment

The Digital Millennium Copyright Act is amended to explicitly legalize the circumvention of technological protection measures on agricultural equipment, heavy machinery, consumer electronics, consumer appliances, and medical devices for the sole purpose of diagnosis, maintenance, or repair by the equipment owner or an independent repair shop of the owner's choosing. The exemption applies regardless of whether the protection measure was designed to prevent infringement of copyrighted software embedded in the equipment, because the activity authorized by the exemption is not infringement: it is the lawful exercise of ownership rights in the underlying physical product. The amendment preserves all other operations of the DMCA, including its protections against the circumvention of copy-protection measures on copyrighted creative works and against the distribution of circumvention tools intended primarily for infringement purposes.

Manufacturer Disclosure Requirements

Original equipment manufacturers shall make available, on commercially reasonable and non-discriminatory terms, all diagnostic software, technical manuals, wiring diagrams, error code interpretations, and service parts necessary for the repair of equipment they manufacture. "Commercially reasonable" means available at prices and terms comparable to those offered to the manufacturer's authorized dealer network. "Non-discriminatory" means available without preferences based on the customer's status as an independent repair shop, a competing dealer, or an end user owner. The Federal Trade Commission is granted enforcement authority over the disclosure requirements and may bring civil actions against manufacturers found to have withheld required information or to have constructed pricing structures that effectively deny access to the independent repair market.

The Parts Pairing Prohibition

The prohibition on parts pairing — the use of software serialization to prevent the installation of functional third-party or refurbished replacement parts — is enacted as a per se violation of the Federal Trade Commission Act's prohibition on unfair methods of competition. A replacement part that is functionally equivalent to the original equipment manufacturer's part shall operate in the equipment for which it is designed without being rejected, throttled, or marked as non-genuine by the equipment's embedded software. The parts pairing practice is not a safety or quality protection; functionally equivalent third-party parts can be tested for safety and quality under ordinary commercial standards. The practice is a mechanism for converting repair into a manufacturer-controlled aftermarket revenue stream. You bought it. You own it.

Constitutional Authority

The Ag-Tech grant provisions in 1.4.A derive from the Agricultural Adjustment Act, the Farm Bill authorization framework, and the Commerce Clause. The cooperative interstate shipment expansion derives from the Federal Meat Inspection Act and the Commerce Clause. The Right to Repair DMCA amendment in 1.4.B derives from Congress's Article I, Section 8 authority over copyright law. The manufacturer disclosure requirements and the parts pairing prohibition derive from Congress's Commerce Clause authority and from the established authority of the Federal Trade Commission to regulate unfair methods of competition under the Federal Trade Commission Act.

Act 1.5 — The Monetary Stability Act

Provision 1.5.A — Federal Reserve Independence Charter

The Political Pressure Problem

The Federal Reserve's independence from political direction in the conduct of monetary policy is the institutional foundation of the dollar's credibility as a store of value, the bond market's confidence in Treasury securities as risk-free assets, and the US economy's capacity to finance government operations at lower interest rates than would prevail if monetary policy were subordinated to the electoral interests of the incumbent administration. Every administration in recent memory has applied pressure to the Fed to maintain accommodative monetary policy regardless of its consistency with the Fed's dual mandate of price stability and full employment. The independence norm has held, with varying degrees of strain. The norm alone is insufficient. The American Upgrade codifies the independence in statute with the same logic that applies throughout this document: norms do not hold under sufficient pressure. Statutes do.

The Independence Codification

The Federal Reserve Act is amended to provide that: no officer or employee of the executive branch shall communicate, directly or indirectly, any directive, instruction, or suggestion regarding the target federal funds rate, the composition of the Federal Reserve's securities portfolio, or any other specific monetary policy decision, to any member of the Board of Governors or to any president of a Federal Reserve Bank; the President may remove a member of the Board of Governors only for cause, defined as documented inefficiency, neglect of duty, or malfeasance, and not for disagreement with monetary policy decisions; the Chairman of the Federal Reserve shall appear before Congress not less than twice annually for testimony on monetary policy, and shall publish the minutes of Federal Open Market Committee meetings within three weeks of each meeting; and the Fed's dual mandate — maximum employment and stable prices — remains its statutory objective, with the specific operational targets and instruments used to pursue that mandate remaining solely within the Fed's discretion. The President sets fiscal policy. The Congress controls appropriations. The Federal Reserve sets monetary policy. These are distinct constitutional and statutory functions. The American Upgrade enforces the distinction.

Provision 1.5.B — Prohibition on Retail Central Bank Digital Currency

The Financial Privacy Threat

A Central Bank Digital Currency issued directly to retail consumers — a digital dollar held in accounts at the Federal Reserve or its designated financial institutions, accessible to the government in real time — is not a monetary innovation. It is a surveillance infrastructure. The Federal Reserve is actively exploring CBDC implementation. The technical capability to issue a programmable digital currency that the government can monitor in real time, that can be frozen, restricted, or confiscated without the procedural protections that apply to bank account seizures, and that can in principle be programmed to expire, to restrict purchasing categories, or to be deactivated based on behavioral criteria, is a capability that no democratic government should possess regardless of the intentions of the officials who would exercise it. The danger of the CBDC is not that the current administration would misuse it. The danger is that any future administration could, and that the institutional safeguards against that misuse — the Fourth Amendment's protection against unreasonable search and seizure, the Fifth Amendment's protection against self-incrimination, the presumption of financial privacy — have not been extended to digital currency because the legal framework was written before digital currency existed.

The Statutory Prohibition

The Federal Reserve shall not issue, develop, pilot, or otherwise implement any form of retail Central Bank Digital Currency for direct consumer use without express statutory authorization from Congress. The prohibition applies to any digital currency that would be held directly by consumers in accounts at the Federal Reserve or any government-controlled financial institution and that would provide the government with real-time transaction data on individual consumer purchases. The prohibition does not apply to wholesale CBDC systems used for interbank settlement, which raise different policy considerations. Any proposal for retail CBDC implementation shall require a full Congressional debate on the privacy implications, a public comment period of not less than one year, and express statutory authorization passed by both chambers. The financial privacy of American citizens is not a discretionary administrative decision. It is a constitutional value that requires congressional consideration before any technology that compromises it is deployed at scale.

Constitutional Authority

The Federal Reserve independence codification derives from the Federal Reserve Act, which Congress may amend, and from Congress's Article I authority over the monetary system. The CBDC prohibition derives from the same authority and from the Fourth Amendment's protection of financial privacy as interpreted in Carpenter v. United States.

Act 1.6 — The American Stewardship Act

Provision 1.6.A — Public Lands Protection Charter

The Statutory Lockbox

The Public Lands Protection Charter, first established in this Act and extended and strengthened in Act 12.1 of Title XII, provides the original statutory foundation for the permanent prohibition on the sale, transfer, or disposal of federal public lands managed by the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the United States Forest Service. The one-way ratchet principle: we can add to the public domain but cannot subtract from it. The complete architectural statement of the public lands protection framework is in Title XII, Act 12.1, which should be read as the comprehensive treatment. This Act establishes the original prohibition; Title XII extends and fortifies it.

The Outdoor Recreation Economy

The outdoor recreation economy generates $1.1 trillion in annual economic output — more than the mining, oil, and gas extraction industries combined. The proposal to liquidate federal public lands for short-term extraction revenue is the proposal to sell the goose that lays the golden eggs. Once the land is sold and the No Trespassing sign is erected, the hunting ground, the hiking trail, the fishing access, and the viewshed are gone for all subsequent generations. You cannot buy back a mountain range. The outdoor recreation and stewardship constituencies that comprise the political base for federal land protection are among the most demographically and politically diverse coalitions in American civic life, with public support for federal public land protection consistently registering above seventy percent across partisan lines. This is not a contested question in public opinion. It is a contested question only at the level of the lobbying and legislative process where extraction interests have outweighed the broader public interest in the existing federal land estate.

Provision 1.6.B — Great Outdoors Sovereignty

Hunting, Fishing, and Wildlife-Dependent Recreation

The hunting, fishing, and wildlife-dependent recreation constituency, organized in the v1.0 draft as a sub-section of the public lands provision, is promoted in v2.0 to a standalone Provision because it constitutes a distinct policy domain and a distinct constituency that the broader public lands protection framework does not fully address. Hunters and anglers are not merely users of public lands. They are the funding base for state wildlife management through license fees, the institutional constituency that has preserved game species through habitat protection programs, and the cultural carriers of an American outdoor tradition that ties together rural and suburban communities across geographic, demographic, and partisan lines that few other contemporary phenomena bridge. The sportsmen and anglers whose license fees and excise taxes fund the majority of state wildlife management are the original American conservationists. Federal land management that alienates them is federal land management that has lost its most effective constituency for the public lands it is charged with protecting.

The Land and Water Conservation Fund and Access Easements

The Land and Water Conservation Fund, funded at its full authorized level of $900 million annually through the permanent mandatory funding established in Act 12.1, shall prioritize the acquisition of access easements to landlocked public parcels and the maintenance and improvement of public access to federal lands for hunting, fishing, and wildlife-dependent recreation. The acquisition of access easements is a high-leverage public investment because the underlying public lands are already in federal ownership; the constraint on their use is the absence of legal access through surrounding private parcels. The Fund's prioritization of easement acquisition converts existing public assets from inaccessible to accessible at a fraction of the cost of acquiring new lands.

The No Net Loss Guarantee

The no net loss guarantee for hunting and fishing access — the policy that any closure of federal land to sporting access must be offset by the opening or improvement of equivalent access elsewhere — is established as the operating standard for all federal land management agencies. The agencies shall report annually to Congress and to the public on the net change in hunting and fishing access acreage and the offsetting actions taken in any year in which the agency's actions produced a net reduction. The guarantee does not constrain the legitimate exercise of federal land management discretion in response to specific safety, ecological, or conflicting-use considerations; it requires that the cumulative effect of those discretionary decisions not produce an aggregate reduction in sporting access without offsetting compensation.

Constitutional Authority

The public lands provisions in 1.6.A and the wildlife-dependent recreation provisions in 1.6.B derive from the Property Clause of Article IV, Section 3, granting Congress the power to make all needful rules and regulations respecting the territory and property of the United States, and from the Federal Land Policy and Management Act, the National Forest Management Act, the National Park Service Organic Act, and the Land and Water Conservation Fund Act.

Act 1.7 — The AI & Future Economy Act

Provision 1.7.A — The Algorithmic Bill of Rights

The Black Box Problem

Decisions that determine the course of a person's life — whether they receive a mortgage, are offered a job interview, are granted parole, are accepted to a university, are flagged as a fraud risk by a financial institution — are increasingly made by algorithmic systems that no human can explain in terms that allow the affected person to understand the basis for the decision, let alone challenge it. The person who is denied a mortgage because an algorithm assigned them a risk score based on variables that include their neighborhood's demographic composition has no accuser to confront and no evidence to refute. The algorithm is making a decision with the

authority of an institution and the accountability of a black box. This is not the end of due process in a formal legal sense. It is the functional equivalent: the meaningful ability to challenge a consequential decision is eliminated by the opacity of the decision-making process.

Public opinion data is precise on the AI governance question. Approximately forty-seven percent of Americans express low or no trust in the federal government's capacity to regulate AI effectively, and bipartisan supermajorities support specific governance requirements including the mandatory independent safety audit of AI systems deployed in high-stakes contexts and the regulation of AI use in hiring and firing decisions. The public is not opposed to AI deployment. The public is opposed to the deployment of AI systems whose failure modes have not been independently verified, whose application in consequential decisions about real people has not been subject to the accountability framework that comparable institutional decisions are subject to, and whose use in the labor market produces displacement without accountability for the workers whose lives are reorganized by the displacement. The framework that follows is the response to that documented public mandate.

The Explanation Right

Any entity that uses an automated decision-making system — defined as any system that uses algorithmic processing to make or substantially influence a consequential decision about an individual without case-by-case human review — in the following contexts shall be required to provide, upon the request of the affected individual, a plain-language explanation of the specific factors that contributed to the decision and the weight given to each: lending and credit decisions; employment screening, hiring, and promotion decisions; educational admissions and financial aid decisions; insurance underwriting and claims decisions; parole, bail, and pretrial detention recommendations in the criminal justice system; and government benefit eligibility determinations. The explanation shall be provided within thirty days of the request and shall be specific enough to allow the individual to understand what information was used and how it was applied, not merely a list of the categories of factors the system considers. The right to an explanation does not guarantee the right to a different outcome. It guarantees the right to understand the basis for the outcome and to identify and challenge any factual errors in the inputs.

AI Watermarking and Provenance

Any AI-generated content — defined as text, images, audio, or video created primarily by artificial intelligence rather than by a human author — that is distributed to the public by any commercial entity shall be marked with a technical watermark or provenance indicator that allows the recipient to determine that the content was AI-generated. The National Institute of Standards and Technology shall establish technical standards for AI content watermarking within one year of enactment. The watermarking requirement is not a prohibition on AI-generated content. It is a disclosure requirement designed to preserve the epistemic environment in which citizens make decisions about what information to believe. A political advertisement that consists entirely of AI-generated deepfake video of a candidate saying something they never said is not protected political speech. It is disinformation that the watermarking requirement would identify as artificial.

Provision 1.7.B — The Automation Displacement Response

The Displacement Reality

Goldman Sachs projected in 2023 that generative AI could automate the equivalent of three hundred million full-time jobs globally. The Bureau of Labor Statistics' occupational employment projections identify clerical, data entry, basic legal research, basic financial analysis, customer service, transportation, and a substantial range of manufacturing functions as highly susceptible to AI-driven automation within a ten-year horizon. This is not a prediction about a distant technological possibility. It is the current trajectory of deployment of technologies that are already commercially available and being adopted at scale. The American Upgrade does not propose to prevent this transition; it cannot be prevented, and the productivity gains it produces are real and valuable. It proposes to ensure that the workers who are displaced by it are not abandoned to the labor market consequences of a transition they did not cause and did not consent to.

The Automation Displacement Tax

Any employer that reduces its workforce by more than ten percent within a twelve-month period where the reduction is attributable in whole or in substantial part to the replacement of human workers by automated systems, including AI, robotics, and software automation, shall pay an Automation Displacement Tax of fifteen percent of the total annual wages of the displaced workers into the Automation Transition Fund administered by the Department of Workforce and Service. The fund shall be used for: extended unemployment benefits providing income replacement at sixty-six percent of prior wages for not less than twenty-four months for displaced workers; retraining grants covering the full cost of accredited skills training programs for workers who enroll within one year of displacement; and community economic development grants for communities where automation-driven job losses constitute more than five percent of total employment within a two-year period. The automation displacement tax is not a penalty for efficiency. It is the mechanism through which the productivity gains of automation are partially shared with the workers whose displacement produced them.

AI Safety and Independent Audit

Any AI system deployed in a high-stakes context — defined to include systems used in healthcare diagnosis or treatment recommendation, autonomous vehicle operation, critical infrastructure management, weapons systems, and criminal justice risk assessment — shall be subject to independent safety audit by a third-party auditor certified by NIST before deployment and on an annual basis thereafter. The audit shall assess: the system's performance on standard benchmark evaluations; its failure mode characteristics including the conditions under which it produces incorrect, biased, or unsafe outputs; its alignment between its stated purpose and its observed behavior; and any documented incidents of harm or near-harm during the preceding audit period. Audit results shall be reported to the relevant regulatory agency and, for systems used in federal government operations, to Congress. The independent audit requirement does not impose a technology-specific regulatory framework. It extends the principle of independent safety verification — already applied to pharmaceuticals, aircraft,

medical devices, and nuclear plants — to the category of AI systems whose failure modes carry comparable public safety stakes.

Constitutional Authority

The Algorithmic Bill of Rights derives from the Due Process Clause of the Fifth and Fourteenth Amendments as applied to automated decision-making in consequential contexts, from the Commerce Clause as applied to commercial AI deployment, and from Congress's established authority under the Equal Credit Opportunity Act, the Fair Housing Act, and related statutes to regulate the use of automated systems in the specific decision contexts listed. The AI watermarking requirement derives from the Commerce Clause and from Congress's authority under the Federal Election Campaign Act as applied to AI-generated political content. The Automation Displacement Tax derives from Congress's taxing and spending authority and from the Commerce Clause. The independent safety audit requirement derives from Congress's Commerce Clause authority and from established precedent for independent safety verification in the pharmaceutical, aviation, medical device, and nuclear power industries.

Coalition Rationale — Title I

The Fiscal Credibility Test

Title I is the Title on which the credibility of the entire document rests. Every other Title in the American Upgrade proposes to invest in healthcare, in education, in infrastructure, in housing, in the social safety net, in the environment, in the arts, in the communities and the institutions and the people who make up the country. Every one of those investments requires a revenue base adequate to fund it. Title I provides that revenue base, with the math on the page in three separate provision-level tables, with the assumptions stated, with the behavioral adjustments applied, and with the honest acknowledgment that the revenue model corrects the trajectory rather than instantly closing the gap. The document that makes ambitious investment proposals without showing the revenue arithmetic is the document that the fiscal credibility argument can most effectively dismiss. This document shows the arithmetic. And the Surplus Lockbox in Provision 1.3.B and the PAYGO reinforcement in Provision 1.3.C convert the revenue from a one-time legislative event into a sustained fiscal trajectory correction by binding the revenue to debt reduction until the debt-to-GDP ratio falls below seventy-five percent. The fiscal credibility argument is answered structurally, not rhetorically.

The Material Priority Test

Title I passes the Material Priority Test through the worker who spends forty hours preparing a tax return for a code designed to benefit people who can hire professionals to navigate it, through the small business owner paying twelve to fourteen percent of payroll for health insurance while a competitor structured as a large corporation pays seven percent of payroll into Eaglecare, through the farmer in the harvest window waiting for a dealer technician to input a diagnostic code that the software lock prevents them from inputting themselves, through the community whose local newspaper closed because a private equity firm extracted its value and

whose local bank was acquired by a national institution that makes loan decisions by algorithm rather than by relationship, through the hunter or angler whose access to public lands has been progressively narrowed by closures, encroachments, and the alienation of the agencies charged with maintaining the access, and through the worker whose job was automated away and who received no share of the productivity gain their displacement produced. Each of these is a material condition with a material cause and a material remedy in the provisions of this Title.

The Coalition Architecture and Delivery Tests

Title I's coalition is built from the principle that the economic system should work for the people who participate in it rather than for the people who have accumulated enough of it to shape its rules in their favor. That principle reaches the fiscal conservative who believes in fair taxation and resents a system so complex it requires professional navigation, the progressive who believes the tax code's preference for capital over labor is both inequitable and economically distorting, the small business owner competing against large corporations with structural advantages in the tax code, the farmer whose tractor is a software platform they cannot repair, the worker displaced by automation without compensation, the consumer of financial services whose transactions are algorithmically processed without explanation, the citizen whose financial privacy is at risk from a digital currency deployed without congressional debate, and the sportsman whose hunting and fishing tradition has produced more conservation outcomes than any other constituency in American civic life.

The empirical ground for the cross-partisan supermajority that this Title is designed to assemble is documented in the public opinion data summarized in Section 3 of the Session Ruleset. Over eighty percent of Americans support the prohibition on Congressional individual stock trading — the highest-consensus position in any of the data this project has reviewed, and the most precise empirical expression of the broader anti-rigging principle that organizes this Title. The eighty percent is the empirical foundation for the broader claim that the cross-partisan constituency for an economic system that works for the people who participate in it, rather than for the people who have accumulated enough of it to shape its rules, is a supermajority that the existing political alignment has been unable to organize. The three-legged stool, middle-out economics, the energy permitting revolution, the grid modernization architecture, the surplus lockbox and PAYGO reinforcement, the right to repair, the federal reserve independence codification, the CBDC privacy protection, the public lands lockbox and great outdoors guarantee, and the AI accountability framework are each designed to address a specific documented failure at the foundation of the economic operating system. Title I was built to be the engine. It is the engine.

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STATUS: Title I — Acts 1.1 through 1.7 — Draft v2.0 Complete. Title I: The Economic Foundation is now in v2.0 form. The 1.0 Title Overview, the 1.2.B Grid Modernization & Security Infrastructure, the 1.3.B Surplus Lockbox, and the 1.3.C PAYGO Reinforcement provisions are new in v2.0. The 1.4.B

Right to Repair and 1.6.B Great Outdoors Sovereignty provisions are promoted from v1.0 sub-section status to standalone Provisions. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout.

Key sources for final sourcing: IRS tax gap estimates ($688B annually); BLS hours spent on tax compliance (6.5B hours); JCT and CBO revenue scoring methodology; RAND financial transaction tax analysis; Forbes wealth distribution data; Moore v. United States (2024) on unrealized gains; Federal Reserve Act (12 U.S.C.); NEPA implementation statistics (4.5-year average EIS); NRC Nuclear Energy Innovation and Modernization Act; American Society of Civil Engineers grid infrastructure assessment; FERC Natural Gas Act siting precedent; Strategic Petroleum Reserve enabling statute; 2010 Statutory Pay-As-You-Go Act; Bowles-Simpson commission documentation; Digital Millennium Copyright Act; Goldman Sachs AI employment analysis (2023); NIST AI Risk Management Framework; Carpenter v. United States (2018) on financial privacy; Land and Water Conservation Fund Act.

Cross-reference flags: Act 8.1.A (Payroll Tax Cap Elimination) and Act 1.1.A — same labor tax base; definitional consistency required before compilation. Act 12.2 (Clean Energy Standard) and Act 1.2 — companion pieces; confirm the permitting reform in 1.2.A and the grid modernization architecture in 1.2.B are architecturally consistent with the clean energy standard in 12.2. Act 12.1 (Public Lands Compact / Statutory Lockbox) and Act 1.6 — Act 1.6 is the original framework; Act 12.1 extends and fortifies it; review for consistency and cross-reference both Acts explicitly.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title II — Health, Body & Personal Security

Acts 2.1 through 2.6 — Eaglecare, Medical Privacy, Drug Pricing, Mental Health, Chronic Disease Prevention, and Disability Rights

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title II is now in v2.0 form. All six Acts and a Title Overview are contained in this document. Act 2.1: U.S. Eaglecare — The Healthcare Transition Act. Act 2.2: The Medical Privacy Bill of Rights. Act 2.3: The Prescription Drug Pricing Act. Act 2.4: The Mental Health & Addiction Infrastructure Act. Act 2.5: The Chronic Disease Prevention & Food Safety Act. Act 2.6: The Disability Rights Modernization Act.

v2.0 changes vs v1.0: Title Overview added at 2.0; Act 2.1 split per v3.0 TOC into the Eaglecare Trust (2.1.A), the Health Workforce GI Bill (2.1.B), and Quality, Fraud Detection, and Rural Hospital Stability (2.1.C); Interstate Travel for Medical Care promoted to 2.2.C standalone; PBM Accountability promoted to 2.3.B and the Out-of-Pocket Cap promoted to 2.3.C; Community Mental Health Infrastructure promoted to 2.4.B and Addiction Treatment Infrastructure promoted to 2.4.C; the Chronic Disease Epidemic and the ADA-at-35 framings pulled up to Act-level preambles, with Food Additive Reform, School Nutrition, and Physical Activity Infrastructure promoted to 2.5.A/B/C and Digital Accessibility, Olmstead Implementation, and Disability Employment promoted to 2.6.A/B/C. Public Mandate citations integrated throughout per Session Ruleset v1.4 § 3.

Cross-references: Act 8.2 (Medicare Solvency & Expansion) — the Eaglecare transition pathway in Act 8.2.B is the Title VIII companion to Act 2.1; both must be read together. The drug pricing negotiation in Act 2.3 is the same provision addressed in Act 8.2.A; definitional consistency required. Act 9.4.A (Veterans Mental Health) and Act 6.9.D (Crisis Response) are companions to Act 2.4. Act 6.8.C (Democracy ID via Eaglecare enrollment) — the Eaglecare enrollment database feeds the automatic Democracy ID issuance in Act 6.8. Act 1.7.B (Automation Displacement Response) — the Health Workforce GI Bill in Act 2.1.B operates under the same architectural principle.

Provision 2.0 — Title Overview

Health as Infrastructure

The economic premise of the past four decades — that the application of market discipline to the healthcare sector would produce efficiency, cost discipline, and consumer choice in the same forms it produces in markets for ordinary commodities — has been tested at a scale, over a duration, and against a body of evidence sufficient to render judgment. The judgment is that healthcare is not an ordinary commodity, that the markets that organize its delivery do not produce the outcomes that market discipline is supposed to produce, and that the framework

that treats healthcare as a consumer good has produced an American healthcare system whose per-capita costs are nearly double the peer-nation average while delivering outcomes that rank last among comparable wealthy nations in every meaningful measure. The premise was wrong. The evidence is in. This Title proceeds from the evidence.

This Title proceeds from a different premise: that healthcare is infrastructure, not a consumer good. The roads, the electric grid, the water system, and the public safety apparatus are not provided by markets. They are provided by collective public investment because the markets that would otherwise organize them fail in predictable and documented ways that the institutions of organized government are uniquely positioned to address. Healthcare exhibits the same market failure pattern: information asymmetries between providers and patients, the absence of meaningful consumer choice in the moment when care is required, the impossibility of comparison shopping for emergency services, the strategic mismatch between the population that pays insurance premiums and the population that uses healthcare, and the political economy of an industry whose primary profit center is the negotiation of denial of care rather than the delivery of it. These are not abuses of the market system. They are the market system operating as designed. The design is the problem.

The American Upgrade introduces a different healthcare architecture. The U.S. Eaglecare framework established in Act 2.1 is not a nationalization of healthcare delivery — physicians, hospitals, and other providers remain in the private sector — but a unification of healthcare financing through a single payer designed to eliminate the administrative parasite that consumes approximately thirty cents of every American healthcare dollar. The Medical Privacy Bill of Rights in Act 2.2 closes the regulatory gap between what HIPAA actually protects and what most Americans believe HIPAA protects, including a specific framework for the post-Dobbs reality of interstate medical travel. The Drug Pricing Act in Act 2.3 establishes the negotiation authority that every peer nation already exercises, using the average G7 price as the reference ceiling. The Mental Health and Addiction Infrastructure Act in Act 2.4 addresses the parity enforcement gap that has rendered the 2008 Mental Health Parity and Addiction Equity Act effectively unenforceable. The Chronic Disease Prevention and Food Safety Act in Act 2.5 addresses the food environment that drives the chronic disease epidemic that is the dominant cost driver of the American healthcare system. The Disability Rights Modernization Act in Act 2.6 modernizes the ADA framework for the digital era and addresses the Olmstead implementation gap that has left hundreds of thousands of Americans with disabilities in institutional settings or on waiting lists for community-based services. Six Acts, eighteen Provisions, one premise: health is infrastructure.

The economic claim is specific and the math is shown. Eaglecare is mathematically lower-cost than the current system for the ninety-five percent of the population whose healthcare costs would be borne primarily through wages and salaries rather than through top-tier wealth-based contributions. The seven percent employer contribution is lower than the twelve to fourteen percent of payroll that large employers currently pay for private insurance premiums. The four percent employee contribution above the thirty-thousand-dollar exemption is less than the premium share most workers currently pay. The drug pricing negotiation generates approximately $200 billion in cumulative savings over the ten-year budget window. The administrative cost reduction alone — from approximately thirty percent of healthcare spending

to under five percent — generates over $1 trillion in annual savings that funds the comprehensive benefit package. Any reader who disputes the methodology can dispute the methodology. No reader can claim the math is not on the page.

Title II — The State of Affairs

The United States spends approximately $13,900 per person annually on healthcare — nearly twice the average expenditure of other wealthy OECD nations, all of which cover one hundred percent of their citizens. That figure, repeated until it has lost its power to shock, describes an economy with a parasite. Thirty cents of every healthcare dollar spent in the United States does not pay for a physician's time, a nurse's labor, a diagnostic machine, or a medication. It pays for the administrative infrastructure of a claims-processing system — the billing coders, the prior authorization reviewers, the claims denial specialists, the pharmacy benefit managers, the consultants who optimize the denial rate — that exists not to deliver care but to mediate between the person who needs care and the institution that provides it, extracting value from both in the process. The United States does not have a healthcare system. It has a healthcare market whose primary product is not health outcomes but transaction costs.

Public opinion on the healthcare question is the most consistent and most material domestic concern in the entire body of survey data this project has reviewed. Healthcare is the number one domestic worry named by Americans, with sixty-one percent reporting a great deal of concern about access and affordability. This is not a partisan finding. It is not a demographic finding. It is a national condition. The political constituency for healthcare reform exists at a scale that few other policy domains can match. The constraint on action has not been the absence of public mandate. It has been the absence of an institutional path through which the public mandate translates into legislation that survives the lobbying infrastructure of the existing payer system.

The outcomes record makes the failure plain. The United States ranks last among comparable wealthy nations in life expectancy, last in infant mortality, last in the management of chronic diseases that are the primary drivers of both suffering and cost, and last in the proportion of the population that reports being able to access care when they need it. We pay more and receive less by virtually every measure that the Commonwealth Fund, the OECD, and the World Health Organization use to compare national health systems. The extra $7,900 per person per year that American healthcare costs relative to the peer average does not purchase better health. It purchases a more complicated administrative apparatus for determining who receives care and who does not.

The consequences fall with specific weight on specific people. The worker who does not leave a job they hate because leaving means losing health insurance for their family is experiencing job lock — the direct suppression of economic mobility and entrepreneurial initiative by the employer-based insurance system. The small business owner who cannot hire because the cost of providing health insurance to a fifth employee triggers premium rates that make the hire uneconomical is experiencing the healthcare system as a hiring tax. The person who does not check the lump or see the doctor about the persistent cough because the copay is forty dollars

and they do not have forty dollars is experiencing the healthcare system as a barrier between them and the medical attention that might save their life. Sixty-eight thousand Americans die every year from conditions that would have been treated if they had accessed care earlier. These are not statistics. They are the preventable consequences of a system designed around payer interests rather than patient outcomes.

The privacy dimension of the healthcare system has developed a distinct pathology as the health data market has matured. HIPAA, the primary federal health data protection law, applies to healthcare providers, health plans, and their business associates. It does not apply to the period-tracking app on a woman's phone, the fitness monitor on her wrist, the genetic ancestry service she mailed a sample to, or the data broker who purchases her location data and infers her medical status from her visits to specific categories of clinical facility. The result is a biological panopticon — a surveillance ecosystem in which the most intimate details of a person's health are commercially available to advertisers, employers, insurers, and, in the post-Dobbs legal environment, to law enforcement — that exists entirely outside the regulatory framework that most Americans believe protects them.

Title II is the American Upgrade's answer to these conditions across their full scope: the structural failure of the healthcare delivery system addressed by Eaglecare, the privacy collapse addressed by the Medical Privacy Bill of Rights, the pharmaceutical pricing failure addressed by the Drug Pricing Act, the mental health and addiction infrastructure gap addressed by Act 2.4, the chronic disease epidemic driven by food environment failures addressed by Act 2.5, and the persistent failure to fully include Americans with disabilities in the economic and civic life of the country addressed by Act 2.6. Health is not a consumer product. It is the precondition of everything else this document proposes to make possible.

Act 2.1 — U.S. Eaglecare — The Healthcare Transition Act

Provision 2.1.A — Establishment of the Eaglecare Trust

The Case for a Unified National Health Trust

The administrative case for a single-payer system is not ideological. It is mathematical. A healthcare system with a single payer has one set of billing codes, one claims submission process, one reimbursement schedule, and one administrative infrastructure. The current American system has thousands of payers — private insurers, Medicare, Medicaid, CHIP, TRICARE, the VA, and dozens of other federal and state programs — each with its own billing requirements, its own prior authorization processes, its own formularies, and its own administrative burden on providers. Physicians spend approximately twenty-five percent of their working time on administrative tasks that exist solely to navigate this fragmentation. A Canadian physician in a single-payer system spends approximately ten percent. The difference — fifteen percent of physician time — is time that could be spent seeing patients and is instead spent

processing paperwork. The healthcare worker shortage that is cited as a barrier to expanded access is in part a shortage manufactured by the system's administrative demands.

The international comparison is instructive and consistent. Taiwan's National Health Insurance system, implemented in 1995 in a single year, increased coverage from sixty percent to ninety-nine percent of the population while reducing administrative costs to under two percent of total health expenditure. South Korea, Germany, France, Japan, Australia, Canada — every peer democratic nation that has organized its healthcare system around a unified or heavily regulated payment structure achieves comparable or better outcomes than the United States at substantially lower per-capita cost. The evidence on this point is not contested in the health policy literature. The political constraints on acting on that evidence have been formidable. This Act acts on it.

Establishment of the Trust

There is hereby established the U.S. Eaglecare Trust, an independent agency within the Department of Health and Human Services with a governing board appointed by the President and confirmed by the Senate, charged with administering the unified national health payment system for all eligible beneficiaries. The Trust shall operate as the single payer for all medically necessary services provided to eligible beneficiaries by licensed healthcare providers in the United States, replacing the fragmented private insurance market's role as the primary payer for the covered population. Every person born in the United States or holding permanent legal residency is automatically enrolled in Eaglecare at birth or upon entry. Coverage is tied to the individual, not the employer. It follows the citizen from birth through employment changes, geographic moves, periods of unemployment, and into retirement. The end of employer-based insurance is the end of job lock: the person who wants to leave their employer to start a business, care for a family member, or pursue a different career does so without risking their family's healthcare coverage. This is not merely a social benefit. It is an economic liberation that the employer-based system has suppressed for eight decades.

The Comprehensive Benefit Package

The Eaglecare Trust shall cover one hundred percent of the cost of medically necessary services for all eligible beneficiaries, with no copayments, no deductibles, and no coinsurance at the point of service, for the following categories of care: primary and preventive care; emergency services and hospitalization; prescription drugs on the negotiated Eaglecare formulary; mental health and substance use disorder treatment, at parity with physical health services; dental, vision, and audiology services; long-term care and home health support as established in the Medicare Long-Term Care Benefit of Act 8.2.C; maternal and reproductive healthcare, including all FDA-approved contraceptive methods and obstetric care, without restriction based on the nature of the service or the circumstances of the patient; and pediatric care including all recommended immunizations. The barrier between a sick citizen and a physician shall never be a credit card. That sentence is the benefit package in one line.

Revenue Structure — The Premium Swap

The Eaglecare Trust shall be financed through a combination of: an employer contribution of seven percent of total payroll for all employers with ten or more full-time equivalent employees, with a small business exemption for employers with fewer than ten FTEs; an employee contribution of four percent of earned income above a standard exemption of thirty thousand dollars annually; existing Medicare and Medicaid federal funding streams, which are consolidated into the Trust upon the completion of the Medicare transition pathway established in Act 8.2.B; and the drug pricing savings generated by the negotiated formulary established in Act 2.3. The employer contribution is lower than the twelve to fourteen percent of payroll that large employers currently pay for private insurance premiums. The employee contribution, for a worker earning fifty thousand dollars, is eight hundred dollars annually — substantially less than the average worker currently pays in premiums and deductibles. This is not a tax increase. It is a payment swap. The private tax of premiums and deductibles is replaced by a public contribution that is mathematically lower for ninety-five percent of the population.

Provision 2.1.B — The Health Workforce GI Bill

The Workforce Displacement Reality

The transition to Eaglecare will eliminate the business model of private health insurers and substantially reduce the administrative workload of hospitals and physician practices that currently employ large billing and coding departments. The Bureau of Labor Statistics estimates the affected workforce at approximately one million workers — claims processors, billing specialists, prior authorization reviewers, coding analysts, denial appeals adjusters, and the management infrastructure that organizes their work. These workers are not the cause of the American healthcare system’s dysfunction. They are the workforce that the dysfunction employs. A reform that proceeds without specific provision for their economic transition is a reform that asks them to bear the personal cost of fixing a system whose dysfunction they did not create and whose benefits they will not disproportionately receive.

The American Upgrade does not propose to achieve healthcare reform on the backs of the workers the reform displaces. The principle is the same principle that the Automation Displacement Response in Provision 1.7.B applies to the broader category of workers displaced by technological transition: the productivity gains of structural transition are not gains of the displaced workers; they are gains of the broader economy, and the broader economy bears the obligation of making the transition recognizable as fair to the people who carry its personal cost. The Health Workforce GI Bill is the specific application of that principle to the workforce whose displacement the Eaglecare Trust is expected to produce.

Salary Continuation

Any employee of a private health insurer, medical billing entity, or hospital or physician practice administrative department whose position is eliminated as a direct consequence of the Eaglecare transition shall receive twenty-four months of salary continuation, calculated as the worker’s pre-displacement annual compensation capped at one hundred thousand dollars per year. The salary continuation is funded by the Eaglecare Trust as a transition cost rather than

by the displacing employer, which removes the perverse incentive that would otherwise apply if the displacing employer bore the cost — the incentive to delay or constructively coerce departures rather than implement the workforce reduction transparently. The salary continuation is administered through the Department of Workforce and Service established in Act 4.1, which coordinates the transition with the retraining infrastructure established in this Provision.

Fully Funded Retraining

Displaced workers may enroll, at no cost to themselves, in accredited training programs preparing them for direct care roles in the healthcare system that Eaglecare expands, including nursing, medical assisting, surgical technology, health information technology, community health work, behavioral health support, and physician assistant programs. The retraining grants cover full tuition, all required books and materials, all required licensure examination and credentialing fees, and a monthly living stipend calculated at a level equivalent to the federal poverty line for a household of the worker's size. The grants are time-limited to the duration of the training program plus a six-month post-completion period for job search and licensure examination. The training providers eligible for grant funding shall include community colleges, four-year colleges and universities, accredited proprietary training programs, registered apprenticeship programs, and direct hospital-based training programs.

The Direct Care Pipeline

The retraining programs are designed to direct displaced workers into the categories of healthcare employment that the Eaglecare framework simultaneously expands. The single-payer system reduces administrative employment but does not reduce — indeed, increases — the demand for direct care workers, including nurses, medical assistants, mental health counselors, addiction treatment specialists, community health workers, and home health aides. The Bureau of Labor Statistics projects that direct care worker shortages will exceed two million positions by the end of the decade under current trends. The Health Workforce GI Bill converts the displaced administrative workforce into a supply-side response to the direct care worker shortage, with the federal government bearing the cost of the transition and the broader public benefiting from the alignment of displacement with the demand the transition simultaneously generates. The mathematics of the swap are favorable: the average compensation of a displaced administrative worker is comparable to the average compensation of an entry-level direct care worker, and the labor market that absorbs the retrained workers is the labor market the Eaglecare transition has expanded.

Pension Protection

The Pension Benefit Guaranty Corporation shall guarantee the accrued pension benefits of workers in the private insurance sector whose employer-sponsored defined benefit plans may be subject to termination, distress termination, or restructuring during the Eaglecare transition. The guarantee applies to all qualified plans whose plan sponsor is materially affected by the elimination of the private health insurance business model, and operates within the established statutory framework of the Employee Retirement Income Security Act and the PBGC's existing guarantee functions. Workers covered by defined contribution plans are protected through the standard portability and vesting requirements of ERISA, which the transition does not alter. The

principle is that the workers who built the existing healthcare system through their labor over the course of their careers do not lose the retirement security they earned because the structural reform of that system was implemented during their working lives.

Provision 2.1.C — Quality Assurance, Fraud Detection, and Rural Hospital Stability

The Quality and Cost Discipline Architecture

A single-payer healthcare system organizes its quality and cost discipline differently from a multi-payer market. The traditional market discipline mechanism — the patient's choice of insurer and the insurer's competition for the patient's business — does not operate in a single-payer system. The discipline mechanisms that replace it are: transparent quality measurement available to patients and to providers; serious fraud detection enforcement that addresses the systematic billing fraud that the multi-payer system enables; and direct global budgeting for institutions whose mission requires fiscal stability independent of patient volume fluctuations. The Eaglecare Trust is designed around this architecture, with each of the three discipline mechanisms specified in this Provision.

The National Electronic Health Record System

The Eaglecare Trust shall implement, within five years of enactment, a national electronic health record system providing care continuity across all providers regardless of geographic location. The system shall be designed in accordance with the privacy protections established in Provision 2.2.B, including patient ownership of health data, opt-in disclosure to specific providers and purposes, and complete deletion rights. The system shall use open data standards permitting any licensed provider to access patient records with the patient's consent, eliminating the proprietary EHR data lock-in that currently fragments patient records across systems that do not communicate. The fragmentation has been a documented driver of duplicative testing, contraindicated prescriptions, and delayed diagnoses for the past two decades. A patient who presents at an emergency department for an unfamiliar condition without their full medical history is a patient whose care is constrained by an information failure that the technology to solve has existed for over a decade.

AI-Assisted Fraud Detection

The Trust shall operate an AI-assisted fraud detection system identifying anomalous billing patterns, unusual prescription concentrations, and statistical outliers indicative of systematic fraud. The fraud detection function is staffed by a dedicated investigative unit within the Trust's Office of the Inspector General, with mandatory referral to the Department of Justice for criminal prosecution of any provider, billing entity, or organized criminal enterprise identified as engaged in fraudulent billing against the Trust. The current Medicare fraud loss is estimated at approximately $60 billion annually, and the multi-payer fragmentation of the existing system has made consistent fraud enforcement effectively impossible because no individual payer has comprehensive visibility into a provider's full billing pattern across payer relationships. The single-payer architecture eliminates this enforcement gap by consolidating the billing pattern

visibility in a single institutional location. The principle is straightforward: the system whose fragmentation prevents fraud detection is the system that pays the fraud.

Global Operating Budgets for Rural and Safety-Net Hospitals

Critical access hospitals, rural community hospitals, and safety-net hospitals serving disproportionately low-income or uninsured populations under the current system are particularly vulnerable to revenue fluctuations driven by patient volume changes. The fee-for-service model that has dominated American healthcare for the past five decades creates a structural incentive for these hospitals to maximize procedural throughput at the expense of clinical judgment and to close service lines whose revenue does not cover their direct costs, even where those service lines are critical to the community the hospital serves. Over one hundred fifty rural hospitals have closed since 2010 under the existing payment framework, with closure rates accelerating as the rural population's payer mix has deteriorated.

The Eaglecare Trust shall replace fee-for-service billing for designated rural and safety-net hospitals with a global operating budget — a guaranteed annual appropriation calculated on the basis of the population served, the documented service mix, the regional cost structure, and the institution's defined community mission — that ensures the hospital's survival regardless of patient volume fluctuations. A rural hospital is community infrastructure. The global budget treats it as such: the government pays for it to be there, ready to deliver care, not to optimize its procedural throughput.

The Designation Standards

The Trust shall establish, within one year of enactment, designation standards for the global budget framework, including criteria for: critical access hospital status as defined under existing Medicare regulations; rural community hospital designation based on geographic isolation, distance from alternative care sources, and community population served; and safety-net hospital designation based on the proportion of the institution's services delivered to low-income patients, uninsured patients, and patients with public insurance during the transition period. The designation process incorporates community consultation, with the affected community having a defined role in the designation review and the option to appeal a designation denial to an independent administrative law judge.

Constitutional Authority

The Eaglecare Trust in 2.1.A derives from Congress's authority under Article I, Section 8 to provide for the general welfare, from the taxing and spending power as applied to the employer and employee contributions, from Congress's established authority to establish and administer Medicare and Medicaid, and from the Commerce Clause as applied to the regulation of interstate healthcare markets. The comprehensive nature of the reform does not create a new constitutional question: Congress has operated Medicare as a federal single-payer program for sixty years, and Eaglecare extends that established constitutional framework to the full population. The Health Workforce GI Bill in 2.1.B derives from Congress's Spending Clause authority, from the established federal authority over workforce retraining programs under the Workforce Innovation and Opportunity Act framework, and from the established federal authority

over pension protection under the Employee Retirement Income Security Act. The Quality Assurance and Fraud Detection provisions in 2.1.C derive from Congress's established authority over Medicare and Medicaid program integrity functions, extended to the Eaglecare Trust as the successor program. The global operating budget framework for rural and safety-net hospitals derives from Congress's Spending Clause authority and from the established federal authority to define payment methodologies for federal healthcare programs.

Act 2.2 — The Medical Privacy Bill of Rights

Provision 2.2.A — Codifying the Doctor-Patient Privilege

The Legislative Intent

The doctor-patient relationship depends on a foundational condition: the patient must be able to tell their physician the truth. The physician who does not know that their patient uses recreational drugs, has experienced domestic violence, or is managing a mental health condition without disclosed medication cannot provide adequate care. The patient who withholds this information because they fear its disclosure to employers, insurers, law enforcement, or family members is not a patient who can receive the full benefit of the medical relationship. The protection of the information shared within the doctor-patient relationship is therefore not merely a privacy value. It is a public health prerequisite. A healthcare system that cannot maintain the confidentiality of medical consultations is a healthcare system whose patients will not use it honestly, and a healthcare system whose patients cannot use it honestly will produce worse outcomes than one that can.

The Anti-Interference Prohibition

No federal agency, state agency, or law enforcement authority shall direct, order, or compel any licensed physician, nurse, therapist, pharmacist, or other licensed healthcare provider to: disclose any information shared by a patient in the course of a clinical consultation without the patient's informed consent, except as required by existing mandatory reporting laws applicable to imminent danger to self or others; prescribe, refuse to prescribe, administer, or refuse to administer any FDA-approved medication or treatment that the provider and patient have agreed upon as appropriate to the patient's medical condition; or deviate from evidence-based standards of care based on the political, religious, or policy preferences of any governmental official or body. The physician's clinical judgment, exercised in consultation with the patient and governed by medical evidence and professional ethics, shall not be subject to political direction. A government that overrides clinical judgment with political instruction is not protecting health. It is practicing medicine without a license.

Provision 2.2.B — Health Data Sovereignty

Closing the HIPAA Gap

HIPAA applies to covered entities: healthcare providers, health plans, and their business associates. It does not apply to the technology companies whose products collect health data

outside the traditional clinical relationship. The period-tracking application on a smartphone collects intimate reproductive health information from tens of millions of users. It is not a HIPAA covered entity. The fitness device that monitors heart rate, sleep patterns, blood oxygen levels, and physical activity generates a detailed physiological profile of its user. It is not a HIPAA covered entity. The data broker that purchases location data from mobile advertising networks and infers from patterns of visits to specific medical facilities that a particular device's owner has sought oncology, reproductive health, mental health, or addiction treatment services is not a HIPAA covered entity. None of these entities are subject to any federal health data protection standard. The consequence in the current legal environment is not merely commercial: it is the availability of commercially purchased health data to law enforcement agencies investigating abortion-seeking behavior in states that have criminalized it, to employers making hiring or promotion decisions on the basis of inferred medical conditions, and to insurance companies pricing coverage on the basis of health data obtained outside the clinical relationship. The gap between what Americans believe HIPAA protects and what HIPAA actually protects is one of the most consequential regulatory gaps in the current digital economy.

The Health Data Protection Act

Any entity that collects, processes, stores, or sells health data about any United States person, including but not limited to fitness and wellness applications, genetic testing services, mental health applications, fertility and reproductive health applications, and data brokers whose data products include inferred health information, shall be subject to the following requirements regardless of whether the entity is a HIPAA covered entity: health data collected outside the clinical relationship shall not be sold, licensed, or otherwise transferred to any third party without the explicit, informed, and revocable consent of the data subject; health data shall not be used for advertising, employment, or insurance underwriting purposes without explicit consent; health data shall not be disclosed to any law enforcement agency without a court order issued upon a showing of probable cause in a court of competent jurisdiction; and health data shall be deleted upon the request of the data subject within thirty days, with all copies in the possession of the entity and its contractors deleted within sixty days. The Federal Trade Commission shall enforce these requirements and shall be authorized to impose civil penalties of not less than one thousand dollars and not more than one hundred thousand dollars per violation, with the possibility of class action relief for systematic violations affecting large populations.

Genetic Data Specific Protection

Genetic data deserves specific protection beyond the general health data framework because of its uniquely permanent and family-encompassing character. A person's genetic sequence cannot be changed, cannot be revoked, and implicates not only the individual but their entire biological family. Genetic data collected by direct-to-consumer genetic testing services shall not be sold, shared, or disclosed to any third party for any purpose without the explicit and specific informed consent of the data subject, identifying the specific recipient and purpose of the disclosure. Genetic data shall not be used by any insurer for any purpose, and its use in employment decisions is prohibited under this provision and under the existing Genetic Information Nondiscrimination Act.

Provision 2.2.C — Interstate Travel for Medical Care

The Post-Dobbs Extraterritorial Question

The interstate travel protection, organized in the v1.0 draft as a sub-section of the doctor-patient privilege provision, is promoted in v2.0 to a standalone Provision because the post-Dobbs legal environment has converted it from an ancillary consideration into a distinct policy domain with its own constitutional architecture, its own evidentiary record, and its own enforcement requirements. The 2022 Dobbs decision returned the regulation of abortion to state legislatures. It did not grant state legislatures the authority to extend their criminal jurisdiction to the borders of other states or to regulate medical care that is legal in the state where it is provided. Several states have nevertheless enacted or proposed legislation seeking to penalize residents who travel for medical care that is legal in their state of destination, to penalize providers in destination states who deliver legal care to non-resident patients, and to penalize third parties who provide transportation, information, or financial assistance to facilitate the travel. This Provision codifies the constitutional limit on state extraterritorial jurisdiction that the Privileges and Immunities Clause, the Commerce Clause, and the constitutional right to travel together establish.

The Travel and Provider Protection

No state shall criminalize, penalize, or take any adverse civil or administrative action against: any person who travels from that state to another state for the purpose of receiving any legal medical care in the state of destination; any physician, nurse, or other healthcare provider licensed in any state of the United States who provides legal medical care, in the state in which the provider is licensed, to any patient who is physically present in that state at the time of the care, regardless of the patient's state of residence; or any person who provides transportation, financial assistance, lodging, or information to another person for the purpose of facilitating travel for legal medical care in another state. The scope of the protection extends to all categories of legal medical care, not merely to the abortion services that have occupied the post-Dobbs litigation. The principle is the same for any medical procedure: gender-affirming care, end-of-life care, fertility services, mental health treatment with controlled medications, and any other care that one state permits and another state restricts.

The Federal Civil Right of Action

Any person subjected to state action prohibited by this Provision may bring a civil action in federal district court against the state actor responsible for the prohibited conduct. The action may seek injunctive relief, declaratory relief, compensatory damages, and reasonable attorney's fees. The action is not subject to state-law immunity defenses that would otherwise apply to suits against state actors. The federal civil right of action ensures that the constitutional protections of interstate travel are enforceable in the federal forum that the Supremacy Clause and the established federal civil rights enforcement framework contemplate.

Constitutional Authority

The anti-interference prohibition in 2.2.A derives from the First Amendment's protection of the physician-patient communication as a form of protected speech and association, from the Due

Process Clause's protection of medical decision-making as a liberty interest, and from Congress's Commerce Clause authority to regulate the practice of medicine in interstate commerce. The health data protection provisions in 2.2.B derive from Congress's Commerce Clause authority to regulate the collection, use, and sale of data in interstate commerce, from the FTC's existing unfair and deceptive trade practices authority, and from the Fourth Amendment's protection of reasonable expectations of privacy as applied to health information. The Supreme Court's recognition in Carpenter v. United States that detailed location data implicates Fourth Amendment protections supports the application of heightened protection to health data inferred from location patterns. The interstate travel protection in 2.2.C derives from the Privileges and Immunities Clause of Article IV and the Fourteenth Amendment as interpreted in Saenz v. Roe, the Commerce Clause as applied to interstate transactions in lawful medical services, and the constitutional right to travel recognized in Shapiro v. Thompson and its successors. The federal civil right of action derives from Congress's authority under Section 5 of the Fourteenth Amendment to enforce the Amendment's guarantees through civil rights legislation.

Act 2.3 — The Prescription Drug Pricing Act

Provision 2.3.A — The Eaglecare Drug Negotiation Authority

The Problem: Paying More to Subsidize the World

The United States is, by a substantial margin, the highest-paying country in the world for prescription drugs. A 2021 RAND Corporation study found that Americans pay approximately 2.56 times more for brand-name drugs than residents of thirty-two other comparable countries, including the United Kingdom, Canada, France, Germany, Japan, and Australia. The price differential is not explained by development costs, which are largely recovered through global sales at lower prices, nor by regulatory burdens, which are comparable across peer nations. It is explained by the absence of any mechanism in the United States for negotiating drug prices at the scale that other nations deploy. The result is that the American healthcare consumer, through both direct drug expenditure and insurance premiums, subsidizes the pharmaceutical industry's profit margin while peer nations pay a fraction of the same price for identical products.

Public opinion on the drug pricing question is among the clearest bipartisan supermajorities in the entire body of healthcare-related survey data. Cross-partisan supermajorities support the federal government's exercise of negotiation authority over prescription drug prices, support reference pricing benchmarked to peer-nation comparables, and support the regulation of the pharmacy benefit manager industry. The political constraint on action has not been the absence of public support. It has been the structural advantage that the pharmaceutical lobby has exercised over a fragmented payer system that lacks the institutional capacity to translate public preference into legislative outcomes. This Act constructs that institutional capacity.

The Full Formulary Negotiation Mandate

The Eaglecare Trust shall negotiate the price of all prescription drugs included in the Eaglecare formulary with the manufacturers of those drugs. The negotiation authority is not limited to a defined list subject to annual expansion, as under the Inflation Reduction Act's constrained framework: it applies to the full formulary, covering all drugs for which patents or market exclusivity have been in effect for seven or more years for small-molecule drugs and eleven or more years for biological products. The Eaglecare Trust shall use as the reference ceiling for negotiations the average price paid by the G7 peer nations — the United Kingdom, Germany, France, Japan, Canada, and Italy — adjusted for purchasing power parity. The Trust shall not pay more than one hundred and twenty percent of the G7 average reference price for any drug subject to negotiation. This provision is the same negotiation authority established in Act 8.2.A in the context of Medicare solvency. It is stated here in the context of Eaglecare because the drug pricing negotiation is a structural element of the Eaglecare benefit package, not merely a fiscal measure. The formulary price is the price every Eaglecare beneficiary pays — which is zero at the point of service, since the benefit package has no cost-sharing — but the price the Trust pays determines the fiscal sustainability of the system. The two provisions are the same provision viewed from different angles; they must be definitionally consistent.

Provision 2.3.B — The Pharmacy Benefit Manager Accountability Act

The Middleman Chokepoint

Pharmacy benefit managers are the intermediaries between drug manufacturers, health insurers, and pharmacies that negotiate drug rebates, manage formularies, and process claims. The PBM industry, organized in the v1.0 draft as a sub-section of the drug negotiation provision, is promoted in v2.0 to a standalone Provision because the PBM market structure operates as a distinct intermediation problem requiring its own enforcement architecture. The PBM industry has consolidated to three companies that control approximately eighty percent of the market, creating a structural chokepoint with documented pricing practices that include spread pricing — charging health plans more for a drug than the PBM pays the pharmacy and keeping the difference — and rebate arrangements that favor high-list-price drugs over lower-cost alternatives because the rebate is calculated as a percentage of the list price. The result is that the PBM consolidation, justified as a mechanism for negotiating lower drug prices on behalf of payers, has in operation become an intermediation tax that the consolidated PBM industry extracts from the spread between manufacturer and pharmacy and that is invisible to the patient at the pharmacy counter.

Prohibited Practices Under the Eaglecare Framework

PBMs operating within the Eaglecare framework shall be prohibited from: spread pricing on any drug covered by the Eaglecare formulary, with the Trust paying the pharmacy directly through the negotiated formulary price and the PBM compensated through a transparent administrative fee schedule; accepting manufacturer rebates in any form not fully passed through to the Trust, with the full economic value of rebates flowing to the Trust rather than to the PBM as an intermediation revenue source; steering formulary placement toward drugs on the basis of

rebate value rather than clinical effectiveness or cost-effectiveness, with formulary placement decisions subject to clinical guideline review by the Trust's clinical advisory committee; and operating both the PBM function and specialty pharmacy functions in the same market without structural separation, with horizontal integration of PBM and specialty pharmacy operations subject to divestiture under the antitrust provisions of Act 5.2.

The PBM Market Structure Study

The Federal Trade Commission shall conduct, within one year of enactment, a market structure study of the PBM industry under its existing Section 6(b) authority. The study shall examine: the concentration of the PBM market and the extent of vertical integration between PBMs, insurers, and pharmacies; the documented effects of PBM rebate practices on the list price of pharmaceutical products and on the prices paid by patients with cost-sharing obligations; and the extent to which the existing PBM market structure produces or impedes the price discipline that the original rationale for PBM intermediation contemplated. The study shall report to Congress with recommendations for any further structural remedies, including potential divestiture or horizontal restructuring, that the documented market conditions require.

Provision 2.3.C — The Out-of-Pocket Cap for the Transition Period

The Transition Bridge

The Out-of-Pocket Cap for the Transition Period, organized in the v1.0 draft as a sub-section of the drug negotiation provision, is promoted in v2.0 to a standalone Provision because it operates as a distinct policy bridge during the five-year Eaglecare transition before universal coverage is fully operational. The full benefit of the Eaglecare framework — zero cost-sharing at the point of service, negotiated formulary prices, and full prescription drug coverage — is not available to most Americans until the transition is complete. The patients whose insurance during the transition period is Medicare, Medicaid, or employer-sponsored coverage face the existing cost-sharing structures of those programs, including out-of-pocket drug costs that have produced the documented patient rationing of insulin, EpiPens, and other life-sustaining medications. The bridge provisions in this Provision protect those patients during the period in which the Eaglecare framework is being implemented.

The Medicare and Medicaid Cap

During the five-year Eaglecare transition period before universal coverage is fully operational, prescription drug out-of-pocket costs for Medicare beneficiaries shall be capped at two thousand dollars annually, consistent with the Inflation Reduction Act's cap for 2025 and extended until the Medicare-to-Eaglecare transition is complete. For Medicaid beneficiaries, cost-sharing for prescription drugs shall be eliminated during the transition period. The Medicare cap operates as an automatic feature of the existing Part D framework; the Medicaid cost-sharing elimination operates through the existing federal-state Medicaid administrative framework.

The Employer-Insured Bridge

For Americans insured through employer-sponsored insurance during the transition period, the Eaglecare Trust shall establish a transitional pharmaceutical assistance program providing cost-

sharing support for insulin, EpiPens, and other life-sustaining medications whose out-of-pocket costs have been documented to cause patient rationing. The program operates as a direct reimbursement to the patient or to the dispensing pharmacy, with eligibility determined by the patient's certified income and the medication's inclusion on the program's documented list of life-sustaining medications subject to rationing risk. The list is established and updated by the Eaglecare Trust's clinical advisory committee in consultation with the Centers for Disease Control and Prevention and the Food and Drug Administration.

Constitutional Authority

The drug pricing negotiation authority in 2.3.A derives from Congress's Article I authority to establish the terms of federal spending programs and from the established principle that the federal government has the authority to negotiate prices for goods and services it purchases. The PBM accountability provisions in 2.3.B derive from the Commerce Clause and from Congress's authority under the Federal Trade Commission Act to define unfair methods of competition in interstate commerce. The transition period out-of-pocket cap in 2.3.C derives from Congress's established authority over the Medicare and Medicaid programs and from Congress's Spending Clause authority over the transitional pharmaceutical assistance program.

Act 2.4 — The Mental Health & Addiction Infrastructure Act

Provision 2.4.A — Mental Health Parity Enforcement

The Parity Gap

The Mental Health Parity and Addiction Equity Act of 2008 required that health plans provide mental health and substance use disorder benefits on terms no more restrictive than the terms applicable to medical and surgical benefits. The law is clear. Its enforcement has been inadequate. Insurance companies have complied with the letter of parity requirements while violating their spirit through the use of prior authorization requirements applied to mental health services at rates that far exceed their application to comparable medical services, through network inadequacy for mental health providers that requires patients to go out of network at higher cost, and through coverage limitations on specific mental health services that do not apply to analogous physical health services. The American Psychological Association's 2023 survey found that more than sixty percent of psychologists reported not accepting insurance, with insurance reimbursement rates cited as the primary reason. The mental health system is nominally covered and practically inaccessible for the millions of Americans who depend on insurance to afford care.

Public attention to mental health has risen substantially across the past decade, particularly in connection with the documented rise in adolescent depression and anxiety, the veteran mental health crisis addressed in Act 9.4, and the public response to high-profile incidents of behavioral health crisis intersecting with law enforcement response. The bipartisan recognition of mental health as a material national problem is reflected in survey data showing increasing majorities

across partisan lines who identify mental health access as a domestic priority. The constraint on the federal response has not been the absence of public mandate. It has been the failure of enforcement of the parity framework already enacted in 2008. This Provision addresses the enforcement failure directly.

Strengthened Parity Standards Under Eaglecare

The Eaglecare Trust shall apply mental health parity requirements with the following specific standards: prior authorization shall not be required for the first six sessions of any mental health or substance use disorder treatment episode; prior authorization criteria for mental health services shall be identical to those applied to medical services of comparable clinical complexity and cost; network adequacy for mental health providers shall require that at least eighty percent of patients seeking mental health appointments can access an appointment within ten business days; the Trust shall publish and update quarterly a public dashboard of mental health appointment availability and wait times by specialty and geographic area; and any mental health or substance use disorder service that is medically necessary shall be covered without limitation on the number of sessions, provided the treating clinician certifies continued medical necessity on a schedule established by the Trust's clinical guidelines.

Provision 2.4.B — The Community Mental Health Infrastructure Investment

The Infrastructure Deficit

The Community Mental Health Infrastructure Investment, organized in the v1.0 draft as a sub-section of the parity enforcement provision, is promoted in v2.0 to a standalone Provision because the infrastructure investment operates on a different timescale and through different funding mechanisms than the parity enforcement framework. The deinstitutionalization of mental health care over the past five decades was justified on the premise that institutional warehousing of patients with serious mental illness would be replaced by community-based outpatient and ambulatory care infrastructure. The deinstitutionalization happened. The community-based infrastructure that was supposed to replace it has been chronically underfunded across federal and state budgets for the entire period since. The result has been the documented criminal justice system absorption of patients with serious mental illness, the shift of community mental health crisis response to law enforcement personnel without the training to respond appropriately, and the homelessness population concentration among individuals with co-occurring mental illness and substance use disorders. The infrastructure deficit is not abstract. It is the documented condition of every major American city.

The Community Mental Health Block Grant Expansion

The federal community mental health block grant shall be increased to not less than five billion dollars annually, with funding distributed to states for: the development and expansion of community mental health centers providing outpatient therapy, psychiatric medication management, and crisis stabilization services in communities currently underserved by mental health providers; the expansion of the community behavioral health clinic model, which provides comprehensive mental health and substance use services on a sliding fee scale; mobile crisis

response teams providing community-based mental health crisis intervention as a supplement to and partial replacement for law enforcement response to behavioral health emergencies, consistent with the co-responder program established in Act 6.9.D; and telehealth mental health services in rural and underserved communities where in-person provider access is limited.

Coordination with the Veterans Mental Health Crisis Response

The community mental health infrastructure established by this Provision shall be coordinated with the veterans mental health crisis response framework established in Act 9.4.A, with veterans of the United States Armed Forces having the option of accessing either the Veterans Health Administration's integrated mental health services or the community-based services funded by this Provision, in accordance with their stated preference. The coordination ensures that the infrastructure investments do not duplicate capacity but rather function as a unified national mental health service architecture with multiple access points calibrated to the patient's circumstances and preferences.

Provision 2.4.C — The Addiction Treatment Infrastructure

Addiction as a Medical Condition

Substance use disorder is a medical condition. The American Society of Addiction Medicine's definition of addiction as a chronic brain disorder — not a moral failing — has been the medical consensus for decades and is the basis on which the MHPAEA's parity requirements apply to addiction treatment. The criminalization of drug use without corresponding investment in treatment access is the policy that produced the opioid epidemic's death toll. The federal government estimates that fewer than twenty percent of Americans with substance use disorders currently receive any treatment. The treatment supply gap is the structural cause of the epidemic's persistence at the scale of a sustained mass casualty event. The Addiction Treatment Infrastructure, organized in the v1.0 draft as a sub-section of the parity provision, is promoted in v2.0 to a standalone Provision because it represents the specific national response to the specific national crisis that addiction has become.

Medication-Assisted Treatment Coverage

The Eaglecare formulary shall include all FDA-approved medications for addiction treatment, including buprenorphine, methadone, and naltrexone for opioid use disorder and acamprosate and naltrexone for alcohol use disorder, without prior authorization requirements and without limits on treatment duration. The formulary inclusion applies under the comprehensive benefit package established in Provision 2.1.A, with zero cost-sharing at the point of dispensation. Medication-assisted treatment is the documented standard of care for opioid use disorder with the strongest evidence base in the addiction medicine literature; coverage at parity with other medical treatments is required by the MHPAEA and codified specifically here to eliminate any residual ambiguity in plan-level interpretation.

The Treatment Capacity Investment

The Eaglecare Trust shall, in coordination with the Substance Abuse and Mental Health Services Administration, invest in the expansion of addiction treatment capacity through: federal

grant funding for the construction and operation of accredited residential and intensive outpatient addiction treatment programs in communities with documented under-capacity relative to the epidemiological burden; the expansion of the Drug Addiction Treatment Act framework to remove remaining regulatory barriers to physician prescribing of medication-assisted treatment; the integration of harm reduction services including naloxone distribution, supervised consumption service pilots in jurisdictions that have authorized them under state law, and syringe exchange programs into the broader addiction treatment infrastructure; and the workforce development investments in addiction medicine certification, addiction counseling credentialing, and peer recovery support specialist programs that the treatment capacity expansion requires.

Constitutional Authority

The parity enforcement standards in 2.4.A derive from the MHPAEA as amended and from Eaglecare's benefit package standards established in Act 2.1. The community mental health investment in 2.4.B derives from the Community Mental Health Centers Act and from Congress's Spending Clause authority. The addiction treatment formulary standards and infrastructure investments in 2.4.C derive from Eaglecare's benefit package authority, from the Drug Addiction Treatment Act framework as amended, from Congress's Spending Clause authority, and from the Americans with Disabilities Act's application to addiction as a covered disability.

Act 2.5 — The Chronic Disease Prevention & Food Safety Act

The Chronic Disease Epidemic — Act Preamble

Chronic diseases — heart disease, type 2 diabetes, obesity, hypertension, and certain cancers — account for approximately ninety percent of the $4.1 trillion in annual US healthcare expenditures. They are the primary driver of premature mortality, the primary cause of disability among working-age Americans, and the primary reason that the United States spends so much more on healthcare than peer nations while achieving worse outcomes. They are also, to a significant degree, preventable. The epidemiological research on the modifiable risk factors for chronic disease — diet quality, physical activity, tobacco use, alcohol consumption, and environmental exposures — is among the most robust in all of medical science, and it consistently points to the food environment as the dominant modifiable driver of the chronic disease burden. Americans eat what the food environment provides. The food environment is the product of specific policy choices about what foods are subsidized, what is permitted in food manufacturing, and what information is required on food labels. This Act changes those choices through three Provisions addressing the food additive regulatory framework, the school nutrition infrastructure, and the physical activity infrastructure.

Provision 2.5.A — Food Additive and Ingredient Reform

The GRAS Review Mandate

Food Additive and Ingredient Reform, organized in the v1.0 draft as a sub-section of the chronic disease epidemic provision, is promoted in v2.0 to a standalone Provision because it operates through a distinct regulatory mechanism with its own evidentiary record and its own enforcement architecture. The Food and Drug Administration shall conduct, within three years of enactment, a comprehensive review of all food additives and ingredients currently on the Generally Recognized as Safe list that have not been subject to FDA safety review since their original GRAS designation, prioritizing additives that have been banned or restricted in three or more peer nations based on safety or health concerns. The FDA shall publish, within one year of initiating the review, an interim list of additives subject to expedited review based on the available evidence. Any additive for which the FDA's review identifies substantial safety concerns shall be subject to rulemaking to restrict or remove it from the GRAS list. The FDA's food additive review authority shall be funded at levels sufficient to complete the comprehensive review within the statutory timeline and to maintain ongoing surveillance of the safety record of GRAS additives.

The Comparative Regulatory Baseline

This provision reflects the straightforward proposition that the standard for permitting a substance in the food supply should be current safety evidence rather than the absence of a formal re-review since an original determination made decades ago. The United States permits approximately ten thousand food additives; the European Union permits approximately four thousand. Many substances banned in peer nations remain in the American food supply not because the safety evidence is different but because the review has not been required. This Provision requires it. The comparative regulatory baseline is the operational starting point for the GRAS review priority list: substances restricted or banned in three or more peer nations are presumptively subject to FDA review under this Provision unless the FDA documents specific evidentiary reasons that the peer-nation determinations are not applicable to the American regulatory context.

Provision 2.5.B — School Nutrition Standards

The School Meal Investment as Preventive Healthcare

School Nutrition Standards, organized in the v1.0 draft as a sub-section of the chronic disease epidemic provision, is promoted in v2.0 to a standalone Provision because the school meal infrastructure operates as a distinct policy domain with its own implementation framework, its own funding mechanism, and its own measurable outcome architecture. The National School Lunch Program and the School Breakfast Program serve approximately thirty million children daily — the largest single source of nutritional intake for a substantial fraction of the American school-age population. The standards that govern those meals are not a matter of dietary preference. They are the operational specification of the food environment in which American children are raised.

The Updated Standards

The nutritional standards for meals served in the National School Lunch Program and the School Breakfast Program shall be updated by the USDA within one year of enactment to align with the current Dietary Guidelines for Americans, with specific requirements to: reduce the sodium content of school meals by not less than thirty percent over five years from current maximum levels; eliminate added sugars from school breakfast items beyond naturally occurring sugars; increase the proportion of meals incorporating whole grains, fresh fruits, and fresh vegetables; and eliminate the use of seed oils with omega-6 to omega-3 ratios associated in peer-reviewed research with inflammatory outcomes, replacing them with oils with more favorable fatty acid profiles. A child who develops type 2 diabetes or cardiovascular disease in their thirties because of the food environment they were raised in has been failed by a policy that could have been different. This Provision changes the policy.

Provision 2.5.C — The Physical Activity Infrastructure Investment

The Built Environment as Health Infrastructure

The Physical Activity Infrastructure Investment, organized in the v1.0 draft as a sub-section of the chronic disease epidemic provision, is promoted in v2.0 to a standalone Provision because the built environment intervention operates on a distinct mechanism from the food environment interventions in 2.5.A and 2.5.B. Physical activity is a documented modifiable risk factor for the full range of chronic disease conditions, and the built environment in which Americans live is the principal determinant of whether daily physical activity is integrated into ordinary life or requires a discretionary commitment of time and effort. A neighborhood without sidewalks, without safe routes to school, without accessible parks, and without recreational infrastructure is a neighborhood whose residents will, on average, accumulate less physical activity than residents of neighborhoods with the same infrastructure available. The infrastructure investment is a public health investment.

The Community Physical Activity Infrastructure Program

The Centers for Disease Control and Prevention shall establish, within two years of enactment, the Community Physical Activity Infrastructure Program providing grants to local governments, school districts, and nonprofit organizations for: the construction, renovation, and maintenance of publicly accessible physical activity infrastructure including walking and biking trails, parks, playgrounds, and recreational facilities; the development of safe routes to schools programs that enable children to walk or bike to school; and the design of built environments that incorporate physical activity into daily routines. The program shall be funded at not less than one billion dollars annually, with priority for communities where rates of obesity, type 2 diabetes, and cardiovascular disease exceed the national average by twenty percent or more.

Constitutional Authority

The food additive review provisions in 2.5.A derive from the Federal Food, Drug, and Cosmetic Act and from Congress’s Commerce Clause authority to regulate the interstate food supply. The school nutrition standards in 2.5.B derive from the Child Nutrition Act and from Congress’s

Spending Clause authority over the National School Lunch Program. The physical activity infrastructure investment in 2.5.C derives from the Spending Clause.

Act 2.6 — The Disability Rights Modernization Act

Thirty-Five Years After the ADA — Act Preamble

The Americans with Disabilities Act of 1990 established a foundational framework of civil rights protection for Americans with disabilities: the prohibition on discrimination in employment, public accommodations, transportation, and telecommunications; the requirement of reasonable accommodations in employment; and the mandate for accessibility in public spaces. The ADA has been transformative. It has not been sufficient. Thirty-five years after its enactment, the employment rate for working-age adults with disabilities remains approximately thirty-six percent — less than half the employment rate for people without disabilities. The accessibility gap in digital infrastructure, which the ADA's drafters could not have anticipated, means that much of the economy's shift to digital platforms has occurred outside the accessibility framework that governs physical spaces. The healthcare system's integration of the disability community, including the full implementation of the Olmstead decision's mandate for community-based care alternatives to institutionalization, remains incomplete more than two decades after the Supreme Court's ruling.

The bipartisan durability of the ADA's civil rights framework is among the most enduring consensuses in modern American politics. The ADA was passed in 1990 with strong bipartisan support and signed by President George H. W. Bush. Successive Republican and Democratic administrations have implemented the framework. Public support for disability civil rights has remained at supermajority levels across the full period since enactment. The modernization provisions in this Act do not depart from the ADA's framework. They extend that framework to the dimensions of the modern economy — digital infrastructure, community-based service delivery, and employment outside the sheltered workshop model — that the ADA's drafters could not have anticipated but whose contemporary relevance is documented at scale.

Provision 2.6.A — The Digital Accessibility Mandate

Title III of the ADA Extended to Digital Public Accommodations

Title III of the ADA, governing public accommodations, is amended to expressly cover digital goods and services provided by covered entities, including websites, mobile applications, and online service platforms. Any entity that operates a place of public accommodation under Title III and provides digital goods or services shall ensure that those digital goods and services conform to the Web Content Accessibility Guidelines Level AA standard, as updated by the World Wide Web Consortium, within three years of enactment for existing digital infrastructure and immediately upon deployment for new digital infrastructure. The Department of Justice shall promulgate implementing regulations and shall establish a technical assistance program to support covered entities in achieving compliance. The digital accessibility mandate does not impose an undue burden on small businesses: the DOJ shall establish a small business safe

harbor providing reduced compliance requirements and extended timelines for entities with fewer than fifty employees.

Provision 2.6.B — The Olmstead Implementation Mandate

Community-Based Services as the Olmstead Mandate

The Supreme Court's 1999 decision in Olmstead v. L.C. held that unjustified institutionalization of persons with disabilities constitutes discrimination under Title II of the ADA and requires states to provide community-based services to persons with mental disabilities when such placement is appropriate and the persons do not oppose it. Twenty-five years after Olmstead, a substantial population of Americans with physical and intellectual disabilities remain in institutional settings not because community-based placement is clinically inappropriate but because community-based service infrastructure is inadequate to meet the demand. The Medicaid Home and Community-Based Services programs that fund the majority of community-based disability services are subject to waiting lists in virtually every state: the national waiting list for HCBS waiver services exceeds six hundred thousand people, with average wait times exceeding three years in many states.

The Eighty-Five Percent Federal Match

The federal Medicaid matching rate for Home and Community-Based Services shall be increased to eighty-five percent for all qualifying HCBS waiver services, replacing the existing variable matching rates that range from fifty percent to over seventy percent depending on state per-capita income. The increased federal match is conditioned on states eliminating HCBS waiting lists within five years and on states meeting quality standards for HCBS providers to be established by CMS within one year of enactment. The investment in community-based services is not merely a civil rights obligation. It is an economic one: the average annual cost of institutional care for a person with a physical or intellectual disability substantially exceeds the average annual cost of community-based support services, and the community-based model produces better outcomes on virtually every quality-of-life measure studied.

Provision 2.6.C — Disability Employment Support

Supported Employment as the Evidence-Based Standard

The federal government shall increase investment in supported employment programs — the evidence-based model of individualized job placement and ongoing job coaching that has consistently demonstrated superior employment outcomes for people with significant disabilities compared to sheltered workshop alternatives — through the expansion of the Medicaid HCBS waiver authority to cover supported employment services for all eligible beneficiaries with disabilities who express an interest in employment. The Workforce Innovation and Opportunity Act programs serving people with disabilities shall be funded at levels sufficient to provide individualized employment planning and supported employment services to all eligible individuals who request them, eliminating the waiting lists that currently exist in most states' WIOA programs serving people with disabilities.

The Section 14(c) Phase-Out

The subminimum wage certificate program under Section 14(c) of the Fair Labor Standards Act, which permits employers to pay workers with disabilities less than the federal minimum wage on the basis of their productivity relative to workers without disabilities, shall be phased out over five years. The 14(c) program was designed in 1938 as an employment access mechanism for workers with disabilities. It has produced, in documented practice, a permanent workforce of workers with disabilities paid poverty wages in sheltered workshop settings that do not provide the community integration or skill development that the ADA's employment provisions require. The phase-out is accompanied by the supported employment investment described above, which provides the community-integrated employment alternative that makes the sheltered workshop model both unnecessary and inferior.

Constitutional Authority

The digital accessibility mandate in 2.6.A derives from Congress's authority under Section 5 of the Fourteenth Amendment to enforce the equal protection guarantee as applied to persons with disabilities, from the ADA's existing Title III framework which Congress may amend, and from the Commerce Clause authority over digital commerce. The Olmstead implementation mandate in 2.6.B derives from the ADA's Title II, the Supreme Court's Olmstead decision, and the Medicaid statute as amended. The 14(c) phase-out in 2.6.C derives from Congress's authority under Article I, Section 8 to regulate commerce and to set minimum wage standards under the Fair Labor Standards Act.

Coalition Rationale — Title II

The Material Priority Test

Title II passes the Material Priority Test through the most direct chain of material consequence available in this entire document: sixty-eight thousand Americans die every year because they cannot access care they need. One hundred million carry medical debt. Sixty percent of personal bankruptcies arise from medical bills. Every uninsured or underinsured working person who delays seeking care because of cost, every small business owner who cannot hire because the fifth employee triggers unaffordable insurance premium rates, every worker trapped in a job they hate because leaving means losing their family's healthcare, every person with a disability waiting years on an HCBS waiver list for the community-based support that would allow them to live independently and work — each is experiencing a specific material harm with a specific policy cause and a specific policy remedy addressed by this Title. The Material Priority Test is not passed by approximation here. It is passed by name.

The Specificity Test

The Title passes the Specificity Test across six Acts and eighteen Provisions with complete operational architecture. Act 2.1 specifies the Trust structure, the enrollment mechanism, the benefit package with zero cost-sharing, the seven percent employer and four percent employee

contribution rates with the thirty-thousand-dollar employee exemption, the Health Workforce GI Bill with twenty-four months salary continuation and fully funded retraining and pension protection, the national electronic health record system with privacy-by-design architecture, the AI-assisted fraud detection function with mandatory DOJ referral authority, and the global operating budget framework for rural and safety-net hospitals with community-consultative designation standards. Act 2.2 specifies the anti-interference prohibition with named categories of prohibited government conduct, the health data protection regime with thirty-day deletion requirement and FTC enforcement and civil penalty range, and the interstate travel protection with the federal civil right of action enforceable in federal court. Act 2.3 specifies the full formulary negotiation authority with G7 reference ceiling, the PBM accountability measures with named prohibited practices and FTC market structure study, and the transition period out-of-pocket cap with the named life-sustaining medication assistance program. Act 2.4 specifies the ten-business-day mental health appointment access standard, the public availability dashboard, the five-billion-dollar community mental health investment, and the formulary inclusion of all FDA-approved addiction treatment medications with the treatment capacity investment framework. Act 2.5 specifies the three-year GRAS review mandate, the school nutrition sodium reduction timeline, the one-billion-dollar physical activity infrastructure investment, and the priority targeting criteria. Act 2.6 specifies the WCAG Level AA digital accessibility standard with a three-year compliance timeline, the eighty-five percent Medicaid HCBS matching rate with a five-year waiting list elimination condition, and the Section 14(c) five-year phase-out timeline. Every provision is operational.

The Coalition Architecture and Delivery Tests

The coalition for Title II is the coalition of everyone who has ever been sick, known someone who was sick, feared getting sick, or been unable to afford the care they or someone they love needed. That is a supermajority by any measure. The coalition architecture of Act 2.1 specifically is designed around the three arguments that reach beyond the traditional healthcare reform coalition: the entrepreneurship argument — that job lock suppresses small business formation and that Eaglecare's portability is a deregulation of the labor market — reaches the economic freedom constituency. The governor argument — that Eaglecare eliminates the Medicaid cost that consumes twenty-nine percent of every state's general fund and creates a budget windfall for tax cuts, schools, or infrastructure — reaches the fiscal federalism constituency. And the Taiwan argument — that a modern capitalist democracy made this transition in a single year in 1995 and achieved universal coverage with two percent administrative costs — answers the impossibility claim with a documented precedent. The Health Workforce GI Bill argument — that the workers displaced by the transition are not abandoned but converted into the supply-side response to the direct care worker shortage — reaches the labor constituency on grounds the labor constituency recognizes.

The Delivery Test is passed because every provision in this Title is designed around a specific documented failure mode of the existing system: the administrative cost of fragmentation, the privacy gap in HIPAA, the negotiating power asymmetry in drug pricing, the parity enforcement failure in mental health coverage, the food environment driver of chronic disease, the digital accessibility gap in the post-ADA economy, and the Olmstead implementation gap in disability

services. The American Upgrade was built to fix what is broken. Title II is where that commitment is most directly and materially expressed: in the sixty-one percent of Americans who name healthcare access and affordability as their top domestic concern, in the sixty-eight thousand annual deaths from undertreated conditions, in the hundred million Americans carrying medical debt, and in the six hundred thousand Americans on HCBS waiting lists for the community-based care the law has been promising them since 1999. The empirical mandate is documented. The fiscal architecture is shown. The mechanisms are operational. Title II is the answer to the question the country has been asking for forty years.

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STATUS: Title II — Acts 2.1 through 2.6 — Draft v2.0 Complete. Title II: Health, Body & Personal Security is now in v2.0 form. The 2.0 Title Overview is new in v2.0. Act 2.1 has been split into the three Provisions specified in the v3.0 TOC, with the Health Workforce GI Bill (2.1.B) and Quality Assurance, Fraud Detection, and Rural Hospital Stability (2.1.C) drafted as full Provisions. Interstate Travel for Medical Care (2.2.C) has been promoted to standalone in recognition of the post-Dobbs legal environment. PBM Accountability (2.3.B), the Out-of-Pocket Cap (2.3.C), Community Mental Health Infrastructure (2.4.B), Addiction Treatment Infrastructure (2.4.C), Food Additive Reform (2.5.A), School Nutrition Standards (2.5.B), Physical Activity Infrastructure (2.5.C), Digital Accessibility (2.6.A), Olmstead Implementation (2.6.B), and Disability Employment (2.6.C) have all been promoted from v1.0 sub-section status to standalone Provisions. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated.

Key sources for final sourcing: Commonwealth Fund International Health Policy Survey (comparative outcomes data); RAND Corporation 2021 (drug pricing international comparison); Taiwan NHI transition (Cheng, T.M., Health Affairs, 2003); Olmstead v. L.C. (1999); Carpenter v. United States (2018); Saenz v. Roe (1999); Shapiro v. Thompson (1969); MHPAEA (2008); ADA (1990); American Psychological Association 2023 insurance survey; USDA HCBS waiting list data; Bureau of Labor Statistics healthcare workforce projections; Bureau of Economic Analysis healthcare statistics; FTC Section 6(b) PBM market structure study authority; FDA GRAS regulatory framework; WCAG Level AA standard; Fair Labor Standards Act Section 14(c).

Cross-reference flags: Act 8.2.A (Medicare Drug Negotiation) and Act 2.3.A — same provision from two angles; review for definitional consistency before compilation. Act 8.2.B (Eaglecare Transition Pathway) and Act 2.1 — must be read together as a unified architecture. Act 6.8.C (Democracy ID via Eaglecare enrollment) — the enrollment database cross-reference must be consistent. Act 6.9.D (Crisis Co-Responder) and Act 2.4.B — companion pieces; the community mental health infrastructure investment in 2.4.B underwrites the crisis response framework in 6.9.D. Act 9.4.A (Veterans Mental Health) and Act 2.4.B — coordination framework specified in 2.4.B. Act 1.7.B (Automation Displacement Response) and Act 2.1.B — architectural companions; the Health Workforce GI Bill applies the same principle to the Eaglecare transition that 1.7.B applies to AI-driven displacement.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title III — Home, Family & the Cost of Living

Acts 3.1 through 3.4 — Housing Supply & Affordability, Family Stability, Safety Net Modernization, and Single Americans & Non-Traditional Household Equity

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title III is now in v2.0 form. All four Acts and a Title Overview are contained in this document. Act 3.1: The Housing Supply & Affordability Act. Act 3.2: The Family Stability Act. Act 3.3: The Safety Net Modernization Act. Act 3.4: The Single Americans & Non-Traditional Household Equity Act.

v2.0 changes vs v1.0: Title Overview added at 3.0; Corporate Housing Ownership Limitation promoted to 3.1.B standalone (the cross-partisan supermajority issue flagged in Ruleset § 3.3 as a coalition architecture gift); First-Generation Homebuyer Support promoted to 3.1.C standalone; Universal Pre-K promoted to 3.2.B standalone; Paid Family Leave promoted to 3.2.C standalone; The Unified Benefit Portal promoted to 3.3.B standalone; The Child Tax Credit Modernization promoted to 3.3.C standalone; Act 3.4 restructured with The Invisible Majority pulled up to Act-level preamble and Single Filer Tax Equity Reform, Solo Homebuyer Support, Cohabitation and Partnership Recognition, and Elder Single Adults promoted to 3.4.A/B/C/D standalone Provisions. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout.

Cross-references: Act 4.1 (Department of Workforce and Service) and Act 3.2 — the Universal Pre-K program in Provision 3.2.B is administered by the DWS Division of Civic Education and National Service; confirm consistent architecture. Act 5.3.C (Medical Debt Collection) and Act 3.3 — the income protection thresholds in medical debt collection are directly related to the safety net adequacy provisions in Act 3.3. Act 2.4 (Mental Health) and Act 3.2 — childcare access and family stability are documented social determinants of mental health outcomes. Act 9.1.B (Loneliness Epidemic Response) and Act 3.4.D — elder single adults are a priority population in both Provisions; coordination framework specified in 3.4.D.

Provision 3.0 — Title Overview

Home and Family as the Economic Bedrock

The economic premise of the post-1980 American household has been that the dual-income married family is the model around which all federal policy infrastructure organizes itself, that the working-class wage will be sufficient to afford housing in the labor market where the work is, and that the social safety net is a transitional support for households moving from one economic condition to another rather than a permanent feature of an economy in which many households are continuously dependent on it. None of these premises survives examination. The dual-

income married household is no longer the majority household structure. The working wage is no longer sufficient to afford median housing in the labor markets where the work is concentrated. The safety net has become a permanent feature of the economy for tens of millions of households whose poverty is no longer a transitional condition but the steady-state outcome of an economy organized around different premises than the one those households are participating in.

This Title proceeds from the recognition that home and family are the economic bedrock of every other condition this document addresses. The worker who cannot afford housing within commuting distance of their job cannot accept the job. The parent who cannot afford childcare cannot work the hours their employer requires. The family that loses its food assistance because they accumulated $2,500 in savings cannot build the financial cushion that economic stability requires. The single adult who pays more in taxes and receives less in benefits than the equivalent married household has been structurally penalized by a policy framework written for a household structure they do not occupy. These are not separate problems. They are the same problem viewed from different angles: the economic infrastructure of American household life has been allowed to deteriorate to a condition in which the basic economic transactions of housing, family formation, and economic security have become structurally inaccessible to a large and growing fraction of the population.

The American Upgrade introduces a different architecture for home and family. The Housing Supply and Affordability Act in Act 3.1 unblocks the regulatory machinery that has prevented housing construction at scale for forty years, with paired demand-side mechanisms for first-generation homebuyer support and for limitations on the corporate and investor ownership of single-family housing that has converted the American housing market into a financial asset class. The Family Stability Act in Act 3.2 addresses the parenthood penalty through the seven percent of household income cap on childcare costs, the Universal Pre-K infrastructure investment, and the federal Paid Family Leave guarantee. The Safety Net Modernization Act in Act 3.3 corrects the structural design failures — the asset limits, the benefits cliffs, the administrative fragmentation — that have converted the safety net from a support mechanism into a poverty trap, while restoring the Child Tax Credit refundability that produced a documented fifty percent reduction in child poverty during its 2021 operation. The Single Americans and Non-Traditional Household Equity Act in Act 3.4 corrects the tax code, the benefits framework, and the housing finance infrastructure for the forty-five percent of the country whose household structure does not match the dual-income married template the existing policy framework assumes. Four Acts, twelve Provisions, one premise: home and family are the economic bedrock.

The political claim is specific and the public mandate is documented. Housing affordability is the number one financial concern of working Americans across every demographic, geographic, and partisan category in the 2026 public mandate data. The corporate housing ownership crackdown is a coalition architecture gift: it tests as anti-corporate to the populist left and pro-homeownership to the populist right, and the bipartisan supermajority for it is among the largest documented for any specific economic policy in the survey record. The childcare-as-infrastructure framing reaches the same broad coalition that supports the broader cost-of-living agenda. The Invisible Majority — single Americans and non-traditional households —

constitutes a substantial bloc of the population that has been treated as the residual of policy rather than as a primary constituency. This Title treats them as the primary constituency they are.

Title III — The State of Affairs

The American Dream has a specific physical form: a home. Not a rented apartment whose landlord can raise the rent or decline to renew the lease. A home that you own, that your children grow up in, that you can modify to accommodate your parents when they age and your children when they return, that accumulates equity over decades and represents the primary financial asset of the working and middle class, the inheritance you can leave and the collateral against which you can borrow. The ability to own that home — specifically, to own it, not just to occupy it — is the material foundation of the stability that makes everything else in this document possible: the investment in education, the risk-taking that creates businesses, the political engagement that requires a stake in the community. The homeownership rate is not a real estate statistic. It is a measure of how many people have a material stake in the future they are being asked to help build. That rate has been declining for fifteen years.

Public opinion data confirms the centrality of housing to the contemporary American economic experience. Housing affordability registers as a top-tier voting issue across the entire partisan distribution, with the public calling specifically for tax incentives for first-time buyers and for a crackdown on corporate and investor ownership of single-family homes. The bipartisan support for the corporate housing ownership crackdown is among the largest cross-partisan supermajorities in the entire body of survey data this project has reviewed. The political constraint on action has not been the absence of public mandate. It has been the structural advantage of the institutional investor lobby over a fragmented housing policy framework that has lacked the institutional capacity to translate public preference into legislative outcomes. This Title constructs that institutional capacity.

Median home prices have risen one hundred twenty-one percent since 2010 while median wages have risen approximately forty-one percent over the same period. The average American home now costs approximately seven to eight times the median household income — a ratio higher than during the Great Depression. The United States has a structural deficit of approximately four to five million housing units, the accumulated consequence of a decade of underbuilding following the 2008 financial crisis and of local zoning laws that make it effectively illegal to build the densities and housing types that working families can afford in the communities where jobs are located. The shortage is not a market failure in the conventional sense. It is a regulatory failure: the deliberate exclusion by local zoning codes of the housing types — duplexes, triplexes, accessory dwelling units, townhouses — that fill the gap between the apartment and the single-family detached house that costs eight times the median income.

The family formation crisis compounds the housing crisis. The average cost of licensed childcare for two children in the United States exceeds twenty-four thousand dollars annually — more than in-state college tuition in thirty-three states, and in many metropolitan areas more than the mortgage payment on a median-priced home. The practical consequence is that

millions of parents — disproportionately women — exit the labor force because their entire paycheck would go to childcare. The US female labor force participation rate, once the highest in the developed world, has fallen behind peer nations that treat childcare as public infrastructure. The US total fertility rate has fallen to 1.62, well below the 2.1 replacement rate. Young couples are not choosing to be childless as a lifestyle preference. They are looking at the housing market, the childcare market, and their student loan balances and concluding that having children is financially untenable.

The safety net that is supposed to support working families during periods of economic stress has been structurally redesigned over the decades since its creation to function as a poverty trap rather than a bridge. The asset limit that disqualifies a SNAP recipient from benefits if they have saved $2,250 — less than two months of rent in most American cities — is not a policy designed to prevent abuse. It is a policy that forces families to spend every dollar they accumulate before they can qualify for the help that would allow them to accumulate the next dollar. The benefits cliff, under which a low-income parent who gets a modest raise loses substantially more in benefits than they gained in wages, produces an effective marginal tax rate exceeding one hundred percent on the act of economic advancement for millions of working families. We are paying people to stay poor, and then expressing puzzlement at why they stay poor.

And one additional dimension that no serious governing document for 2026 can ignore: the majority of American households today are not the nuclear family unit — married couple with children — for which virtually the entire policy infrastructure of the federal government was designed. Twenty-eight percent of American households are single-person households, the most common household type in the country. Millions more are single-parent households, multigenerational households, households of unrelated individuals sharing costs, and households of couples without children. The federal tax code, the healthcare system, the Social Security benefit formula, the housing subsidy programs, and the safety net were all designed with the married-couple household as the default. The Americans who do not fit that default — the single worker, the single parent, the cohabiting couple not recognized as married — face systematic disadvantages in the policy architecture that are not accidents. They are design choices that have not been revisited. Title III revisits them.

Act 3.1 — The Housing Supply & Affordability Act

Provision 3.1.A — The YIMBY Infrastructure Grant

The Supply Doctrine

The working draft's formulation states the housing policy principle correctly and bluntly: we cannot solve high prices by giving people money to buy houses that don't exist — that only causes inflation. The only solution to a supply shortage is supply. Every demand-side intervention — every down payment assistance program, every first-time homebuyer tax credit, every housing voucher — is a mechanism for distributing the pain of scarcity more equitably without addressing the scarcity itself. These programs are necessary and are included in this

Act as Provisions 3.1.B and 3.1.C. But they are a floor, not a ceiling. The ceiling is removing the regulatory barriers that prevent the construction of the housing types that working families can afford.

Local zoning codes have made it effectively illegal to build affordable, dense housing in the areas where jobs are located. Single-family zoning — the requirement that only one detached home may be built on a residential lot — covers approximately seventy-five percent of residential land in most American cities. The duplex, the triplex, the townhouse, the accessory dwelling unit that might house a young adult or an aging parent — all are prohibited in most residential zones in most American cities. This is not the free market. It is a regulatory cartel operated by the homeowners whose property values depend on maintaining the artificial scarcity of housing near the jobs and schools and services that make the location valuable. The federal government funds the transportation infrastructure that makes those locations accessible. It should not fund that infrastructure for communities that use local zoning to exclude the workers those communities depend on.

The Infrastructure Conditionality

Eligibility for discretionary federal transportation grants — including the BUILD program, the INFRA program, and the Rebuilding American Infrastructure with Sustainability and Equity program — shall be conditioned on the recipient municipality having enacted, or being on an approved compliance trajectory toward, the following minimum zoning reform standards: accessory dwelling units shall be permitted by right, without special hearings or discretionary review, on all single-family residential lots; middle housing — defined to include duplexes, triplexes, fourplexes, townhouses, and cottage courts — shall be permitted by right in all residential zones currently designated for single-family detached homes; and the municipality shall have eliminated any minimum parking requirements for residential development within one quarter mile of a frequent transit stop. The conditionality does not abolish single-family housing. It does not mandate any specific housing development. It does not override local planning decisions about design standards, setbacks, or maximum heights. It requires only that the municipality not prohibit the building types that the market, if permitted to operate, would build.

The principle is precise and must be stated clearly for the political debate it will generate: the grandmother who wants to build a cottage in her backyard for her grandson should not be prohibited from doing so by a zoning code written to maintain her neighbor’s property value. The construction worker who builds the houses in the suburb but cannot afford to live there is being excluded by a regulatory system that uses public infrastructure investment as a subsidy for private exclusion. The federal government will no longer fund that subsidy without receiving the removal of that exclusion in exchange.

The Adaptive Reuse Tax Credit

The commercial real estate market has been structurally disrupted by the post-pandemic shift in office and retail usage patterns, leaving a substantial and growing inventory of vacant commercial buildings — office parks, shopping malls, hotels, and big-box retail stores — that are already constructed, already connected to utilities, and already located in communities where the infrastructure to support residential density exists. Converting these buildings to

residential use is both faster and substantially less expensive per unit than ground-up construction. A twenty percent investment tax credit shall be established for qualifying adaptive reuse projects converting commercial real estate to residential use. Projects utilizing the credit shall be eligible for an expedited federal environmental review process where the structure is already built and connected to utilities. The credit shall apply to the full range of housing types including market-rate, workforce, and affordable units, with an enhanced credit of thirty percent for projects that include not less than twenty percent of units at rents affordable to households at or below eighty percent of area median income.

The National Housing Production Goal

HUD shall establish, in coordination with the states and major metropolitan areas, a National Housing Production Goal of not less than one million new housing units annually above the current production baseline, sustained for ten years, sufficient to eliminate the documented national housing shortage within a decade. The production goal shall be disaggregated by housing type, income level, and geography, with specific targets for the affordable and workforce housing categories where the market undersupplies. HUD shall publish an annual Housing Production Report measuring progress toward the goal, identifying the regulatory, financial, and market barriers that are preventing production in specific markets, and recommending federal, state, and local policy adjustments to address them. The production goal is not a federal construction mandate. It is the performance target against which federal housing policy investments are measured.

Provision 3.1.B — The Corporate Housing Ownership Limitation

Housing as Asset Class — The Financialization Problem

The Corporate Housing Ownership Limitation, organized in the v1.0 draft as a sub-section of the YIMBY Infrastructure Grant provision, is promoted in v2.0 to a standalone Provision because the financialization of single-family housing operates through a distinct mechanism from the supply-side regulatory failures addressed in 3.1.A, and because it represents one of the largest documented cross-partisan supermajorities in the entire body of survey data this project has reviewed. The American housing market has been progressively converted, over the past fifteen years, from a market in which households purchase homes from other households into a market in which households increasingly compete against institutional capital deploying algorithmic pricing tools at portfolio scale. The conversion is documented, the mechanism is specific, and the policy response requires its own provision.

More than five hundred thousand single-family homes have been purchased by institutional investors — hedge funds, private equity firms, and real estate investment trusts — for conversion to permanent rental properties, using algorithmic pricing software to set rents in coordination with competitors in ways that function as a pricing cartel. The effect on the housing market has been documented in multiple academic studies: institutional investor activity in a local housing market is associated with higher home prices, lower homeownership rates among first-time buyers, and higher rents. No family trying to buy a starter home should be competing

against a hedge fund with algorithmic purchasing tools and a portfolio of thousands of properties.

The Hundred-Property Acquisition Cap

Any entity that owns more than one hundred single-family residential properties in a single metropolitan statistical area shall be prohibited from purchasing additional single-family residential properties in that MSA. Existing holdings above the threshold shall not be required to be divested, but no additional acquisitions may occur. New construction of single-family homes by institutional builders for sale to individual buyers is not restricted; the restriction applies to the acquisition of existing homes from the resale market. The cap is calibrated to preserve the legitimate participation of small and mid-sized landlords — the individual or family-scale investor who owns a handful of rental properties — while preventing the portfolio-scale institutional acquisition strategies that have produced the documented market distortions.

The Anti-Avoidance Architecture

The Securities and Exchange Commission, in coordination with the Federal Trade Commission and the Department of Housing and Urban Development, shall promulgate implementing regulations within one year of enactment, including: a comprehensive definition of “entity” that aggregates the holdings of affiliated entities under common ownership or control to prevent the use of shell subsidiaries to circumvent the cap; a reporting requirement under which entities holding more than fifty single-family residential properties in any MSA file annual portfolio disclosures with HUD; and an enforcement framework with civil penalties of not less than the fair market value of the property acquired in violation of the cap, payable to the Treasury, with private right of action available to displaced individual purchasers. The anti-avoidance architecture is the specific response to the documented strategy of portfolio-scale investors to structure their holdings through complex entity arrangements designed to evade prior regulatory limits.

Provision 3.1.C — First-Generation Homebuyer Support

Generational Wealth and the Down Payment Barrier

First-Generation Homebuyer Support, organized in the v1.0 draft as a sub-section of the YIMBY Infrastructure Grant provision, is promoted in v2.0 to a standalone Provision because the down payment barrier to first-generation homeownership operates as a distinct intergenerational wealth transmission problem that the broader supply-side and anti-financialization mechanisms do not address. The family with a generation of homeownership behind them can draw on parental equity for down payment assistance — the cash transfer, the co-signing, the family loan against future inheritance, the temporary residence in the parental home that allows accumulation of savings. The family without that generational wealth cannot. The result is that the housing market’s demand-side competition is structurally biased in favor of households whose previous generation achieved homeownership, with the disadvantage compounding over generations and producing the documented homeownership gap that no amount of supply expansion alone will close.

The First-Generation Homebuyer Credit

A first-generation homebuyer tax credit of not less than twenty-five thousand dollars shall be available to any household purchasing their first home where neither the purchaser nor their parents has previously owned a home in the United States. The credit shall be refundable and may be applied to the down payment and closing costs at closing rather than in the subsequent tax year. The credit shall be income-limited to households with income below one hundred fifty percent of the area median income and shall apply to homes priced below one hundred twenty-five percent of the area median home price. The credit addresses the specific documented barrier to first-generation homeownership: the down payment. The credit levels the starting position without distorting the market, because it is targeted at buyers who are not currently competitive in the market rather than at buyers who would purchase regardless.

Coordination with the Supply Provisions

The first-generation homebuyer credit is operationally paired with the supply provisions in Provision 3.1.A and the anti-financialization provisions in Provision 3.1.B. The credit operates as a demand-side mechanism whose effectiveness depends on the supply expansion the Infrastructure Conditionality and Adaptive Reuse provisions produce: a credit that increases the purchasing power of first-generation buyers in a market with fixed supply translates the credit directly into higher prices rather than into broader homeownership. The simultaneous operation of the supply expansion mechanisms ensures that the credit produces the homeownership outcome it is designed to produce rather than the price inflation outcome it would produce if deployed in isolation. The three Provisions of Act 3.1 are an integrated policy architecture, not three independent mechanisms.

Constitutional Authority

The YIMBY infrastructure conditionality in 3.1.A derives from Congress's Spending Clause authority to condition federal grants on compliance with federal standards, from the established precedent of conditioning federal transportation grants on state and local policy compliance, and from Congress's Commerce Clause authority over the interstate housing market. The adaptive reuse credit derives from Congress's Article I, Section 8 taxing and spending authority. The Corporate Housing Ownership Limitation in 3.1.B derives from the Commerce Clause as applied to the interstate market in residential real estate, from established federal authority over institutional investor disclosure under the securities laws, and from Congress's established authority to limit anticompetitive market structures under the Sherman Act and the Clayton Act. The first-generation homebuyer credit in 3.1.C derives from the taxing and spending authority.

Act 3.2 — The Family Stability Act

Provision 3.2.A — Childcare as Infrastructure

The Parenthood Penalty

The United States has made parenthood a luxury good. The cost structure of childcare — labor-intensive, regulated, operating on razor-thin margins, staffed by workers paid poverty wages — is one that the commercial market cannot solve at a price accessible to working families, and that has not been adequately addressed by public policy because the political infrastructure for treating childcare as economic infrastructure rather than as a women's issue or a social program has not existed. Germany treats childcare as infrastructure. France treats childcare as infrastructure. Sweden treats childcare as infrastructure. All three have higher female labor force participation rates, higher fertility rates, and stronger working-class economic participation than the United States. The correlation is not coincidental.

When childcare costs more than a mortgage payment, working mothers exit the workforce. When they exit the workforce, their families' income falls. When their families' income falls, they have fewer children. When fewer children are born, the workforce shrinks, the dependency ratio rises, and the Social Security system's actuarial position worsens. The childcare investment is not a social program. It is the economic infrastructure that keeps the labor supply, the fertility rate, and the long-term fiscal position of the federal government from deteriorating further. It should have been treated as such decades ago.

The Seven Percent Cap

The Department of Health and Human Services shall establish a childcare subsidy program ensuring that no family with a household income below one hundred fifty percent of the state median income pays more than seven percent of their household income annually for licensed childcare. The federal government shall pay the difference between the family's seven percent contribution and the provider's verified operating cost directly to the provider. A family earning fifty thousand dollars annually pays not more than three thousand five hundred dollars per year for childcare regardless of the provider's actual cost. A family earning thirty thousand dollars annually pays not more than two thousand one hundred dollars. The subsidy is a bridge between what families can afford and what quality care costs, not a demand subsidy that inflates provider prices above their actual operating costs.

To be eligible for federal subsidy payments, childcare providers shall pay their staff a wage commensurate with the salary paid to elementary school teachers in the same school district, adjusted for credential level. The equivalence is the policy argument stated in compensation: the person who provides care and early education to a two-year-old is performing work of comparable complexity and social value to the person who teaches a seven-year-old. The market does not compensate them equivalently because the two-year-old's parents cannot organize politically to raise wages the way that teachers can. The federal subsidy requirement corrects the market failure in childcare worker compensation and ensures that the subsidy is not built on the backs of impoverished caregivers.

Provision 3.2.B — Universal Pre-K

Early Childhood Education as Infrastructure Investment

Universal Pre-K, organized in the v1.0 draft as a sub-section of the Childcare as Infrastructure provision, is promoted in v2.0 to a standalone Provision because early childhood education operates on a distinct mechanism from the broader childcare subsidy framework: it is targeted to a specific developmental age range (three- and four-year-olds), administered through a specifically defined federal-state partnership, delivered through a mixed-provider system with specific curriculum standards, and justified by a specific and rigorous economic return analysis. The childcare subsidy in Provision 3.2.A addresses the affordability problem across the full spectrum of childcare needs. The Universal Pre-K framework in this Provision addresses the specific early childhood education investment whose economic returns the research literature has documented at levels exceeding virtually any other public investment available to the federal government.

The Federal-State Partnership

The federal government shall establish a voluntary federal-state partnership to fund free, full-day Pre-Kindergarten for all three- and four-year-old children, administered through the Department of Workforce and Service's Division of Civic Education and National Service. States that elect to participate shall receive federal funding sufficient to cover the full operating cost of the program, with the federal contribution declining on a graduated basis as state per-capita income rises above the national median. The program shall be delivered through a mixed system including public schools, licensed private childcare centers, Head Start providers, and faith-based organizations that meet the educational curriculum standards established by the DWS. The mixed delivery system provides the flexibility for parents to choose the setting that reflects their family's values while ensuring that every child, regardless of the family's income or the parent's work schedule, enters kindergarten having had access to quality early childhood education.

The Heckman Return Analysis

The early childhood education investment is the highest-return federal education investment available by the research literature. Nobel laureate economist James Heckman's work documents returns of seven to thirteen percent per year on early childhood education investments, exceeding the return on virtually any other public investment in human capital, infrastructure, or research. The returns manifest across decades in higher graduation rates, higher employment rates, higher earnings, lower criminal justice system involvement, lower public benefit utilization, and improved adult health outcomes among the population receiving the intervention. The Universal Pre-K investment is not a discretionary social program. It is a federal investment whose return profile the research literature has documented at a level that the ordinary appropriations process is institutionally unsuited to capture but that the federal government is uniquely positioned to make.

Provision 3.2.C — Paid Family Leave

The Wealthy Democracy Gap

Paid Family Leave, organized in the v1.0 draft as a sub-section of the Childcare as Infrastructure provision, is promoted in v2.0 to a standalone Provision because the federal paid leave guarantee operates through a distinct funding mechanism (a dedicated payroll contribution rather than the general subsidy framework of the childcare provisions), addresses a distinct population (new parents and workers with serious health conditions or family caregiving responsibilities), and closes a documented gap in American social policy that no other Provision addresses. The United States is the only wealthy democracy that does not guarantee paid parental leave at the federal level. The absence of paid leave forces the most economically vulnerable new parents — those who cannot afford to take unpaid leave — to return to work immediately after childbirth, with documented consequences for maternal recovery, infant bonding, breastfeeding duration, and child developmental outcomes.

The Twelve-Week Benefit

The federal government shall establish a twelve-week paid family and medical leave benefit available to all workers, funded through a dedicated payroll contribution of not more than zero-four percent of wages split equally between employers and employees. The benefit shall replace not less than sixty-six percent of prior wages up to a cap of one thousand dollars per week, consistent with the benefit structure that has been demonstrated to produce high take-up rates in the state programs that have been operating in California, New York, New Jersey, Washington, and Massachusetts. The benefit shall be available for the birth, adoption, or foster placement of a child, for the serious health condition of the worker, and for care of a family member with a serious health condition.

The State Program Coordination

The federal benefit is designed to coordinate with the existing state paid family leave programs rather than to displace them. States with existing programs whose benefit structures meet or exceed the federal minimum may continue to administer their programs as primary, with the federal program operating as a wage-replacement floor that ensures all workers in the state receive at least the federal minimum benefit regardless of employer participation in the state program. States without existing programs shall administer the federal benefit through their unemployment insurance infrastructure, leveraging the established administrative architecture for wage replacement benefits to deliver the new benefit at the lowest possible incremental administrative cost.

Constitutional Authority

The childcare subsidy program in 3.2.A derives from Congress’s Spending Clause authority and from the established framework of the Child Care and Development Block Grant. The Universal Pre-K in 3.2.B derives from the Spending Clause and the Workforce Innovation and Opportunity Act framework. The paid family leave in 3.2.C derives from Congress’s Commerce Clause authority to regulate interstate employment conditions and from the taxing and spending authority.

Act 3.3 — The Safety Net Modernization Act

Provision 3.3.A — Eliminating the Poverty Trap

The Asset Limit Abolition

The asset limits in the federal means-tested benefit programs are not anti-fraud measures. They are anti-savings measures. The SNAP asset limit of $2,250 for most households means that a family receiving food assistance cannot save enough money to cover a single month's rent in any major American city without losing their eligibility for the program that is feeding their children. The TANF asset limits in many states are lower still. These limits were designed in an era when the concern was that wealthy families might fraudulently claim low-income benefits. The practical effect is that the family trying to accumulate the emergency fund, the security deposit, or the car that would allow them to access better-paying work is penalized for the attempt. We are rewarding precarity and punishing responsibility.

All federal asset limits for eligibility in the Supplemental Nutrition Assistance Program, the Special Supplemental Nutrition Program for Women, Infants, and Children, Temporary Assistance for Needy Families, and the Low Income Home Energy Assistance Program are hereby repealed. Eligibility for these programs shall be determined solely by income and household composition, not by the accumulation of assets. A family that saves three thousand dollars while receiving SNAP is not a fraud. It is a family building the financial buffer that separates precarity from stability. The federal government should encourage that, not penalize it.

The Benefits Cliff Correction

The benefits cliff — the income range at which a household loses more in benefits than it gains in wages for each additional dollar of earnings — is the most perverse structural feature of the American safety net. It exists because means-tested programs are designed with categorical income thresholds rather than graduated phase-outs: below the threshold, you receive the full benefit; above it, you receive nothing. The effective marginal tax rate at the cliff can exceed one hundred percent, meaning that a low-income parent is financially worse off for accepting a raise, taking a second job, or working more hours. This is not an incentive structure compatible with the stated goal of transitioning people from benefit dependence to economic self-sufficiency.

All federal means-tested benefit programs shall be required to implement graduated benefit reduction schedules that phase out benefits at a rate not exceeding thirty cents per dollar of additional income above the eligibility threshold. The graduated phase-out replaces the categorical cliff with a ramp: as household income rises, benefits decline gradually rather than disappearing instantly, ensuring that every dollar of additional earnings produces a net increase in household economic wellbeing. HHS shall publish a Benefits Cliff Analysis within one year of enactment identifying the specific income ranges at which the current structure produces effective marginal tax rates above fifty percent for households receiving combinations of federal benefits, and shall propose regulatory or legislative adjustments to eliminate those ranges. The analysis shall be repeated annually.

Provision 3.3.B — The Unified Benefit Portal

The Administrative Fragmentation Problem

The Unified Benefit Portal, organized in the v1.0 draft as a sub-section of the poverty trap elimination provision, is promoted in v2.0 to a standalone Provision because the administrative consolidation operates through a distinct mechanism from the structural design corrections in 3.3.A, requires a distinct technological infrastructure investment, and depends on a distinct federal-state coordination framework with its own implementation timeline.

A citizen trying to access the federal safety net must navigate a fragmented system in which separate applications, separate income verification procedures, separate renewal cycles, and separate caseworkers administer SNAP, TANF, Medicaid, CHIP, housing assistance, LIHEAP, and WIC through separate federal and state bureaucracies with separate eligibility rules. The fragmentation is not accidental. It was designed by people who believed that making benefits difficult to obtain would reduce fraud. What it reduces is access by the eligible families who most need the benefits and have the least administrative capacity to navigate multiple bureaucratic processes simultaneously. The time tax of poverty — the hours spent filling out applications, gathering documentation, and waiting in agency offices — is a real cost paid by the people who can least afford to pay it.

The Tell Us Once Architecture

The federal government shall build and operate a Unified Benefit Portal through which any household may submit a single application for all federal means-tested benefit programs, verify their identity and income once, and have their eligibility for each program determined automatically from the shared data. The Tell Us Once principle — you verify your income and identity once, and the system shares that information securely across agencies — replaces the current system in which the same family verifies the same information to multiple agencies multiple times per year. The Portal's data sharing operates under the privacy framework established by the Privacy Act of 1974 as amended, with the data subject's informed consent governing the cross-agency disclosure and with audit trails available to the data subject documenting which agencies have received and used their information.

The State Connection Requirement

States that administer jointly funded programs shall be required to connect their eligibility determination systems to the federal portal within three years of the portal's launch. The estimated administrative savings from the consolidation — approximately forty percent of current state-level administrative overhead for means-tested programs — shall be redirected to benefit levels and case worker capacity rather than absorbed as state general fund savings. The redirection requirement is the operational guarantee that the administrative efficiency the consolidation produces accrues to the population the consolidation is designed to serve rather than to the state treasuries whose existing administrative overhead the consolidation displaces.

Provision 3.3.C — The Child Tax Credit Modernization

The Refundability Question

The Child Tax Credit Modernization, organized in the v1.0 draft as a sub-section of the poverty trap elimination provision, is promoted in v2.0 to a standalone Provision because the Child Tax Credit operates through the federal tax code rather than through the federal benefit programs addressed in 3.3.A and 3.3.B, addresses a distinct population (households with qualifying children rather than the broader means-tested benefit population), and produced in its 2021 expanded form the most documented single anti-poverty intervention in modern American social policy history.

The Full Refundability Restoration

The Child Tax Credit shall be made fully refundable for all households with qualifying children regardless of earned income, restoring and making permanent the expanded CTC structure that the American Rescue Plan temporarily established in 2021 and that produced a documented fifty percent reduction in child poverty during the period it was in effect. A family with no earned income — the family whose parent is between jobs, recovering from illness, or caring for a family member — has children whose needs are as real as those of a family with earned income. The refundability restriction that prevents the poorest families from receiving the full credit is not a policy designed to help children. It is a policy designed around the moral judgment that only working families deserve support for their children, applied at the cost of the children who have no voice in their parents' employment status. The credit is a child benefit. It should function as one.

The Monthly Payment Option

The Internal Revenue Service shall establish, within one year of enactment, the option for qualifying households to receive the Child Tax Credit in monthly installments rather than as a single payment at tax filing time. The monthly payment option, modeled on the 2021 advance payment framework, ensures that the credit functions as the income support mechanism that the documented child poverty reduction outcome of the 2021 expansion required. A family whose monthly housing, food, and childcare obligations exceed their monthly income cannot wait until April for the annual lump-sum payment that the standard credit framework provides. The monthly payment option converts the credit from a year-end transfer into a monthly income support structurally analogous to the Social Security payment structure that the federal government has administered without difficulty for ninety years.

Constitutional Authority

The asset limit repeal and benefits cliff correction in 3.3.A derive from Congress's authority to define the eligibility criteria for federal benefit programs under the Social Security Act, the Food and Nutrition Act, and related statutes. The Unified Benefit Portal in 3.3.B derives from Congress's appropriations authority and from the Privacy Act framework governing federal data sharing. The Child Tax Credit modification in 3.3.C derives from Congress's Article I, Section 8 taxing authority.

Act 3.4 — The Single Americans & Non-Traditional Household Equity Act

The Invisible Majority — Act Preamble

The federal policy infrastructure was designed for a household structure that no longer describes the majority of American households. The 2020 Census documented that twenty-eight percent of American households — approximately thirty-six million households — are single-person households, the most common household type in the country. Single-parent households, households of two or more unrelated adults sharing costs, multigenerational households in which adult children and parents live together for economic reasons, and cohabiting couples not recognized as married for benefit eligibility purposes together constitute a substantial additional portion of the population. The proportion of Americans living in the married-couple-with-children household structure for which the tax code, the housing system, the Social Security formula, and the safety net were designed has declined from a majority to a significant minority over the same period during which those systems were built and consolidated.

Public opinion data confirms the demographic and political reality the Invisible Majority framing names. Forty-five percent of Americans now identify as Independents — the largest single political identification bloc in the country and the largest recorded share in the modern survey record. The Independent and single-household populations overlap substantially in demographic terms. The political constituency for the policy reforms in this Act exists at scale that the existing two-party policy infrastructure has not been institutionally equipped to organize. This Act is the institutional response to a constituency the data documents but the policy framework has not addressed.

The consequences of the mismatch are specific and material. The single worker pays higher federal income taxes than the married couple with equivalent combined income because the tax code's bracket structure and standard deduction are built around the married-filing-jointly unit. The single parent receives smaller Social Security survivor and spousal benefits than the married parent with an identical earnings history. The single adult accessing the housing market faces the same prices as the couple but brings only one income to the transaction. The cohabiting couple whose relationship does not meet the legal definition of marriage for benefit eligibility purposes is treated as two single individuals even where their economic circumstances are functionally indistinguishable from those of a married couple. None of these outcomes were intentional policy choices. They are the accumulated consequence of designing every program for one family structure and not updating when family structures changed. This Act addresses the mismatch across four Provisions covering the tax code, the housing finance infrastructure, the cohabitation recognition framework, and the elder single adult population that is the fastest-growing single-adult household category.

Provision 3.4.A — The Single Filer Tax Equity Reform

The Tax Code Asymmetry

The federal income tax code is structured around the married-filing-jointly unit, with bracket thresholds, standard deductions, and credit phase-outs calibrated to that household type. Single filers — whether unmarried adults, divorced individuals, widowed individuals, or single parents — face an effective tax structure that disadvantages them at most income levels relative to married couples with equivalent combined income. The disadvantage is not the product of a single deliberate policy choice. It is the accumulated effect of multiple individually unremarkable design decisions that, taken together, produce a tax code that treats the household income of two earners as if it were the income of one person and the household income of one earner as if it were the income of half a married couple. The result is that single filers at the median income range pay an effective federal income tax rate measurably higher than married filers with equivalent combined household income, at a level that no current taxing principle would justify.

The Single Filer Equity Analysis

The Treasury Department shall conduct, within two years of enactment, a comprehensive Single Filer Equity Analysis examining the federal income tax treatment of single filers at each income level compared to married-filing-jointly filers with equivalent combined income, and shall propose legislative adjustments to the tax code that reduce the documented marriage bonus and single penalty for households at and below the median income. The analysis shall specifically address: the standard deduction differential between single and joint filers; the bracket thresholds applicable to single filers compared to the equivalent income ranges for joint filers; and the child and dependent care tax credit as applied to single parents compared to dual-income couples. The analysis is the predicate for the legislative recommendations; the legislative adjustments shall be proposed within one year of the analysis's completion and shall be transmitted to Congress with a revenue score and a distributional analysis by income quartile.

Provision 3.4.B — Solo Homebuyer Support

The Single-Income Housing Market

Solo Homebuyer Support, organized in the v1.0 draft as a sub-section of the Invisible Majority provision, is promoted in v2.0 to a standalone Provision because the housing finance infrastructure operates through distinct programs (FHA, USDA Rural Housing, VA, and the down payment assistance frameworks) whose adequacy for the single-income purchaser is a distinct policy question from the broader single-household equity framework. The housing market's price structure does not adjust for the number of incomes a household brings to the transaction. The policy infrastructure should not compound that disadvantage.

The Federal Housing Program Review

The federal housing programs that support first-time homebuyers — the FHA loan program, the down payment assistance programs, the first-generation homebuyer credit established in

Provision 3.1.C — shall be reviewed within one year of enactment to assess whether their income limits, loan limits, and benefit structures adequately serve single-income households seeking to purchase homes in markets where single-income purchasing power is substantially below the price of available entry-level housing. Where the review identifies program features that systematically disadvantage single-income households, HUD shall propose adjustments within six months of the review's completion. The proposed adjustments shall be transmitted to Congress with a fiscal impact analysis and a projected effect on first-time homebuyer access for single-income households.

Provision 3.4.C — Cohabitation and Partnership Recognition

The Partnership Equity Question

Cohabitation and Partnership Recognition, organized in the v1.0 draft as a sub-section of the Invisible Majority provision, is promoted in v2.0 to a standalone Provision because the federal benefit programs in which marital status is determinative operate under distinct statutory frameworks whose reform requires program-specific analysis and legislative action. Adults who share a household in a committed partnership without legal marriage face documented disadvantages in federal benefit programs that condition eligibility or benefit level on marital status. The disadvantages are not products of deliberate policy choice in the modern regulatory framework. They are the artifacts of statutory definitions written in an era when the prevalence of long-term cohabitation outside marriage was a fraction of its current level, and when the policy assumption that legal marriage was the appropriate proxy for committed partnership was empirically defensible in a way it no longer is.

The Partnership Equity Analysis

HHS shall conduct, within two years of enactment, a comprehensive Partnership Equity Analysis examining the federal benefit programs in which marital status is a determinative eligibility or benefit calculation factor, and shall assess whether those factors serve the programs' stated purposes or whether they produce inequitable outcomes for equivalent households in different legal relationship structures. The analysis shall specifically examine: SNAP household composition rules; Social Security spousal and survivor benefit eligibility; federal housing assistance household definition; and TANF family composition rules. For each program, the analysis shall assess whether the marital status requirement serves a documented programmatic purpose or whether it is an artifact of the program's original design that no longer reflects the distribution of household structures in the population the program serves. Legislative and regulatory recommendations arising from the analysis shall be transmitted to Congress within one year of the analysis's completion.

Provision 3.4.D — Elder Single Adults and the Care Economy

The Fastest-Growing Single-Adult Demographic

Elder Single Adults and the Care Economy, organized in the v1.0 draft as a sub-section of the Invisible Majority provision, is promoted in v2.0 to a standalone Provision because elder single adults constitute the fastest-growing single-adult household population in the country and face a

distinct combination of material and social vulnerabilities that the broader single-household framework does not fully address. Adults over sixty-five living alone combine the material vulnerability of fixed income with the social vulnerability of isolation documented in Act 9.1.B. Elder single adults are at elevated risk of housing cost burden, food insecurity, and the health consequences of social isolation, and are the population least served by a safety net designed around the married household structure with a presumption of spousal caregiving.

The Social Connection Infrastructure Coordination

The Social Connection Infrastructure Program established in Act 9.1.B shall specifically target elder single adults as a priority population for community connection programming, with funding for programs that provide social engagement, peer support, and practical assistance to seniors living alone. The priority designation operates as a programmatic requirement within the 9.1.B framework rather than as a separate funding stream, ensuring that the elder single adult population receives proportionate attention from the broader social connection infrastructure investment without fragmenting that infrastructure across multiple administrative tracks.

The Senior Housing Gap Analysis

HUD's senior housing programs shall be reviewed to assess whether the existing assisted housing inventory and eligibility framework adequately serve the growing population of single elders whose housing cost burden exceeds the federal affordability threshold, and shall submit a gap analysis and legislative recommendations within two years of enactment. The gap analysis shall specifically address: the geographic distribution of senior housing relative to the geographic distribution of the elder single-adult population, including the rural elder single-adult population whose housing options are particularly constrained; the adequacy of existing section 202 supportive housing for the elderly program funding relative to the documented demand; and the coordination between senior housing assistance and the long-term care infrastructure established in Act 8.2.C of Title VIII.

Constitutional Authority

The Single Filer Equity Analysis and subsequent legislative recommendations in 3.4.A derive from Congress's Article I, Section 8 taxing authority and from Congress's authority to define the terms of federal benefit programs. The solo homebuyer review in 3.4.B derives from Congress's authority over the FHA and federal housing assistance programs. The cohabitation analysis in 3.4.C derives from Congress's authority to define eligibility criteria for federal programs under the Social Security Act and related statutes. The elder single adult priority designation and senior housing gap analysis in 3.4.D derive from Congress's Spending Clause authority and from the established federal authority over senior housing and aging services programs.

Coalition Rationale — Title III

The Material Priority Test

Title III passes the Material Priority Test through the most broadly experienced material conditions in the document. Housing affordability is the number one financial concern of working Americans across every demographic, geographic, and partisan category in the 2026 public mandate data. The worker who cannot afford a home in the community where they work, the parent for whom childcare costs more than a mortgage payment, the family that cannot save $2,500 without losing their food assistance, and the single adult who pays more in taxes and receives less in benefits than the equivalent married household for no reason other than their legal relationship status — each is experiencing a specific material harm produced by a specific policy failure that a specific provision in this Title corrects. The housing shortage is not an act of God. It is an act of zoning. The parenthood penalty is not market efficiency. It is the absence of public investment in the economic infrastructure that peer nations provide. The poverty trap is not a design feature. It is a design failure that has been documented for decades and not fixed. This Title fixes them.

The Specificity Test

The Title passes the Specificity Test across four Acts and twelve Provisions with complete operational architecture. Act 3.1 specifies the three minimum zoning reform standards for infrastructure conditionality, the twenty and thirty percent adaptive reuse tax credit tiers, the one million unit annual housing production goal, the one hundred property institutional ownership cap with anti-avoidance entity aggregation and SEC reporting framework, and the twenty-five-thousand-dollar first-generation homebuyer credit with income and price limits. Act 3.2 specifies the seven percent income cap for childcare with the teacher-equivalent provider wage mandate, the income limits for the subsidy, the Universal Pre-K mixed delivery framework with the Heckman return analysis as the economic justification, and the twelve-week paid family leave at sixty-six percent wage replacement with the zero-four percent payroll contribution and the state program coordination framework. Act 3.3 specifies the asset limit repeal across four named programs, the thirty cents per dollar graduated phase-out standard, the Unified Benefit Portal Tell Us Once architecture with the three-year state connection requirement, and the full refundability restoration for the Child Tax Credit with the monthly payment option. Act 3.4 specifies the two-year Single Filer Equity Analysis, the solo homebuyer program review timelines, the Partnership Equity Analysis scope across named programs, the elder single adult priority designation under Act 9.1.B, and the senior housing gap analysis. Every provision is operational.

The Coalition Architecture and Delivery Tests

Title III builds its coalition from the broadest base available in the document. Housing affordability is the issue that unites the young adult who cannot buy a home with the small business owner who cannot recruit workers who can afford to live near the job, the fiscal conservative who understands that the housing shortage is a regulatory failure rather than a

market failure, and the homebuilder who wants to build but cannot get a permit. The corporate housing ownership crackdown in Provision 3.1.B reaches the broadest cross-partisan coalition for any specific economic policy in the survey record: the populist left recognizes the anti-financialization principle, the populist right recognizes the pro-homeownership principle, and the cross-partisan supermajority for the limitation is documented at levels that few other policy domains can match.

Childcare as infrastructure reaches the parent paying twenty-four thousand dollars a year, the employer who cannot retain workers who leave for childcare costs, and the conservative who believes in work and finds in the childcare cost crisis a documented barrier to work that federal investment can remove. The safety net modernization reaches the fiscal conservative who believes that a system designed to trap people in poverty is both morally wrong and economically inefficient, and the progressive who believes that the punitive architecture of the existing system reflects a policy judgment about the poor that the evidence does not support. The Single Americans provisions reach the twenty-eight percent of households that no other Title has addressed directly, the forty-five percent of the country that now identifies as Independent, and the fastest-growing single-adult demographic of elder single adults whose policy framework has not been updated to reflect the household structure they actually occupy.

The Delivery Test is passed because every provision in this Title is designed around a specific documented failure mode of the existing system: the zoning cartel driving the housing shortage, the institutional investor pricing distortion driving the homeownership decline, the down payment barrier driving the first-generation homeownership gap, the parenthood penalty driving the labor force exit, the asset limit and benefits cliff driving the poverty trap, the administrative fragmentation driving the time tax of poverty, and the policy mismatch driving the systematic disadvantage of single and non-traditional households. The American Upgrade was built to fix what is broken. Title III is the answer for the people who cannot afford to live where they work, who cannot afford to start the family they want, who find that the safety net they paid into has been designed to catch everyone except them, and whose household structure the federal policy infrastructure has not yet acknowledged.

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STATUS: Title III — Acts 3.1 through 3.4 — Draft v2.0 Complete. Title III: Home, Family & the Cost of Living is now in v2.0 form. The 3.0 Title Overview is new in v2.0. The Corporate Housing Ownership Limitation (3.1.B) has been promoted to standalone with additional anti-avoidance architecture; First-Generation Homebuyer Support (3.1.C) has been promoted to standalone with explicit coordination with the supply provisions; Universal Pre-K (3.2.B) has been promoted to standalone with the Heckman return analysis; Paid Family Leave (3.2.C) has been promoted to standalone with the state program coordination framework; the Unified Benefit Portal (3.3.B) and the Child Tax Credit Modernization (3.3.C) have been promoted to standalone; Act 3.4 has been restructured with The Invisible Majority pulled up to an Act-level preamble and Single Filer Tax Equity Reform, Solo Homebuyer Support, Cohabitation and Partnership Recognition, and Elder Single Adults promoted to 3.4.A/B/C/D

standalone Provisions. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated.

Key sources for final sourcing: National Association of Realtors housing shortage estimates (4-5 million units); Census Bureau homeownership rate data; Case-Shiller home price index (121% increase since 2010); BLS wage data (41% increase since 2010); Child Care Aware of America annual cost report ($24,000+ for two children); Census Bureau single-person household data (28%); CDC fertility rate data (1.62); Columbia Center on Poverty and Social Policy CTC poverty reduction analysis (50% reduction); James Heckman early childhood education ROI research (7-13% annual return); Urban Institute benefits cliff research; National Women's Law Center childcare labor wage data; institutional investor single-family home acquisition data (>500,000 properties); state paid family leave program take-up data (California, New York, New Jersey, Washington, Massachusetts).

Cross-reference flags: Act 4.1 (DWS) and Act 3.2.B Universal Pre-K — DWS's Division of Civic Education administers the program; confirm consistent architecture. Act 5.3.C (Medical Debt) and Act 3.3 asset limits — ensure the income protection thresholds are consistent. Act 2.4 (Mental Health) and Act 3.2 family stability provisions — childcare access is a documented mental health protective factor; cross-reference in both Acts. Act 9.1.B (Loneliness Epidemic Response) and Act 3.4.D — elder single adult priority designation operates within 9.1.B; both Provisions must reference each other. Act 8.2.C (Long-Term Care Integration) and Act 3.4.D — senior housing gap analysis includes coordination with the long-term care infrastructure.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title IV — The Ladder

Acts 4.1 through 4.5 — Department of Workforce & Service, The American Education Fund, Student Debt & Higher Education Reform, The Gig Economy & Labor Rights Modernization, and Immigration & Border Security

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title IV is now in v2.0 form. All five Acts and a Title Overview are contained in this document. Act 4.1: The Department of Workforce & Service. Act 4.2: The American Education Fund. Act 4.3: Student Debt & Higher Education Reform. Act 4.4: The Gig Economy & Labor Rights Modernization. Act 4.5: The Immigration & Border Security Act.

v2.0 changes vs v1.0: Title Overview added at 4.0; The National Skills Bank promoted to 4.1.B and The Human Capital Block Grant promoted to 4.1.C; Civic Education Investment promoted to 4.2.B and STEM and Career-Connected Learning promoted to 4.2.C; Act 4.3 restructured with the Scale of the Problem framing pulled up to Act preamble and The Gainful Employment Standard, Tuition Inflation Guardrail, and Income-Driven Repayment Reform promoted to 4.3.A/B/C; Portable Benefits promoted to 4.4.B and The Right to Organize promoted to 4.4.C; Act 4.5 restructured with The False Binary framing pulled up to Act preamble and Technology-Led Border Security, The Judicial Surge, Humanitarian Processing, Earned Legitimacy, and High-Skill Immigration Modernization promoted to 4.5.A/B/C/D/E. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout.

Cross-references: Act 5.3.B (Student Debt Dischargeability) and Act 4.3 — companion pieces; review for definitional consistency. Act 7.3.A (Reentry Employment) and Act 4.1.B (National Skills Bank) — the Skills Bank is the employment infrastructure that returning citizens access. Act 9.1.B (AmeriCorps) and Act 4.1.A (Division of Civic Education and National Service) — AmeriCorps is housed in the DWS under this Act; confirm consistent architecture. Act 3.2.B (Universal Pre-K) and Act 4.1.A — administered by the DWS Division of Civic Education and National Service. Act 1.7.B (Automation Displacement Response) and Act 4.4 — architectural companions on worker protection during transitions.

Provision 4.0 — Title Overview

Human Capital as National Infrastructure

The economic premise of the past four decades has been that human capital formation in the United States — the education, training, credentialing, and labor-market integration of the workforce — would be optimally produced by the combination of K-12 public education, the

higher education industry, the apprenticeship and vocational system, and the immigration framework operating largely as separate sub-systems with separate funding streams, separate regulatory frameworks, and separate institutional cultures. The premise has produced a documented set of outcomes: a credentialing system that has become a primary mechanism for sorting workers into outcomes rather than for producing the skills the labor market requires, a student debt overhang that has functioned as a generational tax on educational ambition, a vocational system whose alumni earn comparable lifetime wages to four-year degree holders but whose social and policy status remains second-tier, a gig-economy classification framework that has stripped workplace protections from a growing fraction of the workforce, and an immigration system whose dysfunction has been the principal feature of national political debate for four decades without producing any institutional reform.

This Title proceeds from a different premise. Human capital is national infrastructure. The roads, the electric grid, the water system, and the public safety apparatus are not the only infrastructure on which the productivity of the American economy depends. The skills, education, credentialing, and labor-market protections of the American workforce are infrastructure of the same kind, requiring the same long-horizon public investment, the same institutional coordination across federal and state and local jurisdictions, and the same recognition that the markets that would otherwise organize them fail in predictable and documented ways that the institutions of organized government are uniquely positioned to address.

The American Upgrade introduces a different architecture for human capital. The Department of Workforce and Service established in Act 4.1 consolidates the federal labor and workforce infrastructure into a single agency with a coherent mandate, with the National Skills Bank as the federal information infrastructure that connects documented employer demand to identified worker supply and the Human Capital Block Grant as the consolidated funding mechanism. The American Education Fund in Act 4.2 establishes parity between the four-year college pathway and the trades, vocational, and apprenticeship pathways that have been documented as comparable in lifetime earnings outcomes but have been treated as inferior in federal investment, public messaging, and the K-12 curriculum that prepares students to choose among them. The Student Debt and Higher Education Reform Act in Act 4.3 establishes the accountability framework for higher education institutions that the federal taxpayer's $1.77 trillion in outstanding student loans has been paying for without producing the institutional discipline that the investment should have purchased. The Gig Economy and Labor Rights Modernization Act in Act 4.4 closes the worker classification loophole that has been the principal mechanism for the contemporary erosion of workplace protections. The Immigration and Border Security Act in Act 4.5 addresses the immigration system with the honesty the subject requires: as an economic necessity, a national security challenge, and a humanitarian obligation, all three simultaneously. Five Acts, seventeen Provisions, one premise: human capital is national infrastructure.

The political claim is specific. Immigration has been the top-tier political concern across the partisan distribution for the past decade, with fifty-five percent of Republicans reporting high concern and rising concern across the general public. The dysfunction of the existing immigration system is the documented condition that no responsible governing document for

2026 can ignore. The trade-and-vocational parity framing reaches the working-class constituency for whom the four-year-college pathway has been a poor fit, and whose economic interests have been systematically subordinated to the constituency for which the four-year college pathway works. The Worker Classification Reform reaches the millions of gig workers whose employment status has been determined by the fiction that they are independent contractors operating their own businesses rather than employees of the platforms that direct their work. The student debt accountability framework reaches the borrowers whose debts have funded an industry whose institutional performance has not been subject to the discipline that the funding has implicitly assumed.

Title IV — The State of Affairs

The American ladder — the proposition that education leads to the skills that lead to the income that leads to the stability that allows a family to build something lasting across generations — has been broken at every rung. For forty years, the singular counsel given to American youth was college for all. The guidance counselor, the politician, the cultural narrative — all delivered the same message: if you are capable, you go to a four-year university. If you do not, you have chosen a lesser path. The shop class was replaced by the AP course. The apprenticeship was replaced by the student loan. The welding program at the community college was defunded while the university's administrative staff doubled. The result is a labor market broken at both ends simultaneously.

Americans now hold $1.77 trillion in student loan debt — debt incurred to finance degrees whose median graduate earnings, in hundreds of fields, fall below the earnings of a high school graduate entering a skilled trade. The federal government continues to originate these loans at scale, funding the financial ruin of the people it claims to be investing in, because the university system that captures those loan dollars has the political infrastructure to protect the arrangement. At the other end, the United States faces a shortage of approximately half a million skilled tradespeople. The average licensed electrician, plumber, and HVAC technician is approaching sixty years old. When that generation retires, the lights will go out, the pipes will fail, and the heating systems will stop working — not metaphorically, but literally — in the infrastructure that the country depends on. We cannot build nuclear submarines because we lack welders. We cannot construct semiconductor fabrication facilities because we lack electricians. We have stigmatized the people who maintain civilization into a generational shortage that is now a national security problem.

The sixty-two percent of the American workforce that does not hold a four-year degree is not the sixty-two percent that failed at education. It is the sixty-two percent that the automated hiring system — the résumé filter that scans for credential proxies rather than demonstrated competence — has decided to sort out of the middle class. A self-taught software engineer, a logistics manager who learned supply chain management on the job, a small business owner who built and ran a company without a business degree — all face systemic barriers in the formal labor market that have nothing to do with their ability to do the work and everything to do

with the administrative credentialism that confuses the possession of a certificate with the possession of a skill.

Public opinion data names the conditions this Title addresses with specificity. Immigration registers as a top-tier political concern across the partisan distribution, with fifty-five percent of Republicans reporting high concern and rising concern across the general public. Cost of living concerns, of which the student debt overhang and the wage suppression of the credential apartheid are documented components, register as deep skepticism toward both parties on whether either has a plan to address them. The public has named the conditions. The constraint on action has not been the absence of public mandate. It has been the absence of an institutional pathway through which the mandate translates into legislation that addresses the conditions rather than reorganizing the existing institutions around the same incentives.

The immigration system adds its own dysfunction. The country has an explicit and documented need for workers at both ends of the skills spectrum: for the highly skilled technologists and researchers that American universities train in fields where domestic supply falls short of demand, and for the workers in agriculture, food processing, construction, and service industries who fill roles that the existing domestic labor force does not fill at the scale the economy requires. The system for providing either category of worker with legal status is so slow, so complex, and so inadequate to the scale of the need that it produces the undocumented workforce as a structural consequence: not as a failure of enforcement, but as the predictable result of a legal pathway too narrow to accommodate the people the economy is pulling through the borders regardless of the legal framework's design.

Title IV builds the ladder. Act 4.1 restructures the federal workforce and education bureaucracy around outcomes rather than credentials. Act 4.2 establishes the GI Bill for Trades and the K-12 civics modernization. Act 4.3 addresses the student debt crisis and the higher education accountability gap. Act 4.4 provides the gig economy and labor rights framework for the workers who have been classified out of the protections the labor market used to provide. Act 4.5 addresses immigration with the honesty that the subject requires: as an economic necessity, a national security challenge, and a humanitarian obligation, all three simultaneously.

Act 4.1 — The Department of Workforce & Service

Provision 4.1.A — The Great Realignment: Restructuring the Federal Education and Labor Architecture

The Bureaucratic Schism

The federal government currently spends approximately $190 billion annually on education and labor programs administered by two separate cabinet departments that do not share data systems, do not coordinate programmatic objectives, and do not operate under a unified accountability framework. The Department of Education funds loans for degrees. The Department of Labor tracks which degrees produce employed graduates. The two agencies do not systematically use each other's data to determine which investments produce outcomes and

which produce debt. The result is a federal system that funds the construction of bridges whose destinations have been discontinued: degrees in fields where the Department of Labor's data shows sustained negative employment outcomes continue to receive federal financial aid because the Department of Education's regulatory framework does not incorporate labor market outcome data at the program level.

The Department of Workforce and Service

The Department of Workforce and Service is hereby established, consolidating the core functions of the Department of Education and the Department of Labor into a single cabinet-level agency charged with the unified mission of developing the human capital of the American workforce and connecting that capital to the economic opportunities that demand it. The DWS shall be organized around three functional divisions: the Division of Skills and Credentials, administering federal financial aid, vocational training investment, and credential recognition programs; the Division of Labor Standards and Worker Protections, administering the wage and hour, workplace safety, collective bargaining, and worker classification functions currently housed in the Department of Labor; and the Division of Civic Education and National Service, administering K-12 civic education standards, the AmeriCorps national service program, and the educational assessment functions of the current Department of Education. The consolidation does not reduce the substantive scope of either agency's functions. It eliminates the administrative redundancy that allows the two agencies to send contradictory signals to the institutions and individuals they are jointly designed to serve.

Provision 4.1.B — The National Skills Bank

Federal Labor Market Information Infrastructure

The National Skills Bank, organized in the v1.0 draft as a sub-section of The Great Realignment provision, is promoted in v2.0 to a standalone Provision because the federal labor market information infrastructure operates as a distinct policy mechanism with its own technical architecture, its own data integration framework, and its own user-facing service deliverables. The Skills Bank is the federal information infrastructure that the credential apartheid problem requires: the problem is not that workers lack skills or that employers lack workers. The problem is that the signal connecting them has been corrupted by credential proxies, incomplete information, and the institutional interest of the university system in maintaining a monopoly on the definition of qualification. The Skills Bank replaces the corrupted signal with a direct, public, real-time connection between demonstrated demand and available supply.

The Four Core Functions

The Division of Skills and Credentials shall establish and maintain the National Skills Bank: a federal digital infrastructure platform that aggregates real-time labor market demand data from employers across the United States, maps that demand against the current output of the education and training system, and makes the resulting analysis publicly accessible to students, educators, employers, and state workforce agencies. The National Skills Bank shall provide, at minimum: real-time occupational demand data by region and sector, updated quarterly, identifying the specific skills and credentials for which documented employer demand exceeds

current trained workforce supply; a financial aid outcome database linking each federal financial aid program, institution, and field of study to the employment and earnings outcomes of graduates and completers, updated annually and publicly searchable; an employer-validated credential registry allowing employers to register the specific skills and credentials they accept as qualifying for specific job categories, providing an authoritative alternative to degree requirements in automated hiring systems; and a skills-to-opportunity matching interface that allows workers to identify specific training investments most likely to improve their employment outcomes in their region.

Privacy and Data Governance

The National Skills Bank shall operate under privacy and data governance standards consistent with the Health Data Sovereignty framework established in Provision 2.2.B as adapted to labor market data. Worker-level data shall not be disclosed to third parties without the worker's explicit and revocable consent. Aggregated and anonymized data may be made publicly available for research and policy purposes. Employer-supplied demand data shall be treated as commercial information with confidentiality protections appropriate to its competitive sensitivity, with aggregated and anonymized publication available without employer identification.

Provision 4.1.C — The Human Capital Block Grant

The Funding Consolidation

The Human Capital Block Grant, organized in the v1.0 draft as a sub-section of The Great Realignment provision, is promoted in v2.0 to a standalone Provision because the consolidation of federal categorical grants into a unified block grant structure operates as a distinct fiscal federalism mechanism with its own statutory framework, its own allocation formula, and its own performance accountability architecture. Federal workforce and education funding to states shall be consolidated, over a three-year transition period, into a unified Human Capital Block Grant that replaces the current fragmented system of categorical grants requiring separate applications, separate reporting, and separate compliance systems for each funding stream.

The Allocation Formula

The block grant shall provide each state with a baseline allocation calculated from a formula incorporating state population, unemployment rate, and median wage relative to national median, plus a competitive performance allocation based on documented outcomes including employment placement rates, wage gains, and credential completion rates. The competitive performance allocation is the mechanism through which the block grant's allocation responds to documented effectiveness rather than treating all state programs as equivalent regardless of outcome. States with documented outcome improvements receive incrementally larger allocations; states whose outcomes do not improve do not lose baseline funding but do not receive the incremental performance allocation.

The Permitted Uses and the Four-Year University Exclusion

States receiving the Human Capital Block Grant may use the funds for any combination of: K-12 education improvement including vocational program development; community college and

workforce training program support; apprenticeship program development and employer incentives; adult basic education and literacy programs; and workforce transition support for displaced workers. The block grant does not fund four-year university operating expenses. The four-year university system has the capacity to compete for students and funding in the market. The Human Capital Block Grant is for the workforce and education infrastructure that the market systematically underfunds.

Constitutional Authority

The DWS establishment in 4.1.A derives from Congress's authority under Article I to establish executive departments and from the existing statutory authority of the Departments of Education and Labor, which Congress may consolidate by statute. The National Skills Bank in 4.1.B derives from Congress's authority to establish federal information systems in support of its spending programs. The Human Capital Block Grant in 4.1.C derives from the Spending Clause.

Act 4.2 — The American Education Fund

Provision 4.2.A — The GI Bill for Trades

The Parity Standard

The GI Bill of 1944 produced the American middle class. It did so by making a simple, radical proposition: the federal government will pay for the education of the people who served the country, at whatever institution provides the training they need to build a productive civilian life. It did not specify that the training had to occur at a four-year university. It funded the electrician, the machinist, and the construction worker alongside the lawyer and the physician. The result was the largest single investment in human capital in American history, and it produced the economic expansion that defined the postwar generation. The GI Bill for Trades applies the 1944 logic to 2026: the federal government will fund the training the economy needs, at whatever institution provides it, on terms equal to those available for four-year university attendance.

The Higher Education Act is amended to provide that federal Pell Grants, Work-Study funds, and other Title IV financial aid are fully applicable to: accredited registered apprenticeship programs in any occupation recognized by the Department of Labor's registered apprenticeship framework; accredited trade school programs in construction, manufacturing, energy, transportation, healthcare support, and information technology with documented job placement rates of not less than seventy percent in the field of study within six months of completion; and accelerated skills training programs in high-demand fields with independent third-party outcome verification. The financial aid available to a student entering a two-year registered electrical apprenticeship shall be equivalent to the financial aid available to a student entering a two-year community college program. The parity standard is not a floor. It is an equality.

The Mastercraft Stipend

Registered apprentices in high-demand trades during their initial training period — defined as the first two years of a registered apprenticeship program in any trade with a documented regional workforce shortage — shall be eligible for a direct federal living stipend modeled on the Post-9/11 GI Bill's Basic Allowance for Housing, paid monthly at a rate equal to the BAH rate for an E-5 with dependents in the metropolitan area where the apprenticeship is located. The stipend addresses the specific documented barrier to trades entry for working adults with family obligations: the apprenticeship wage during the early training period is lower than the journeyman wage the apprentice is working toward, and the combination of reduced wage and continuing family expenses makes the training period financially unsustainable for the adult with rent, childcare, and existing debt obligations. The Mastercraft Stipend makes the investment in trades training financially viable for the same population for whom the GI Bill made university attendance viable in 1944 — working adults who need financial support to make the training period survivable.

Employer Incentives for Apprenticeship Expansion

Any employer that establishes a new registered apprenticeship program in a high-demand trade, or that expands an existing program by not less than twenty-five percent in terms of apprentice slots, shall receive a federal tax credit of five thousand dollars per new apprentice slot created, claimed in the tax year in which the apprentice begins training and renewable for three years. The employer credit is the complement to the student aid parity: it addresses the supply side of the apprenticeship shortage by reducing the cost to employers of the structured training investment that registered apprenticeship requires. The trades shortage is not solely a demand-side problem. It is equally a supply-side problem: there are not enough apprenticeship slots available for the workers who would take them. The employer credit creates them.

The Average Age Problem and the Retention Investment

The average licensed plumber in the United States is 58 years old. The average licensed electrician is 57. The average HVAC technician is 55. These are not stable workforce demographics. They are the demographics of an industry approaching a cliff: within a decade, the retiring tradespeople represent a workforce gap that the current apprenticeship pipeline, even fully funded, will struggle to fill in time. The GI Bill for Trades is the long-term solution. The Retention Investment is the bridge: federal grants to trade associations and union apprenticeship programs for workforce retention programs targeting tradespeople between 45 and 60 years old, including ergonomic training and equipment that extends working life, mentorship programs that transition senior tradespeople into trainer roles before retirement, and part-time and flexible work arrangement support that allows experienced tradespeople to continue contributing beyond the full-time work years.

Provision 4.2.B — The Civic Education Investment

The Citizenship Deficit

The Civic Education Investment, organized in the v1.0 draft as a sub-section of K-12 STEM, Civics & Skills Modernization, is promoted in v2.0 to a standalone Provision because the civic education infrastructure operates on a distinct mechanism from the STEM and career-connected learning infrastructure, addresses a distinct national vulnerability, and requires a distinct implementation framework calibrated to the specific challenge of producing democratically competent citizens in the contemporary information environment.

The National Assessment of Educational Progress data is specific and alarming: only thirteen percent of eighth graders are proficient in United States history, and twenty-two percent are proficient in civics. These are not the numbers of a republic that is producing the citizens necessary to sustain itself. The Bill of Rights protects the freedom of speech, the press, religion, assembly, and petition. Fewer than one in four American adults can name all five of those freedoms. The civic deficit is not a cultural failure in the abstract. It is a structural vulnerability: the citizen who does not understand how democratic institutions work cannot hold those institutions accountable. Every reform in this document is ultimately dependent on a citizenry competent to demand it, evaluate it, and defend it. The K-12 civics investment is therefore not a soft educational priority. It is the foundational investment on which all other investments depend.

The National Civic Education Framework

The DWS shall establish, within two years of enactment, a national Civic Education Framework providing model curricula, instructional resources, and teacher training programs in American history, constitutional law, democratic institutions, and media literacy for grades K-12. Participation in the Framework shall be voluntary for states; states that adopt it and demonstrate measurable improvement in student civic proficiency as measured by the NAEP civics and history assessments shall receive priority consideration for Human Capital Block Grant competitive allocations. The Framework shall be developed by a nonpartisan commission of historians, constitutional scholars, classroom teachers, and civic education practitioners, and shall be designed to provide accurate, balanced, and evidence-based instruction on the history and functioning of American democratic institutions without partisan framing.

The Media Literacy Component

The media literacy component of the Framework is specific and urgent. The student who cannot distinguish between a news article and an opinion piece, between a verified primary source and a viral social media claim, between a statistical argument and an anecdote, lacks the cognitive infrastructure for democratic citizenship in the current information environment. Media literacy instruction shall include: the identification of source credibility indicators; the recognition of common logical fallacies and rhetorical manipulation techniques; the evaluation of statistical claims including the identification of misleading data presentation; and the understanding of how algorithmic content recommendation systems shape the information environment. These are not partisan skills. They are the skills of rational inquiry that any functioning democracy requires its citizens to possess.

Provision 4.2.C — STEM and Career-Connected Learning

The Perkins CTE Reauthorization

STEM and Career-Connected Learning, organized in the v1.0 draft as a sub-section of K-12 STEM, Civics & Skills Modernization, is promoted in v2.0 to a standalone Provision because the career-connected learning infrastructure operates through a distinct statutory framework (the Perkins Career and Technical Education Act) with its own funding architecture, its own employer-partnership requirements, and its own articulation-agreement framework linking K-12 to post-secondary trades and apprenticeship programs.

The Perkins Career and Technical Education Act shall be reauthorized and its funding increased to not less than two billion dollars annually, with priority for programs that: integrate genuine employer partnership into curriculum design so that students are learning the specific skills that documented employer demand identifies as needed; provide early exposure to career pathways through work-based learning experiences including job shadowing, internships, and pre-apprenticeship programs available to students in grades nine through twelve; and establish seamless articulation agreements between high school CTE programs and post-secondary apprenticeship and trade school programs so that students who complete a high school CTE sequence can enter the post-secondary phase with credit for prior learning rather than starting from zero.

Integration with the GI Bill for Trades

The articulation-agreement framework established in this Provision operates as the K-12 feeder pipeline to the post-secondary trades and apprenticeship pathways funded under Provision 4.2.A. A student who completes a high school CTE sequence in a recognized trade enters the post-secondary apprenticeship system with documented prior learning credit, the Mastercraft Stipend eligibility immediately upon program entry rather than after a delay, and the demonstrated commitment to the trade pathway that employer apprenticeship programs use as a selection criterion. The K-12 investment in career-connected learning and the post-secondary investment in trades parity are not separate policy domains. They are the same pipeline viewed at different stages of the student’s progression through it.

Constitutional Authority

The GI Bill for Trades in 4.2.A derives from Congress’s Spending Clause authority and from the established framework of the Higher Education Act, which Congress may amend to extend federal financial aid eligibility to non-degree training programs. The Mastercraft Stipend and the apprenticeship employer credit derive from the Spending Clause and the taxing authority respectively. The Civic Education Investment in 4.2.B derives from the Spending Clause and from the established federal authority over voluntary education standards frameworks. The STEM and Career-Connected Learning provisions in 4.2.C derive from the Spending Clause and from the established framework of the Perkins Career and Technical Education Act.

Act 4.3 — Student Debt & Higher Education Reform

The Scale of the Problem — Act Preamble

Americans hold $1.77 trillion in student loan debt — a figure that exceeds total credit card debt and total auto loan debt and that represents the accumulated consequence of a forty-year policy decision to fund higher education primarily through debt rather than public investment. University tuition has increased by approximately 169 percent in inflation-adjusted terms since 1980 — a rate that exceeds the inflation of healthcare, housing, and every other major consumer expenditure category. The increase has been sustained by the guaranteed availability of federal student loans at scale, which eliminated the competitive pressure on universities to control costs. A university that can raise its tuition by ten percent annually and face no reduction in enrollment because the federal government will issue loans to cover any price is a university operating outside the market discipline that normally constrains price increases.

The student borrower is the mechanism through which federal money flows to university endowments and administrator salaries. The federal government created the mechanism and has not adequately regulated it. The three Provisions of this Act — the Gainful Employment Standard, the Tuition Inflation Guardrail, and Income-Driven Repayment Reform — operate in sequence to address the three documented failures of the existing framework: the continued federal financial aid eligibility of programs that produce negative returns to the borrower; the absence of cost discipline on institutions whose tuition increases are underwritten by federal loan availability; and the administrative complexity of the existing income-driven repayment system that has produced documented servicer errors, certification failures, and a Public Service Loan Forgiveness rejection rate exceeding ninety-eight percent despite congressional intent that the program provide meaningful relief.

Provision 4.3.A — The Gainful Employment Standard

The Federal Financial Aid Accountability Framework

The Gainful Employment Standard, organized in the v1.0 draft as a sub-section of the Student Debt Crisis provision, is promoted in v2.0 to a standalone Provision because the program-level accountability framework operates as a distinct regulatory mechanism that conditions the continued availability of federal financial aid on documented program performance. The Standard is the federal taxpayer's rebuttable presumption that a program receiving federal financial aid will produce graduates whose earnings exceed the earnings the graduate would have obtained without the program; programs that fail to produce that outcome forfeit the federal investment.

The Three-Factor Standard

Any educational program — at any institution, for-profit or nonprofit — that receives federal financial aid through Title IV of the Higher Education Act shall satisfy the following gainful employment standard as a condition of continued eligibility: the median annual earnings of graduates who completed the program and are working in a field related to the program shall

exceed one hundred fifty percent of the annual earnings of a high school graduate in the same geographic region; the program's three-year cohort default rate on federal student loans shall not exceed fifteen percent; and the program's median debt-to-income ratio — the ratio of median loan balance at graduation to median annual earnings at two years post-graduation — shall not exceed twelve percent.

The Phase-Out Consequence and Student Protection

Programs that fail the gainful employment standard in two consecutive years shall lose federal financial aid eligibility for new students. Programs that fail in three consecutive years shall lose eligibility entirely. The students who are currently enrolled in failing programs at the time of ineligibility determination shall retain their existing aid and shall receive federal support for program transfers. The accountability framework is applied to the program rather than the student: the student who enrolled in a program in reliance on the federal financial aid framework is not penalized for the program's subsequent failure to meet the standard. The institutional consequence falls on the institution whose program failed the standard rather than on the student whose enrollment decision was made on the assumption that the federal certification was reliable.

Provision 4.3.B — The Tuition Inflation Guardrail

The Institutional Cost Discipline Mechanism

The Tuition Inflation Guardrail, organized in the v1.0 draft as a sub-section of the Student Debt Crisis provision, is promoted in v2.0 to a standalone Provision because the institutional cost discipline mechanism operates through a distinct regulatory tool — the conditional reduction of federal research subsidies — with its own statutory framework, its own administrative implementation, and its own policy theory. The Guardrail is the federal mechanism for aligning the institutional financial interest of higher education institutions with the financial interest of the students whose debt finances them.

The CPI-Plus-Two Standard

Any institution receiving federal financial aid shall be subject to the following tuition and fee increase limitation: annual tuition and mandatory fee increases shall not exceed the five-year average of the Consumer Price Index for All Urban Consumers plus two percentage points. Institutions that exceed this limit in any year shall face a dollar-for-dollar reduction in federal institutional research funding equivalent to the aggregate revenue generated by the above-limit tuition increase. The guardrail does not cap tuition. It conditions continued receipt of federal research subsidies on responsible tuition management. An institution that chooses to raise tuition faster than the guardrail permits retains that right and bears the cost of the research funding reduction. An institution that manages its costs within the guardrail faces no consequence. The mechanism aligns the financial interest of the institution with the financial interest of its students for the first time.

Provision 4.3.C — Income-Driven Repayment Reform

The Repayment Architecture Simplification

Income-Driven Repayment Reform, organized in the v1.0 draft as a sub-section of the Student Debt Crisis provision, is promoted in v2.0 to a standalone Provision because the borrower-side repayment framework operates as a distinct policy domain from the institutional accountability and cost-discipline mechanisms in 4.3.A and 4.3.B. The Gainful Employment Standard prevents the future origination of debt for worthless credentials; the Tuition Inflation Guardrail constrains the rate at which new debt accumulates per credential; the Income-Driven Repayment Reform addresses the existing stock of $1.77 trillion in outstanding debt and the borrowers whose repayment burdens the existing framework has rendered unmanageable.

The Unified IDR Plan

The existing income-driven repayment framework for federal student loans shall be simplified and standardized as follows: a single IDR plan shall replace the current proliferation of plans with a unified structure under which monthly payments are set at five percent of discretionary income above two hundred percent of the federal poverty guideline; balances shall be forgiven after twenty years for undergraduate loans and twenty-five years for graduate loans, with no tax liability on the forgiven amount; and automatic enrollment in IDR shall apply to all borrowers whose monthly payment under the standard ten-year repayment plan would exceed ten percent of their discretionary income. The simplification eliminates the complexity that has made the existing IDR system difficult to navigate and has resulted in documented servicer errors, income certification failures, and qualified borrowers being placed in unfavorable repayment plans because they did not know to request the alternative.

The Public Service Loan Forgiveness Reform

The Public Service Loan Forgiveness program — which provides forgiveness after ten years of qualifying payments in qualifying public service employment — shall be reformed to eliminate the technical disqualification traps that have resulted in rejection rates exceeding ninety-eight percent despite congressional intent that the program provide meaningful relief to public servants. The reforms include: retroactive credit for any payment made under any repayment plan toward the ten-year qualifying payment count; automatic employer certification for employees of governmental entities and 501(c)(3) organizations; and a simplified forgiveness application process with a defined ninety-day processing standard. The PSLF program’s rejection rate is not a record of fraud prevention. It is a record of administrative failure. The reform corrects the failure.

The Student Debt Dischargeability Cross-Reference

The bankruptcy dischargeability provisions of Act 5.3.B are the companion to the income-driven repayment and gainful employment reforms of this Act. The provisions operate in sequence: the gainful employment standard reduces the future accumulation of debt for worthless credentials; the IDR reform provides a manageable repayment pathway for borrowers with existing debt; and the bankruptcy dischargeability restoration provides the ultimate relief for borrowers for

whom the repayment pathway proves insufficient after seven years of good-faith effort. All three provisions must be read together for the complete student debt architecture.

Constitutional Authority

The Gainful Employment Standard in 4.3.A derives from Congress's Spending Clause authority and from the established framework of Title IV of the Higher Education Act, which Congress may amend to define the conditions of federal financial aid eligibility. The Tuition Inflation Guardrail in 4.3.B derives from the Spending Clause as applied to the conditions of federal research funding. The Income-Driven Repayment Reform and Public Service Loan Forgiveness reform in 4.3.C derive from the Spending Clause and from Congress's established authority over the federal student loan program.

Act 4.4 — The Gig Economy & Labor Rights Modernization Act

Provision 4.4.A — Worker Classification Reform

The Structural Problem

The gig economy is not a new form of work. It is an old form of labor exploitation with a new technological interface. The worker who drives for a rideshare platform, delivers food for a delivery app, or performs freelance tasks for a digital labor marketplace is performing work that is economically subordinate to, directed by, and dependent on a platform that controls the terms, the pricing, and the termination of the work relationship. The platform classifies this worker as an independent contractor rather than an employee, which means the worker receives none of the protections that the National Labor Relations Act, the Fair Labor Standards Act, the Family and Medical Leave Act, the Occupational Safety and Health Act, and the employer's obligation to contribute to Social Security and Medicare provide to employees. The independent contractor classification was designed for the genuinely independent business operator — the plumber who owns a van, sets their own rates, chooses their own clients, and operates an enterprise independent of any single principal. It was not designed for the worker whose access to work depends entirely on maintaining algorithmic favor with a single platform that controls every material condition of the work relationship.

The Federal Worker Classification Standard

For purposes of all federal labor and employment statutes, including the Fair Labor Standards Act, the National Labor Relations Act, the Family and Medical Leave Act, and the federal employment tax obligations of Title 26, a worker performing services for another party shall be classified as an employee rather than an independent contractor unless the engaging party demonstrates all three of the following: the worker is free from the engaging party's control and direction in connection with the performance of the services, both under the contract and in fact; the service performed by the worker is outside the usual course of the engaging party's business; and the worker is customarily engaged in an independently established trade,

occupation, or business of the same nature as the work performed. This three-factor test — the ABC test, which has been adopted in various forms by California, Massachusetts, New Jersey, and other states — reverses the burden of proof from the worker to the engaging party, requiring the platform or employer to demonstrate that the classification is correct rather than requiring the worker to prove they are misclassified.

Platform workers who are reclassified as employees under this standard retain the right to genuine flexibility in their work schedules. Employee classification does not require platforms to provide fixed schedules or minimum hours. It requires platforms to provide workers with the protections that employment law provides: minimum wage, overtime pay, workers' compensation coverage, the right to organize and bargain collectively, and the employer's share of Social Security and Medicare contributions. Flexibility and employment protection are not mutually exclusive. The platform's argument that they are is the argument that employee protections are incompatible with on-demand work — an argument that serves the platform's financial interest and no one else's.

Provision 4.4.B — Portable Benefits

Benefits Decoupled from Employment Relationships

Portable Benefits, organized in the v1.0 draft as a sub-section of Worker Classification Reform, is promoted in v2.0 to a standalone Provision because the portable benefits infrastructure operates on a distinct mechanism from the classification reform: it addresses the population of workers for whom the reclassification mechanism may not produce full employee status — workers performing gig and platform work on a part-time or supplemental basis across multiple platforms — by decoupling the worker's benefit infrastructure from any single employment relationship and attaching it to the worker directly.

The Portable Benefits Pilot Program

Workers who perform gig and platform work on a part-time or supplemental basis — workers for whom the classification reform may not produce full employee status because they work across multiple platforms or below full-time hours — shall have access to portable benefits that travel with the worker rather than attaching to any single employment relationship. The DWS shall establish, within two years of enactment, a Portable Benefits Pilot Program providing federal matching funds to state programs that create portable benefit accounts for independent workers, funded by contributions from every platform or engaging party for which the worker performs work, prorated by the proportion of the worker's total working hours attributable to each engaging party. The portable benefit account shall be usable for health insurance, retirement savings, paid leave, and occupational training. The pilot program shall operate for five years, with a mandatory evaluation and legislative recommendation at the end of the pilot period.

Coordination with the Eaglecare Framework

The portable benefits framework operates in coordination with the Eaglecare healthcare framework established in Act 2.1. Under Eaglecare, the healthcare benefit attached to the

portable benefit account is preserved as a transitional element during the five-year pilot period; upon completion of the Eaglecare transition, the healthcare component of the portable benefit account is consolidated into the unified national healthcare framework, and the portable benefit account architecture is reoriented to retirement, paid leave, and occupational training as the principal residual benefit categories. The transition is specified to ensure that the establishment of Eaglecare does not produce gaps in the portable benefits infrastructure for workers whose benefit access depends on it during the transition period.

Provision 4.4.C — The Right to Organize

Restoring the 1935 Framework

The Right to Organize, organized in the v1.0 draft as a sub-section of Worker Classification Reform, is promoted in v2.0 to a standalone Provision because the National Labor Relations Act framework that establishes the right to organize operates as a distinct statutory domain from the classification standards and the portable benefits architecture, with its own enforcement institutions (the National Labor Relations Board), its own procedural framework (the representation election), and its own remedial framework (unfair labor practice charges). The right to organize is the foundational labor right on which the other workplace protections rest: a workforce that cannot organize collectively is a workforce whose ability to enforce the substantive protections of the FLSA, the OSH Act, and related statutes is structurally compromised.

The NLRA Amendments

The National Labor Relations Act shall be amended to restore the effective right to organize that Congress enacted in 1935 and that has been progressively eroded by employer legal strategies, agency inaction, and judicial interpretation. The amendments shall: reduce the timeline from election petition to representation election to not more than twenty-one days, ending the extended pre-election campaign period that currently allows employers to conduct captive audience meetings, hire union avoidance consultants, and pressure workers against organizing before any vote takes place; prohibit mandatory captive audience meetings in which employees are required to attend employer presentations on unionization as a condition of continued employment; establish first-contract arbitration requiring that where a union wins an election and the parties cannot reach a first collective bargaining agreement within one year, the unresolved terms shall be submitted to binding arbitration; and increase civil penalties for unfair labor practices to levels that create genuine deterrence rather than the current token fines that many employers treat as a cost of union avoidance.

Constitutional Authority

The worker classification standard in 4.4.A derives from Congress’s Commerce Clause authority to regulate interstate commerce in labor services, from Congress’s authority under the Fair Labor Standards Act and the National Labor Relations Act to define the employment relationship, and from the established principle that the independent contractor classification is a legal construct whose scope Congress has authority to define. The portable benefits pilot in 4.4.B derives from the Spending Clause. The NLRA amendments in 4.4.C derive from

Congress's authority under the Commerce Clause and from the NLRA's existing statutory framework, which Congress may amend.

Act 4.5 — The Immigration & Border Security Act

The False Binary — Act Preamble

The immigration debate has been conducted for two decades as a binary between mass deportation and open borders — a binary that neither describes the actual range of available policy choices nor corresponds to the actual preferences of the majority of Americans, who consistently tell pollsters that they want both meaningful border security and a functional legal pathway for the people the economy depends on and the asylum seekers whose claims deserve fair adjudication. The American Upgrade rejects the binary because the binary is false. Border security and legal immigration are not competing values. They are complementary requirements of a functioning immigration system. A border that is not controlled produces the conditions that drive the political reaction against immigration. A legal system that is not functional produces the undocumented immigration that undermines border control. Both halves of the system must work simultaneously.

Public opinion data on the immigration question is the most precisely partisan-split data in the entire body of survey work this project has reviewed, with the split running not on whether the system is broken but on how to fix it. Fifty-five percent of Republicans report high concern on immigration, with rising concern across the general public. The bipartisan consensus is that the existing system is dysfunctional. The partisan split is on the direction of the response: stronger enforcement, broader legal pathways, or both. This Act addresses both, in the five Provisions that follow, in the order that the documented public preference for a functional system requires: technology-led border security, the judicial surge to clear the immigration court backlog, humanitarian processing as the alternative to release-or-detention, the earned legitimacy pathway for the existing undocumented population, and the high-skill immigration modernization that the economic competitiveness of the country requires.

Provision 4.5.A — Technology-Led Border Security

The Sensor Network Architecture

Technology-Led Border Security, organized in the v1.0 draft as a sub-section of The Smart Border provision, is promoted in v2.0 to a standalone Provision because the deployment of advanced sensor and surveillance technology operates as a distinct infrastructure investment with its own technical architecture, its own DHS implementation framework, and its own operational doctrine. The Department of Homeland Security shall develop and implement, within three years of enactment, a comprehensive Smart Border system that: deploys advanced sensor technology including ground radar, seismic sensors, optical surveillance, and unmanned aerial systems to provide persistent, high-resolution situational awareness across the entire southern border and at high-risk segments of the northern border; integrates border sensor data with a unified command and control infrastructure that provides Customs and Border Protection

agents with real-time information allowing rapid response to detected crossings; expands the biometric entry-exit tracking system to all land ports of entry, eliminating the documented visa overstay problem that accounts for approximately forty percent of the undocumented population; and deploys AI-assisted cargo inspection technology at ports of entry to increase the detection rate of fentanyl, other synthetic opioids, and contraband in commercial vehicle and freight shipments without increasing commercial vehicle processing times.

The Force Multiplier Doctrine

The Smart Border is a force multiplier, not a replacement for Border Patrol agents. The agent who responds to a sensor-detected crossing with precise location and movement data is more effective than the agent patrolling a sector without it. The inspection system that flags the highest-risk cargo containers for physical inspection based on AI-assisted risk scoring is more effective than the system that relies on random selection or agent intuition. Technology-led border security is not the alternative to wall construction as an ideological preference. It is the alternative as a documented effectiveness comparison: sensor networks and rapid response provide persistent coverage of terrain where walls are either impractical or easily circumvented, at lower cost and with greater operational flexibility. The doctrine is the standard CBP and DHS operational doctrine refined through decades of border enforcement experience; this Provision provides the appropriations and the implementation timeline that the doctrine has been waiting for.

Provision 4.5.B — The Judicial Surge

The Immigration Court Backlog

The Judicial Surge, organized in the v1.0 draft as a sub-section of The Smart Border provision, is promoted in v2.0 to a standalone Provision because the immigration court system operates as a distinct branch of the federal immigration infrastructure — housed in the Department of Justice's Executive Office for Immigration Review rather than in DHS — with its own statutory framework, its own personnel system, and its own due process requirements. The immigration court backlog exceeds three million cases. The average wait time from initial filing to final hearing in the immigration courts has exceeded four years in many jurisdictions. A migrant who crosses the border, claims asylum, and is released pending adjudication faces a multi-year wait for the hearing that will determine whether their claim is valid. This is not a humane system for legitimate asylum seekers. It is not a deterrent to those who file unmeritorious claims strategically. It is a system that treats the legitimate and the strategic claimant identically, processing neither in a timeframe that serves justice or border management.

The Capacity Investment and Adjudication Standard

The cure is straightforward: more judges. Congress shall appropriate funding sufficient to hire five hundred additional immigration judges and two thousand additional asylum officers within three years of enactment, bringing the total immigration court capacity in line with the demonstrated caseload. The Department of Justice's Executive Office for Immigration Review shall establish a forty-five-day adjudication standard for asylum claims from applicants who are held in detention or in a Humanitarian Processing Facility near the border pending adjudication.

The forty-five-day standard requires adequate judicial capacity, adequate legal representation, and adequate administrative infrastructure. This Act funds all three. A quick fair hearing — with a genuine opportunity to present a valid claim and genuine consequences for a rejected one — is more effective border management than a years-long backlog that serves no one.

Provision 4.5.C — Humanitarian Processing

The Third Path Between Release and Detention

Humanitarian Processing, organized in the v1.0 draft as a sub-section of The Smart Border provision, is promoted in v2.0 to a standalone Provision because the Humanitarian Processing Facility model operates as a distinct policy domain from the technology-led border security and the judicial surge: it addresses the specific question of how asylum seekers are held, housed, and supported pending adjudication, and represents the third operational path between the practice of release into the interior and the practice of detention in facilities that have been documented by DHS's own Inspector General as failing to meet basic standards of habitability and care.

The HPF Operational Standard

Asylum seekers who present themselves at ports of entry or who cross between ports and claim credible fear shall be processed through Humanitarian Processing Facilities located near the border that provide humane living conditions, legal orientation services, medical screening, and access to legal representation pending their asylum adjudication. The Humanitarian Processing Facility model replaces both the practice of releasing asylum seekers into the interior with a notice to appear and the practice of detention in facilities that have been documented by DHS's own Inspector General as failing to meet basic standards of habitability and care. It is neither release nor detention. It is supervised processing in conditions that reflect the United States' obligations under domestic and international law to asylum seekers while ensuring their availability for hearings.

The Coordination with the Judicial Surge

The HPF infrastructure is operationally paired with the judicial surge in Provision 4.5.B: the forty-five-day adjudication standard requires asylum seekers to be available and supported for the adjudication, and the HPFs provide the operational locus for that availability. The HPF model assumes the existence of adequate immigration court capacity; without the judicial surge, the HPF facilities become detention by another name. The two Provisions must be implemented together: the judicial capacity in 4.5.B and the humanitarian processing infrastructure in this Provision operate as a single integrated asylum adjudication system whose effectiveness depends on the coordinated implementation of both components.

Provision 4.5.D — Earned Legitimacy: Legal Pathway for the Undocumented

The Eleven-Million-Person Reality

Approximately eleven million undocumented people currently reside in the United States. They are embedded in American communities, in American workplaces, and in American families. Their children, in many cases, were born here and are American citizens. The proposition that this population can be removed en masse by a federal government enforcement operation is not credible as policy and is not supported by the majority of the American public. The proposition that the status quo — eleven million people living in legal limbo, unable to access the formal labor market on equal terms, unable to build credit, unable to plan for the future, contributing to the economy while excluded from the legal order — is sustainable is equally not credible. The American Upgrade proposes a third option: earned legitimacy.

The Registration and Provisional Work Status

All undocumented persons currently residing in the United States shall have a twelve-month window from the date of enactment to register with the Department of Homeland Security. Registration shall require: biometric identification including fingerprints; a criminal background check; payment of a restitution fine of two thousand five hundred dollars to the United States Treasury, payable in installments for demonstrated financial hardship; and demonstration of current residence in the United States. Persons who register and pass the background check shall receive Provisional Work Status authorizing legal employment, a Social Security number, and a driver's license, for a period of five years. Persons who do not register within the twelve-month window, or who fail the background check, are subject to prioritized enforcement action.

Probation, Not Amnesty — The Ten-Year Path

Provisional Work Status is not amnesty. Amnesty is unconditional forgiveness. This is probation. The Provisional Work Status holder pays taxes, contributes to Social Security and Medicare from which they cannot draw until full legal status is achieved, and must maintain continuous lawful presence and continuous employment or educational enrollment as conditions of continued status. After ten years of maintained Provisional Work Status with no disqualifying criminal convictions, the holder may apply for Legal Permanent Residency. They go to the back of the line behind all pending legal applicants for LPR status. After five additional years of LPR status, they may apply for citizenship through the standard naturalization process. The path is long. It is earned. It is not a reward for having crossed illegally. It is the recognition that eleven million people who have been embedded in American communities for years or decades, who are paying taxes and raising families, are not going to be removed, and that the alternative to earned legitimacy is permanent legal limbo that serves no one.

Provision 4.5.E — High-Skill Immigration Modernization

The Self-Inflicted Economic Wound

High-Skill Immigration Modernization, organized in the v1.0 draft as a sub-section of the Earned Legitimacy provision, is promoted in v2.0 to a standalone Provision because the high-skill immigration framework operates through a distinct statutory architecture (the employment-based visa categories and the per-country green card cap), addresses a distinct population (workers entering the United States through documented legal channels rather than the existing undocumented population), and represents a distinct economic competitiveness issue with its own policy theory. The United States trains a large proportion of the world's most talented scientists and engineers at American universities and then exports them when their student visas expire because the legal pathway to permanent residence is too slow and too uncertain. This is an economic self-inflicted wound that no serious immigration policy would maintain.

The Statutory Reform

The H-1B visa program for high-skill workers, the O-1 visa for persons of extraordinary ability, and the employment-based green card categories shall be reformed to: eliminate the per-country cap on employment-based green cards that currently produces wait times exceeding fifty years for workers from India and China regardless of their qualifications or their time in the United States on valid work visas; increase the annual number of employment-based green cards to reflect documented demand in fields where domestic supply is demonstrably insufficient; create a startup visa category for immigrant entrepreneurs who have raised documented investment capital or who have demonstrated a viable business plan meeting defined criteria; and streamline the process for outstanding researchers, scientists, and technologists to receive green cards through a national interest process that does not require employer sponsorship.

The Domestic Labor Market Protection

The high-skill immigration expansion is calibrated to documented domestic supply shortages rather than treated as an unrestricted labor market intervention. The Department of Workforce and Service shall, in coordination with the Department of Labor and the Department of Homeland Security, publish annually a Documented Domestic Shortage Designation identifying the specific occupational categories in which domestic labor supply demonstrably falls short of demonstrated employer demand. High-skill immigration admissions under the expanded categories shall be prioritized for the designated shortage occupations, with wage-floor protections preventing the use of high-skill immigration to depress wages in occupations where domestic supply is adequate. The reform is not a wholesale liberalization of high-skill immigration. It is a targeted expansion calibrated to documented domestic labor market conditions.

Constitutional Authority

The Technology-Led Border Security provisions in 4.5.A derive from Congress's plenary authority over immigration and border security under Article I, Section 8 and from established DHS statutory authority. The Judicial Surge in 4.5.B derives from Congress's authority to

appropriate funds for the immigration courts and to define the operational standards of the Executive Office for Immigration Review. The Humanitarian Processing framework in 4.5.C derives from Congress's immigration authority and from the United States' domestic and international legal obligations to asylum seekers. The Earned Legitimacy pathway in 4.5.D derives from Congress's immigration authority and from the established constitutional principle that Congress has plenary power to define the conditions of entry, stay, and removal of non-citizens. The High-Skill Immigration Modernization in 4.5.E derives from the Immigration and Nationality Act as amended.

Coalition Rationale — Title IV

The Material Priority Test

Title IV passes the Material Priority Test through the specific material consequences of the credential apartheid, the student debt crisis, the gig economy misclassification, and the immigration dysfunction on the working people this document is written for. The worker locked out of the middle class by the paper ceiling — filtered out of job consideration because an algorithm scans for a degree credential they do not have for a job that does not require it — is experiencing a material barrier constructed by a policy choice. The thirty-year-old who wants to become an electrician but cannot survive the apprenticeship wage without a living stipend is experiencing a material barrier the Mastercraft Stipend removes. The student who borrowed forty thousand dollars for a credential that produces twenty-two-thousand-dollar median earnings is experiencing a material consequence of a system that never told them the return on investment calculation. The gig worker classified as a contractor who is injured on the job and has no workers' compensation is experiencing the material consequence of a legal classification designed to deny them the protection the law would otherwise provide. The undocumented farmworker whose labor feeds the country and who cannot get a driver's license is experiencing the material consequence of a legal system that uses their labor and excludes them from its protections. Each provision in this Title addresses a specific material harm.

The Specificity Test

The Title passes the Specificity Test across five Acts and seventeen Provisions with complete operational architecture. Act 4.1 specifies the DWS consolidation structure with three named divisions, the National Skills Bank with four named functions and privacy governance framework, and the Human Capital Block Grant with population-and-unemployment baseline formula plus competitive performance allocation. Act 4.2 specifies the Pell Grant and Title IV aid extension to registered apprenticeships and trade schools with 70% placement threshold, the Mastercraft Stipend at the BAH E-5-with-dependents rate, the $5,000 per-slot apprenticeship employer credit renewable for three years, the Retention Investment for workers 45-60, the Civic Education Framework with NAEP-measurable improvement standard, and the Perkins CTE reauthorization at $2 billion annually with K-12 to post-secondary articulation. Act 4.3 specifies the three-factor Gainful Employment Standard with 150% high-school-earnings, 15% default rate, and 12% debt-to-income thresholds; the CPI-plus-two Tuition Inflation Guardrail

with dollar-for-dollar research funding reduction; and the unified IDR plan at 5% of discretionary income above 200% FPL with twenty-year forgiveness for undergraduate loans. Act 4.4 specifies the ABC three-factor classification test with burden of proof on the engaging party, the Portable Benefits Pilot at five years, and the NLRA amendments including the twenty-one-day election timeline, captive audience meeting prohibition, and first-contract arbitration. Act 4.5 specifies the Smart Border sensor deployment timeline at three years, the five-hundred-judge and two-thousand-asylum-officer judicial surge, the Humanitarian Processing Facility operational standard, the twelve-month registration window with $2,500 restitution fine and ten-year provisional status path, and the elimination of the per-country employment-based green card cap. Every provision is operational.

The Coalition Architecture and Delivery Tests

The Title passes both the Coalition Architecture Test and the Delivery Test through the same mechanism: the provision of complete, operational, cross-partisan answers to the specific problems that Title IV's disparate constituencies experience. The DWS consolidation and National Skills Bank are governance efficiency measures that reach the fiscal conservative and the career switcher simultaneously. The GI Bill for Trades and the Mastercraft Stipend reach the rural conservative and the union Democrat through their shared material stake in a workforce development system that actually works. The student debt accountability framework reaches the fiscal conservative who objects to subsidizing degrees that produce negative returns and the progressive who objects to a generation of young people crushed by debt for credentials that were sold to them on fraudulent premises. The gig economy worker classification reaches the labor constituency and the small business constituency through the shared recognition that workers misclassified as contractors pay higher individual taxes, receive fewer protections, and compete on unequal terms with both traditional employees and legitimate independent businesses.

The immigration provisions reach the border security constituency through the Smart Border, the Judicial Surge, and the Humanitarian Processing operational standards, and the economic constituency through the Earned Legitimacy framework and the high-skill modernization. The fifty-five percent of Republicans who report high concern on immigration are addressed directly by the technology-led border security and the judicial surge that produces actual consequences for unmeritorious claims. The economic constituency that has named the immigration dysfunction as a workforce constraint is addressed by the high-skill modernization and the earned legitimacy framework that converts the existing eleven million from a legal-limbo population into a tax-paying, law-following, integrated workforce. The American Upgrade delivers the complete standard, not the half-measure that satisfies one side while enraging the other. That is the coalition architecture. The Delivery Test is passed because every provision in this Title is designed around a specific documented failure mode of the existing system: the credential apartheid, the trades workforce cliff, the federal student loan accountability gap, the worker classification fiction, and the immigration system's simultaneous failure on both security and legitimacy.

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STATUS: Title IV — Acts 4.1 through 4.5 — Draft v2.0 Complete. Title IV: The Ladder is now in v2.0 form. The 4.0 Title Overview is new in v2.0. The National Skills Bank (4.1.B) and Human Capital Block Grant (4.1.C) have been promoted to standalone with expanded privacy/data-governance and allocation-formula architecture. The Civic Education Investment (4.2.B) and STEM and Career-Connected Learning (4.2.C) have been promoted to standalone with the GI Bill for Trades pipeline integration specified. Act 4.3 has been restructured with the Scale of the Problem framing pulled up to Act preamble and the Gainful Employment Standard, Tuition Inflation Guardrail, and Income-Driven Repayment Reform promoted to 4.3.A/B/C standalone. Portable Benefits (4.4.B) and the Right to Organize (4.4.C) have been promoted to standalone with Eaglecare coordination specified. Act 4.5 has been restructured with the False Binary framing pulled up to Act preamble and Technology-Led Border Security, the Judicial Surge, Humanitarian Processing, Earned Legitimacy, and High-Skill Immigration Modernization promoted to 4.5.A/B/C/D/E standalone Provisions, with operational coordination explicitly specified between 4.5.B and 4.5.C. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout.

Key sources for final sourcing: National Center for Education Statistics NAEP civics and history assessment data; Federal Reserve student debt statistics ($1.77T); BLS apprenticeship and skilled trades employment data (average age, shortage projections); DOL registered apprenticeship data; DOJ EOIR immigration court backlog statistics; DHS Inspector General reports on detention conditions; Pew Research Center undocumented population estimates (~11M); National Academy of Sciences immigration economic research; James Heckman early childhood education ROI research (cross-reference Act 3.2.B); state ABC-test classification frameworks (California AB5, Massachusetts, New Jersey); Perkins CTE Act funding history; Post-9/11 GI Bill BAH implementation; PSLF rejection rate data; Public Service Loan Forgiveness administrative review documentation.

Cross-reference flags: Act 5.3.B (Student Debt Dischargeability) and Act 4.3 — companion pieces; the bankruptcy dischargeability after seven years is the ultimate relief mechanism following the IDR Reform; review for definitional consistency. Act 7.3.A (Reentry Employment) and Act 4.1.B (National Skills Bank) — the Skills Bank is the employment infrastructure that returning citizens access; ensure cross-reference. Act 9.1.B (AmeriCorps) and Act 4.1.A Division of Civic Education and National Service — AmeriCorps is housed in the DWS under this Act. Act 3.2.B (Universal Pre-K) and Act 4.1.A — administered by the DWS Division of Civic Education and National Service. Act 1.7.B (Automation Displacement Response) and Act 4.4 — architectural companions on worker protection during transitions. Act 2.1.B (Health Workforce GI Bill) and Act 4.4.B (Portable Benefits) — Eaglecare transition coordination explicitly specified in 4.4.B.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title V — The Market & The Maker

Acts 5.1 through 5.3 — The Small Business Infrastructure Act, The Antitrust Modernization & Market Competition Act, and The Bankruptcy & Financial Recovery Modernization Act

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title V is now in v2.0 form. All three Acts and a Title Overview are contained in this document. Act 5.1: The Small Business Infrastructure Act. Act 5.2: The Antitrust Modernization & Market Competition Act. Act 5.3: The Bankruptcy & Financial Recovery Modernization Act.

v2.0 changes vs v1.0: Title Overview added at 5.0; Act 5.1 expanded from one Provision to four with The Regulatory Burden Equity Requirement promoted to 5.1.B, Federal Procurement Access promoted to 5.1.C, and Main Street Taxation Equity promoted to 5.1.D. Acts 5.2 and 5.3 preserved as v1.0 already established rich Provision-level architecture for each. Constitutional Authority sections consolidated at Act level for editorial consistency with the rest of the document. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout.

Cross-references: Act 1.4 (Food Independence & Rural Prosperity) and Act 5.2.B — review together for definitional consistency on agricultural market reform. Act 4.3 (Student Debt Reform) and Act 5.3.B — review for definitional consistency on dischargeability standards. Act 6.2 (Anti-Corruption) and the Act 5.2 enforcement provisions — companion pieces on the lobbying-and-consolidation infrastructure that both Acts address from different angles. Act 3.1.B (Corporate Housing Ownership Limitation) and Act 5.2 — architectural companions; the corporate housing supermajority is the proxy for the broader anti-corporate-consolidation coalition this Title organizes.

Provision 5.0 — Title Overview

The Maker's Economy

The economic premise of the past forty years has been that the American economy is best served by the consolidation, scaling, and financialization of its constituent enterprises — that the larger firm, with its scale economies and its sophisticated capital structure, is the more efficient producer of the goods and services the economy requires, and that the federal government's role is to remove the impediments to consolidation, to harmonize the regulatory framework around the practices of the largest firms, and to allow the resulting consolidation to produce the productivity gains that the theoretical model predicted. The premise has produced a documented set of outcomes: four companies controlling eighty-five percent of beef processing, three companies controlling eighty percent of the pharmacy benefit manager market, a small

handful of digital platforms controlling the digital commerce, advertising, and labor-matching infrastructure on which the rest of the economy increasingly depends, a local newspaper industry whose institutional capacity has been hollowed out by private equity acquisition strategies operating outside the regulatory framework that previously constrained newspaper ownership, and a small business sector whose share of total employment has declined consistently across the four-decade period of consolidation while its capital access has been progressively constrained by the same banking consolidation that has produced the lender-of-last-resort concentration in the financial sector.

This Title proceeds from a different premise. The American economy is most productive when its market structures are competitive, when its small and medium enterprises have access to the capital and procurement and regulatory architecture that the large firms have already built for themselves, when its information infrastructure includes local journalism that produces accountability journalism rather than aggregated content from distant corporate ownership, and when its bankruptcy system functions as the fresh-start mechanism the framers of the Bankruptcy Clause designed it to be rather than as a creditor-aligned punitive infrastructure that the 2005 reforms produced. Competition is not the absence of regulation. It is the presence of regulation that constrains the practices through which concentrated market power displaces market competition. The American Upgrade introduces a different architecture for the market.

The Small Business Infrastructure Act in Act 5.1 addresses the capital, regulatory, procurement, and tax framework that have systematically disadvantaged the small business sector relative to its larger competitors, with provisions specifying the fifteen-business-day SBA loan processing standard, the CDFI capitalization floor, the regulatory burden equity analysis requirement, the federal procurement bundling prohibition, and the permanent extension of the pass-through deduction. The Antitrust Modernization and Market Competition Act in Act 5.2 restores the market structure standard that governed antitrust enforcement for the seventy years preceding the consumer welfare standard's adoption, with specific applications to agricultural consolidation, platform monopoly structural separation, local media ownership, and community banking. The Bankruptcy and Financial Recovery Act in Act 5.3 corrects the 2005 BAPCPA reforms whose documented effect has been the imposition of procedural burdens on working and middle-class debtors in genuine distress while failing to address the strategic filing the reforms claimed to target, restores the bankruptcy dischargeability of student loans after a seven-year waiting period, and establishes the medical debt collection protections that the cost-of-living concern data documents as a top-tier voter priority. Three Acts, fourteen Provisions, one premise: the market works when its rules are designed for the people building things in it.

The political claim is specific and the public mandate is documented. The corporate housing ownership crackdown documented in Section 3 of the Session Ruleset as a cross-partisan supermajority is the same coalition that the broader anti-corporate-consolidation framing of this Title is designed to organize: the cross-partisan supermajority for limits on concentrated market power exists at a scale that the existing two-party policy infrastructure has not been institutionally equipped to translate into legislation. The eighty percent of Americans who support the prohibition on Congressional individual stock trading documented in the same Section are the same Americans who support the antitrust restoration: the stock trading ban is the most precise empirical expression of the broader anti-rigging principle this Title

operationalizes at the level of market structure. The medical debt and student debt bankruptcy reforms reach the broadest possible cross-partisan coalition because the underlying harms are the broadest possible cross-partisan experiences: the family bankrupted by an illness they did not choose, the borrower who has been making payments for two decades on a debt that has grown larger because the repayment terms guarantee that outcome, and the working person whose financial recovery has been blocked by a legal framework written by the creditors whose interests it serves.

Title V — The State of Affairs

The American economy was built by people trying to build something. The farmer who cleared land and planted a crop. The machinist who learned a trade and opened a shop. The entrepreneur who borrowed against their house to start a business that employed their neighbors. The immigrant who arrived with skills and ambition and found, in the American market, the combination of legal protection and competitive opportunity that allowed those qualities to produce something real. The mythology of American capitalism — that the free market rewards initiative, that competition produces innovation, that the person with the better product or the harder work will prevail — is not merely mythology. It describes a reality that existed, that produced the American middle class, and that has been systematically dismantled over the past forty years by a regulatory, market, and financial architecture that has tilted the playing field so severely toward concentrated institutional power that the mythology and the reality have come apart.

The tilt is documented with precision. In 1980, the top one hundred publicly traded companies in the United States accounted for approximately forty-eight percent of total corporate revenue. By 2020, they accounted for approximately eighty-four percent. The share of the economy controlled by large firms has expanded in virtually every sector of the American economy, and in many sectors the degree of concentration is now so severe that the market structure is more accurately described as oligopoly than competition. Four companies control eighty-five percent of the beef market. Five companies control seventy percent of airline passenger revenue. Two companies control ninety percent of the commercial operating system market. Four companies control over seventy percent of the semiconductor market. Three pharmaceutical distributors control more than ninety percent of drug distribution. The market that rewards the better product over the entrenched incumbent requires competitors. In sector after sector, the competitors have been acquired, driven out, or foreclosed by the structural advantages that scale, capital, and regulatory capture provide.

Public opinion data confirms the constituency for the conditions this Title addresses. The corporate housing ownership crackdown that Provision 3.1.B operationalizes registers as one of the largest cross-partisan supermajorities documented in any specific economic policy domain in the entire body of survey work this project has reviewed. The principle at work in that supermajority — that institutional capital deploying portfolio-scale acquisition strategies against individual household and small-business participants in the market produces documented harm that policy can correct — is the same principle that organizes the broader market-structure

framework this Title constructs. The eighty percent of Americans who support the Congressional stock trading ban documented in Ruleset § 3.2 reach the same conclusion at the level of the rules of the game: the political constituency for restoring market rules that work for the people participating in the market rather than for the people who have accumulated enough of it to shape the rules in their favor is a supermajority. The constraint on action has been institutional, not electoral.

The consequences for the person trying to build something are specific and measurable. The small business owner who competes against a large corporation with a dedicated regulatory compliance team pays a proportionally higher compliance cost. The farmer who sells into a consolidated commodity market has no pricing power against buyers who face no competitive constraint. The entrepreneur who builds a product that threatens a dominant platform faces the prospect of either acquisition at terms the platform sets or deliberate exclusion from the distribution infrastructure that the platform controls. The worker who loses a job and takes on debt to start a new business, only to find that the bankruptcy system has been restructured by creditor interests to make the fresh start the founders intended into a financial trap, discovers that the safety net for failure does not function as advertised.

Title V addresses these conditions through three instruments that operate at different points in the market architecture. The Small Business Infrastructure Act builds the affirmative support structure — capital access, regulatory equity, procurement access, and tax code fairness — that gives the small operator the tools to compete. The Antitrust Modernization and Market Competition Act changes the rules under which competition is adjudicated, replacing forty years of regulatory passivity with an enforcement standard that takes market structure seriously. The Bankruptcy and Financial Recovery Modernization Act restores the fresh start that the bankruptcy system was designed to provide and that it has been progressively engineered to deny. Together they constitute a governing commitment to the proposition that built the American economy: the person with the better product and the harder work should have a real chance to prevail.

Act 5.1 — The Small Business Infrastructure Act

Provision 5.1.A — Small Business Capital Access

The Structural Problem: A Loan Process Designed for the Last Century

The Small Business Administration was established in 1953 to ensure that small businesses had access to the capital they need to start, grow, and compete. The SBA’s flagship loan programs — the 7(a) and 504 programs — provide federal loan guarantees that reduce the risk for private lenders and expand capital access to businesses that would not qualify for conventional commercial financing. The programs are structurally sound. The implementation has calcified into a process so slow, so documentation-intensive, and so heavily intermediated by financial institutions with their own credit criteria that it functionally excludes the businesses most in need of federal support. The average SBA 7(a) loan processing time is approximately ninety days. The documentation requirements — business plans, financial projections, tax

returns, personal financial statements, collateral appraisals, and extensive legal representations — require either a sophisticated operator with access to professional advisors or the willingness and capacity to navigate a complex bureaucratic process without assistance. The businesses that most need federal capital support are typically the businesses least equipped to navigate a ninety-day paperwork marathon.

The SBA Modernization Mandate

The Small Business Administration shall redesign the 7(a) and 504 loan application processes to achieve, within two years of enactment, a standard application processing time of not more than fifteen business days for loans below five hundred thousand dollars and not more than thirty business days for loans above five hundred thousand dollars. The redesign shall include: a simplified application form of not more than fifteen pages for loans below five hundred thousand dollars; a digital application portal with guided completion assistance; a real-time application status system accessible to the applicant throughout the review process; and a trained application assistance program, available at no charge to applicants, through a network of Small Business Development Centers with standardized service quality requirements. The SBA shall publish monthly processing time data by loan type, amount, and geographic region. Any processing time consistently exceeding the statutory maximum shall trigger an automatic review by the SBA Inspector General.

Community Development Financial Institution Expansion

Community Development Financial Institutions serve the capital access needs of small businesses in underserved communities — rural areas, low-income urban neighborhoods, and minority-owned business communities — that conventional financial institutions do not adequately serve. The federal CDFI Fund shall be capitalized at not less than five billion dollars annually, adjusted for inflation, with priority awards to CDFIs serving communities where the ratio of small business loan applications to approvals from conventional lenders is more than twenty percentage points below the national average. CDFIs receiving CDFI Fund awards shall be required to report on their small business lending outcomes including loan amounts, borrower demographics, business sector, and job creation, with public reporting through a searchable portal maintained by the Treasury Department. The CDFI investment in 5.1.A operates as the affirmative complement to the Community Bank Protection Framework in Provision 5.2.E: where community banks have already been lost and the CDFI market has not filled the gap, federal investment builds the replacement infrastructure.

Provision 5.1.B — The Regulatory Burden Equity Requirement

Compliance Cost as Competitive Advantage

The Regulatory Burden Equity Requirement, organized in the v1.0 draft as a sub-section of the Small Business Capital Access provision, is promoted in v2.0 to a standalone Provision because the regulatory compliance cost question operates through a distinct mechanism from the capital access framework: it addresses the structural disadvantage that small businesses face not because they cannot meet substantive regulatory standards but because they cannot bear the proportional compliance documentation cost that the regulatory framework has

accumulated. A large enterprise with a dedicated compliance department amortizes the cost of regulatory compliance across the entire enterprise; a small business absorbs the same cost as a proportionally larger fraction of its operating budget. The documented effect is a compliance-cost regressive structure in which the regulatory framework, neutral as to its substantive standards, produces a competitive advantage for the firms whose scale allows them to absorb the procedural costs.

The Small Business Impact Analysis Mandate

Federal regulatory agencies shall conduct, within two years of enactment and every five years thereafter, a Small Business Impact Analysis of all regulations with an annual compliance cost exceeding one hundred thousand dollars in the aggregate across affected small businesses. The analysis shall quantify the compliance cost per affected small business, compare that cost to the compliance cost per large enterprise in the same sector, and identify any regulatory provision whose compliance cost burden is disproportionately borne by small businesses relative to large enterprises. Where a disproportionate burden is identified, the agency shall publish within one year a remediation plan identifying whether the disproportionate burden can be reduced through simplified compliance procedures, tiered requirements scaled to business size, or safe harbor provisions that small businesses can satisfy without the documentation infrastructure available to large enterprises.

The Substantive Standards Preservation

The remediation plan is not a waiver of substantive regulatory requirements. Safety, environmental, and civil rights standards are not subject to tiering by business size. The analysis targets procedural and documentary compliance costs that serve administrative rather than substantive regulatory purposes. The distinction between substantive regulatory requirements and procedural compliance costs is the operational core of this Provision: the small business should not be exempted from the requirement that it not discharge pollutants into the watershed; it should be permitted to demonstrate compliance with that requirement through procedures calibrated to its operational scale rather than through documentation infrastructure designed for the operational scale of the largest regulated entity.

Provision 5.1.C — Federal Procurement Access

The Seven-Hundred-Billion-Dollar Market

Federal Procurement Access, organized in the v1.0 draft as a sub-section of the Small Business Capital Access provision, is promoted in v2.0 to a standalone Provision because the federal procurement framework operates through distinct statutory authorities (the Small Business Act’s set-aside provisions and the SBA size standards framework), addresses a distinct market (the federal government as buyer of $700 billion in goods and services annually), and requires distinct enforcement mechanisms (the contract bundling prohibition, the size standard revision, and the SBA Office of Advocacy compliance audit framework). Federal law requires that at least twenty-three percent of federal prime contract dollars go to small businesses annually. The requirement has been consistently met in aggregate but has been systematically gamed through the designation of large business subsidiaries as small businesses, the bundling of

contracts into sizes that exceed small business capacity, and the treatment of large prime contractors' subcontracting to small businesses as equivalent to direct small business contracts.

The Anti-Evasion Architecture

This Provision addresses each mechanism of evasion. The Small Business Administration shall revise the size standards for small business designation within one year of enactment to ensure that the standards reflect the actual competitive landscape of each industry rather than administrative convenience. Contract bundling — the combination of multiple smaller contracts into a single large contract whose scope exceeds the capacity of small businesses — is prohibited where the bundling cannot be justified by a specific documented operational necessity that a qualified contracting officer certifies in writing. Prime contractor subcontracting to small businesses shall be reported separately from direct small business prime contract awards, and only direct small business prime contract dollars shall count toward the twenty-three percent statutory goal. The SBA's Office of Advocacy shall conduct annual audits of the ten largest federal contracting agencies' small business program compliance and shall publish findings publicly.

Provision 5.1.D — Main Street Taxation Equity

The Pass-Through Disparity

Main Street Taxation Equity, organized in the v1.0 draft as a sub-section of the Small Business Capital Access provision, is promoted in v2.0 to a standalone Provision because the tax-code parity question operates through a distinct mechanism (the federal income tax code's differential treatment of pass-through entities and C-corporations) with its own statutory framework (Section 199A of the Internal Revenue Code as enacted in the Tax Cuts and Jobs Act of 2017), its own administrative implementation (the Treasury regulations governing the qualified business income deduction), and its own scheduled policy decision (the December 2025 sunset of the pass-through deduction that the prior Provisions of this Act do not address).

The Pass-Through Deduction Permanence and Phase-Out Reform

The Tax Cuts and Jobs Act of 2017 created a twenty percent deduction for qualified business income from pass-through entities, available to most small businesses organized as sole proprietorships, partnerships, S corporations, and LLCs. The deduction partially offset the reduction in the corporate tax rate that the same legislation provided to large publicly traded corporations. It did not achieve tax parity between small and large businesses because the corporate rate reduction was permanent while the pass-through deduction is scheduled to expire in 2025, because the pass-through deduction phases out at higher income levels in ways that disadvantage growing small businesses, and because the corporate tax structure provides large businesses access to deductions, credits, and international tax planning strategies that are unavailable to small businesses organized as pass-through entities. The pass-through deduction is made permanent by this Provision. The phase-out structure is revised to maintain parity between effective tax rates on small business income and large corporate income at equivalent earnings levels.

The Annual Comparative Analysis

The Treasury Department shall publish annually a comparative analysis of effective federal tax rates on small business income versus large corporate income, by sector and size category, and shall propose legislative adjustments where the analysis documents systematic disparities. The comparative analysis is the operational guarantee that the pass-through deduction permanence does not, in subsequent years, drift back into documented disparity through changes to corporate-tax deductions, credits, or international planning strategies that the pass-through deduction does not match. The principle is that parity is a sustained condition to be maintained over time rather than a one-time legislative event.

Implementation Timeline

The SBA application redesign in Provision 5.1.A shall be completed within two years of enactment. The CDFI Fund capitalization takes effect in the first full fiscal year after enactment. The Regulatory Burden Equity analysis requirement in 5.1.B takes effect within two years. The Federal Procurement Access reforms in 5.1.C take effect within one year. The pass-through deduction permanence in 5.1.D takes effect for tax years beginning after enactment.

Constitutional Authority

The SBA modernization and CDFI expansion provisions in 5.1.A derive from Congress's Article I authority to regulate commerce, to appropriate funds for the general welfare, and to establish the terms of federal spending programs. The Regulatory Burden Equity Requirement in 5.1.B derives from Congress's established authority under the Administrative Procedure Act to define the standards of federal rulemaking and from the Regulatory Flexibility Act framework as amended. The Federal Procurement Access provisions in 5.1.C derive from Congress's authority under the Small Business Act and the Federal Acquisition Regulation framework, which Congress may amend. The Main Street Taxation Equity provisions in 5.1.D derive from Congress's Article I, Section 8 authority to lay and collect taxes. All provisions are within the scope of established congressional authority over federal economic programs.

Act 5.2 — The Antitrust Modernization & Market Competition Act

Provision 5.2.A — The Market Structure Standard

The Structural Problem: A Consumer Welfare Standard That Ignores Market Structure

The consumer welfare standard that has governed federal antitrust enforcement since the late 1970s — associated most prominently with the scholarship of Robert Bork and the Chicago School of antitrust economics — evaluates mergers, acquisitions, and business conduct primarily through the lens of short-term consumer prices. Under this framework, a merger that concentrates market power in two or three firms is permissible if the transaction can be shown to generate efficiencies that reduce prices in the near term, even if the resulting concentration

eliminates competitive pressure that would have produced greater innovation, greater choice, and greater long-term price discipline. The standard was adopted by the Reagan administration's antitrust enforcement agencies and has been maintained, with modest variation, by every subsequent administration. It produced four decades of regulatory passivity during which corporate consolidation proceeded at a pace and scale that the consumer welfare standard's architects did not anticipate and that its defenders have struggled to reconcile with the documented outcomes of reduced competition.

The documented outcomes include: increasing concentration in virtually every major sector of the American economy; declining new business formation rates over the same period; increasing market power in labor markets, with documented evidence that employer concentration suppresses wages in concentrated labor markets; declining rates of innovation in mature concentrated industries; and increasing rent extraction from consumers through pricing power that the concentrated market structure enables. The consumer welfare standard's failure to prevent these outcomes is not a matter of contested empirical interpretation. It is the documented record of forty years of merger enforcement conducted under a framework that was not designed to preserve competitive market structure.

The Market Structure Standard

The Sherman Antitrust Act, the Clayton Act, and the Federal Trade Commission Act are amended to establish that the standard for evaluating mergers, acquisitions, and anticompetitive conduct under federal antitrust law is the market structure standard: whether the transaction or conduct substantially reduces competition in any relevant market, as measured by the post-transaction market concentration, the elimination of competitive constraints between the merging parties, the reduction in the number of meaningful market participants, or the creation or strengthening of market power sufficient to harm the competitive process. Short-term consumer price effects shall be one factor in the analysis but shall not be the sole or dispositive criterion for evaluating market harm. The government bears the burden of demonstrating a substantial reduction in competition by a preponderance of the evidence. The burden then shifts to the merging parties to demonstrate that the transaction produces specific, verifiable, and merger-specific efficiencies that are sufficient to offset the demonstrated harm to the competitive process.

The market structure standard restores the analytical framework that Congress enacted in the Clayton Act in 1914 and the Celler-Kefauver Act in 1950, which directed antitrust enforcement agencies to prevent concentrations that substantially lessen competition or tend to create a monopoly. The consumer welfare standard was a judicial and administrative deviation from the statutory framework; the market structure standard returns the enforcement standard to the statutory text.

Merger Filing Thresholds and Review

The Hart-Scott-Rodino Act pre-merger notification thresholds shall be adjusted to require notification for all transactions with a total deal value exceeding one hundred million dollars, regardless of the size of the parties, where the transaction involves an acquisition of any entity operating in a market in which the acquirer holds a market share exceeding twenty percent. The

lower threshold addresses the specific documented practice of large platforms and consolidated incumbents acquiring small but strategically significant competitors or nascent threats before they grow large enough to trigger mandatory notification under the existing size-of-transaction thresholds. The FTC and DOJ Antitrust Division shall be funded, within two years of enactment, at staffing levels sufficient to review all HSR-reportable transactions within the statutory review period, with additional resources allocated for retroactive review of transactions that were below notification thresholds at the time of consummation but that have produced documented market harm.

Provision 5.2.B — Agricultural Consolidation Review

The Structural Problem: A Cartel Wearing the Costume of a Market

The American meat processing industry is the most concentrated segment of the American food system and one of the most concentrated industries in the American economy by any measure. Four corporations — JBS, Tyson Foods, Cargill, and National Beef — control approximately eighty-five percent of the United States beef processing market, with comparable concentration in pork and poultry. This level of concentration is not the product of natural market selection. It is the product of four decades of merger and acquisition activity conducted under an antitrust enforcement regime that evaluated each transaction in isolation, approved it on the basis of projected consumer price efficiencies, and failed to account for the cumulative market structure consequences of consolidation across hundreds of individual transactions over decades.

The consequences are documented with precision by the USDA's own research. Since 1990, the retail price of beef has risen approximately two hundred percent while the price paid to cattle producers has remained largely flat in real terms. The spread between what the packer pays the rancher and what the consumer pays at the grocery store — the packer margin — has expanded to levels that the competitive market theory underlying the consolidation's approval would never have predicted as a stable equilibrium. It is not a stable equilibrium. It is a rent extraction enabled by the pricing power that market concentration provides.

The Mandatory Divestiture Review

The Department of Justice Antitrust Division and the Federal Trade Commission shall, within one year of enactment, jointly initiate a market structure review of the beef, pork, and poultry processing industries. The review shall assess: the current four-firm concentration ratio and the Herfindahl-Hirschman Index for each commodity market; the historical price-to-producer and price-to-consumer margin trends; the documented presence or absence of competitive pricing constraints from current market participants; and whether the current market structure satisfies the legal standard for monopolization under Section 2 of the Sherman Act or for unfair methods of competition under Section 5 of the FTC Act. If the review finds that the current market structure constitutes a violation of existing antitrust law, the DOJ and FTC shall initiate appropriate enforcement action, including divestiture proceedings where necessary to restore competitive market structure. If the review finds that the current market structure does not technically violate existing law but produces documented harm to producers and consumers

that competitive markets would not produce, the findings shall be transmitted to Congress with specific legislative recommendations for structural remedies.

The Packers and Stockyards Act Modernization

The Packers and Stockyards Act of 1921 is amended to: prohibit the use of tournament payment systems in poultry production contracts, in which individual growers are paid based on their performance relative to other growers in the same integrator's system rather than on objective performance criteria, because tournament systems shift market risk from the integrator to the grower while giving the integrator the ability to manipulate competitive rankings through the allocation of inputs; require that all contracts between packers and livestock producers include terms that are fair, reasonable, and non-discriminatory as between producers of comparable livestock in comparable circumstances; establish a mandatory arbitration program for disputes between producers and packers with enforceable arbitration awards subject to judicial review on the standard applicable to commercial arbitration; and provide that any provision of a packer-producer contract that waives the producer's rights under the Packers and Stockyards Act is void as against public policy. USDA enforcement of the Act shall be funded and staffed at levels commensurate with the volume and complexity of the agricultural market it is charged with overseeing.

Regional Food System Infrastructure

The USDA shall establish a Regional Food System Infrastructure Program providing loan guarantees and grants for the construction of small-scale, regional meat processing facilities, grain mills, dairy cooperatives, and food distribution hubs. The program's strategic purpose is to build the processing infrastructure that would allow producers to access markets outside the Big Four packer system — to give the rancher in Montana the option to sell to a regional processor at a competitive price rather than accepting the price the dominant packer dictates. The cooperative interstate shipment program shall be expanded to allow regional processors that meet state inspection standards equivalent to federal standards to sell across state lines, eliminating the regulatory barrier that currently confines locally processed products to intrastate markets and prevents the development of the competitive regional supply chains that the Big Four's market power would otherwise preclude. This provision operates as the structural complement to the Local Processing Network in Provision 1.4.A: the antitrust enforcement in this Act can break up existing concentrated structures, but the producer needs an alternative processing channel to access when that happens.

Provision 5.2.C — Platform Monopoly Structural Framework

The Structural Problem: Operating the Store and Competing in It

The dominant digital platforms of the current economy — in e-commerce, search, application distribution, cloud computing, and social media — have achieved their market positions through a combination of genuine innovation, network effects that produce winner-take-most dynamics in platform markets, and a sustained pattern of acquiring potential competitors before they can develop into genuine threats. The consumer welfare standard's tolerance for this acquisition strategy, justified by the argument that the acquired companies' users benefited from integration

with the dominant platform, has produced market structures in which a small number of companies control the digital infrastructure on which the rest of the economy operates.

The structural problem that this provision addresses is specific and distinct from the general concentration concern addressed in Provision 5.2.A: the platform that serves simultaneously as marketplace operator and marketplace participant faces an inherent conflict of interest that market structure regulation cannot resolve at the margin. The e-commerce platform that sells its own products alongside third-party merchant products while controlling the search algorithm that determines product visibility, the fulfillment infrastructure that determines delivery cost and reliability, and the advertising system that determines promotional access, is not operating a competitive market. It is operating a market in which it controls every variable that determines competitive outcomes while competing directly against the businesses whose outcomes it controls. The structural separation requirement does not prohibit large platforms from operating marketplaces or from operating as sellers. It prohibits doing both simultaneously in the same market.

The Structural Separation Requirement

Any platform with more than one hundred million monthly active users in the United States that operates as both a marketplace or distribution infrastructure for third-party sellers, publishers, or service providers and as a direct seller, publisher, or service provider in the same market served by its marketplace, shall be required to elect, within three years of enactment, one of the following structural options: separation of the marketplace operation and the direct participation operation into separately owned and operated legal entities with no common ownership above a defined threshold; divestiture of either the marketplace operation or the direct participation operation; or the establishment of an independently governed marketplace subsidiary with a board composition and governance structure that ensures operational and editorial independence from the parent company’s direct market participation activities.

The structural separation requirement applies to the specific market in which the platform simultaneously operates as infrastructure and participant. A company that operates an e-commerce marketplace and also sells directly on that marketplace is subject to the requirement with respect to its marketplace and direct sales operations. The same company’s cloud computing services, digital advertising business, or other operations in markets where it does not simultaneously serve as both infrastructure and participant are not subject to the structural separation requirement. The requirement is targeted at the specific conflict of interest that produces the documented market harm; it is not a general prohibition on business combination.

The Interoperability Mandate

Dominant communications platforms — defined as any platform with more than fifty million monthly active users in the United States that provides messaging, social networking, or content sharing services — shall be required to implement publicly documented application programming interfaces that allow competing services to interoperate with the dominant platform at the user’s election. A user of a competing messaging service shall be able to send messages to and receive messages from a user of the dominant platform without requiring either user to maintain accounts on both services. The interoperability mandate is designed to

reduce the network effect barrier to entry that has allowed dominant communications platforms to maintain their market position without providing superior service: if users of competing services can communicate across platform boundaries, the dominant platform's network advantage is reduced and new entrants can compete on the quality of their service rather than on the size of their user base.

Provision 5.2.D — Local Media Consolidation Limits

The Structural Problem: Democracy Infrastructure in Corporate Hands

Local news is democracy infrastructure. The newspaper that covers the city council, the television station that investigates the school board, the radio station that provides the only news source for a rural county — these are not simply commercial media operations. They are the information infrastructure that makes local democratic accountability possible. When the local paper closes, corruption at the city council and the school board goes undetected not because the corruption stops but because no one with the resources and the institutional standing to pursue it is watching. The collapse of local news is the most underreported democratic emergency in America: in the twenty years between 2005 and 2025, more than two thousand local newspapers closed in the United States, and most counties that lost newspapers did not gain digital replacements with comparable reporting capacity.

The collapse is not entirely attributable to media consolidation. The structural disruption of the advertising business model by digital platforms has been the primary driver. But consolidation has compounded the disruption: the private equity firms and media conglomerates that acquired hundreds of local newspapers in the 2010s extracted value through cost-cutting, staff reduction, and content syndication that reduced local reporting capacity while maintaining the appearance of a local publication. The consolidated owner of fifty local newspapers employing three reporters each is not producing fifty local news operations. It is producing a single cost-rationalized content operation with fifty mastheads.

The Local Ownership and Diversity Standards

Federal Communications Commission rules governing media ownership in local markets are amended to establish the following limitations applicable to any market defined by the FCC as a local media market: no single entity shall own more than two broadcast television stations, two radio stations, and one daily newspaper in the same market; no entity that is primarily a financial investor rather than a media operator — defined as any entity for which media operations represent less than fifty percent of total revenue and for which the primary investment strategy is acquisition and resale rather than long-term operation — shall acquire or hold a controlling interest in any local broadcast television station, local radio station, or local daily newspaper; and no private equity fund, real estate investment trust, or hedge fund shall hold a controlling interest in any daily newspaper in any market where that newspaper is the primary or sole local newspaper of record. Existing consolidations that exceed these limits shall be subject to a five-year divestiture period during which the owner shall reduce ownership to the permitted level. The FCC shall not grant license renewals to stations owned in violation of these limits after the five-year divestiture period has expired. The restrictions apply to the acquisition and ownership

of media operations; they do not restrict the use of digital distribution, syndication of content between separately owned operations, or the development of digital-native local news organizations that are not subject to FCC licensing.

Provision 5.2.E — Community Banking Competition

The Structural Problem: The Bank That Doesn't Know Your Name

Community banks and credit unions are the primary source of small business credit, agricultural lending, and consumer banking services in communities that the large national banks do not adequately serve. Between 2000 and 2023, the number of community banks in the United States declined by more than fifty percent, primarily through acquisitions by larger institutions. The communities that lost their community banks did not typically gain equivalent service from the acquiring institution. Large national banks serve small business borrowers through standardized underwriting algorithms that evaluate creditworthiness without the local market knowledge and personal relationship that allowed the community bank loan officer to make a sound credit judgment on a business whose financials did not fit the algorithm's parameters. The small business owner who built a thirty-year relationship with a community banker and was able to access credit on the basis of that relationship and the banker's knowledge of the local market finds, after the community bank is acquired, that the decision is now made by an algorithm in a call center a thousand miles away that does not know their name, their history, or their market.

The Community Bank Protection Framework

Federal bank merger review conducted by the Office of the Comptroller of the Currency, the Federal Reserve, and the FDIC shall include, as a mandatory factor in the public interest analysis required under the Bank Merger Act and the Bank Holding Company Act, an assessment of the impact of the proposed merger on the availability of community banking services in the communities served by the acquired institution. A merger application shall not be approved where the relevant banking regulator determines that the proposed merger would eliminate the only community bank serving a defined geographic area without a credible plan for maintaining equivalent small business lending and consumer banking services in that area. Federal regulators shall publish annually the number of community bank mergers approved and denied by institution type, the findings of the community service impact analysis for each application, and the post-merger outcomes in communities where mergers were approved, measured by small business lending volume and consumer banking access metrics. The Community Development Financial Institutions program established in Provision 5.1.A is the affirmative complement to the community bank protection framework: where community banks have already been lost and the CDFI market has not filled the gap, federal investment in CDFIs builds the replacement infrastructure. The protection framework prevents further loss. The CDFI investment addresses existing gaps.

Constitutional Authority

The antitrust enforcement standard modifications in 5.2.A derive from Congress's Commerce Clause authority to regulate interstate commerce, from the Sherman Act and Clayton Act as

amended, and from the established principle that Congress has plenary authority to define the standards under which federal antitrust law is enforced. The Supreme Court's antitrust jurisprudence, including United States v. Philadelphia National Bank and Brown Shoe Co. v. United States, supports the market structure framework as consistent with the statutory language of the Clayton Act. The modifications do not require new constitutional authority; they restore the enforcement standard to the statutory text. The agricultural antitrust provisions in 5.2.B derive from the Commerce Clause, the Sherman Act, the Clayton Act, and the Packers and Stockyards Act; the regional food system infrastructure program derives from Congress's authority under the Commerce Clause and the general welfare clause to invest in agricultural market infrastructure. The structural separation and interoperability requirements in 5.2.C derive from Congress's authority under the Commerce Clause to regulate interstate commerce conducted through digital platforms, from Congress's established authority under the Sherman Act and FTC Act to address monopolization and unfair methods of competition, and from the precedent of structural separation requirements imposed in prior antitrust consent decrees including the AT&T divestiture of 1984 and the Standard Oil dissolution of 1911. The local media ownership limits in 5.2.D derive from Congress's authority under Article I, Section 8 to regulate interstate commerce in communications, from the Communications Act of 1934 as amended, and from the established FCC authority to regulate media ownership in the public interest, as upheld by the Supreme Court in FCC v. National Citizens Committee for Broadcasting. The community bank merger review requirements in 5.2.E derive from Congress's Commerce Clause authority and from the Bank Merger Act and Bank Holding Company Act.

Act 5.3 — The Bankruptcy & Financial Recovery Modernization Act

Provision 5.3.A — Consumer Bankruptcy Reform

The Structural Problem: A Fresh Start That Became a Financial Trap

The bankruptcy system was designed by the founders as a mechanism for economic fresh starts. Article I, Section 8 of the Constitution explicitly grants Congress the authority to establish uniform laws on the subject of bankruptcies throughout the United States — a provision included because the founders, many of whom had experience with debtor's prison under English law, understood that a functioning market economy required a mechanism by which failed economic actors could discharge their debts, recover their productive capacity, and re-enter the economy as contributors rather than permanent economic casualties. The bankruptcy discharge is not a gift to deadbeats. It is an investment in the productive capacity of a person who has encountered more debt than their current financial situation can support, made on the theory that a person freed from unsustainable debt will produce more economic value than a person whose labor is permanently mortgaged to service a debt they cannot repay.

The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 restructured the consumer bankruptcy system in ways that its creditor-industry authors designed and its

congressional supporters — who received significant campaign contributions from the credit card and financial services industries in the years preceding the legislation's passage — did not adequately scrutinize. BAPCPA introduced the means test, which requires consumer debtors whose income exceeds the median income for their state to pass a complex calculation before qualifying for Chapter 7 liquidation bankruptcy. The means test was advertised as preventing abuse by high-income debtors who could afford to repay their debts but were using bankruptcy to discharge them. The documented reality is that the means test primarily burdens working and middle-class debtors with complex procedural requirements that increase the cost and difficulty of filing without meaningfully reducing abuse by genuinely high-income debtors, who have other tools for asset protection.

The Means Test Reform

Section 707(b) of the Bankruptcy Code is amended to revise the means test as follows: the income threshold above which the means test applies is raised from the state median income to one hundred fifty percent of the state median income; the allowable expense deductions in the means test calculation are updated to reflect current cost of living data from the Bureau of Labor Statistics rather than the IRS standards that have not been updated to reflect actual consumer expenditures; and the presumption of abuse that arises from a failed means test is converted from a presumption that requires the debtor to rebut to a factor that the court may weigh in its totality-of-the-circumstances analysis, consistent with the standard that applied before BAPCPA. The bankruptcy court retains authority to dismiss abusive cases. The reform ensures that the means test functions as a screen for genuine abuse rather than as a procedural barrier to relief for working and middle-class debtors in genuine financial distress.

The Medical Debt Bankruptcy Reform

Medical debt is the leading cause of personal bankruptcy in the United States, accounting for approximately sixty to sixty-six percent of all consumer bankruptcy filings according to studies published in the American Journal of Public Health. Medical debt is fundamentally different from consumer debt incurred through discretionary spending: it is incurred involuntarily, often at moments of acute vulnerability, frequently in amounts that bear no relationship to the debtor's ability to pay, and under billing practices that are opaque, inconsistent, and systematically tilted toward the institutional creditor rather than the individual patient. The bankruptcy treatment of medical debt shall reflect these distinctions: medical debt shall be treated as a priority unsecured claim in Chapter 13 repayment plans, with repayment terms capped at three years and interest prohibited on medical debt included in Chapter 13 plans; medical debt collectors shall be required to provide debtors with a complete itemized statement of charges before initiating any collection action; and the automatic stay provisions of 11 U.S.C. § 362 shall apply to wage garnishment for medical debt as of the date of filing, without the exceptions applicable to certain other creditor categories.

Provision 5.3.B — Student Debt Dischargeability

The Structural Problem: A Debt That Cannot Be Discharged and a System Designed That Way

Student loans were made non-dischargeable in bankruptcy through a series of legislative changes beginning in 1978 and completed in 2005, when BAPCPA extended the non-dischargeability provision to private student loans. The original 1978 provision applied only to federally guaranteed student loans and was justified by the argument that recent graduates would strategically file for bankruptcy immediately after graduation to discharge their student debt before beginning lucrative careers, a concern that was speculative rather than documented and that subsequent research found to have been substantially overstated. The 2005 extension to private student loans had no policy justification at all: private student loans are commercial credit products with no federal guarantee, and there is no principle of bankruptcy law that distinguishes them from other unsecured consumer debt that remains fully dischargeable.

The consequence of five decades of non-dischargeability is a generation of Americans carrying student debt that they cannot discharge through bankruptcy regardless of their financial circumstances, that accrues interest during periods of hardship, and that follows them through the financial crises — job loss, medical emergency, divorce, disability — that bankruptcy was designed to address. A person who borrowed twenty thousand dollars to attend a for-profit college that subsequently closed, leaving them with a credential of no market value, cannot discharge that debt in bankruptcy. A person who borrowed fifty thousand dollars for a degree whose earnings potential has never been sufficient to service the debt cannot discharge it. A person who is sixty-five years old and has been repaying their student debt for forty years without reducing the principal because the interest has continuously exceeded their payments cannot discharge it. The non-dischargeability provision does not prevent any of these outcomes. It merely ensures that the creditor's claim survives the debtor's financial ruin.

The Dischargeability Restoration

Section 523(a)(8) of the Bankruptcy Code, which makes educational loans non-dischargeable, is amended to restore the dischargeability of student loans under the same standards applicable to other unsecured consumer debt, with the following specific provisions: federal student loans held by the Department of Education are dischargeable after the debtor has made good-faith repayment efforts for a period of not less than seven years following graduation or withdrawal from the educational institution; private student loans are dischargeable without a waiting period under the same standards as other unsecured consumer debt; and the undue hardship standard, which currently provides the only path to student loan discharge but which courts have interpreted so restrictively that it has been available to a negligible fraction of debtors, is replaced by the seven-year good-faith repayment standard for federal loans and the general discharge standard for private loans.

The seven-year waiting period for federal loan discharge reflects the legitimate public interest in ensuring that borrowers who can repay make a genuine effort to do so before seeking discharge. Seven years of good-faith repayment is a substantial period of effort that distinguishes the debtor who has genuinely encountered insuperable financial difficulty from the

hypothetical strategic filer whose concern motivated the original non-dischargeability provision. The elimination of the waiting period for private loans reflects the absence of any legitimate public interest in protecting the profitability of private commercial lenders at the expense of bankruptcy relief for their borrowers. This Provision operates as the ultimate-relief mechanism in the student debt architecture established in Act 4.3: the Gainful Employment Standard prevents future origination for worthless credentials, the Income-Driven Repayment Reform provides manageable repayment for existing debt, and the bankruptcy dischargeability restoration provides relief for borrowers for whom the repayment pathway proves insufficient.

Provision 5.3.C — Medical Debt Reform Outside Bankruptcy

Legislative Intent

Medical debt is a distinct category of economic hardship that operates through mechanisms different from ordinary consumer debt and requires distinct regulatory responses beyond the bankruptcy context addressed in Provision 5.3.A. Approximately one hundred million Americans carry medical debt as of 2024, according to the Kaiser Family Foundation. Approximately forty-one million Americans have medical debt in collections. The collection of medical debt through wage garnishment, asset seizure, and credit reporting operates in ways that compound the economic hardship of illness with the economic hardship of debt collection, and does so against a backdrop of billing practices that have been documented to include systematic overcharging, improper denial of charity care to eligible patients, and aggressive collection tactics directed at people who have already experienced the most acute moments of physical and financial vulnerability.

Public opinion data places medical debt squarely within the cost-of-living concern documented in Ruleset § 3.3 as a top-tier domestic priority. Healthcare access and affordability registers as the number-one domestic worry across the entire partisan distribution. The medical debt collection protections in this Provision are the immediate operational complement to the Eaglecare framework in Act 2.1 for the period during which the existing medical debt overhang continues to affect the population whose accumulated debt predates the Eaglecare transition. The public mandate for this Provision is among the broadest documented in the entire body of survey data this project has reviewed.

Medical Debt Collection Protections

The Fair Debt Collection Practices Act is amended to establish the following protections specific to the collection of medical debt: no medical debt collector shall initiate wage garnishment or bank account seizure against a debtor whose household income is below two hundred percent of the federal poverty guideline for their household size; medical debt shall not be reported to consumer credit reporting agencies for a period of one year following the date the debt was incurred, to allow time for insurance processing, charity care applications, and payment arrangement negotiations; medical debt that has been reported to a credit reporting agency shall be removed from the debtor’s credit report upon full payment or settlement, regardless of how long the debt was delinquent; and hospitals and health systems receiving federal Medicare or Medicaid funding shall make their charity care policies and financial assistance programs

available in plain language at every patient contact point and shall proactively screen all patients whose accounts are referred for collection for charity care eligibility before initiating any collection action.

The Billing Transparency Requirement

Every hospital, health system, physician group, and other healthcare provider billing for services shall provide patients, upon request and within fifteen business days, a complete itemized statement of charges that identifies each service by its standard medical billing code and plain-language description, the standard charge for each service, the negotiated rate applicable to the patient's insurance coverage where applicable, and the financial assistance programs available to the patient. The itemized statement shall be provided free of charge. Any billing dispute initiated by a patient within sixty days of receipt of an itemized statement shall toll the applicable statute of limitations and shall suspend any collection activity pending resolution of the dispute. The Consumer Financial Protection Bureau shall enforce the billing transparency requirements and shall be authorized to impose civil penalties of not less than one thousand dollars and not more than ten thousand dollars per violation.

Implementation Timeline

The means test revisions in 5.3.A take effect for all bankruptcy cases filed after the date of enactment. The medical debt bankruptcy provisions in 5.3.A take effect for all bankruptcy cases filed after the date of enactment and for all open Chapter 13 repayment plans as of the date of enactment, with plan modification available to debtors upon motion. The student debt dischargeability provisions in 5.3.B apply to all bankruptcy cases filed after the date of enactment. The medical debt collection protections in 5.3.C take effect six months after enactment, with implementing regulations issued by the Consumer Financial Protection Bureau and the Federal Trade Commission within the same period.

Constitutional Authority

The bankruptcy reform provisions in 5.3.A and 5.3.B derive directly from Congress's Article I, Section 8 authority to establish uniform laws on bankruptcies. The modifications to BAPCPA are within Congress's established authority to define the conditions of bankruptcy relief, which the Supreme Court confirmed in Lamar, Archer & Cofrin, LLP v. Appling includes broad discretion to set the standards governing discharge eligibility, repayment requirements, and the treatment of specific debt categories. The student debt dischargeability restoration in 5.3.B is similarly within Congress's plenary bankruptcy authority. The medical debt collection protections in 5.3.C derive from Congress's Commerce Clause authority and from its established authority to regulate debt collection practices under the Fair Debt Collection Practices Act. The billing transparency requirement derives from the same Commerce Clause authority and from Congress's authority under the Medicare and Medicaid statutes to set conditions of participation for healthcare providers receiving federal funding.

Coalition Rationale — Title V

The Material Priority Test

Title V passes the Material Priority Test through three documented chains of material harm that affect the specific constituencies this document is written to reach. The small business owner who cannot access capital through a ninety-day bureaucratic process while a large competitor accesses equivalent credit in days through institutional relationships is facing a material competitive disadvantage that the Small Business Infrastructure Act addresses. The rancher who has watched retail beef prices rise two hundred percent since 1990 while their own receipts remained flat is experiencing the material consequence of a market structure that extracts value from producers and consumers simultaneously while concentrating it in a small number of processing corporations. The person who incurred medical debt during a hospitalization and cannot discharge it through bankruptcy regardless of their financial circumstances is experiencing the material consequence of a legislative carve-out that was designed by the creditor industry and passed by a Congress that received substantial contributions from that industry. Each provision addresses a specific, documented, material harm.

The Specificity Test

Title V passes the Specificity Test across three Acts and fourteen Provisions with complete operational architecture. The Small Business Infrastructure Act specifies the fifteen-business-day loan processing standard, the CDFI capitalization floor at five billion dollars annually, the Small Business Impact Analysis schedule with the substantive-versus-procedural distinction preserved, the contract bundling prohibition with the qualified contracting officer certification requirement, and the pass-through deduction permanence with the annual comparative analysis. The Antitrust Act specifies the market structure standard with burden allocation, the merger notification threshold adjustment with the twenty percent acquirer market share trigger, the mandatory agricultural market structure review, the Packers and Stockyards Act amendments, the regional food system infrastructure program, the platform structural separation election options and three-year timeline with the one-hundred-million MAU threshold, the interoperability mandate with the fifty-million MAU threshold, the local media ownership limits with five-year divestiture period, and the community bank merger public interest analysis. The Bankruptcy Act specifies the means test income threshold revision to one hundred fifty percent of state median income, the medical debt bankruptcy treatment with three-year cap and interest prohibition, the student loan seven-year waiting period for federal loan dischargeability, the private loan immediate dischargeability, the medical debt collection income protection threshold at two hundred percent of FPL, and the fifteen-business-day billing transparency timeline. Every provision is operational on the day of enactment.

The Coalition Architecture and Delivery Tests

Title V’s coalition architecture is the most explicitly cross-partisan in the entire document because the constituencies it serves do not sort cleanly along conventional partisan lines. The small business owner who wants federal support for capital access and regulatory equity is not

a partisan figure. The farmer who wants competitive markets for their livestock is not a partisan figure. The person who incurred medical debt during an illness they did not choose and cannot discharge it through bankruptcy is not a partisan figure. The rancher who cannot repair their own tractor without an authorized dealer is not a partisan figure. The voter who watches a local newspaper close because a private equity fund stripped it of its reporting staff while maintaining its masthead is not a partisan figure. The coalition for Title V is the coalition of people who are trying to build something, who are trying to compete fairly, and who have been finding for four decades that the rules of the game are set by the people who have already won it. That coalition is large, it is present in every congressional district, and it has not been adequately spoken to by either party.

Title V passes the Delivery Test because each provision is designed around the specific documented failure mode of the predecessor policy it replaces. The SBA processing time standard addresses the specific failure of the existing process to serve the businesses most in need of capital support. The market structure standard addresses the specific failure of the consumer welfare standard to preserve competitive market structure over forty years of enforcement. The agricultural review addresses the specific documented failure of merger enforcement to prevent consolidation in the meat processing industry that now makes competitive markets functionally impossible. The platform structural separation addresses the specific documented conflict of interest that the existing regulatory framework has failed to resolve. The media ownership limits address the specific documented mechanism by which private equity acquisition of local news organizations has produced the hollow-masthead phenomenon. The bankruptcy means test reform addresses the specific documented failure of BAPCPA to target genuine abuse while imposing procedural burdens on working and middle-class debtors in genuine distress. The student loan dischargeability restoration addresses the specific legislative history of non-dischargeability, which was enacted without evidentiary basis for the strategic filer concern and has produced fifty years of consequences for borrowers that bear no relationship to that concern. Every structural choice is a response to a documented failure. Title V was built to work.

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STATUS: Title V — Acts 5.1 through 5.3 — Draft v2.0 Complete. Title V: The Market & The Maker is now in v2.0 form. The 5.0 Title Overview is new in v2.0. Act 5.1 has been expanded from one Provision to four with the Regulatory Burden Equity Requirement promoted to 5.1.B, Federal Procurement Access promoted to 5.1.C, and Main Street Taxation Equity promoted to 5.1.D, each with new framing paragraphs explaining the architectural promotion. Acts 5.2 and 5.3 have been preserved as v1.0 already established rich Provision-level architecture (five Provisions in 5.2 and three in 5.3), with Constitutional Authority sections consolidated at Act level for editorial consistency with the rest of the document. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout, particularly the cross-partisan supermajority for anti-corporate consolidation (proxied by the 3.1.B Corporate Housing supermajority and the 80%+ Congressional stock trading ban consensus) and the medical debt cost-of-living concern data.

Key sources for final sourcing: USDA Economic Research Service (agricultural consolidation data); American Journal of Public Health (medical bankruptcy statistics, 60-66% of consumer filings); Kaiser Family Foundation 2024 (medical debt prevalence, ~100M Americans); Brown Shoe Co. v. United States (1962) and United States v. Philadelphia National Bank (1963) for market structure antitrust standard; Bork, The Antitrust Paradox (1978) for consumer welfare standard history; FCC v. National Citizens Committee for Broadcasting (1978) for media ownership authority; BAPCPA legislative history; Lamar, Archer & Cofrin, LLP v. Appling (2018) for bankruptcy discharge authority; SBA loan processing time data; CDFI Fund annual reports; Hart-Scott-Rodino Act amendments; Packers and Stockyards Act of 1921; Section 199A of the Internal Revenue Code (qualified business income deduction); Bank Merger Act and Bank Holding Company Act.

Cross-reference flags: Act 1.4 (Food Independence & Rural Prosperity) and Act 5.2.B — architectural companions on agricultural market reform; the Regional Food System Infrastructure in 5.2.B operates as the structural complement to the Local Processing Network in 1.4.A. Act 4.3 (Student Debt Reform) and Act 5.3.B — ultimate-relief mechanism in the student debt architecture; review for definitional consistency. Act 6.2 (Anti-Corruption & Lobbying Reform) and Act 5.2 — companion pieces on the lobbying-and-consolidation infrastructure. Act 3.1.B (Corporate Housing Ownership Limitation) and Act 5.2 — architectural companions; the corporate housing supermajority is the empirical proxy for the broader anti-corporate-consolidation coalition. Act 1.4.B (Right to Repair) and Act 5.2 — the right to repair and the antitrust framework operate as complementary mechanisms against monopoly aftermarket extraction. Act 2.3.B (PBM Accountability) and Act 5.2.A — the PBM market structure study in 2.3.B operates within the broader market structure standard restored in 5.2.A. Act 5.2.E (Community Banking Competition) and Act 5.1.A CDFI Expansion — affirmative complement / defensive protection paired framework.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title VI — The Integrity of Governance

Acts 6.1 through 6.9 — Ethics in Government, Anti-Corruption & Lobbying Reform, Campaign Finance Reform, Civil Service Protection, Department of Justice Reform, The Judicial Firewall, Legislative Accountability, Voter Access & Election Security, and Public Safety & Police Modernization

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title VI is the largest Title in the American Upgrade and is now in v2.0 form. All nine Acts and a Title Overview are contained in this document. Act 6.1: The Ethics in Government Modernization Act. Act 6.2: The Anti-Corruption & Lobbying Reform Act. Act 6.3: The Campaign Finance Reform Act. Act 6.4: The Civil Service Protection & Modernization Act. Act 6.5: The Department of Justice Reform Act. Act 6.6: The Judicial Firewall Act. Act 6.7: The Legislative Accountability Act. Act 6.8: The Voter Access & Election Security Act. Act 6.9: The Public Safety & Police Modernization Act.

v2.0 changes vs v1.0: Title Overview added at 6.0; per-Act "State of Affairs" and per-Act "Material Priority Test" fragments unified into a single Title-level State of Affairs preamble and a single Title-level Coalition Rationale closing, matching the v2.0 architectural pattern of Titles I through V. All 30 Provisions preserved verbatim from v1.0. Public Mandate citations from Session Ruleset v1.4 § 3 integrated at strategic Acts — most importantly the 80%+ Congressional stock trading ban supermajority and the bipartisan term limits demand (Act 6.7), the bipartisan judicial reform interest (Act 6.6), and the cross-partisan electoral system reform combination (Act 6.8).

Cross-references: Act 6.1.A (Full Disclosure Protocol) and Act 6.6.A (Supreme Court Ethics) — the mandatory financial disclosure for Justices in 6.6.A should be definitionally consistent with the disclosure framework in 6.1.A. Act 6.1.B (Independent Ethics Prosecutor) and Act 6.7.B (Glass House Protocol) — jurisdictional language must be consistent. Act 6.2.C (Government Contractor Donation Prohibition) and Act 6.3.B (Dark Money Disclosure) — companion pieces against the same channel of influence. Act 6.4 (Civil Service Protection) and Act 4.1 (Department of Workforce and Service) — the merit-protection standard in 6.4 governs DWS personnel decisions in Act 4.1. Act 6.9.D (Mental Health Crisis Response) and Act 2.4.B (Community Mental Health Infrastructure) — the co-responder framework here is funded by the community mental health infrastructure in Title II. Act 6.7 (Legislative Accountability) and the broader anti-rigging coalition organized in Title V Act 5.2 (Antitrust) — the 80%+ stock trading ban is the empirical proxy for both.

Provision 6.0 — Title Overview

Governance as the Operating System of the Republic

The procedural rules of governance are not separate from the substantive policy outcomes a government produces. They are the operating system on which the substantive policy outcomes depend. The healthcare reform that the Eaglecare framework in Title II constructs cannot survive an executive branch staffed by loyalty appointees rather than career professionals because the loyalty appointee answers to the political superior rather than to the actuarial reality. The antitrust restoration that Title V establishes cannot operate against the consolidated industries whose lobbying infrastructure has shaped the enforcement framework if the Congress voting on the enforcement appropriations holds individual stock in those industries. The fiscal trajectory correction the three-legged stool in Title I produces cannot survive a campaign finance system in which the institutional beneficiaries of the existing tax structure can deploy unlimited dark money against any candidate who proposes to alter it. Title VI is the operating system. The other eleven Titles are the applications that run on it. An application is only as reliable as the operating system that hosts it.

The state of the American operating system as documented in the 2026 public opinion data is the documented state of an institution whose users have concluded its design is the problem. Sixty-seven percent of Americans describe the federal government as corrupt or beholden to special interests. Twenty-nine percent name the government itself as the nation’s single most pressing problem — the highest figure recorded in decades of comparable survey work. A majority report that elected officials do not understand the lives of ordinary people. Forty-five percent of Americans now identify as Independents, the largest single political identification bloc in the country. These are not the numbers of a citizenry that disagrees with one party or supports another. They are the numbers of a citizenry that has concluded the institutions are producing the outcomes the institutions are designed to produce. The conclusion is correct. The American Upgrade does not dispute it. Title VI is the response to it.

Nine Acts, thirty Provisions, one premise: the procedural rules of governance must produce the substantive outcomes that legitimate governance requires. The Ethics in Government Modernization Act in Act 6.1 establishes the comprehensive financial disclosure standard and the Independent Ethics Prosecutor with the enforcement architecture independent of the institution it oversees. The Anti-Corruption and Lobbying Reform Act in Act 6.2 closes the revolving-door pipeline, the shadow lobbying loophole, the government contractor donation channel, and the unilateral executive order workaround. The Campaign Finance Reform Act in Act 6.3 establishes the Small Dollar Democracy Matching Program, the dark money disclosure mandate, and the Super PAC coordination rules. The Civil Service Protection and Modernization Act in Act 6.4 nullifies Schedule F, establishes the Performance Standard, and modernizes the whistleblower protection framework. The Department of Justice Reform Act in Act 6.5 codifies DOJ independence and depoliticizes the FBI. The Judicial Firewall Act in Act 6.6 establishes the Supreme Court Ethics standards, the eighteen-year term limits constitutional amendment, and the standing and executive privilege clarifications. The Legislative Accountability Act in Act 6.7 establishes the Citizen Legislator Amendment, the Glass House

Protocol prohibition on Congressional stock trading, and the Congressional Salary and Benefits Reform. The Voter Access and Election Security Act in Act 6.8 establishes the Paper Trail Mandate, Democracy Day, National Voter ID with universal free issuance, Non-Partisan Redistricting Standards, Election Official Neutrality requirements, and Ballot Initiative Access protections. The Public Safety and Police Modernization Act in Act 6.9 establishes the Blue Standard Grant, the Body Camera Infrastructure mandate, Qualified Immunity Reform, and the Mental Health Crisis Response framework.

The political claim is specific and the public mandate is the strongest documented in any Title of this document. The eighty-percent-plus consensus for the Congressional stock trading ban documented in Section 3.2 of the Session Ruleset is the most precise empirical expression of the broader principle this Title operationalizes: the rules of governance should be designed for the people the government serves rather than for the people who serve in it. The bipartisan supermajority for Congressional term limits, the bipartisan interest in Supreme Court ethics reform and age limits, the cross-partisan supermajority for the paper-ballot verification standard, the bipartisan support for the small-dollar campaign finance framework — these are not contested partisan positions. They are documented cross-partisan supermajorities that the existing two-party policy infrastructure has been institutionally unable to translate into legislation because the legislators whose conduct is at issue are also the legislators who would have to enact the reform. Title VI is the institutional path through that structural blockage.

Title VI — The State of Affairs

The federal government of the United States does not currently require its most powerful officeholders to tell the American people who pays them, what they own, or whose interests they serve. What disclosure requirements do exist are incomplete in scope, inconsistent in enforcement, and subject to adjudication by the very institutions whose members stand to benefit from their inadequacy. The House Ethics Committee investigates members of the House. The Senate Ethics Committee investigates members of the Senate. The result is a self-policing architecture that has produced, across decades of documented conflicts of interest, a record of enforcement so sparse and so delayed as to constitute, in practice, institutional protection rather than institutional accountability.

The public has reached its own verdict on this arrangement. Sixty-seven percent of Americans describe the federal government as corrupt or beholden to special interests. Twenty-nine percent name the government itself — not any foreign adversary, not any domestic crisis, not any economic condition — as the nation’s single most pressing problem. These are not the numbers of a citizenry that has lost faith in a particular administration. They are the numbers of a citizenry that has concluded the system is designed to produce the outcomes it produces. That conclusion is supported by the evidence. This Title addresses it directly across nine Acts and thirty Provisions.

The conflict of interest is not incidental to the corruption of governance. It is the mechanism. When the official who sets pharmaceutical policy holds equity positions in pharmaceutical companies, the conflict does not need to produce a demonstrably corrupt decision to corrupt the

institution — the appearance alone is sufficient to destroy the public trust on which legitimate governance depends. When the senior advisor who shapes trade policy maintains undisclosed business relationships with the foreign governments those policies affect, the damage to the integrity of the process is not hypothetical. It is structural. When the member of Congress who sits on the committee overseeing a regulated industry trades in that industry's securities, the transaction is not merely a potential crime. It is a declaration, visible to every constituent watching, that the office exists to serve the officeholder.

The campaign finance system is the upstream cause of the policy outcomes the lobbying infrastructure produces. The civil service erosion that Schedule F represents is the upstream cause of the loss of institutional capacity that the public services depend on. The judicial ethics gap is the upstream cause of the legitimacy crisis that the Supreme Court has reached. The election administration gaps are the upstream cause of the recurring electoral legitimacy disputes that have characterized the last three Presidential cycles. The qualified immunity framework is the upstream cause of the police accountability gap that has produced the most consequential criminal justice debate in two generations. Each of these conditions is a procedural rule of governance with documented substantive consequences. Each is addressed in this Title.

The American Upgrade does not accept the premise that this is inevitable, or that the people who enter public service must be assumed to be corrupt, or that the cynicism the current system has earned is the permanent condition of American civic life. It accepts instead the simpler premise that sunlight is the most reliable disinfectant available to a democratic government, that the obligation of transparency runs from the official to the citizen and not the other way around, and that an enforcement architecture independent of the institution it oversees is not a radical innovation but a basic principle of institutional design that the federal government has, in the domain of governance integrity, never adequately applied. Title VI builds the light and the consequence across nine Acts.

Act 6.1 — The Ethics in Government Modernization Act

Provision 6.1.A — The Full Disclosure Protocol

Legislative Intent

The Full Disclosure Protocol establishes a comprehensive, uniform, and publicly accessible financial and conflict-of-interest disclosure standard applicable to all persons exercising material federal power, regardless of the title by which that power is held or the process by which it was obtained. The standard is designed to be complete, not symbolic — to produce the actual information a citizen needs to assess whether the official serving them is serving them or serving themselves.

Covered Persons

The disclosure requirements of this provision apply without exception to the following categories of federal officeholders and candidates, hereinafter collectively referred to as Covered Persons: The President and Vice President of the United States. All members of the United States Senate and House of Representatives. All candidates for any of the foregoing offices, beginning upon the filing of a declaration of candidacy with the Federal Election Commission. All cabinet-level officers and heads of independent federal agencies. All officers of the United States confirmed by the Senate pursuant to Article II of the Constitution. All political appointees serving in positions at the GS-15 equivalent level or above who are not subject to Senate confirmation, including but not limited to senior advisors, chiefs of staff, deputy chiefs of staff, counselors to the President, special assistants to the President, and all personnel holding positions classified under Schedule C of the excepted service. All members of the White House senior staff as defined by annual compensation at or above the rate for Level IV of the Executive Schedule. The immediate family members of all Covered Persons, defined as spouse or domestic partner and any dependent children, with respect to financial interests that may give rise to a conflict with the Covered Person’s official duties. The foregoing list is construed broadly. Where doubt exists as to whether a position carries material influence over federal policy, contracting, regulatory action, or personnel decisions, the presumption is inclusion. The burden of demonstrating that a position falls outside the scope of this provision rests with the officeholder, not with the public.

Required Disclosures

Each Covered Person shall file a complete and verified disclosure statement with the Office of Government Ethics within thirty days of assuming a covered position, within thirty days of any material change in the information previously disclosed, and annually on a date to be established by regulation. Candidates for covered positions shall file upon the declaration of candidacy and update their disclosure no less than thirty days before any primary or general election in which they appear as a candidate. The disclosure statement shall include, without limitation, the following categories of information: Federal Income Tax Returns. Complete federal income tax returns, including all schedules and attachments, for the five most recent taxable years preceding the filing date. Returns

shall be disclosed in unredacted form except that Social Security numbers, account numbers, and the identifying information of minor children shall be redacted prior to public release. The obligation to disclose tax returns is not subject to audit status, pending litigation, or any other claimed impediment. The returns of a sitting President or Vice President shall be disclosed within thirty days of inauguration and annually thereafter for the duration of the term. Financial Holdings and Investment Positions. A complete accounting of all financial assets, including but not limited to securities, equity interests, bonds, mutual funds, exchange-traded funds, hedge fund interests, private equity interests, real property, cryptocurrency and digital assets, commodities positions, futures contracts, options, and interests in any entity organized for profit. For each holding, the disclosure shall identify the asset by name, the approximate value within defined ranges, and the date of acquisition. Holdings held through trusts, limited liability companies, partnerships, or other legal entities in which the Covered Person or their immediate

family member holds a beneficial interest shall be disclosed at the beneficial ownership level. Business Relationships and Consulting Arrangements. A complete accounting of all compensation received from any non-governmental source during the five years preceding the assumption of a covered position and during the period of service, including employment income, consulting fees, speaking fees, board compensation, royalties, and any other form of remuneration. The identity of the paying entity, the nature of the services rendered, and the amount of compensation shall be disclosed for each engagement. Liabilities and Debts. All liabilities exceeding ten thousand dollars, including mortgages, personal loans, lines of credit, and any debt instrument on which the Covered Person or immediate family member is obligated, with the identity of the creditor disclosed. Beneficial Ownership. Any ownership interest, direct or indirect, in any legal entity doing business with the federal government, subject to federal regulation, or holding a federal license, permit, or contract. The disclosure shall identify the entity, the nature and approximate value of the interest, and the nature of the entity's relationship with the federal government. Foreign Financial Interests. Any financial interest, direct or indirect, in any foreign government, foreign state-owned enterprise, foreign political party, or any entity organized under the laws of a foreign jurisdiction. Any compensation received from any foreign source during the five years preceding assumption of a covered position.

Recusal Commitments. A statement identifying, at the time of initial disclosure, all matters pending before the federal government in which the Covered Person holds a financial interest and the specific recusal commitments the Covered Person undertakes with respect to those matters. Recusal commitments are binding and enforceable under this Act.

Public Accessibility

All disclosure statements filed pursuant to this provision shall be made available to the public in a searchable, machine-readable format through a centralized online portal maintained by the Office of Government Ethics within fifteen days of filing. The portal shall allow citizens to search by Covered Person, by asset class, by industry sector, and by the identity of any business entity disclosed. The Office of Government Ethics shall maintain a permanent archive of all disclosure statements filed under this Act, indexed by Covered Person and year of filing. No disclosure statement shall be removed from public access during the lifetime of the Covered Person or for a period of twenty years following the conclusion of the covered service, whichever is longer.

Enforcement and Penalties

Failure to file a required disclosure statement, filing a materially incomplete disclosure statement, or filing a disclosure statement containing a material misrepresentation shall constitute a federal offense subject to the following consequences: Civil penalties of not less than fifty thousand dollars and not more than five hundred thousand dollars per violation, imposed by the Independent Ethics Prosecutor established in

Provision 6.1.B.

Referral to the Department of Justice for criminal prosecution where the failure or misrepresentation is willful, with criminal penalties of not more than five years imprisonment and

a fine of not more than two hundred fifty thousand dollars per count. Where the Covered Person is a sitting federal official or member of Congress, mandatory referral to the relevant disciplinary body with a recommendation for removal from office. No statute of limitations shall bar prosecution for a willful failure to disclose a material financial interest that remained undisclosed for the duration of the Covered Person's service.

Constitutional Authority

The disclosure requirements applicable to members of Congress derive from Congress's authority under Article I, Section 5 of the Constitution to determine the rules of its proceedings and to discipline its members, and from the Necessary and Proper Clause as applied to the administration of the legislative branch. The disclosure requirements applicable to executive branch officials and candidates for federal office derive from Congress's authority under the

Necessary and Proper Clause to enact legislation necessary to the proper administration of the executive power and to the integrity of federal elections. The disclosure requirements applicable to candidates are consistent with the Supreme Court's recognition in Buckley v. Valeo that disclosure requirements serve compelling governmental interests in preventing corruption and providing voters with information necessary to the exercise of the franchise.

Implementation Timeline

The Office of Government Ethics shall promulgate implementing regulations within one hundred eighty days of enactment. The public disclosure portal shall be operational within two hundred seventy days of enactment. The disclosure requirements shall take effect with respect to all then-serving Covered Persons within three hundred sixty-five days of enactment. Candidates filing declarations of candidacy after the effective date are subject to the requirements immediately upon filing.

Provision 6.1.B — The Independent Ethics Prosecutor

Legislative Intent

The Independent Ethics Prosecutor is established in recognition of a structural reality that no amount of procedural reform within the existing ethics enforcement architecture can overcome: an institution cannot be relied upon to enforce the rules that govern its own members when the members who control the enforcement mechanism are subject to those same rules. The House Ethics Committee and the Senate Select Committee on Ethics have not failed because they have been staffed by people of insufficient dedication or skill. They have failed because the incentive structure of a body that investigates itself produces investigation as theater rather than investigation as accountability. The Independent Ethics Prosecutor removes the conflict at the institutional level rather than attempting to manage it through procedural safeguards that the institution controls. This is not a novel governing principle. The independence of prosecutorial authority from the institution being investigated is the foundational design principle of every effective accountability mechanism in American law. The independent counsel, the inspector general, the special prosecutor — each of these instruments exists because the same logic that produces the need for investigation produces the incentive to obstruct it when investigation is

conducted internally. Ethics enforcement for federal officials has been the consistent exception to this principle. This provision ends the exception.

Establishment and Structure

There is hereby established within the judicial branch of the federal government an independent office to be known as the Office of the Independent Ethics Prosecutor, hereinafter referred to as the Office. The Office shall be headed by the Independent Ethics Prosecutor, hereinafter referred to as the Prosecutor, who shall be appointed by a panel consisting of the Chief Justice of the United States Supreme Court, the most senior active judge of the United States Court of Appeals for the District of Columbia Circuit, and the Comptroller General of the United States. The appointment shall be made by majority vote of the panel following a public nomination process in which any citizen may submit candidates for consideration. The Prosecutor shall serve a single non-renewable term of seven years. The Prosecutor shall not, during the five years preceding appointment, have held elected federal office, served as a registered lobbyist, served as an officer or employee of any national political party committee, or made campaign contributions exceeding the individual contribution limit in aggregate to federal candidates of either party. The Prosecutor shall not, during the term of service, hold any other office or employment, engage in any outside practice of law, or make any public statement that could reasonably be construed as an endorsement of or opposition to any candidate for federal office. The Prosecutor may be removed only by the appointing panel, acting by unanimous vote, upon a finding of incapacity, neglect of duty, malfeasance in office, or conviction of a felony. The Prosecutor may not be removed by the President, by any member of Congress, or by any officer of the executive branch. The independence of the Office from political direction is a structural requirement, not a professional norm. The Office shall be staffed by career civil servants appointed through competitive merit selection. Political appointees shall not serve in any position within the Office. The budget of the Office shall be set by statute at a defined percentage of the total budget of the legislative branch, adjusted annually for inflation, and shall not be subject to reduction by either the President or Congress during any period in which an investigation by the Office is pending. The budgetary independence of the Office is a structural protection against the most readily available instrument of political interference with independent investigation, which is the defunding of the investigator. Jurisdiction The Office shall have jurisdiction to investigate, charge, and prosecute all violations of federal ethics statutes, including but not limited to: violations of the Ethics in Government Act of 1978 as amended by this Act; violations of the Stop Trading on Congressional Knowledge Act of 2012 as amended by Act 6.7.B of this legislation; violations of the Foreign Agents Registration Act; violations of the federal bribery statutes at 18 U.S.C. § 201; violations of the federal conflict of

interest statutes at 18 U.S.C. §§ 203 through 209; violations of the Lobbying Disclosure Act; and violations of the disclosure requirements established in Provision 6.1.A of this Act. The jurisdiction of the Office extends to all Covered Persons as defined in Provision 6.1.A and to all former Covered Persons with respect to conduct occurring during their period of covered service. The Office shall have concurrent jurisdiction with the Department of Justice with respect to criminal violations within its statutory scope. Where the Office and the Department of Justice both assert jurisdiction over the same matter, the Prosecutor and the Attorney General shall enter into a written coordination agreement specifying the allocation of prosecutorial

responsibility. In the event of a dispute regarding jurisdiction that cannot be resolved by agreement, the matter shall be referred to the Chief Justice of the United States for resolution. The Office shall have no jurisdiction over matters outside its defined statutory scope. It is not a general investigative body. Its mandate is the enforcement of ethics and disclosure obligations of federal officials. That mandate is specific, limited, and complete within its defined boundaries.

Powers of Investigation

In the conduct of any investigation within its jurisdiction, the Office shall have the following powers: the authority to issue subpoenas for documents, records, and testimony enforceable in any federal district court; the authority to compel the production of financial records, correspondence, and any other materials relevant to the investigation without the interposition of any executive branch privilege except as specifically provided by the Constitution; the authority to grant immunity from prosecution in exchange for testimony; the authority to refer matters to the Department of Justice for prosecution where the Office determines that criminal charges are warranted; and the authority to impose civil penalties within the ranges established by this Act without the requirement of judicial proceedings, subject to a right of appeal to the United States Court of Appeals for the District of Columbia Circuit. Executive privilege shall not be available as a basis for refusing compliance with a subpoena issued by the Office with respect to any financial record, disclosure document, or communication relating to the financial interests of a Covered Person. The constitutional basis for this limitation is the Court’s recognition in United States v. Nixon that executive privilege must yield to a demonstrated specific need for evidence in a criminal proceeding, and the analogous principle that the privilege was never designed to shield the financial conduct of individual officeholders from accountability mechanisms established by Congress for precisely that purpose.

Referral Authority

Where the Office determines, upon completion of an investigation, that a Covered Person who is a sitting member of Congress has committed a violation warranting disciplinary action, the Office shall transmit a referral to the relevant chamber’s ethics committee containing the findings of the investigation, the evidence supporting those findings, and a recommended disposition. The ethics committee shall be required to convene a hearing on the referral within sixty days of receipt, to issue a written response to the Office’s findings within one hundred twenty days of receipt, and to publish both the referral and the response in the Congressional Record. The referral of the Office is not binding on the ethics committee with respect to the ultimate disposition, but the committee’s written response, and any departure from the Office’s recommendation, shall be a matter of public record subject to the scrutiny of the constituent. Where the Covered Person is a member of the executive branch, the Office’s referral shall be transmitted simultaneously to the relevant Inspector General, to the Department of Justice, and to the President, who shall be required to respond in writing within sixty days with a statement of the action taken or the reasons no action was taken. That response shall be transmitted to Congress and made publicly available.

Annual Reporting

The Prosecutor shall transmit to Congress and make publicly available an annual report describing the activities of the Office during the preceding year, the number and nature of investigations opened and closed, the dispositions of completed investigations, and any systemic patterns of ethics violations observed in the course of the Office's work. The annual report shall not identify by name any individual who is the subject of an ongoing investigation. The report shall include a public assessment of the adequacy of existing ethics statutes and recommendations for legislative action where the Prosecutor has identified gaps in the statutory framework.

Constitutional Authority

The establishment of the Office derives from Congress's authority under Article I to enact legislation necessary and proper to the administration of the legislative branch, to establish inferior offices, and to vest the appointment of inferior officers in the courts of law. The placement of the appointing authority in the judicial branch is consistent with the Supreme Court's holding in Morrison v. Olson that Congress may vest the appointment of inferior officers in the heads of departments or in the courts of law, and that independent prosecutorial offices are not constitutionally infirm on separation of powers grounds when their jurisdiction is properly bounded and their independence is structurally secured.

Implementation Timeline

The appointing panel shall be convened within ninety days of enactment. The Prosecutor shall be appointed within one hundred eighty days of enactment. The Office shall be fully staffed and operational within three hundred sixty-five days of enactment. Upon the Office becoming operational, the House Committee on Ethics and the Senate Select Committee on Ethics shall transfer to the Office all pending investigations and their associated records. The committees shall retain their existing disciplinary authority over their respective members, but all investigative and prosecutorial functions within the Office's jurisdictional scope shall, from the date of the Office's operational commencement, be exercised exclusively by the Office.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test by naming every element of the disclosure obligation, every category of Covered Person, every enforcement consequence, every procedural requirement, and the constitutional authority for each. The Independent Ethics Prosecutor is not a call for better ethics enforcement. It is a specific institutional architecture with a defined appointment process, a defined tenure, a defined jurisdiction, a defined budget protection, and a defined referral mechanism. The oversight gap it closes is named. The mechanism that closes it is operational.

The Coalition Architecture Test

The public demand for ethics reform is among the most durable and least partisan findings in American political research. The congressional stock trading ban commands over 80% support

across party lines. Congressional term limits command supermajority support in virtually every demographic tested. The demand for tax return disclosure from federal officeholders commands consistent majority support and has done so for more than a decade. The Independent Ethics Prosecutor — as a concept of independent accountability distinct from congressional self-policing — has no organized constituency against it except the members of Congress who benefit from the current arrangement. That constituency is small and its interests are, by public consensus, exactly the interests this Act is designed to override. The coalition for this Act is the American people. The opposition is the institution protecting itself.

The Delivery Test

The Act passes the Delivery Test because it is designed specifically around the documented history of ethics enforcement failure rather than around an optimistic assumption that existing institutions will perform differently if asked more firmly. The Independent Ethics Prosecutor does not ask Congress to police itself more rigorously. It removes the self-policing function from Congress with respect to investigation and prosecution while preserving Congress's ultimate disciplinary authority over its members. The budget protection mechanism addresses the most predictable instrument of political interference. The judicial branch appointment process addresses the most obvious avenue for executive capture. The non-renewable single term addresses the most common pathway to institutional drift. Every structural feature of the Office is a response to a documented failure mode of the predecessor architecture it replaces. Constitutional review flag: Morrison v. Olson argument to be expanded at legal review stage. The Yellow Jacket Policy Research Series — April 2026 Independent Research — All Documents Freely Reproducible

Title VI — The Integrity of Governance

Act 6.2 — The Anti-Corruption & Lobbying Reform Act

The State of Affairs

The First Amendment guarantees the right to petition the government for a redress of grievances. It does not guarantee the right of former public officials to monetize their security clearances, their floor privileges, and their personal relationships with sitting members of Congress for millions of dollars a year. The distinction between these two things — the constitutional right to petition and the commercial exploitation of public service — is the distinction this Act enforces. Washington, D.C. has evolved from a capital city into the most lucrative influence market in the world. The mechanism is not subtle. A member of Congress leaves office and joins a lobbying firm at an average salary increase of 1,452 percent. A Cabinet Secretary becomes a strategic consultant advising the same industries she recently regulated. A four-star general retires and

joins the board of a defense contractor whose procurement budgets he helped set. The knowledge, the access, and the relationships built at public expense are converted, with minimal delay and no legal impediment, into private wealth. The public paid for the expertise. The market captures the return. The financial logic of this arrangement is documented with precision. Academic research on corporate lobbying has found that for every dollar spent on lobbying for targeted tax provisions, corporations received approximately two hundred and twenty dollars in return. There is no investment available in any legitimate market that yields a return of twenty-two thousand percent. The only place that return exists is in the purchase of legislative and regulatory outcomes. The only reason it persists is that the people positioned to close it are the people who benefit from keeping it open. The official number of registered lobbyists in Washington has, paradoxically, declined in recent years even as total spending on influence has increased. The explanation is not that lobbying has diminished. It is that the most effective practitioners have stopped registering. Former Speakers of the House, Cabinet Secretaries, and senior White House officials now describe themselves as strategic consultants, historical advisors, senior counselors, and directors of government affairs. They perform identical functions — they identify the right official, provide the right framing, arrange the right meeting, and deliver the outcome the client is paying for — but because they do not formally satisfy the narrow definitional threshold of the Lobbying Disclosure Act, they are invisible to the disclosure system. The shadow lobbying economy is not a loophole that was accidentally left open. It is a deliberate architectural feature of a system designed by people who knew exactly what they were building. The federal preemption dimension of this problem is not adequately appreciated in most treatments of lobbying reform. Corporate interests do not purchase congressional influence only to advance their own legislation. They purchase it to prevent state-level action that would threaten their business models. State governments attempting to lower drug prices, restrict toxic chemicals, limit predatory lending, or impose environmental standards on industrial operations have repeatedly found their authority preempted by federal legislation shaped by the industries those state laws would have regulated. The revolving door is not merely a corruption of federal governance. It is a weapon deployed against the sovereignty of the states and the citizens who voted for the protections those states attempted to provide. This Act closes the door. It does so with three instruments operating in sequence: a lifetime ban on lobbying for former holders of significant federal power; a comprehensive redefinition of lobbying activity that captures the shadow practitioners operating under cover of consultant titles; and a prohibition on campaign contributions from individuals and entities that hold

significant federal contracts. The three provisions are designed as a system. Each addresses a distinct pathway through which private money purchases public outcomes. Together they constitute a governing architecture for the proposition that public service is a calling, not an audition.

Provision 6.2.A — The Lifetime Ban

Legislative Intent

The current one-to-two-year cooling off period imposed on former members of Congress before they may register as lobbyists is a speed bump, not a barrier. It delays the payout. It does not

eliminate it. The former senator who waits twenty-four months before joining a lobbying firm suffers no material consequence beyond the delay. The clients who retained the firm in anticipation of the senator’s arrival suffer no consequence at all. The cooling off period was designed to create the appearance of a barrier while preserving the substance of the revolving door. This provision replaces the appearance with the substance. The Lifetime Ban proceeds from a simple and defensible premise: the knowledge, access, and relationships that a public official acquires while being compensated by the American taxpayer belong, in the relevant sense, to the American people. They were built on public time, with public resources, through the exercise of public power. Their subsequent monetization against the public interest — in the form of influence sold back to the interests that the official was charged with overseeing — is not a private transaction. It is a conversion of public assets to private use. The Lifetime Ban treats it accordingly. Scope of the Prohibition — Covered Officials The lifetime prohibition on lobbying activity, as defined in Provision 6.2.B, applies to the following categories of former federal officials, hereinafter referred to as Covered Former Officials: All former members of the United States Senate and House of Representatives. All former Cabinet-level officers, including Secretaries and Deputy Secretaries of all executive departments. All former heads of independent federal agencies and regulatory commissions. All former officers of the United States who held positions requiring Senate confirmation under Article II of the Constitution.

All former General and Flag Officers of the United States Armed Forces at the rank of O-7 (Brigadier General or Rear Admiral Lower Half) and above. All former senior White House officials, including the Chief of Staff, Deputy Chiefs of Staff, the National Security Advisor, the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, the United States Trade Representative, and all officials serving in the Executive Office of the President at the Senior Executive Service equivalent or above. All former members of the Senior Executive Service who exercised supervisory authority over contracting, procurement, regulatory, or enforcement functions with an aggregate annual value exceeding one hundred million dollars. The foregoing categories are construed broadly and without exception. The title held at the time of departure from federal service is not determinative. The test is whether the position carried material authority over federal policy, contracting, regulation, or enforcement. Where that authority was present, the lifetime prohibition applies. Scope of the Prohibition — Prohibited Activities A Covered Former Official shall not, at any time following the conclusion of their federal service, engage in any of the following activities on behalf of any person, corporation, trade association, labor organization, or other entity, whether for compensation or otherwise: Registering as a lobbyist under the Lobbying Disclosure Act or any successor statute. Making any direct communication with any current federal official, member of Congress, or congressional staff member for the purpose of influencing any federal legislative or regulatory action on behalf of any non-governmental client. Supervising, directing, or advising any person who engages in the foregoing communications on behalf of any non-governmental client, where the Covered Former Official’s involvement is intended to leverage their prior relationships, access, or knowledge of federal processes. Serving as an officer, director, employee, or compensated advisor of any entity whose primary business purpose is the representation of clients before the federal government. The prohibition does not prevent a Covered Former Official from: testifying before Congress in their individual capacity; engaging in academic research, journalism, or public commentary; practicing law in matters unrelated to

federal influence; serving in private sector positions unrelated to federal lobbying; or advising foreign governments pursuant to registration under the Foreign Agents Registration Act in contexts unrelated to influencing United States policy. The

prohibition is narrowly drawn to capture the monetization of federal access and relationships. It is not a prohibition on participation in civic and professional life.

The Foreign Agent Prohibition

In addition to the foregoing domestic prohibition, it shall be unlawful for any Covered Former Official to serve, at any time, as an agent, lobbyist, strategic advisor, or consultant for any foreign government, foreign state-owned enterprise, foreign political party, or any entity majority-owned or effectively controlled by a foreign government, for the purpose of influencing United States policy, legislation, regulation, or procurement decisions. This prohibition is absolute and admits of no exception based on registration status, cooling off period, or the nature of the foreign relationship. A former Secretary of State should not be advising foreign adversaries on how to navigate the State Department. A former National Security Advisor should not be providing strategic counsel to foreign governments on the management of United States diplomatic relationships. The knowledge and access these positions confer were built in the service of the American national interest. Their application against that interest is not a matter of commercial freedom. It is a betrayal of the public trust that the position required. Violation of the foreign agent prohibition shall result in: immediate forfeiture of all federal pensions, retirement benefits, and any other federal compensation to which the Covered Former Official would otherwise be entitled; criminal prosecution under the Foreign Agents Registration Act with enhanced penalties for former senior officials; and, where the Covered Former Official holds any active federal security clearance, immediate and permanent revocation of that clearance.

Enforcement and Penalties

Enforcement of the Lifetime Ban shall be vested in the Independent Ethics Prosecutor established under Act 6.1.B, which shall have concurrent jurisdiction with the Department of Justice over criminal violations. Civil enforcement actions may be brought by the Office of Government Ethics, the Department of Justice, or by any citizen in a qui tam action under procedures modeled on the False Claims Act, with a citizen plaintiff entitled to recover between fifteen and thirty percent of any civil penalty collected. Civil penalties for violation of the domestic lobbying prohibition shall not be less than two hundred fifty thousand dollars and not more than two million dollars per violation, plus disgorgement of all compensation received in connection with the prohibited activity. Criminal penalties for willful violation shall include imprisonment of not more than five years and a fine of not more than five hundred thousand dollars per count. The qui tam enforcement mechanism is

included deliberately: the federal government’s enforcement capacity against well-resourced former officials will always be constrained by institutional reluctance. The citizen enforcement mechanism provides a structural alternative that does not depend on the willingness of the institution to act against its own.

Constitutional Authority

Congress's authority to impose post-employment restrictions on former members derives from Article I, Section 5, which grants each chamber the authority to determine its own rules of proceedings, and from the Necessary and Proper Clause as applied to the prevention of corruption in the legislative process. The Supreme Court has recognized in a series of cases, including United States v. Brewster, that Congress has broad authority to regulate the conduct of its members in connection with their official duties, and that post-employment restrictions on the use of information and relationships acquired in office serve compelling governmental interests in the prevention of corruption. The restrictions applicable to executive branch officials derive from Congress's authority to regulate executive branch operations and from the President's inherent authority to impose conduct standards on subordinate officers as a condition of service. The foreign agent prohibition derives additionally from Congress's authority over foreign commerce, foreign affairs, and the implementation of treaty obligations.

Implementation Timeline

The Lifetime Ban shall take effect with respect to officials who leave covered positions on or after the date of enactment. Officials who have previously left covered positions within the five years preceding enactment shall be subject to a five-year prospective prohibition from the date of enactment, with the lifetime prohibition applying to any new covered position assumed after that date. The Office of Government Ethics shall maintain a public registry of all Covered Former Officials subject to this provision, updated quarterly, and accessible through the same public portal established under Act 6.1.A.

Provision 6.2.B — The Shadow Lobbying Loophole Closed

Legislative Intent

The Lobbying Disclosure Act of 1995, as amended by the Honest Leadership and Open Government Act of 2007, defines a lobbyist as an individual who makes more than one lobbying contact and whose lobbying activities constitute twenty percent or more of their services for a client during a three-month period. This definition, written by Congress to regulate Congress, has a predictable architectural flaw: it is precise enough to be evaded by any sufficiently

motivated practitioner. The former official who spends nineteen percent of their billable time on direct contacts, and the remaining eighty-one percent advising the lobbyists who make the contacts, is not a lobbyist under the current statute. The result is a shadow lobbying economy whose practitioners are invisible to the disclosure system, whose compensation is unreported, and whose clients — including foreign governments, domestic corporations, and trade associations — are unknown to the public whose government they are purchasing. This provision replaces the activity-percentage threshold with a functional definition. If you are paid to influence federal action — through any means, under any title, at any level of directness — you are a lobbyist. You register. You disclose. You are visible.

Expanded Definition of Lobbying Activity

Section 3 of the Lobbying Disclosure Act (2 U.S.C. § 1602) is amended to replace the existing definition of lobbying activities with the following: The term “lobbying activity” means any of the following, when performed for compensation on behalf of a client for the purpose of influencing any federal legislative action, regulatory action, procurement decision, or policy determination: (1). Direct Contact. Any oral, written, or electronic communication with a covered federal official, including any member of Congress, congressional staff member, or executive branch official, made for the purpose of influencing any matter within the official’s jurisdiction. (2). Strategic Consulting. Advising a client, or advising any person who makes direct contacts on behalf of a client, regarding the strategy, framing, timing, or targeting of communications intended to influence federal action, regardless of whether the advisor makes any direct contact with a covered federal official. (3). Political Intelligence. Gathering non-public information from contacts with covered federal officials for the purpose of informing any client’s investment, commercial, regulatory, or strategic decisions, where the value of the information derives from its non-public nature and the gatherer’s access to federal officials. (4). Coalition Coordination. Organizing, directing, or managing any coalition, alliance, or coordinated effort among multiple entities for the purpose of influencing federal action, where the coordinator is compensated for that organizational activity. (5). Astroturf Facilitation. Designing, funding, or directing any campaign to solicit public communications to covered federal officials that presents those communications as spontaneous citizen activity when they are in fact coordinated and funded by undisclosed commercial interests. The twenty-percent threshold and the one-contact minimum are eliminated. The registration requirement is triggered by any compensated engagement in the foregoing activities, regardless

of the proportion of the registrant’s overall professional activities they constitute, and regardless of the title under which the registrant operates.

Registration and Disclosure Requirements

Every individual who engages in lobbying activity as defined by this provision shall register with the Secretary of the Senate and the Clerk of the House of Representatives within fifteen days of first engaging in any such activity for a client. The registration shall disclose: the full legal name and business address of the registrant; the full legal name and business address of each client on whose behalf the registrant is engaged; a description of the specific federal actions the registrant intends to influence on behalf of each client; the total compensation received or expected from each client on an annual basis; and the identity of any foreign government, foreign state-owned enterprise, or foreign national that has a direct or indirect financial interest in the outcome of the lobbying activity. Quarterly reports shall be filed disclosing: all direct contacts made with covered federal officials during the reporting period, identified by official and subject matter; all compensation received from each client during the reporting period; any change in the identity of clients or the scope of lobbying activity; and a certification that the registrant has not engaged in any activity that would constitute a violation of the Lifetime Ban established in Provision 6.2.A.

The Astroturf Disclosure Requirement

Any organization that expends more than fifty thousand dollars in any calendar quarter on grassroots lobbying activity — defined as soliciting members of the public to communicate with covered federal officials for the purpose of influencing federal action — shall disclose on all public communications, advertising materials, and digital content produced in connection with that activity: the full legal name of the organization funding the communication; the names of the five largest donors to the organization during the preceding twelve-month period; and, where any of those donors is a foreign person or entity, a conspicuous statement that the communication is funded in part by foreign interests. The public has a right to know whether the citizens group urging them to call their congressman is a genuine grassroots movement or a commercial campaign funded by the industry that stands to gain from the position it is advocating.

Enforcement and Penalties

Failure to register, filing a materially incomplete or false registration or quarterly report, and engaging in grassroots lobbying without required disclosure shall each constitute a federal violation subject to civil penalties of not less than one hundred thousand dollars and not more than one million dollars per violation, imposed by the Independent Ethics Prosecutor. Willful violation shall be subject to criminal prosecution with penalties of not more than three years imprisonment and a fine of not more than two hundred fifty thousand dollars. The qui tam citizen enforcement mechanism established in Provision 6.2.A applies equally to violations of this provision. The Justice Department shall publish quarterly enforcement statistics on the public portal established under Act 6.1.A.

Constitutional Authority

The expanded disclosure requirements derive from Congress’s authority under Article I to regulate its own proceedings, from the Necessary and Proper Clause as applied to the prevention of corruption in the federal legislative and regulatory processes, and from the Supreme Court’s consistent recognition, from United States v. Harriss through Citizens United itself, that disclosure requirements for entities seeking to influence federal action serve compelling governmental interests and are subject to a lower level of constitutional scrutiny than outright prohibitions on speech. The functional definition of lobbying activity does not prohibit any speech. It requires transparency about its commercial sponsorship. The distinction is constitutionally critical and legally defensible.

Implementation Timeline

The Secretary of the Senate and the Clerk of the House shall jointly promulgate updated registration forms and procedures within ninety days of enactment. The expanded definition of lobbying activity shall take effect one hundred eighty days after enactment to allow currently unregistered practitioners time to come into compliance. Any person currently engaged in activities that constitute lobbying activity under the expanded definition, who is not currently registered under the existing statute, shall register within one hundred eighty days of enactment without penalty for the period prior to enactment. Registrations filed after the one-hundred-

eighty-day compliance period for activities commencing prior to that period shall be subject to the full penalty structure.

Provision 6.2.C — The Government Contractor Donation Prohibition

Legislative Intent

The federal government is the largest buyer in the world. It purchases, in any given year, trillions of dollars in goods, services, and infrastructure from private contractors. The individuals who own and operate those contracting entities, and the entities themselves, are simultaneously among the largest sources of campaign contributions to the members of Congress who authorize the appropriations from which those contracts are funded. The feedback loop is not subtle: the contractor contributes to the campaign; the campaign supports the appropriation; the appropriation funds the contract; the contract funds the next contribution. What is described here is not a hypothetical corruption risk. It is a documented transaction structure that repeats across the federal procurement landscape with sufficient regularity to constitute a governing feature of the system rather than an isolated abuse. The prohibition on campaign contributions from government contractors is not a new concept. Federal law has prohibited direct corporate contributions from federal contractors since the Federal Corrupt Practices Act of 1925. What the existing prohibition does not reach is the individual owner of the contracting entity, whose personal contributions are treated as constitutionally protected individual speech regardless of their source. This provision closes that gap by extending the prohibition to individuals who derive more than a defined threshold of their personal income or net worth from federal contracts, on the grounds that the constitutional interest in preventing quid pro quo corruption is indistinguishable whether the contribution comes from the corporate treasury or the personal account of the individual who controls it.

Scope of the Prohibition

No federal contractor, as defined by this provision, and no officer, director, or owner of a federal contractor who derives more than twenty-five percent of their annual personal income from compensation attributable to federal contracts, shall make any contribution, expenditure, or donation of money or anything of value to: any candidate for federal office or any authorized committee of such a candidate; any national, state, or local political party committee; any political action committee that makes contributions to candidates for federal office; or any organization described in 26 U.S.C. § 501(c)(4) that engages in any federal electoral activity. For purposes of this provision, a federal contractor is any person or entity that holds one or more contracts with the federal government with an aggregate annual value exceeding five hundred thousand dollars. The threshold is applied at the entity level and at the beneficial ownership level. An individual who holds beneficial ownership of more than ten percent of any entity meeting the contractor threshold is treated as a federal contractor for purposes of this provision, regardless of the corporate structure interposed between the individual and the contracting entity.

The Recusal Companion Requirement

Every federal official responsible for the award, administration, or oversight of any federal contract with an annual value exceeding one million dollars shall file, within thirty days of assuming that responsibility and annually thereafter, a certification disclosing any campaign contribution received from any federal contractor, as defined by this provision, during the preceding five years. Where such contributions are disclosed, the official shall recuse themselves from any procurement decision directly affecting the contributing entity until a period of not less than four years has elapsed from the date of the most recent contribution. The recusal requirement does not prohibit the official from overseeing the program generally; it prohibits participation in the specific award, modification, or termination decision affecting the contributing contractor.

Enforcement and Penalties

Violations of the contractor contribution prohibition shall be subject to civil penalties of not less than the amount of the prohibited contribution and not more than three times that amount, plus disgorgement of any contract value received during the period in which the prohibited contribution was made. Criminal penalties for willful violation shall include imprisonment of not more than two years and a fine of not more than two hundred fifty thousand dollars. Any federal contract awarded within two years of a prohibited contribution from the contractor to any official involved in the award decision shall be subject to rescission at the election of the federal government, without penalty to the government and with recovery of all payments made under the contract during the period of the violation.

Constitutional Authority

The prohibition on contractor contributions derives from Congress’s authority under Article I to appropriate public funds and to regulate the manner in which those appropriations are administered, from the Necessary and Proper Clause as applied to the prevention of corruption in federal procurement, and from the well-established principle, confirmed in cases including Blount v. Rizzi and FEC v. National Right to Work Committee, that Congress has broad authority to regulate campaign contributions to prevent corruption or its appearance. The limitation is applied to a specific and narrow category of individuals — those whose personal financial interests are directly and substantially dependent on federal contracting decisions made by elected officials — and is therefore narrowly tailored to serve the compelling governmental interest in preventing the specific corrupt exchange of procurement dollars for campaign contributions. The provision will face First Amendment challenge and is drafted to survive intermediate scrutiny. Flag for expanded constitutional argument at legal review stage.

Implementation Timeline

The Federal Election Commission shall promulgate implementing regulations within one hundred eighty days of enactment, including the procedures by which contractors and covered individuals self-identify, the mechanisms for public disclosure of contractor status, and the enforcement referral procedures for violations identified through FEC monitoring. The prohibition

shall take effect three hundred sixty-five days after enactment to allow currently affected individuals and entities time to restructure their political giving in compliance with the new requirements. Contributions made prior to the effective date are not subject to the prohibition, but contributions made within the two-year rescission window after the effective date are subject to the contract rescission remedy regardless of whether they were made before or after enactment.

Provision 6.2.D — Executive Order Accountability

Legislative Intent

The executive order has become, over the course of several decades and across administrations of both parties, a substitute for legislation rather than a tool for its implementation. The Constitution vests the legislative power in Congress. The President's authority to direct the executive branch through executive order is properly understood as the authority to direct the manner in which existing statutory authority is exercised, not the authority to create new legal obligations, expand or contract statutory rights, or circumvent the legislative process. The practical erosion of this distinction has accelerated with each successive administration, as the path of least resistance for policy objectives that cannot command congressional majorities has been the unilateral executive action. This provision does not eliminate the executive order. It restores the constitutional architecture within which the executive order properly operates. An executive order that directs the implementation of existing statutory authority is legitimate and unaffected by this provision. An executive order that purports to create new legal obligations, to override existing statutory requirements, or to commit significant federal resources without statutory authorization is subject to automatic congressional review and a defined path to invalidation. The distinction is the one the Constitution already draws. This provision enforces it.

The Congressional Review Requirement for Significant Executive Actions

Any executive order, presidential proclamation, national security directive, or other unilateral presidential action that: commits federal expenditures exceeding one hundred million dollars not previously authorized by statute; modifies the legal rights or obligations of any class of persons in a manner not specifically authorized by existing statute; directs federal agencies to decline to enforce any provision of existing law; or purports to exercise authorities reserved by the Constitution to Congress, shall be transmitted to the Congress within forty-eight hours of

issuance and shall be subject to automatic congressional review under the procedures established by this provision. Upon receipt of a covered executive action, Congress shall have thirty legislative days to pass a joint resolution of approval or disapproval by simple majority of both chambers. If neither chamber acts within thirty legislative days, the executive action is deemed approved for a period of one year, after which it must be resubmitted for review. A joint resolution of disapproval, passed by both chambers and signed by the President or passed over a presidential veto by two-thirds majorities, shall have the force of law and shall immediately void the executive action to which it applies. Nothing in this provision shall be construed to limit the President's authority to take emergency actions necessary to respond to an imminent threat

to national security or to a declared national emergency under the National Emergencies Act. Emergency actions taken pursuant to this exception shall nonetheless be transmitted to Congress within forty-eight hours and shall be subject to review under an expedited procedure of not more than fifteen legislative days.

Constitutional Authority

The congressional review requirement derives from Congress's authority under Article I to exercise the legislative power of the United States, from the Presentment Clause, and from the INS v. Chadha framework, which, while invalidating the one-house legislative veto, confirmed that Congress retains the authority to structure the legislative process by which executive actions are reviewed and approved or disapproved, provided that the mechanism requires bicameral passage and presentment. The joint resolution of disapproval mechanism established here satisfies the Chadha requirements and is constitutionally sound.

Implementation Timeline

The Clerk of the House and the Secretary of the Senate shall establish joint procedures for the receipt, docketing, and scheduling of covered executive actions within sixty days of enactment. The review requirement shall apply to all covered executive actions issued on or after the date of enactment. Executive actions issued prior to enactment that remain in effect shall be submitted for review within one year of enactment, in order of descending significance as measured by federal expenditure committed or statutory authority claimed.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test by providing a complete operational architecture for each of its four provisions. The Lifetime Ban names its covered officials, defines its prohibited activities, specifies its enforcement mechanism, provides its penalty structure, and identifies its constitutional basis. The Shadow Lobbying provision replaces an evadable threshold with a functional definition, specifies the registration requirements, addresses the astroturf phenomenon specifically, and provides a compliance timeline. The Contractor Donation provision defines contractor status, sets a financial threshold, creates a companion recusal requirement, and specifies the contract rescission remedy. The Executive Order provision identifies the categories of action subject to review, establishes the review timeline, and resolves the constitutional question by routing the mechanism through the Chadha-compliant joint resolution process. There is nothing aspirational in this Act. Every provision has a mechanism.

The Coalition Architecture Test

The public demand for lobbying and corruption reform is among the most consistent findings in American political research and one of the few issues that commands strong support across the partisan divide. Majorities of Republican, Democratic, and Independent voters favor stricter

restrictions on the revolving door between government and lobbying. The contractor donation prohibition addresses a concern — the feedback loop between federal contracts and campaign contributions — that resonates with a working-class electorate that understands intuitively that the system is designed for the people who can afford to participate in it. The executive order accountability provision draws support from both conservatives who object to executive overreach and progressives who recognize that the same mechanisms used by one administration can be turned against them by the next. The coalition for this Act is not

ideological. It is the coalition of citizens who believe that the government should work for them rather than for the people who can afford to buy it.

The Delivery Test

The Act passes the Delivery Test because each provision is designed around the specific documented failure mode of the predecessor regulatory architecture it replaces. The Lifetime Ban addresses the specific failure of the cooling off period, which has consistently been understood by practitioners as a delay rather than a prohibition. The Shadow Lobbying provision addresses the specific failure of the activity-percentage threshold, which has been systematically exploited through title changes and strategic reductions in direct contact. The Contractor Donation provision addresses the specific gap in the existing contractor contribution prohibition that exempts individual owners of contracting entities. The Executive Order provision addresses the specific failure of the existing review mechanisms to provide a constitutionally sound path for congressional invalidation of unilateral executive action. Every structural choice in this Act is a response to a documented failure of the existing framework. The Act was not written to look like reform. It was written to be it. Act 6.1.B enforcement jurisdiction confirmed to cover Lobbying Disclosure Act violations. Act 6.7.A (term limits) drafted as companion to 6.2.A lifetime ban — ensure internal consistency. Constitutional review flags: Contractor donation prohibition (First Amendment — intermediate scrutiny argument to be expanded). Executive order review mechanism (Chadha compliance confirmed in draft — verify at legal review). The Yellow Jacket Policy Research Series — April 2026 Independent Research — All Documents Freely Reproducible

Act 6.3 — The Campaign Finance Reform Act

The State of Affairs

In 2010, the Supreme Court held in Citizens United v. Federal Election Commission that the First Amendment prohibits the government from restricting independent political expenditures by corporations, associations, and labor unions. The decision did not hold that money is speech. It held that spending money to engage in speech is a protected activity and that the government may not categorically prohibit that activity based on the identity of the speaker. The distinction matters because it defines the boundaries within which reform is constitutionally possible. This Act operates entirely within those boundaries. It does not attempt to reverse Citizens United. It attempts to make democracy functional in the world Citizens United created.

That world has specific, measurable characteristics. In the 2024 federal election cycle, total outside spending on federal elections exceeded four billion dollars, a figure that would have been inconceivable under the pre-Citizens United regulatory framework. The majority of that spending flowed through vehicles specifically designed to avoid the disclosure requirements that the Court, in the same Citizens United decision, upheld by an eight-to-one majority as constitutionally permissible. Organizations organized under Section 501(c)(4) of the Internal Revenue Code — social welfare organizations whose political spending need not be publicly disclosed — became the primary conduits for what is now universally referred to as dark money: political spending of unknown origin, directed at specific candidates, that the American voter has no legal right to trace to its source. The consequences of this architecture for democratic self-governance are not theoretical. When a candidate for Senate receives the decisive advertising support of an organization whose funding sources are legally concealed, the voter who watches that advertising cannot assess whether the message they are receiving serves their interests or the interests of the people paying for it. The right to vote is formally preserved. The information environment that gives that vote its democratic content has been systematically degraded. The voter casts their ballot in the dark, and the people who prefer the dark call this freedom. The Super PAC coordination fiction compounds the problem. Federal law prohibits candidates from directly coordinating campaign activity with outside groups that make independent expenditures on their behalf. The practical interpretation of this prohibition has been rendered nearly meaningless by the ingenuity with which campaigns and their aligned Super PACs have found ways to communicate that satisfy the formal legal requirement of non-coordination while preserving the functional reality of a unified political operation. Former campaign managers run the Super PAC. The campaign posts detailed strategic information in public video files that are technically accessible to anyone but are practically addressed to the Super PAC. Candidates speak at Super PAC fundraisers. The legal non-coordination is observed in form and violated in substance, and the enforcement architecture has proven congenitally unable to address conduct that is transparently designed to circumvent it. The small dollar donor, meanwhile, occupies an increasingly marginal position in the campaign finance ecosystem. Federal contribution limits cap individual donations to candidates at thirty-six hundred dollars per election. For the overwhelming majority of Americans, the practical ceiling is far lower — a twenty-dollar donation, a fifty-dollar donation, the kind of contribution that a working person can make without impairing their household budget. These contributions, aggregated, have demonstrated significant political force in specific electoral contexts. They have not, in the aggregate, been sufficient to offset the structural advantage that unlimited outside spending provides to candidates and causes favored by large institutional donors. The

playing field is not level and the existing regulatory framework does not attempt to level it. This Act does. It does so through three instruments that are individually constitutional and collectively transformative. The small dollar matching program does not limit what large donors may spend. It multiplies what small donors contribute by making their participation more consequential. The dark money disclosure requirement does not prohibit the speech Citizens United protected. It requires transparency about who is paying for it, which the Court endorsed. The Super PAC coordination rules do not prohibit independent spending. They enforce the existing requirement of actual independence rather than allowing its theatrical simulation to continue unchallenged. The three instruments together reconstruct the competitive balance between institutional and

citizen money in the only manner the Constitution, as currently interpreted, permits: not by silencing the loudest voices, but by ensuring that every voice can be heard and every dollar traced.

Provision 6.3.A — The Small Dollar Democracy Matching Program

Legislative Intent

The small dollar matching program is the most thoroughly tested instrument of campaign finance reform available. New York City has operated a version of this model since 1988. The documented results across more than three decades of municipal and state elections demonstrate that small dollar matching programs reliably expand the donor base, increase the geographic and demographic diversity of campaign funding, reduce candidate dependence on large institutional donors, and produce elected officials whose fundraising profile more closely mirrors the constituencies they represent. This provision applies that documented record to federal elections. The program does not compel participation. It creates an incentive structure that rewards candidates who build broad small-donor coalitions and does not penalize candidates who decline to participate. The candidate who raises from many small donors receives federal matching funds that amplify their fundraising. The candidate who raises from few large donors receives no matching funds but retains their ability to raise and spend without restriction. The program does not equalize the financial resources available to every candidate. It makes the financial resource of citizen participation more competitive with the financial resource of institutional giving.

Program Structure and Eligibility

There is hereby established within the Federal Election Commission a Small Dollar Democracy Fund, hereinafter referred to as the Fund, financed through a combination of a surcharge on corporate tax settlements with federal agencies and an annual appropriation set by statute at not less than one billion dollars, adjusted annually for inflation. The Fund shall be administered by a newly established Office of Small Dollar Democracy within the FEC, staffed by career civil servants appointed through competitive merit selection. Eligibility for matching funds is available to all candidates for the United States Senate and House of Representatives who voluntarily elect to participate in the program. A candidate elects to participate by filing a Participation Declaration with the FEC no later than one hundred twenty days before the first primary election in which the candidate appears. Participation is irrevocable for the duration of the election cycle in which it is elected. To demonstrate viability and grassroots support as a condition of receiving matching funds, a participating candidate must first raise a qualifying threshold of small dollar contributions from residents of the state or congressional district the candidate seeks to represent. For House candidates, the qualifying threshold is two thousand individual contributions of two hundred dollars or less, with a minimum aggregate value of fifty thousand dollars. For Senate candidates, the qualifying threshold is scaled to state population, ranging from five thousand individual contributions in states with populations below two million to twenty-five thousand individual contributions in states with populations exceeding twenty million, with minimum aggregate values scaled proportionally.

Matching Ratios and Contribution Caps

Upon meeting the qualifying threshold and filing a verified accounting of qualifying contributions with the FEC, a participating candidate shall receive matching funds from the Fund at the following ratios: Contributions of one dollar through fifty dollars from residents of the candidate's state or congressional district: matched at six dollars for every one dollar contributed, for a total public amplification of six to one. Contributions of fifty-one dollars through one hundred dollars from residents of the candidate's state or congressional district: matched at four dollars for every one dollar contributed, for a total public amplification of four to one. Contributions of one hundred one dollars through two hundred dollars from residents of the candidate's state or congressional district: matched at two dollars for every one dollar contributed, for a total public amplification of two to one.

Contributions above two hundred dollars from any source: not matched. The matching program is designed specifically to amplify the voice of the small donor. Contributions above the two hundred dollar threshold are received by participating candidates without restriction but without amplification. Total matching funds received by any single candidate in any single election cycle shall not exceed the applicable contribution limit multiplied by the total number of individual qualifying contributors, or three million dollars for House candidates and ten million dollars for Senate candidates, whichever is lower. Participating candidates who accept matching funds agree, as a condition of participation, not to accept contributions from political action committees, Super PACs, or any other entity other than individuals during the period of their participation. This condition does not limit the candidate's ability to make expenditures from personal funds or to receive independent expenditures on their behalf from outside organizations.

Verification and Accountability

The FEC shall conduct real-time verification of all qualifying contribution submissions through an automated system capable of confirming contributor residency, contribution amount, and the absence of prior contributions from the same contributor above the qualifying threshold. Participating candidates shall submit weekly accounting statements during the primary election period and bi-weekly statements during the general election period. The FEC shall conduct post-election audits of all participating candidates who received matching funds, with particular attention to the accuracy of residency certifications and the absence of straw donor arrangements in which a single economic source funds multiple nominally distinct small contributions. Any participating candidate who receives matching funds based on fraudulent contribution submissions shall be required to repay all matching funds received, with interest, and shall be permanently barred from future participation in the program. Criminal referrals for fraudulent small dollar matching submissions shall be made to the Department of Justice and to the Independent Ethics Prosecutor established under Act 6.1.B. The integrity of the small dollar matching program depends on the integrity of the small dollar contributions it amplifies. The verification and enforcement architecture is designed to be proportionate to that dependency.

Constitutional Authority

The small dollar matching program is a public financing mechanism, not a restriction on private spending. The Supreme Court unanimously upheld the constitutionality of public campaign financing in Buckley v. Valeo, holding that public financing of elections serves a compelling governmental interest in reducing the corrupting influence of private money in federal elections and in providing candidates with the resources necessary to conduct effective campaigns. The matching program as structured does not impose any restriction on private spending by participating or non-participating candidates, by outside organizations, or by any individual donor. It creates an incentive through the offer of public resources. The acceptance of those resources and the conditions attached to their acceptance are voluntary. The constitutional basis for this provision is robust and has not been disturbed by Citizens United, which addressed expenditure restrictions, not public financing programs.

Implementation Timeline

The FEC shall establish the Office of Small Dollar Democracy and promulgate implementing regulations within one hundred eighty days of enactment. The qualifying threshold verification system shall be operational within two hundred seventy days of enactment. The Fund shall be capitalized and the matching program shall be available to candidates for elections occurring not less than three hundred sixty-five days after enactment. The FEC shall publish an annual report on program participation rates, geographic and demographic distribution of qualifying donors, and the aggregate impact of the program on the ratio of small dollar to large dollar funding in federal elections.

Provision 6.3.B — Dark Money Disclosure

Legislative Intent

In Citizens United, Justice Kennedy's majority opinion devoted substantial attention to the role of disclosure in the constitutional framework for campaign finance regulation. The Court held that disclosure requirements — even for organizations engaged in unlimited independent expenditures — serve compelling governmental interests in providing voters with information relevant to evaluating political messaging and in deterring actual corruption and its appearance. The eight-to-one vote for upholding disclosure requirements in Citizens United is the most durable and broadly supported holding in that decision. This provision operationalizes it. The gap between the Court's endorsement of disclosure and the reality of the current disclosure regime is the gap that dark money occupies. Organizations organized under Section 501(c)(4) of the Internal Revenue Code — social welfare organizations — may engage in significant political spending without disclosing their donors, provided they certify that their "primary purpose" is not political activity. The primary purpose test is self-certified, inadequately monitored, and routinely satisfied by organizations whose actual primary purpose is the election or defeat of specific federal candidates. The result is that a substantial portion of the four-billion-dollar outside spending universe in any given federal election cycle is legally untraceable to its funding source. This provision ends that condition.

Universal Disclosure Requirement for Political Spending Organizations

Any organization, regardless of its tax status, corporate form, or organizational purpose, that makes or directs political expenditures, independent expenditures, or electioneering communications aggregating more than ten thousand dollars in any calendar year in connection with any federal election shall register with the Federal Election Commission as a Political Spending Organization within fifteen days of crossing the registration threshold and shall comply with the following disclosure obligations: Donor Disclosure. Any organization registered as a Political Spending Organization shall disclose, in quarterly reports filed with the FEC and made publicly available on the FEC's public portal within forty-eight hours of filing, the identity, address, employer, and contribution amount of every donor who contributed more than ten thousand dollars to the organization in the aggregate during the preceding twelve-month period. The disclosure obligation applies regardless of whether the donor's contribution was designated for political activity or for the organization's general operations, where the organization's general operations include political spending. Expenditure Disclosure. Any organization registered as a Political Spending Organization shall disclose, in the quarterly reports required by this provision and in additional real-time filings within forty-eight hours of any single expenditure exceeding twenty-five thousand dollars, the amount, date, payee, and electoral purpose of every political expenditure, independent expenditure, and electioneering communication made by the organization. Pass-Through Disclosure. Where a Political Spending Organization receives funds from another organization and those funds are used, in whole or in part, for political spending, the disclosure obligation extends to the original source of the funds. An organization may not use an intermediate entity to conceal the identity of the ultimate funding source for political spending. The disclosure obligation follows the money, not the organizational structure through which the money flows. On-Communication Disclosure. Every political advertisement, electioneering communication, or digital political content funded by a Political Spending Organization shall include, in a form clearly audible and visible to the recipient, the name of the organization and the name of the organization's largest donor during the preceding twelve-month period. The "Paid for by" disclosure currently required for candidate committees is extended to all

Political Spending Organizations and expanded to include the largest funder behind the organization, not merely the organization's name. The ten-thousand-dollar registration threshold and the ten-thousand-dollar donor disclosure threshold are deliberately set at levels that capture significant political spending while excluding de minimis civic participation. The thresholds will be adjusted by the FEC for inflation on a quadrennial basis. The pass-through disclosure requirement is the provision most likely to face legal challenge and is the provision most critical to the Act's effectiveness: without it, the disclosure framework can be defeated by routing money through one additional organizational layer. The constitutional basis for pass-through disclosure is the Court's recognition in Citizens United that disclosure serves the interest in providing voters with complete information about the source of political messaging. A disclosure that stops at the first organizational layer does not serve that interest.

The DISCLOSE Act Framework

The disclosure requirements established in this provision are modeled on and substantially expand the Democracy Is Strengthened by Casting Light On Spending in Elections Act, versions of which have been introduced in Congress in multiple sessions since 2010 without passage. The core principle of that framework — that any organization spending significant money to influence federal elections should be required to disclose who is funding it — has been endorsed by the Supreme Court majority that decided Citizens United. The failure to enact disclosure legislation in the fourteen years since that decision is not a constitutional impediment. It is a political choice made by a Congress that includes members who benefit from the dark money system. This provision makes the opposite choice.

Enforcement and Penalties

Failure to register as required, failure to file required reports, filing materially false or incomplete reports, and failing to include required on-communication disclosures shall each constitute violations subject to civil penalties of not less than the amount of the unreported expenditure or donor contribution and not more than three times that amount, imposed by the FEC with right of appeal to the United States Court of Appeals for the District of Columbia Circuit. Willful violations shall be subject to criminal prosecution with penalties of not more than five years imprisonment and a fine of not more than five hundred thousand dollars per count. The FEC shall refer all apparent willful violations to the Department of Justice and to the Independent Ethics Prosecutor within thirty days of identifying the violation. Enforcement actions shall be publicly disclosed on the FEC portal within forty-eight hours of initiation.

Constitutional Authority

The disclosure requirements derive from Congress’s authority to regulate federal elections under Article I, Section 4, and from the Court’s consistent recognition, from Buckley v. Valeo through Citizens United, that disclosure requirements for political spending serve compelling governmental interests in informing the electorate and deterring corruption. The eight-to-one Citizens United vote endorsing disclosure is the most direct precedential support available. The pass-through disclosure requirement draws on the Court’s recognition in FEC v. Wisconsin Right to Life that the government’s interest in informing voters extends to the actual source of political funding, not merely its proximate organizational vehicle. The on-communication expanded disclosure draws on Buckley’s endorsement of disclaimer requirements as a less restrictive means of serving the informational interest than expenditure limits.

Implementation Timeline

The FEC shall promulgate implementing regulations for the disclosure requirements within one hundred eighty days of enactment. The updated public portal for disclosure filings shall be operational within two hundred forty days of enactment. The disclosure requirements shall take effect with respect to political spending occurring on or after the date that is three hundred days after enactment, to allow currently operating Political Spending Organizations time to establish the internal accounting systems necessary for compliance. Organizations that come into existence after enactment are subject to the requirements immediately upon registration.

Provision 6.3.C — Super PAC Coordination Rules

Legislative Intent

Federal law has prohibited coordination between candidates and outside groups making independent expenditures since the Federal Election Campaign Act of 1971. The prohibition rests on a straightforward constitutional logic: an expenditure made in coordination with a candidate's campaign is functionally a contribution to that campaign and may be regulated as such under Buckley v. Valeo. An expenditure made independently of a candidate's campaign is a form of political speech that, under Citizens United, may not be restricted. The line between coordination and independence is therefore the constitutional line between expenditures that may be regulated and expenditures that may not. That line has been systematically erased. The FEC's existing coordination rules, which define coordination through a narrow set of specific conduct types, have proven inadequate to capture the full range of behavior through which campaigns and Super PACs maintain functional unity

while observing formal separation. The practices are documented, publicly reported, and widely understood to constitute de facto coordination: campaigns post detailed strategic polling, advertising targeting data, and opposition research in public video files specifically formatted for Super PAC consumption. Campaign managers leave their positions and immediately take leadership roles at aligned Super PACs. Candidates appear at Super PAC fundraising events and speak in terms that any reasonable observer would understand as campaign strategy. Former campaign staff brief Super PAC staff on strategic priorities before formally joining the outside organization. Each of these practices has been found, by the FEC or by federal courts reviewing specific enforcement actions, to fall outside the existing coordination rules. The existing rules define coordination through conduct categories that were specified before the practices described above became standard. This provision replaces the categorical approach with a functional standard: conduct that a reasonable person would conclude was designed to enable a campaign and an outside organization to operate as a unified political enterprise constitutes coordination regardless of whether it satisfies the formal elements of any specific categorical prohibition.

The Functional Coordination Standard

For purposes of this provision, an expenditure by any person or organization other than a candidate committee or political party shall be treated as a coordinated expenditure, subject to contribution limits applicable to direct contributions to the candidate's authorized committee, if the expenditure is made: At the request or suggestion of the candidate, the candidate's authorized committee, or any agent of the candidate or committee, including any person who held a position with the candidate's campaign within the preceding twelve months. Based on material non-public information about the candidate's campaign strategy, budget, advertising plans, or opposition research that was obtained directly or indirectly from the candidate, the candidate's committee, or any agent of the candidate or committee. In a manner that is substantially consistent with strategic guidance provided by the candidate's campaign in any public communication, where that communication is formatted, timed, or distributed in a manner that a reasonable person would conclude was intended primarily to communicate strategic

guidance to outside groups rather than to inform the general public. By an organization whose chief executive, campaign director, or principal decision-maker held a position as a paid employee, consultant, or senior volunteer of the candidate's

campaign within the preceding twenty-four months and whose departure from the campaign preceded the organization's first expenditure benefiting the candidate by less than sixty days. Under any other circumstances in which the totality of the relationship between the candidate's campaign and the spending organization would lead a reasonable person to conclude that the expenditure was not genuinely independent of the candidate's strategic direction. The functional standard preserves genuinely independent political speech. An organization that develops its own strategy, employs its own staff without prior campaign connection, and makes its own expenditure decisions without reference to the candidate's strategic direction is not engaged in coordination under this standard regardless of whether its activities benefit the same candidate. The standard targets the simulation of independence, not independence itself.

The Public Communication Firewall

To eliminate the specific practice of campaigns communicating strategy to Super PACs through technically public but practically targeted communications, any public communication by a candidate's authorized committee that contains detailed strategic information — defined as polling data, advertising market targeting, opposition research findings, candidate scheduling information, or budget allocation data — shall be treated as a communication to any outside organization that subsequently makes expenditures consistent with the strategic information contained in that communication, for purposes of applying the coordination standard established by this provision. A campaign that posts its polling data and advertising targeting strategy in a video file is communicating that strategy to any Super PAC that relies on it. The law will reflect what is actually happening.

The Cooling Period

No individual who has served as a paid employee, senior volunteer, or compensated consultant of a candidate's authorized committee within the preceding twenty-four months shall serve as an officer, director, or principal decision-maker of any organization making independent expenditures that benefit the candidate for whom they previously worked during the same election cycle. The twenty-four-month cooling period applies from the date of departure from the campaign. During the cooling period, the individual may work for outside organizations in roles that do not involve decision-making authority over expenditures benefiting their former candidate. The cooling period is not a prohibition on employment in political organizations. It is a prohibition on the specific practice of leaving a campaign and immediately directing the Super PAC that exists to support it.

Enforcement and Penalties

Coordinated expenditures treated as contributions under this provision are subject to the contribution limits applicable to direct contributions to the candidate's authorized committee. Any amount by which a coordinated expenditure exceeds the applicable contribution limit shall be treated as an excessive contribution subject to civil penalties of not less than the excessive

amount and not more than three times the excessive amount. Willful violations of the coordination rules — including the public communication firewall and the cooling period — shall be subject to criminal prosecution with penalties of not more than five years imprisonment and a fine of not more than two hundred fifty thousand dollars. The FEC shall establish a dedicated Coordination Enforcement Unit staffed by attorneys with experience in election law and financial investigation, funded at a level sufficient to monitor the practices described in this provision in real time during election cycles. Any candidate whose authorized committee is found to have engaged in coordination with an outside organization shall be required to disgorge from their campaign account an amount equal to the coordinated expenditure and shall be barred from receiving federal matching funds under

Provision 6.3.A for the duration of the election cycle in which the violation occurred. The

disgorgement and matching fund bar provisions are civil remedies that do not require criminal conviction. They are designed to create a financial disincentive for coordination that operates independently of the criminal enforcement process.

Constitutional Authority

The treatment of coordinated expenditures as contributions, subject to applicable contribution limits, derives from the Supreme Court's holding in Buckley v. Valeo that the government may regulate contributions to prevent corruption and its appearance, and from the Court's recognition in Colorado Republican Federal Campaign Committee v. FEC that expenditures made in coordination with a candidate's campaign may be treated as contributions. Citizens United explicitly did not disturb the distinction between independent and coordinated expenditures. The functional coordination standard and the public communication firewall represent a legislative clarification of what constitutes coordination rather than a new restriction on expenditures. The cooling period is a conduct restriction on individuals who choose to move between campaign employment and Super PAC leadership, narrowly tailored to prevent the specific conduct it addresses. Each element of this provision is drafted to withstand the heightened scrutiny that campaign finance restrictions receive under the current doctrinal framework.

Implementation Timeline

The FEC shall promulgate implementing regulations for the functional coordination standard and the public communication firewall within one hundred eighty days of enactment. The Coordination Enforcement Unit shall be established and staffed within two hundred seventy days of enactment. The cooling period requirement shall take effect immediately upon enactment and shall apply to any individual who departs a covered campaign position on or after the date of enactment. The coordination rules shall apply to all expenditures made in connection with elections occurring on or after the date that is three hundred sixty-five days after enactment.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test by providing a complete operational architecture for each of its three provisions. The small dollar matching program names the fund, its capitalization mechanism, the qualifying thresholds, the matching ratios, the participation caps, the verification system, and the enforcement mechanism for fraudulent submissions. The dark money disclosure provision defines Political Spending Organizations, specifies the registration

threshold, details the donor and expenditure disclosure requirements, addresses the pass-through problem explicitly, and requires on-communication disclosure. The coordination rules replace a categorical standard with a functional standard defined through five specific conduct categories, add a public communication firewall, establish a cooling period with defined parameters, and create enforcement mechanisms with specific penalties. There is no aspiration in this Act. Every provision is a mechanism.

The Coalition Architecture Test

The public demand for campaign finance reform is broad, durable, and cuts across partisan lines in a manner that few policy issues achieve. Majorities of Republican, Democratic, and Independent voters consistently express support for disclosure of political spending sources, limits on the influence of large donors in federal elections, and stricter enforcement of coordination rules between campaigns and outside groups. The small dollar matching program's appeal is specifically strong among voters who have never made a political contribution and who would be most directly empowered by a system that makes their participation more consequential. The dark money disclosure provision commands the most consistent cross-partisan support of any element of this Act: the proposition that voters have a right to know who is paying for the advertising that seeks to influence their vote is not an ideologically contested premise. It is the premise that the Citizens United majority itself endorsed. The coalition for this Act is the coalition of citizens who believe that the democratic process requires an informed electorate and that an informed electorate requires transparent disclosure of the interests behind political spending.

The Delivery Test

The Act passes the Delivery Test because each provision is designed around the specific documented failure modes of the existing campaign finance regulatory framework rather than around optimistic assumptions about voluntary compliance. The small dollar matching program does not assume that large donors will voluntarily reduce their influence. It creates an alternative financial ecosystem that reduces the structural dependence of candidates on large donors by making small donor fundraising more competitively viable. The dark money disclosure provision does not assume that 501(c)(4) organizations will voluntarily disclose their donors. It replaces the inadequate primary purpose test with a bright-line registration threshold and extends the disclosure obligation through the pass-through layer that has been the primary evasion vehicle. The coordination rules do not assume that campaigns and Super PACs will

voluntarily maintain genuine independence. They replace the categorical standard that has been systematically evaded with a functional standard that targets the evasion behavior directly.

The Act was designed by reading the record of what has failed and building something that those failures cannot defeat. checked for definitional consistency around “political spending organization.” Act 6.1.B enforcement jurisdiction confirmed to extend to willful coordination violations. Constitutional review flags: Pass-through disclosure (most novel element — expand FEC v. Wisconsin Right to Life argument). Functional coordination standard (key issue is whether the public communication firewall survives First Amendment scrutiny as a conduct restriction rather than a speech restriction — flag as priority for legal review). The Yellow Jacket Policy Research Series — April 2026 Independent Research — All Documents Freely Reproducible

Act 6.4 — The Civil Service Protection & Modernization Act

The State of Affairs

The United States federal civil service rests on a foundational bargain that is now 143 years old. The Pendleton Civil Service Reform Act of 1883 replaced the spoils system — under which every change in administration produced a wholesale replacement of the federal workforce based on party loyalty rather than professional competence — with a merit-based system in which federal employment was conditioned on demonstrated qualification and protected from arbitrary political removal. The bargain was this: the federal employee serves the institution of the government and the public it exists to serve, not the political preferences of whoever currently holds executive power. In exchange for that service, the employee receives tenure

protections that insulate their professional judgment from the pressure to tell the powerful what they want to hear rather than what the evidence requires. That bargain is under the most direct assault it has faced since 1883. Executive Order 13957, originally issued in October 2020 and reinstated in modified form on January 20, 2025, established a new employment classification — Schedule F — for federal workers in positions of a policy-determining, policy-making, or policy-advocating character. The effect of Schedule F reclassification is to remove these employees from the competitive service protections of the Civil Service Reform Act of 1978 and convert them into at-will employees whose continued employment is conditioned, in practice, on alignment with current administration policy preferences. The National Treasury Employees Union estimated the affected population at approximately fifty thousand workers under the original order. The reinstated order is broader in scope. The scholarly significance of Schedule F is not primarily a question of the number of employees it affects. It is a question of the structural principle it establishes. Political scientists studying state capacity have identified bureaucratic autonomy — the insulation of technical expertise and institutional knowledge from direct political control — as a key determinant of governmental effectiveness and resistance to capture. Peter Evans and James Rauch, writing in the American Sociological Review in 1999, documented the correlation between merit-based civil service systems and superior governance

outcomes across a broad cross-section of national governments. Francis Fukuyama, in Political Order and Political Decay, identified the erosion of civil service merit systems as a primary indicator of state decay. Schedule F's structural implication is the systematic degradation of bureaucratic autonomy across the executive branch. The government that cannot retain and protect the meteorologist who reports inconvenient climate data, the public health official whose epidemiological modeling contradicts political messaging, or the career attorney who identifies legal obstacles to politically desired outcomes, is a government whose operating system has been replaced with a loyalty program. At the same time, the existing civil service tenure system has genuine and documented deficiencies that this Act is designed to address with equal honesty. The current disciplinary process for removing a federal employee for documented performance failures can extend for years. The Merit Systems Protection Board appeal process, designed to prevent unjust removals, has become a mechanism through which agency managers routinely choose to warehouse chronically underperforming employees rather than initiate the removal process that the law nominally permits. The federal firing rate of approximately 0.3 percent — substantially below the natural rate of workforce attrition through death and disability — is not evidence of an extraordinarily high-performing federal workforce. It is evidence of an accountability mechanism so cumbersome that it has effectively ceased to function for its intended purpose.

The American Upgrade rejects both pathologies. It rejects the spoils system in its 21st-century Schedule F form, which converts professional expertise into a political loyalty test. And it rejects the dysfunction of a tenure system so rigid that incompetence is effectively insulated from consequence. The answer to both is the same principle: merit. Merit means that you are hired for what you know, retained for how well you perform, and protected from removal for any reason other than documented failure to meet the standards of your position. Merit does not protect the employee who cannot do the job. It protects every employee from being fired for doing it honestly. This Act establishes that standard in statute, with equal force on both sides of the bargain, and makes it impossible for any future executive order to undo it without an act of Congress.

Provision 6.4.A — Nullifying Schedule F — The Merit Protection Act

Legislative Intent

The civil service protections established by the Civil Service Reform Act of 1978 and its predecessors exist because the 45th and 47th presidents of the United States and the authors of Project 2025 are not the first people to discover that a loyal bureaucracy is more useful to a political agenda than a professional one. They are merely the most recent. The Pendleton Act was enacted because President Garfield was assassinated by a disappointed office-seeker in 1881. The Civil Service Reform Act was enacted because the Nixon administration's use of federal agencies for political purposes demonstrated that the earlier statutory protections were inadequate. Each generation of civil service protection has been enacted in response to a documented abuse and has been eroded, over time, by the ingenuity of subsequent administrations in finding new pathways around the protections. This provision closes the current pathway by statute, with a clarity that leaves no room for administrative reinterpretation.

Statutory Prohibition on Schedule F and Successor Classifications

Section 7511 of Title 5 of the United States Code is amended to provide that no employee in the competitive service, the excepted service, or the Senior Executive Service who occupies a position requiring scientific, technical, legal, economic, financial, statistical, or other professional expertise shall be reclassified, through executive order, administrative rule, or any other mechanism, into any employment category that eliminates or substantially reduces the employee's appeal rights under Chapter 75 of Title 5 without an express act of Congress specifically authorizing such reclassification by name.

Executive Order 13957, issued October 21, 2020, and any subsequent executive order, presidential memorandum, or administrative action that purports to create a Schedule F or functionally equivalent classification, is hereby declared without legal effect. Any reclassification of federal employees effected pursuant to such orders is hereby reversed. All employees reclassified under any such order who have been separated from federal employment are entitled to reinstatement at their previous grade and step, with back pay and restoration of benefits, as if the separation had not occurred, subject to a petition process administered by the Merit Systems Protection Board with a mandatory adjudication timeline of not more than sixty days.

Protected Position Categories

The following categories of federal employment positions are designated as Protected Merit Positions and may not be reclassified into any employment category that reduces due process protections below the standard applicable to competitive service positions, except by an act of Congress that specifically names the position category and makes findings that the specific governing requirements of that position category necessitate the reduced protection: All positions requiring scientific or technical expertise, including but not limited to positions in the National Oceanic and Atmospheric Administration, the Centers for Disease Control and

Prevention, the Food and Drug Administration, the Environmental Protection Agency's Office

of Research and Development, the National Institutes of Health, the Bureau of Labor

Statistics, the Congressional Budget Office, and the Office of Management and Budget's

career analytical staff. All career attorneys in the Department of Justice, including the Office of Legal Counsel, the Criminal Division, the Civil Division, and the offices of all United States Attorneys, whose independence from political direction is addressed in conjunction with Act 6.5. All career employees of the intelligence community whose positions require security clearances at the Top Secret/Sensitive Compartmented Information level or above. All career foreign service officers and civil service employees of the Department of State. All career inspectors general and the professional staff of the offices of inspectors general across all federal agencies. All career employees of the Federal Reserve System, the Office of the Comptroller of the

Currency, the Federal Deposit Insurance Corporation, and the Securities and Exchange

Commission whose positions involve examination, enforcement, or rulemaking functions. The designation of Protected Merit Positions does not prevent the President from making appointments to Senate-confirmed positions in any of the foregoing agencies. It prevents the

conversion of career professional positions into political appointments through administrative reclassification. The line between political appointments and career positions is the line the Constitution draws between positions that require democratic accountability through the confirmation process and positions that require professional expertise and institutional continuity. This provision enforces that line.

The Loyalty Order Prohibition

It shall be a prohibited personnel practice under 5 U.S.C. § 2302 for any officer or employee of the United States to: direct, order, or coerce any career federal employee to provide professional analysis, scientific findings, legal opinions, or policy recommendations that the directing officer or employee knows to be inconsistent with the employee's honest professional judgment; suppress, alter, or delay the release of any scientific, technical, legal, or economic analysis prepared by career federal employees for the purpose of aligning that analysis with current administration policy preferences; or take any adverse personnel action against any career federal employee on the basis of the employee's refusal to provide analysis or recommendations that would misrepresent the employee's honest professional judgment. A government that fires the expert who tells it what it does not want to hear has replaced its operating system with a loyalty program. This provision makes that replacement a federal offense.

Constitutional Authority

Congress's authority to establish and regulate the federal civil service derives from Article II, Section 2, which vests in Congress the authority to vest the appointment of inferior officers in the President, the courts, or the heads of departments, and from the Necessary and Proper Clause as applied to the administration of the executive branch. The Supreme Court confirmed in United States v. Perkins that Congress has the authority to limit the conditions under which executive officers may be removed, and in Morrison v. Olson that statutory protections for officers performing important governmental functions are constitutionally permissible. The prohibition on Schedule F reclassification without congressional authorization is a permissible exercise of Congress's authority to define the terms of federal employment and to protect the institutional competence of the executive branch from executive self-dealing.

Implementation Timeline

The prohibition on Schedule F and any functionally equivalent classification takes effect immediately upon enactment. The Merit Systems Protection Board shall establish the reinstatement petition process within sixty days of enactment. All reinstatement petitions shall be adjudicated within sixty days of filing. The Office of Personnel Management shall publish,

within ninety days of enactment, a comprehensive inventory of all positions reclassified under any Schedule F or equivalent order, the number of employees affected, and the status of their

employment. This inventory shall be publicly available on the OPM portal and updated monthly until all reinstatement proceedings are concluded.

Provision 6.4.B — The Performance Standard

Legislative Intent

The grand bargain of the American civil service is symmetrical: the government protects the employee from arbitrary political removal, and the employee serves the public with professional competence and accountability. The first half of that bargain is addressed in Provision 6.4.A. This provision addresses the second half. The current disciplinary process for removing a federal employee who cannot or will not perform the duties of their position is so cumbersome, so time-consuming, and so susceptible to legal challenge at every stage that federal managers have effectively stopped using it. The result is a two-tier federal workforce in which high-performing employees carry the institutional burden of colleagues who face no meaningful accountability for their failure to contribute, and in which the public service ethos that motivates most federal employees is undermined by the visible absence of consequences for those who do not share it. The Performance Standard does not change what constitutes grounds for removal. Federal employees may be removed for documented failure to meet the performance standards of their position, for documented misconduct, and for documented inability to perform their duties. These grounds have existed in law since 1978. What this provision changes is the timeline within which removal proceedings are conducted and completed, and the enforcement mechanism that ensures managers actually use the process rather than avoiding it. The 90-Day Accountability Standard Chapter 43 of Title 5 of the United States Code, governing performance appraisal and removal, is amended to establish the following mandatory timeline for performance-based removal proceedings: Day 1 — Documented Failure to Perform. A supervisor who identifies a career employee's failure to meet the established performance standards of their position shall document that failure in writing, with specific reference to the performance element or elements not being met, and shall provide a copy of the documentation to the employee, the

employee's union representative if applicable, and the agency's human resources office within five business days of identifying the failure. Days 1–30 — The Performance Improvement Period. Upon documentation of failure to perform, the employee shall be placed on a mandatory Performance Improvement Period of not less than fifteen and not more than thirty calendar days. The Performance Improvement Period shall specify, in writing: the precise performance standards the employee must meet; the specific assistance, training, or resources the agency will provide to support improvement; the criteria by which improvement will be assessed; and the consequences of failure to meet those criteria within the improvement period. The Performance Improvement Period is not optional and is not subject to negotiation regarding its duration within the statutory range. Day 30 — Assessment. At the conclusion of the Performance Improvement Period, the supervisor shall assess the employee's performance against the criteria established in the Performance Improvement Period documentation. If the employee has met the established criteria, the performance removal proceeding is concluded and the documentation is retained in the employee's personnel file. If the employee has not met

the established criteria, the agency shall issue a Notice of Proposed Removal within five business days of the assessment, with a thirty-day response period during which the employee may submit a written or oral response to the proposed action. Day 60 — Final Decision. Following the employee's response period, the agency shall issue a Final Decision within fifteen days. If the Final Decision is removal, the employee's separation is effective on the date specified in the Final Decision, which shall be not less than five and not more than fifteen calendar days after the Final Decision is issued. Days 60–90 — Appeals. An employee removed under this provision may appeal to the Merit Systems Protection Board within thirty days of the effective date of removal. The MSPB shall issue its decision within sixty days of the appeal filing. The total time from documented failure to MSPB decision shall not exceed one hundred fifty days. MSPB decisions are appealable to the United States Court of Appeals for the Federal Circuit within thirty days of the MSPB decision. The ninety-day standard referenced in the title of this provision refers to the timeline from documented failure to the effective date of removal, exclusive of the appeal process. The appeal process adds up to sixty additional days before MSPB adjudication is complete. The total timeline from documented failure to final administrative resolution is not more than one hundred

fifty days, compared to the current effective timeline of eighteen months to three years that characterizes the existing process in contested cases. The reduction in timeline is not designed to eliminate the employee's due process rights. It is designed to make those rights meaningful by resolving them within a timeframe that preserves the practical significance of the outcome.

The Prohibited Personnel Practices Guardrail

The streamlined removal timeline established by this provision applies exclusively to performance-based removals and misconduct removals that satisfy the following conditions: the documented failure or misconduct must be specific, written, and based on the employee's actual performance of or failure to perform their assigned duties; the Performance Improvement Period must have been conducted in good faith with genuine resources provided to support improvement; and the Final Decision must have been made by an official with no personal, political, or financial interest in the outcome of the removal. The following categories of removal are expressly prohibited and constitute prohibited personnel practices under 5 U.S.C. § 2302, subject to criminal prosecution under 18 U.S.C. § 1505 in addition to civil remedies: Removal based on the employee's political affiliation, political activity, or political speech made in the employee's private capacity outside of the employee's official duties. Removal based on the employee's refusal to provide professional analysis, scientific findings, legal opinions, or policy recommendations that would misrepresent the employee's honest professional judgment. Removal based on the employee's refusal to execute an order that the employee reasonably believed to violate any statute, regulation, constitutional provision, or lawful court order. Removal based on the employee's disclosure to Congress, to an Inspector General, to the Office of Special Counsel, or to the media of information that the employee reasonably believed evidenced a violation of law, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety. Removal initiated within one year of any protected disclosure by the employee, which shall create a rebuttable presumption of retaliation that the agency must overcome by clear and convincing evidence that the removal would have been initiated absent the protected disclosure. The symmetry of this

provision is intentional and must be legible to every reader: we make it easier to fire the employee who cannot do the job and impossible to fire the employee who does it honestly. These are not competing values. They are the same value — merit — applied consistently. An administration that wants to remove a climate scientist for reporting accurate

temperature data and a manager who wants to remove a subordinate for chronic absenteeism are not in the same legal position under this provision. They face opposite legal outcomes, by design.

The Manager Accountability Companion

The Performance Standard creates accountability for employees who fail to perform. It creates corresponding accountability for managers who fail to use it. A supervisor who permits a documented underperforming employee to remain in their position without initiating performance improvement proceedings for more than ninety days after the documented failure shall themselves be subject to a documented performance deficiency in their own performance appraisal. Agency heads shall report annually to the Office of Personnel Management on the number of performance improvement proceedings initiated, the number resulting in removal, the number appealed, and the outcomes of appeals. This data shall be publicly available on the OPM portal and shall be used by OPM to identify agencies where the performance accountability system is functioning and agencies where it is not. The goal of the Performance Standard is not merely to make removal possible. It is to make accountability the operating norm rather than the exceptional event.

The MSPB Modernization

The Merit Systems Protection Board is the appellate body for federal employee adverse actions and plays a critical role in the performance accountability system. The MSPB has, in recent years, suffered from a structural incapacity to perform that function: the Board operated without a quorum for more than two years between 2017 and 2019, accumulating a backlog of approximately three thousand cases that took years to resolve. This provision addresses that structural vulnerability by: requiring the President to nominate MSPB members within sixty days of any vacancy; requiring the Senate to hold a confirmation vote within ninety days of any nomination; and providing that if either the President or the Senate fails to fulfill these obligations, the Chief Justice of the United States shall appoint a temporary MSPB member from the ranks of retired federal judges to serve until a permanent member is confirmed. The MSPB performs an essential function in the accountability architecture. Its inability to operate due to deliberate vacancy management is itself a prohibited personnel practice at the institutional level, and this provision treats it accordingly.

Constitutional Authority

The performance removal timeline derives from Congress’s authority under Article I to establish the terms and conditions of federal employment and from the due process requirements of the Fifth Amendment, which require that federal employees receive notice and an opportunity to be

heard before adverse personnel actions. The timeline established here satisfies the Mathews v. Eldridge due process balancing test: the individual interest in continued employment is

substantial, the risk of erroneous deprivation under the structured PIP and response process is significantly reduced compared to informal removal, and the governmental interest in a functional accountability system is compelling. The prohibited personnel practices provisions derive from Congress's authority to protect the institutional integrity of the civil service from political interference and from the First Amendment's protection of government employees' speech on matters of public concern as established in Garcetti v. Ceballos and its successors.

Implementation Timeline

The Office of Personnel Management shall promulgate implementing regulations for the 90-day performance standard within one hundred eighty days of enactment. Updated performance appraisal forms incorporating the documented failure and PIP requirements shall be issued to all agencies within two hundred forty days. The annual agency reporting requirement to OPM shall take effect beginning with the first full fiscal year after enactment. The MSPB nomination and confirmation timeline requirements take effect immediately upon enactment.

Provision 6.4.C — Whistleblower Protection Modernization

Legislative Intent

The Whistleblower Protection Act of 1989 and its successor amendments, including the Whistleblower Protection Enhancement Act of 2012, established a framework of protections for federal employees who disclose information evidencing violations of law, gross mismanagement, gross waste, abuses of authority, and dangers to public health and safety. That framework has been progressively eroded by judicial interpretation that has narrowed the definition of protected disclosures, expanded the categories of employees excluded from coverage, and placed procedural barriers in the path of retaliation claims that the original statute did not contemplate. The result is a whistleblower protection system whose protections are nominally robust and practically inadequate. This provision reconstructs the framework with the specificity and enforcement tools the subject requires.

Expanded Scope of Protected Disclosures

A disclosure by a federal employee, former federal employee, or applicant for federal employment is protected under this provision if the disclosing individual reasonably believes the information disclosed evidences any of the following:

A violation of any law, rule, or regulation, including but not limited to constitutional violations, statutory violations, and violations of agency regulations having the force of law. Gross mismanagement of a federal program or operation, defined as a management action or inaction that creates a substantial risk of significant harm to the mission or operations of a federal agency. A gross waste of federal funds, defined as an expenditure or obligation of federal funds that is not authorized by law or that is unreasonable in light of the program's legitimate objectives. An abuse of authority by a federal official, defined as the arbitrary or capricious exercise of power that is inconsistent with the official's delegated authority or that causes demonstrable harm to the rights or interests of employees or the public. A substantial and specific danger to public health or safety, including dangers that arise from the suppression,

alteration, or misrepresentation of scientific, technical, or medical findings by federal officials. Any action that constitutes a prohibited personnel practice under 5 U.S.C. § 2302, including the retaliation prohibited by Provision 6.4.B of this Act. The reasonable belief standard is objective: whether a disinterested observer with knowledge of the essential facts known to and reasonably available to the employee could conclude that the conduct disclosed evidences one of the foregoing categories. The standard does not require certainty and does not require that the disclosed conduct be ultimately proven. The employee who reports in good faith based on the information available to them is protected even if subsequent investigation reveals that the concern was unfounded.

Channels of Protected Disclosure

A disclosure is protected under this provision regardless of the channel through which it is made, including: disclosures to the employee's supervisor or agency management; disclosures to the Office of Special Counsel; disclosures to the relevant office of inspector general; disclosures to any member of Congress or congressional committee staff; disclosures to the Government Accountability Office; and, where the employee reasonably believes that internal channels have been exhausted or are unavailable due to agency complicity in the disclosed conduct, disclosures to the media or the general public. The restriction on disclosures of classified information is preserved: this provision does not authorize the unauthorized disclosure of information classified pursuant to a valid executive order. It protects all other disclosures made in good faith on the basis of information within the employee's knowledge.

Strengthened Anti-Retaliation Enforcement

The Office of Special Counsel is granted independent litigating authority to seek stays of any adverse personnel action that it has reason to believe constitutes retaliation for a protected disclosure. The stay may be sought in the United States Court of Appeals for the Federal Circuit on an expedited basis and shall be granted upon a showing that: the employee made a protected disclosure; the disclosing employee is the subject of an adverse personnel action; and there is a non-frivolous basis to conclude that the adverse action is connected to the protected disclosure. The stay shall remain in effect until the MSPB adjudicates the retaliation claim on the merits. In any proceeding alleging retaliation for a protected disclosure, once the employee establishes by a preponderance of the evidence that the employee made a protected disclosure and was subsequently subjected to an adverse personnel action, the burden of proof shifts to the agency to demonstrate by clear and convincing evidence that the adverse action would have been taken in the absence of the protected disclosure. This burden-shifting standard is the operative standard under the current Whistleblower Protection Enhancement Act for disclosures to the OSC and the IG; this provision extends it to all protected disclosures including disclosures to Congress and the media.

The Clearance Retaliation Prohibition

The revocation or suspension of a security clearance is the most effective tool of retaliation available against employees in intelligence and national security positions because it eliminates the employee's ability to perform their duties without requiring the agency to make a formal adverse action finding that is subject to MSPB review. This provision establishes that the

revocation or suspension of a security clearance within two years of a protected disclosure by the holder of that clearance constitutes a rebuttable presumption of retaliation subject to the burden-shifting standard established above. The agency may rebut this presumption by demonstrating, by clear and convincing evidence, that the revocation or suspension was based on specific, documented, non-retaliatory security concerns that arose independently of the protected disclosure. The presumption and the burden-shifting standard apply to the adjudication of clearance revocations at the MSPB and before the Intelligence Community Whistleblower Protection Act procedures. The employee whose clearance is revoked in retaliation for a protected disclosure shall be entitled to the same remedies as an employee subjected to any other form of retaliation, including reinstatement of the clearance pending final adjudication.

The Cost-Savings Incentive

Any federal employee who identifies through internal reporting channels, through the OSC, or through the relevant inspector general, waste, fraud, or inefficiency that results in the

documented return of funds to the United States Treasury or the prevention of an unauthorized expenditure shall be eligible for a cash award equal to five percent of the verified saved amount, capped at twenty-five thousand dollars per employee per fiscal year. The award program is designed to make the two million members of the federal workforce active participants in the accountability function rather than passive witnesses to the expenditure of public funds. The employee who identifies a fraud scheme that recovers a million dollars from a federal contractor has provided a service to the taxpayer worth substantially more than the twenty-five-thousand-dollar award. The program aligns the financial interest of the employee with the financial interest of the public they serve.

Constitutional Authority

The whistleblower protection framework derives from Congress’s authority under Article I to oversee the executive branch and to establish the terms of federal employment, from the First Amendment’s protection of government employee speech on matters of public concern as established in Pickering v. Board of Education and its successors, and from the due process requirements of the Fifth Amendment as applied to adverse personnel actions. The burden-shifting standard and the clearance retaliation provisions address the specific evidentiary asymmetry that makes retaliation claims difficult to prove: the agency has complete control over the information necessary to establish the retaliatory motive, while the employee has only the temporal proximity of the protected disclosure and the adverse action. The standard is designed to be constitutionally adequate while operationally effective.

Implementation Timeline

The OSC’s independent litigating authority takes effect immediately upon enactment. The Office of Special Counsel shall issue updated guidance on protected disclosure channels and the burden-shifting standard within ninety days of enactment. The security clearance retaliation presumption takes effect immediately upon enactment with respect to all pending and future clearance revocations. The cost-savings award program shall be administered by the agency

relevant to the disclosure, with OPM oversight, beginning in the first full fiscal year after enactment. OPM shall publish an annual report on award payments, the documented savings that triggered them, and the relationship between the award program and internal fraud reporting rates.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test in three distinct registers. Provision 6.4.A names Schedule F by reference to the specific executive order, specifies the statutory amendment, identifies the Protected Merit Position categories, and establishes the reinstatement remedy with a specific sixty-day adjudication timeline. Provision 6.4.B provides a day-by-day accountability timeline, defines the prohibited personnel practices with reference to specific statutory sections, establishes the manager accountability companion, and addresses the MSPB structural vulnerability with a specific nomination and confirmation timeline and a judicial appointment backup. Provision 6.4.C expands the scope of protected disclosures with a defined objective standard, extends the burden-shifting standard to all disclosure channels, addresses the clearance retaliation specific problem, and establishes the cost-savings incentive with specific dollar parameters. There is no aspirational language in this Act. Every provision is a statute.

The Coalition Architecture Test

The civil service protection and accountability argument is structured to reach a coalition that spans the conventional partisan divide because the two pathologies it addresses — political firing of professional experts and accountability-free tenure for underperforming employees — are each offensive to a distinct and substantial constituency. The voter who watched the previous administration's political appointees suppress inconvenient scientific findings, purge career prosecutors, and install loyalists in positions requiring professional expertise understands why Schedule F must be prohibited by statute. The voter who has experienced the frustration of

a federal bureaucracy that moves slowly, resists accountability, and protects mediocrity through tenure finds in the Performance Standard a reform that addresses a genuine and documented dysfunction. This Act does not ask either constituency to accept the other's concern in exchange for their own. It addresses both with equal legislative force. That is the coalition architecture.

The Delivery Test

The Act passes the Delivery Test because it is designed around the documented failure modes of each predecessor framework. The prohibition on Schedule F addresses the specific failure of executive order civil service protections, which are vulnerable to repeal or modification by the next executive order. The Performance Standard addresses the specific failure of the existing CSRA removal process, which has been rendered non-functional not by design flaw but by timeline pathology. The MSPB modernization addresses the specific failure mode of deliberate vacancy management. The whistleblower burden-shifting standard addresses the specific

evidentiary asymmetry that makes retaliation claims difficult to sustain. The clearance retaliation presumption addresses the specific tool that has been most effectively used to retaliate against national security whistleblowers without triggering formal adverse action review. The cost-savings incentive addresses the specific absence of financial alignment between employee interests and public fiscal interests. Every structural choice in this Act is a response to a documented failure of the existing framework. The Act was not written to look like reform. It was written to function as it. flags: Act 6.1.B (Independent Ethics Prosecutor) — confirm jurisdiction over prohibited personnel practice violations in 6.4.B and 6.4.C extends to the IEP as well as the OSC and MSPB. Act 6.5.A (DOJ Independence) — career attorney protections in 6.4.A and 6.5.A are companion provisions; the 6.4.A Protected Merit Position designation for DOJ career attorneys must be consistent with the 6.5.A White House Contact Ban scope. Historical precedent flags: Pendleton Act (1883), CSRA (1978), WPA (1989), WPEA (2012) — all cited as statutory predecessors. Evans & Rauch (1999) ASR and Fukuyama (2014) as academic basis for bureaucratic autonomy argument — include in final sourcing. The Yellow Jacket Policy Research Series — April 2026 Independent Research — All Documents Freely Reproducible

Act 6.5 — The Department of Justice Reform Act

The State of Affairs

Justice is depicted as blindfolded because she must not see the rank, wealth, political affiliation, or electoral utility of the accused. The blindfold is not a decoration. It is the operating principle on which the legitimacy of the entire criminal justice system depends. When the public believes — not as partisan suspicion but as documented observation — that the application of federal law varies according to the political value of the target, the law ceases to function as law. It becomes what the working draft of this series called it without exaggeration: an instrument of force dressed in the language of justice.

The erosion of that principle has a specific documented history that precedes the current moment and is not the exclusive pathology of any single administration or party. Nixon’s Saturday Night Massacre, in which he ordered the firing of the Watergate special prosecutor and accepted the resignations of the Attorney General and Deputy Attorney General rather than comply with a subpoena, is the canonical modern instance. It is not the only one. Both parties have been accused — with varying degrees of evidentiary support — of using the investigatory and prosecutorial apparatus of the Department of Justice to protect political allies and target political adversaries. The pattern’s recurrence across administrations is not a coincidence. It is the predictable consequence of a structural arrangement in which the most powerful law enforcement agency in the world operates under the direct authority of an official who serves at the pleasure of the official with the greatest political interest in how that agency’s power is exercised. The protection against that structural arrangement has, for nearly fifty years, been a norm: the norm that the White House does not interfere in specific criminal investigations, that the Attorney General exercises independent professional judgment in prosecutorial decisions, and that the FBI Director serves a ten-year statutory term designed to span multiple administrations precisely to insulate the Bureau’s investigative function from electoral cycle pressures. Those norms are not law. They are customs maintained by the professional culture

of the institutions involved and by the reputational cost of violating them. When an administration calculates that the reputational cost of norm violation is less than the political benefit of the outcome the violation produces, norms do not hold. The American Upgrade does not rely on norms. This Act replaces the norm with the statute and the custom with the felony. The distinction this Act draws — and it is a constitutionally precise distinction — is between prosecutorial priorities and prosecutorial outcomes. The President of the United States is the head of the executive branch. The Attorney General serves at the President's pleasure. The President has not only the authority but the constitutional duty to set the broad priorities of federal law enforcement: to direct the Department of Justice to focus resources on cybercrime, on domestic terrorism, on drug trafficking, on public corruption. These are policy decisions that belong within the domain of presidential authority and democratic accountability. The President who ran on a specific law enforcement priority has a legitimate claim to direct the executive branch to pursue it. None of that is disputed and none of it is restricted by this Act. What the President does not have — and what the Constitution, read honestly, does not provide — is the authority to direct the Department of Justice to open a specific investigation of a specific named individual for political purposes, or to close a specific investigation of a specific named individual for political purposes. The power to select the target of a criminal investigation is not a policy power. It is the power to destroy lives, careers, and reputations with the full

authority of the federal government. In the hands of an official operating under political direction rather than professional judgment, it is the power to punish dissent, eliminate opponents, and protect allies from accountability. That power is precisely what the rule of law exists to prevent any single person from exercising without constraint. This Act enforces that constraint in statute, for the first time, with criminal penalties sufficient to make the calculation of norm violation straightforwardly adverse. The FBI presents a distinct but related problem. The Bureau's credibility as the nation's premier law enforcement agency depends on its operational independence from political direction in specific investigations. That independence has been compromised from multiple directions and by multiple administrations: through the political firing of a director who refused to pledge personal loyalty; through the documented use of Bureau resources for domestic political intelligence operations; through the expansion of national security investigative tools into areas of domestic political activity far removed from the genuine security concerns those tools were designed to address. The Bureau that investigates school board parents and labels religious groups as domestic extremists based on political characterization rather than documented threat is not performing a law enforcement function. It is performing a political function with law enforcement tools. This Act addresses both the structural independence of the Bureau's leadership and the operational boundaries within which those tools may be deployed.

Provision 6.5.A — Codifying DOJ Independence — The White House

Contact Ban

Legislative Intent

There is currently no federal law that explicitly prohibits the President of the United States from calling the Attorney General and directing the opening, closing, or direction of a specific criminal

investigation. The prohibition exists as a norm, observed with varying degrees of fidelity across administrations, and enforced by nothing more durable than institutional culture and the anticipated disapproval of the legal and journalistic community. This provision makes the prohibition a statute. It makes its violation a federal crime. It makes the attempt to violate it a reporting obligation. And it makes the failure to report a violation itself a criminal act. The norm is replaced by the felony. The tradition is replaced by the statute. The professional culture that has repeatedly proven insufficient to maintain the line is replaced by a legal architecture that does not depend on the character of the people operating within it.

The Prohibited Communications Statute

Section 530D of Title 28 of the United States Code is amended to add the following:

It shall be unlawful for the President, the Vice President, the Chief of Staff to the President, the Deputy Chief of Staff, any Senior Advisor to the President, the Director of the Office of Management and Budget, the National Security Advisor, or any other officer or employee of the Executive Office of the President to communicate, directly or indirectly, with the Attorney General, the Deputy Attorney General, any Assistant Attorney General, the Director of the Federal Bureau of Investigation, any United States Attorney, or any other officer or employee of the Department of Justice regarding any of the following matters: The opening, initiation, or commencement of any specific civil or criminal investigation of any named individual, corporation, organization, or other entity. The closing, termination, discontinuation, or declination of any specific civil or criminal investigation or prosecution of any named individual, corporation, organization, or other entity. The charging decisions, prosecutorial strategy, evidentiary standards, or sentencing recommendations in any specific pending criminal case. The identity of targets, subjects, or witnesses in any specific ongoing investigation. The timing of any investigative action, indictment, arrest, or prosecution in any specific case. The foregoing prohibition does not apply to: communications related to genuine national security matters involving espionage, terrorism, cyberattacks against United States government systems, or threats to the physical safety of the President, the Vice President, or members of Congress, provided that such communications are made through the established interagency national security communication protocols and are logged as required by this provision; communications conveying the President’s broad law enforcement priorities at the policy level, provided that such communications do not reference specific named individuals, entities, or pending investigations; communications regarding the exercise of the pardon power under Article II, Section 2 of the Constitution; and communications made at the request of the Attorney General for the purpose of providing the President with information about the legal implications of proposed executive actions. The exceptions are narrow by design. The distinction between a permissible policy priority communication and a prohibited case-specific direction is not ambiguous in the cases that matter: the President who tells the Attorney General to prioritize drug trafficking prosecutions is exercising policy authority. The President who tells the Attorney General to open an investigation of a named political opponent or close an investigation of a named political ally is exercising something else. This statute addresses the latter.

The Mandatory Reporting Obligation — The Contact Log The Attorney General shall maintain a Contact Log in which all communications from the Executive Office of the President to the

Department of Justice are recorded in real time. The Contact Log shall record: the date, time, and medium of the communication; the identity of all participants; a verbatim transcript or, where a transcript is not possible, a detailed contemporaneous summary of the substance of the communication; and the Attorney General's assessment of whether the communication falls within the permitted exceptions enumerated in this provision. The Contact Log shall be transmitted to the Senate Judiciary Committee, the House Judiciary Committee, and the Inspector General of the Department of Justice within seventy-two hours of any communication that the Attorney General determines, or that a reasonable person in the Attorney General's position would determine, falls outside the permitted exceptions. The transmittal shall be accompanied by a written certification from the Attorney General identifying the specific exception, if any, under which the communication is claimed to fall, or, if no exception applies, identifying the provision of this statute that the communication appears to violate. The Contact Log, excluding any portions that the Attorney General certifies in writing contain information properly classified under a valid executive order, shall be transmitted to the Senate and House Judiciary Committees on a quarterly basis in its entirety. The quarterly transmission requirement applies regardless of whether any specific communication required a seventy-two-hour notification. The Judiciary Committees shall make the quarterly Contact Log transmissions publicly available, with appropriate redactions for legitimately classified information, within fifteen days of receipt.

Penalties for Violation

Any officer or employee of the Executive Office of the President who makes a communication prohibited by this provision shall be subject to: removal from their position by operation of law, taking effect immediately upon a finding of violation by the Independent Ethics Prosecutor established under Act 6.1.B or by a federal court; criminal prosecution for obstruction of justice under 18 U.S.C. § 1503 and for the specific offense created by this provision, with penalties of not more than ten years imprisonment and a fine of not more than five hundred thousand dollars per violation; and civil liability to any individual whose investigation was improperly opened, closed, or directed as a result of the prohibited communication, for damages including reasonable attorney's fees and the cost of any reputational or financial harm directly attributable to the improper governmental action.

The Attorney General who fails to maintain the Contact Log, fails to make the required seventy-two-hour notification, or fails to make the required quarterly transmission shall be subject to: removal from office through the impeachment process, for which a knowing failure to comply with the requirements of this provision constitutes a high misdemeanor within the meaning of Article II, Section 4 of the Constitution; criminal prosecution for obstruction of justice with penalties of not more than five years imprisonment; and, upon conviction or removal, a permanent bar from holding any office of trust under the United States. The Attorney General who complies with this provision in good faith, including by making required notifications of contacts that the Attorney General did not believe were legally appropriate, is entitled to good faith immunity from civil liability arising from the content of those notifications.

The Attorney General Recusal Standard

The Attorney General shall recuse themselves from any investigation or prosecution in which a reasonable person, with knowledge of the facts known to the Attorney General, would question the Attorney General's impartiality. The recusal obligation applies with particular force when the subject of an investigation is: a current or former political ally of the President who appointed the Attorney General; a current or former political opponent of the President; or any person or entity whose investigation or prosecution has been the subject of any communication from the Executive Office of the President, regardless of whether that communication fell within the permitted exceptions. Upon recusal, the matter shall be transferred to the Deputy Attorney General or, where the Deputy Attorney General is also recused, to a career official designated by the most senior non-recused Senate-confirmed officer of the Department. The appointment of a special counsel for matters requiring independent investigation outside the Department's normal chain of command is authorized by this provision and governed by the existing special counsel regulations at 28 C.F.R. Part 600, as amended by this Act to include a for-cause removal standard for special counsels that is identical to the for-cause standard applicable to the FBI Director. A special counsel may be removed by the Attorney General only for misconduct, dereliction of duty, incapacity, conflict of interest, or any other good cause, and the basis for removal shall be publicly disclosed within forty-eight hours of the removal decision.

Constitutional Authority

The White House Contact Ban derives from Congress's authority under Article I to define and punish obstructions of the administration of justice, from the Necessary and Proper Clause as applied to the integrity of federal law enforcement, and from the structural inference drawn by the Supreme Court in United States v. Nixon that the President's executive authority does not include the authority to obstruct the proper administration of justice. The Court held in Nixon that executive privilege must yield to the demonstrated need for evidence in a criminal proceeding;

by the same structural logic, the presidential authority to direct the executive branch must yield to the institutional requirement that the criminal process operate free from political direction of specific investigative outcomes. The Contact Log reporting obligation derives from Congress's oversight authority under Article I and from the constitutional obligation of executive branch officers to account to Congress for the exercise of the authority Congress has delegated to them.

Implementation Timeline

The White House Contact Ban takes effect immediately upon enactment. The Attorney General shall establish the Contact Log within thirty days of enactment and shall transmit the first quarterly report to the Judiciary Committees within ninety days of enactment. The Independent Ethics Prosecutor's jurisdiction over violations of this provision is effective immediately upon the IEP's operational commencement under Act 6.1.B. The Department of Justice shall publish, within one hundred eighty days of enactment, updated internal guidance for all DOJ personnel on the scope of permitted and prohibited communications with the Executive Office of the President.

Provision 6.5.B — FBI Oversight & Depoliticization

Legislative Intent

The Federal Bureau of Investigation occupies a position in the constitutional architecture of American government that has no precise parallel in any other democratic system. It is simultaneously the nation's premier domestic law enforcement agency, a significant component of the domestic counterintelligence apparatus, and an organization whose investigative reach extends into virtually every domain of federal criminal jurisdiction. Its institutional legitimacy depends on the public's confidence that its investigations are driven by evidence and legal authority rather than by political direction. That confidence has been measurably degraded. Sixty percent of American voters, surveyed in 2026, describe the justice system as rigged. The perception is not uniformly accurate in its specifics, but it is a rational response to a documented pattern of investigative and prosecutorial decisions that have, across multiple administrations, appeared to track political interests as well as legal ones. The Bureau that investigated the school board parent meeting under a domestic terrorism framework designed for foreign-influenced violent extremism, that labeled constitutionally protected religious practice as a radicalization indicator, and that opened and closed high-profile investigations on timelines that tracked electoral cycles rather than investigative logic, has given the public reason for the skepticism it has earned.

This provision does not propose to eliminate the FBI's national security functions or to restrict its legitimate law enforcement authority. It proposes to restore the structural independence of the Bureau's leadership from political removal, to establish enforceable operational boundaries between national security tools and domestic political surveillance, and to create an oversight architecture that provides genuine accountability without subordinating the Bureau to any single political actor or institutional interest.

The FBI Director Tenure and For-Cause Removal Protection

The Federal Bureau of Investigation Act (28 U.S.C. § 532) is amended to provide that the Director of the Federal Bureau of Investigation shall serve a single non-renewable term of ten years from the date of appointment. The Director may be removed by the President only upon a written finding, transmitted simultaneously to the Senate Judiciary Committee and the House Judiciary Committee, that the Director has engaged in one or more of the following: inefficiency in the performance of the duties of the office; neglect of duty; malfeasance in office; conduct unbecoming the holder of federal law enforcement authority; or conviction of a criminal offense. The written finding shall specifically identify: the factual basis for the removal determination; the specific ground or grounds from the foregoing list that the conduct satisfies; any relevant findings of the Inspector General of the Department of Justice; and the President's certification that the removal is not based, in whole or in part, on the Director's conduct of any specific investigation. The finding shall be made public within twenty-four hours of the removal decision. The Director who is removed shall have the right to submit a written response to the Senate and House Judiciary Committees within fifteen days of the transmittal of the removal finding, and the Committees shall convene a hearing on the removal within thirty days of receipt of the Director's response if either Committee so requests. The for-cause removal protection does not create

absolute tenure. A Director who is genuinely inefficient, genuinely neglectful of duty, or genuinely engaged in malfeasance can and should be removed. The protection is against removal for the one reason that would most damage the Bureau's institutional integrity and that has been most visibly deployed against it: removal because the Director's investigations were inconvenient to the political interests of the removing official. The requirement to state specific grounds in writing, transmit them to Congress, and make them public creates accountability for the removal decision itself. A President who fires an FBI Director for investigating the President's allies cannot hide that fact behind a vague characterization of inefficiency. The record is public. The accountability is real. Operational Boundaries — The Domestic Surveillance Firewall

The investigative tools and authorities granted to the FBI under the Foreign Intelligence Surveillance Act, the USA PATRIOT Act, Executive Order 12333, and related national security legal authorities are granted for the purpose of investigating foreign intelligence threats, foreign-influenced terrorism, foreign-directed espionage, and related national security matters involving demonstrated connections to foreign adversaries or foreign-directed organizations. These tools and authorities may not be deployed against United States persons engaged in the exercise of First Amendment rights — including political association, religious practice, peaceful assembly, and expressive conduct — absent specific, documented, articulable facts establishing a genuine connection to foreign intelligence activity, foreign-directed terrorism, or foreign-directed espionage, reviewed and approved by a federal judge pursuant to FISA procedures. The FBI shall not: open a domestic intelligence investigation of any organization, association, or individual based solely or primarily on the content of constitutionally protected speech, religious practice, or political activity; maintain a database, watchlist, or monitoring program targeting United States persons based on their membership in, association with, or expression of support for any political organization, religious community, or advocacy group that has not been specifically designated as a foreign terrorist organization under 8 U.S.C. § 1189 or as an agent of a foreign government under the Foreign Agents Registration Act; or use national security investigative tools against domestic targets without judicial authorization under FISA procedures, regardless of whether the investigation is nominally characterized as a national security matter. Violations of the domestic surveillance firewall shall be investigated by the Inspector General of the Department of Justice and reported to the Senate and House Intelligence Committees and the Senate and House Judiciary Committees within thirty days of identification. Any FBI official who authorizes or directs a domestic surveillance activity in violation of this provision shall be subject to removal, criminal prosecution under 18 U.S.C. § 2511 and related wiretapping and surveillance statutes, and civil liability to any United States person whose constitutional rights were violated.

Inspector General Empowerment

The Inspector General of the Department of Justice is granted full testimonial subpoena power to compel the testimony of former DOJ and FBI officials in connection with any investigation within the IG's jurisdiction. The current limitation of the IG's compulsory process to current employees effectively insulates former officials from accountability for conduct that may not come to the IG's attention until after their departure from the Department. This provision closes that gap. Former officials who departed the Department within five years of the IG's subpoena

may be compelled to testify before the IG with the same legal consequences for non-compliance as apply to current employees. The exclusive jurisdiction of the Office of Professional Responsibility over attorney misconduct within the Department of Justice is eliminated. The OPR loophole — the structural arrangement by which career DOJ attorneys accused of professional misconduct are investigated exclusively by an internal office that reports to the Attorney General rather than by the independent Inspector General — has historically shielded prosecutors from independent accountability for conduct that would, in any other professional context, be subject to external review. The Inspector General is granted concurrent jurisdiction over all matters involving attorney misconduct within the Department, including prosecutorial misconduct, Brady violations, and violations of professional conduct rules. The OPR retains its existing authority, but its jurisdiction is no longer exclusive, and its findings are no longer insulated from IG review. The Inspector General's annual report to Congress shall include a specific section on the IG's review of the Contact Log maintained under Provision 6.5.A, identifying any communications that the IG determined warranted further investigation, any referrals made to the Independent Ethics Prosecutor or the Department of Justice, and any systemic patterns in White House–DOJ communications that the IG identified as requiring legislative or administrative attention.

The Two-Tier Justice Prohibition

It shall be a prohibited practice under the internal regulations of the Department of Justice, enforceable by the Inspector General and subject to the disciplinary procedures applicable to DOJ attorneys, for any officer or employee of the Department to apply different investigative standards, different evidentiary thresholds for opening investigations, different charging standards, or different sentencing recommendations based on the political affiliation, political activity, or electoral significance of the subject of an investigation or prosecution. The Department shall publish, within one hundred eighty days of enactment, updated charging and investigation guidelines that specify the evidentiary and legal standards applicable to each category of federal criminal offense, without reference to the political identity or electoral significance of any subject, and that are applied uniformly across all investigations regardless of the identity or affiliation of the subject. The Inspector General shall conduct an annual audit of a statistically representative sample of investigation opening and closing decisions, charging decisions, and sentencing recommendations, using a methodology designed to detect systematic variation in outcomes based on subject identity or political affiliation. The results of the annual audit shall be published in the IG's annual report. Any systematic variation identified in the audit that is not explained by

legitimate law enforcement factors shall be referred to the Independent Ethics Prosecutor for investigation.

Constitutional Authority

The FBI Director for-cause removal protection derives from the Supreme Court's holding in Morrison v. Olson that Congress may constitutionally limit the conditions under which executive officers performing important but not purely executive functions may be removed, provided the limitation does not impede the President's ability to perform constitutional duties. The FBI Director's ten-year statutory term has existed since 1976 precisely to span multiple

administrations and insulate the Bureau's investigative function from electoral cycle pressures. The for-cause standard strengthens the existing tenure protection in a manner directly analogous to the for-cause protections upheld for independent agency commissioners in Humphrey's Executor v. United States. The domestic surveillance firewall derives from the Fourth and First Amendments as applied to government surveillance of protected activity, from the Foreign Intelligence Surveillance Act's existing judicial authorization requirements, and from Congress's authority under Article I to define the limits of national security surveillance authority. The IG empowerment provisions derive from Congress's oversight authority under Article I and from the Inspector General Act of 1978, which this provision amends.

Implementation Timeline

The FBI Director for-cause removal protection takes effect immediately upon enactment and applies to the current Director and all future Directors. The domestic surveillance firewall regulations shall be promulgated by the FBI, subject to IG review and certification, within one hundred eighty days of enactment. The Inspector General's testimonial subpoena authority over former officials takes effect immediately upon enactment, with respect to all former officials who departed the Department within the preceding five years. The OPR concurrent jurisdiction provision takes effect immediately. The two-tier justice prohibition guidelines shall be published within one hundred eighty days. The first IG annual audit under this provision shall be conducted during the first full fiscal year after enactment, with results published in the IG's annual report for that year.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test with precision on every provision. The White House Contact Ban identifies the prohibited communications by category, names the covered officials on both the White House and DOJ sides of the prohibition, specifies the permitted exceptions with defined criteria, establishes the Contact Log with specific transmission timelines, and provides criminal penalties with specific sentencing ranges. The FBI Director protection specifies the for-cause grounds with enumerated categories, requires a written public finding, establishes a congressional notification and hearing process, and provides a response right for the removed Director. The domestic surveillance firewall specifies the prohibited activities, identifies the applicable constitutional and statutory authority, and establishes the referral and enforcement mechanism. The IG empowerment provisions specify the subpoena authority, the jurisdiction expansion, and the audit methodology requirement. Nothing in this Act is aspirational. Every provision is a mechanism with a defined trigger, a defined consequence, and a defined enforcement pathway.

The Coalition Architecture Test

The DOJ independence argument is one of the very few in this document that builds a genuinely cross-partisan coalition from the bottom up rather than from a shared policy

preference. Every voter who has ever watched the federal justice system appear to operate with different rules for powerful and ordinary people — and that is a very large number of voters, on every side of the political divide — has a stake in this Act. The conservative voter who believes the FBI investigated a presidential campaign on the basis of opposition research dressed as intelligence finds in this Act the structural protections that prevent that from happening again. The progressive voter who believes the same tools have been directed against civil rights

organizations, immigrant communities, and political activists finds in this Act the domestic surveillance firewall that those communities have sought for decades. These coalitions do not typically agree on much. They agree on this: the law should be applied to everyone equally, and the investigative power of the federal government should not be directed by political instruction. The American Upgrade offers them an Act that says that plainly and means it structurally.

The Delivery Test

The Act passes the Delivery Test because it does not ask the institutions it reforms to reform themselves. The norm that the White House does not interfere in specific criminal investigations relied on the professional culture of the people in the relevant positions to maintain it. That reliance has been repeatedly shown to be insufficient. The Contact Log, the seventy-two-hour notification requirement, the criminal penalties, and the Independent Ethics Prosecutor jurisdiction replace cultural reliance with structural enforcement. The FBI Director for-cause removal protection codifies and strengthens a tenure protection that has existed for fifty years but has been overridden by a presidential decision that the reputational cost of firing was acceptable. Making the removal decision itself subject to written public justification and congressional scrutiny changes the calculation. The domestic surveillance firewall replaces the operational guidance that has been repeatedly reinterpreted to expand surveillance scope with a statutory limit that cannot be administratively reinterpreted without congressional action. The IG OPR loophole closure replaces an internal accountability mechanism that has functionally protected attorneys from external review with a concurrent jurisdiction that does not depend on the institution investigating itself. Every structural choice in this Act is designed around the specific documented failure mode it addresses. The Act was written to work, not to look like it works. (Protected Merit Position designation for DOJ career attorneys) must be reviewed for consistency with the recusal and special counsel provisions here. Act 6.1.B (IEP jurisdiction) confirmed to include White House Contact Ban violations. Act 6.6.A (Supreme Court ethics) — the IG OPR loophole closure here sets a precedent for judicial conduct oversight there; ensure the two Acts are internally consistent on the principle of independent external oversight of legal professionals. Article II note: The priority/outcome distinction (President sets priorities, not targets) is the constitutional load-bearing element of 6.5.A. Expand the doctrinal argument drawing on United States v. Nixon (privilege yields to criminal process), Morrison v. Olson (independent prosecutorial authority), and the structural inference from the Appointments Clause at legal review stage. The Yellow Jacket Policy Research Series — April 2026

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Act 6.6 — The Judicial Firewall Act

The State of Affairs

The Supreme Court of the United States was designed to be, in Alexander Hamilton's formulation, the least dangerous branch — the branch with no army and no treasury, whose only power was the power of judgment, exercised with such scrupulous impartiality that its legitimacy depended entirely on the public's confidence that the judgment was honest. That design depended on two things that are no longer reliably present: a Court whose members were insulated from the political stakes of their appointment by the regularity of that

appointment, and a Court whose members held themselves to the ethical standards that the legitimacy of judicial judgment requires. Neither condition currently obtains. The Supreme Court is now the most consequential electoral prize in American politics. Because Justices serve for life — or until voluntary retirement, which they increasingly time for maximum political effect — each vacancy produces a confirmation battle whose intensity is proportional to the perceived generational significance of the appointment. A single vacancy can shift the ideological composition of the Court for thirty years. The stakes of each appointment are therefore measured not in four-year terms but in decades, which means the political investment in controlling appointments is measured in the same units. The result is a confirmation process that has been systematically degraded from a professional assessment of judicial qualification into a high-stakes electoral event in which the nominee's judicial philosophy is the primary criterion and their professional qualifications are a distant secondary consideration. The politicization of the appointment process has, in turn, produced a politicized public perception of the Court itself, eroding the institutional legitimacy that makes judicial rulings legitimate without the backing of an army or a treasury. The ethics problem compounds the legitimacy problem. The Supreme Court is the only court in the United States with no binding code of judicial conduct. Every federal judge below the level of the Supreme Court is governed by the Code of Conduct for United States Judges, which prohibits the acceptance of gifts from parties with interests before the court, requires recusal where impartiality might reasonably be questioned, and subjects judges to disciplinary proceedings before the Judicial Council of the relevant circuit. Supreme Court Justices are subject to none of these requirements. The contrast is precise and the absurdity is complete: a junior officer at the United States Department of Agriculture can be removed for accepting a fifty-dollar lunch from a regulated party. A Justice of the Supreme Court may accept a five-hundred-thousand-dollar vacation — paid for by a billionaire whose business interests are regularly adjudicated by the Court — with no institutional mechanism for accountability whatsoever. The highest judges in the nation are held to the lowest ethical standards of any judicial officer in the federal system. The documented record of ethical violations is not a matter of partisan characterization. It is a matter of investigative journalism producing receipts. ProPublica's reporting in 2023 and 2024 documented, with primary source evidence, that Justice Clarence Thomas accepted undisclosed gifts and travel from Harlan Crow, a Republican donor with real estate and corporate interests regularly implicated in cases before the Court, totaling in excess of one million dollars over two decades. The same reporting documented that Justice Samuel Alito

accepted undisclosed travel from Paul Singer, whose hedge fund was a party to litigation before the Court during the period of the travel. Neither Justice recused themselves from cases implicating their benefactors. Both initially characterized the undisclosed gifts as falling outside disclosure requirements. The characterization is technically defensible under the current non-binding voluntary disclosure regime. That regime is precisely what this Act changes. The executive privilege problem is structurally distinct but operationally related. Executive privilege — the doctrine protecting communications between the President and senior advisors from compelled disclosure in order to preserve the candor of executive deliberation — is a judicially created doctrine with no explicit constitutional basis. The Supreme Court recognized its existence in United States v. Nixon in 1974 while simultaneously holding that it must yield to a demonstrated specific need for evidence in a criminal proceeding. Since Nixon, the doctrine has been progressively expanded by administrations of both parties to cover not merely genuine deliberative communications but documents relating to administrative failures, corruption, and malfeasance having no connection to the candor of executive deliberation that the doctrine was designed to protect. The strategy of invoking privilege broadly and litigating its scope until the political moment requiring disclosure has passed has become a standard tool of executive accountability avoidance. The doctrine that exists to protect the President's ability to receive honest advice has been converted into a mechanism for hiding dishonest conduct. This provision draws the line.

Public opinion on judicial reform reflects a broad cross-partisan interest in institutional modernization. A rising tide of public opinion favors maximum age limits for federal judges including Supreme Court Justices, and significant public interest exists in implementing fixed, non-renewable eighteen-year terms for Justices through the constitutional amendment process this Act establishes. The Supreme Court ethics question — whether Justices should be subject to an enforceable code of conduct comparable to the standards applicable to every other federal judge — has produced consistent bipartisan supermajorities in survey work over the past three years. The political constraint on action has been institutional, not electoral. This Act constructs the institutional path.

Provision 6.6.A — Supreme Court Ethics & Conduct Standards

Legislative Intent

The proposition that the Supreme Court should be subject to a binding code of judicial conduct does not require elaborate justification. It is the proposition that the people who adjudicate the ethical obligations of every other institution in American law should themselves be subject to ethical obligations. The absence of a binding ethics code for the Supreme Court is not a product of any considered judgment that the Court's unique constitutional position requires ethical latitude unavailable to other judges. It is a product of institutional inertia and the Court's historical resistance to legislative oversight of its internal operations — a resistance that, whatever its theoretical merits, has proven in practice to be a license for conduct that would be impermissible for any other judicial officer in the federal system. This provision ends the exemption by statute, applies the existing Code of Conduct for United States Judges to all

Justices of the Supreme Court, and establishes an enforcement mechanism that does not depend on the Justice whose conduct is at issue to adjudicate the question of their own recusal.

Mandatory Application of the Code of Conduct

The Code of Conduct for United States Judges, as adopted by the Judicial Conference of the United States and as amended from time to time, is hereby made applicable to each Associate Justice and to the Chief Justice of the United States Supreme Court with the same binding force as it applies to judges of the United States Courts of Appeals and the United States District Courts. No provision of the Code shall be interpreted to apply with lesser force to a Supreme Court Justice than to any other federal judge by reason of the Justice's appointment by the President or confirmation by the Senate. Where the Code of Conduct conflicts with any existing practice, tradition, or informal understanding of the Supreme Court regarding the conduct of its members, the Code of Conduct governs. Where the Code of Conduct is silent on a matter of conduct specific to the Supreme Court's unique position — such as the recusal standard for cases involving the Justices' former appointing Presidents or former colleagues on lower courts — the Judicial Conduct Oversight Panel established by this provision shall issue supplemental guidance within one year of enactment.

The Gift and Financial Benefit Prohibition

No Justice of the Supreme Court shall accept, directly or through any family member or entity in which the Justice holds a financial interest, any gift, travel, lodging, entertainment, or other financial benefit with a value exceeding the de minimis threshold applicable to executive branch officials under 5 C.F.R. Part 2635, from any person or entity that: has a case pending before the Supreme Court; has had a case decided by the Supreme Court within the preceding five years; employs a registered lobbyist who appears before the Court; or is identified in publicly available records as having made contributions totaling more than one hundred thousand dollars to any political action committee, Super PAC, or 501(c)(4) organization that has engaged in advertising supporting or opposing any federal judicial nominee within the preceding ten years. The prohibition applies to gifts and benefits received in any form, including but not limited to: private air travel, yacht or watercraft use, private residence accommodation, tuition payments for family members, legal representation at below-market rates, and the purchase or lease of real property at below-market prices. A Justice who receives a benefit prohibited by this provision shall disclose the receipt within thirty days through the financial disclosure system established under this provision, shall return the benefit where return is practicable, and shall recuse themselves from any matter involving the providing party for a period of not less than ten years from the date of receipt.

Mandatory Financial Disclosure

Each Justice shall file a complete financial disclosure statement with the Judicial Conduct Oversight Panel, in the same form and with the same specificity required of Covered Persons under Act 6.1.A, within thirty days of assuming office and annually thereafter. The disclosure shall include all gifts, travel, lodging, and other financial benefits received during the preceding calendar year, regardless of value. Financial disclosure statements shall be made publicly available on the Court's official website within fifteen days of filing and shall be maintained in a

searchable public archive. The voluntary disclosure regime that has historically governed Supreme Court financial transparency, under which Justices self-certified that their acceptance of undisclosed benefits complied with their own interpretation of applicable requirements, is hereby replaced by a mandatory disclosure regime enforceable under the provisions of this Act.

The Recusal Standard and External Enforcement

A Justice shall recuse themselves from any proceeding in which their impartiality might reasonably be questioned by an informed observer aware of all relevant facts. The recusal standard is objective, not subjective. The question is not whether the Justice believes their impartiality is unaffected. The question is whether a reasonable person, knowing what the Justice knows about their relationships and financial interests, would question whether the Justice's judgment in the matter is free from the influence of those relationships and interests. The Justice's own assessment of their impartiality is relevant but not determinative. Recusal motions shall be decided not by the Justice whose recusal is sought but by the Judicial Conduct Oversight Panel established by this provision. No person should be the judge in their own case. The current practice of Supreme Court Justices self-adjudicating recusal motions is inconsistent with the most basic principle of impartial adjudication and is ended by this provision. The Panel's recusal determination is binding and is not subject to review or override by the full Court.

The Judicial Conduct Oversight Panel

There is hereby established the Judicial Conduct Oversight Panel, consisting of five retired federal judges appointed by the Judicial Conference of the United States from among retired judges of the United States Courts of Appeals who have been retired for not less than three years, who hold no financial or professional relationship with any current Supreme Court Justice, and who were appointed to their original judicial positions by Presidents of different parties. No more than three members of the Panel shall have been appointed to the federal bench by Presidents of the same political party. Panel members shall serve staggered three-year terms. The Panel shall have jurisdiction to: receive and investigate complaints of ethical violations by Supreme Court Justices; adjudicate recusal motions filed by parties in Supreme Court proceedings; issue binding recusal determinations; impose civil penalties for violations of the gift and disclosure requirements; and refer matters warranting impeachment consideration to the House Judiciary Committee with a written statement of the Panel's findings. The Panel shall have no jurisdiction over the substance of the Court's judicial decisions. Its jurisdiction is limited to the conduct of the Justices as individual officers subject to ethical obligations. Penalties A Justice who accepts a prohibited gift or financial benefit shall be subject to civil penalties of not less than the value of the benefit received and not more than three times that value, imposed by the Panel. A Justice who fails to file a required financial disclosure or files a materially false or incomplete disclosure shall be subject to civil penalties of not less than fifty thousand dollars per violation. A Justice who fails to recuse themselves from a proceeding following a binding recusal determination by the Panel shall be subject to referral by the Panel to the House Judiciary Committee as a matter warranting impeachment consideration, with a written finding that the failure to comply with a binding Panel determination constitutes a violation of the Justice's oath of office. The penalties are designed to be consequential rather

than merely symbolic. The distinction matters because the current regime — no binding code, no external enforcement, no penalties — has demonstrated that symbolic accountability produces no accountability at all.

Constitutional Authority

Congress's authority to establish a binding ethics code for Supreme Court Justices derives from Article III, which vests the judicial power in one Supreme Court and inferior courts whose structure and jurisdiction are established by Congress; from Article I's vesting of the legislative power in Congress, including the authority to make laws necessary and proper for carrying into execution all powers vested in the federal government; and from the established principle that Congress may legislate to protect the integrity of the federal judicial process as an institution whose functional legitimacy the constitutional system depends upon. The Supreme Court has never held that its members are beyond the reach of congressional legislation regarding their conduct as federal officers. The absence of binding ethics legislation is a historical omission, not a constitutional protection. The Judicial Conduct Oversight Panel is structured to avoid the constitutional concern that Congress is improperly directing the judicial branch's internal operations: the Panel is composed of Article III judges operating within the existing judicial conduct framework, not legislative officers imposing external direction on the Court's decisional processes.

Implementation Timeline

The mandatory application of the Code of Conduct takes effect immediately upon enactment. The Judicial Conference shall appoint the initial members of the Judicial Conduct Oversight Panel within ninety days of enactment. The Panel shall promulgate its procedures and supplemental guidance within one year of enactment. The mandatory financial disclosure requirement takes effect with respect to the first disclosure period commencing after the date of enactment. Justices currently serving shall file an initial disclosure within ninety days of enactment covering the preceding five calendar years.

Provision 6.6.B — Supreme Court Term Limits — The Constitutional

Amendment

Legislative Intent and the Constitutional Pathway

Article III of the Constitution provides that judges of both the Supreme Court and the inferior federal courts shall hold their offices during good behaviour. The most direct reading of this clause — and the reading that has governed the Court's composition since 1789 — is that federal judges, once appointed and confirmed, serve for life unless removed by impeachment. That reading is not the only plausible reading of the clause. Scholars including Steven Calabresi and James Lindgren, writing in the Harvard Journal on Legislation in 2006, have argued at length that a staggered term limit system, under which Justices are assigned to active Supreme Court duty for eighteen years and thereafter retain their Article III judicial commissions as senior judges available to sit on lower courts or to substitute on the Supreme Court in cases of recusal, satisfies the good behaviour requirement by preserving judicial tenure and compensation while

restructuring the terms of active Supreme Court service. This argument is serious and has been endorsed by a significant body of constitutional scholarship. This provision does not rely on the statutory interpretation argument. It pursues the constitutional amendment pathway. This choice is deliberate and reflects a judgment about the durability and legitimacy of the reform. A statutory term limit that operates by redefining the conditions of active Supreme Court service might survive constitutional challenge, and this provision endorses the Calabresi-Lindgren statutory pathway as a fallback if the amendment process stalls. But a constitutional amendment, once ratified, is beyond judicial invalidation and beyond the reach of any subsequent Congress or administration that finds the regularization of Court appointments inconvenient. The amendment pathway is harder. It is also the right one for a reform of this magnitude.

The Proposed Constitutional Amendment

Congress hereby proposes the following article as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states: PROPOSED AMENDMENT — ARTICLE [XXVIII] Section 1. Each Justice of the Supreme Court of the United States shall hold active service on the Supreme Court for a single term of eighteen years, commencing on the date of the Justice's first oath of office as a Supreme Court Justice. Section 2. Upon the completion of their active service term, a Justice shall be designated a Senior Justice of the Supreme Court and shall retain their commission as a judge of the United States under Article III, with all attendant compensation and tenure protections. Senior Justices shall be available to sit on the United States Courts of Appeals and the United States District Courts, and shall be eligible to serve temporarily on the Supreme Court in cases where an active Justice is recused or otherwise unavailable, in order of their seniority. Section 3. A vacancy in active Supreme Court service shall occur upon the completion of a Justice's eighteen-year active service term, upon the death of an active Justice, or upon the resignation of an active Justice before the completion of their term. The President shall nominate, and the Senate shall confirm, a successor to each vacancy within one hundred eighty days of the vacancy occurring. Section 4. This amendment shall apply prospectively to all Justices appointed after its ratification. Justices serving on the date of ratification shall continue to serve under the terms applicable at the time of their appointment, unless they voluntarily elect to be governed by the terms of this amendment. Section 5. Congress shall have power to enforce this article by appropriate legislation.

Structural Consequences of the Amendment

The eighteen-year staggered term creates a vacancy in active Supreme Court service every two years, in odd-numbered years, under a fully implemented system. Each four-year presidential term therefore produces exactly two nominations to active Supreme Court service, replacing the current system in which the number of vacancies per presidential term ranges from zero to four and is determined by the actuarial accident of when sitting Justices die or choose to retire. The regularity of the appointment cycle removes the strategic incentive for Justices to time their departures for political effect: under a fixed term, there is no departure to time. The vacancy occurs on the schedule established by the amendment, not on the schedule most advantageous

to the appointing party. The strategic consequence is a measured reduction in the stakes of any individual appointment. When a vacancy occurs every two years by constitutional schedule, the appointment is a significant event — it is always a significant event when a President nominates a Justice — but it is not a generation-defining crisis. The direction of the Court cannot be permanently captured by any single appointment because every subsequent appointment follows within two years. The confirmation process is likely to become less apocalyptic not because the nomination is less important but because the catastrophization of any single appointment is harder to sustain when the next appointment is constitutionally guaranteed within two years regardless of the outcome. The Senior Justice provision preserves the Article III tenure protections that the good behaviour clause requires while restructuring the terms of active Supreme Court service. A retired Justice who serves as a Senior Justice on the Courts of Appeals exercises the full judicial power of an Article III judge and is compensated and protected from removal on the same terms as any other Article III judge. The amendment does not remove any Justice from the federal judiciary. It defines a career arc in which eighteen years of active Supreme Court service is followed by continued judicial service in a senior capacity. This architecture satisfies the constitutional requirement while achieving the democratic objective.

The Statutory Fallback Pathway

If the constitutional amendment process does not achieve ratification within ten years of Congress's proposal of this amendment, Congress shall reconsider, in the tenth year following proposal, whether the statutory implementation of staggered Supreme Court terms — as proposed by Calabresi and Lindgren and as endorsed by the Constitutional Accountability Center, the Brennan Center for Justice, and a substantial body of constitutional scholarship — is constitutionally viable and should be enacted by statute. The fallback pathway is not an abandonment of the amendment goal. It is an acknowledgment that the amendment process is intentionally difficult and that a serious governing document does not leave an important reform dependent on a single pathway that may be blocked by political inaction.

The Amendment Ratification Campaign

Congress shall establish, within the legislative branch, an Office of Constitutional Modernization charged with coordinating the ratification campaign for this amendment and for the

Congressional Term Limits Amendment proposed in Act 6.7.A. The Office shall: maintain ongoing communication with state legislative leaders regarding the status and merits of the proposed amendments; provide technical assistance to states undertaking consideration of the amendments; publish an annual public report on ratification progress; and coordinate public education efforts designed to explain the purpose, mechanism, and consequences of the proposed amendments in language accessible to the general public. The ratification of constitutional amendments is a democratic process. The Office exists to ensure that the democratic process is well-informed. Implementation Congress shall transmit the proposed amendment to the states for ratification within thirty days of enactment of this Act. The amendment shall be open for ratification without a time limit, consistent with the Supreme Court's holding in Coleman v. Miller that Congress has the authority to determine whether a proposed amendment has been ratified within a reasonable time. Congress shall establish by

statute the procedures for the orderly transition to staggered terms upon ratification, including the mechanism for determining which sitting Justices, if any, elect to be governed by the amendment's terms, and the schedule for the first vacancy to occur under the staggered system.

Provision 6.6.C — Standing & Executive Privilege Clarification

Legislative Intent

Executive privilege is a judicial creation. The Constitution does not mention it. The Supreme Court recognized its existence in United States v. Nixon, reasoning by structural inference from the separation of powers that the President must be able to receive candid advice from senior advisors without the chilling effect of compelled disclosure. The privilege serves a genuine institutional purpose in that narrowly defined context. What it does not serve, and what the Court in Nixon explicitly held it cannot serve, is the purpose of concealing criminal conduct, fraud, or gross malfeasance behind the shield of executive confidentiality. A President cannot invoke the powers of the office to hide the crimes of the office. Nixon is unambiguous on this point. The administrations of the past quarter century have been equally unambiguous in their preference for ignoring it. The gap between the privilege as the Court defined it and the privilege as it has been deployed is not a legal ambiguity. It is a litigation strategy. An administration that invokes privilege broadly, refuses to comply with congressional subpoenas, and litigates the scope of the

privilege through every available procedural vehicle will, in many cases, run out the clock on the political or investigative context that made the documents relevant before any court reaches the merits. The executive privilege dispute that would have been resolved before the relevant election is decided years afterward, when the answer no longer matters to the citizen who cast the vote. This provision addresses the clock-running strategy by establishing expedited judicial review procedures and by codifying the crime-fraud exception in terms specific enough to prevent its evasion through characterization. The Crime-Fraud Exception — Statutory Codification Executive privilege, whether asserted as a deliberative process privilege, a presidential communications privilege, or any other form, shall not apply to shield from disclosure any communication, document, record, or other material that: Contains, reflects, or relates to evidence of criminal conduct by any officer or employee of the United States acting in their official capacity, including but not limited to bribery, fraud upon the government, obstruction of justice, and abuse of authority. Contains, reflects, or relates to evidence of gross administrative malfeasance, defined as a deliberate decision by senior executive officials to implement a policy or take an action that the officials knew or reasonably should have known to be unlawful, that resulted in substantial harm to the public interest. Was created, transmitted, or received in connection with the planning, execution, or concealment of any of the foregoing conduct, regardless of whether the communication itself contains the evidence of the conduct. Was requested by Congress in connection with a specific, ongoing investigation of the conduct of a federal official in their official capacity, where the requesting committee has made a prima facie showing that the requested materials relate to official conduct rather than purely personal matters. The assertion of executive privilege does not prevent the production of materials to a

federal court for in camera review. Where the executive branch asserts privilege over materials requested by Congress or sought in a criminal proceeding, the materials shall be produced to a three-judge panel of the United States District Court for the District of Columbia for in camera review within fifteen days of the assertion of privilege. The panel shall review each document individually and shall release to the requesting party any document that does not contain legitimately privileged information as defined by this provision. The panel's review shall be completed within forty-five days of production. Any appeal of the panel's determination shall be heard by the United States Court of Appeals for the District of Columbia Circuit on an expedited basis, with briefing completed within thirty days of the notice of appeal and a decision issued within thirty days of the completion of briefing. Any further appeal to the Supreme Court shall be subject to the same expedited briefing and decision schedule. The strategy of running out the clock on a congressional investigation or a criminal proceeding by litigating privilege across multiple years of procedural combat is hereby ended.

Congressional Standing

The United States House of Representatives, the United States Senate, and any committee of either chamber acting pursuant to a duly authorized resolution shall have standing to bring an action in the United States District Court for the District of Columbia to enforce a subpoena issued to any officer or employee of the executive branch, including the President and Vice President, seeking materials relevant to the committee's legislative or oversight jurisdiction. The standing of congressional committees to enforce subpoenas in federal court shall not be defeated by any claim that: the committee lacks a legitimate legislative purpose; the materials sought are shielded from disclosure by executive privilege under a standard less stringent than the crime-fraud exception; or the matter is a non-justiciable political question. The political question doctrine shall not be applied to bar judicial review of the scope of a privilege claim by the executive branch in response to a congressional subpoena. The question of whether materials are legitimately privileged is a legal question, not a political one, and its resolution belongs to the courts. A court adjudicating a congressional subpoena enforcement action shall apply the following standards: whether the committee has a legitimate legislative or oversight purpose for the requested materials, which shall be presumed where the committee's jurisdiction encompasses the subject matter of the requested materials; whether the executive branch has made a specific and particularized showing, document by document, that the requested materials fall within the scope of a recognized privilege; and whether the legislative need for the materials is sufficient to overcome any valid privilege claim, applying the balancing test established in Nixon. Courts shall not grant stays of compliance with congressional subpoenas pending appeal without first applying the in camera review procedures established by this provision. A stay shall not be granted on the basis of a generalized assertion of privilege that has not been tested through in camera review.

The Expedited Review Mandate

All privilege disputes between the legislative and executive branches involving materials sought in connection with a formal congressional investigation shall be treated as cases of public importance warranting expedited resolution under 28 U.S.C. § 1657. The District Court shall set the case for hearing within twenty-one days of filing. The Court of Appeals shall hear any appeal

within thirty days of the notice of appeal. The Supreme Court, if certiorari is sought, shall act on the petition within fifteen days of filing. Total judicial resolution time from the filing of the enforcement action to a final Supreme Court decision shall not exceed one hundred fifty days. The clock-running strategy is the most effective tool available for defeating congressional oversight of executive conduct. The expedited timeline removes it.

Constitutional Authority

The crime-fraud exception codification derives from Congress's Article I authority to conduct oversight of the executive branch, from the Supreme Court's recognition in Nixon that executive privilege must yield to demonstrated need for evidence in criminal proceedings, and from the structural inference that the privilege was never designed to protect conduct that constitutes a breach of the official's constitutional duties. The congressional standing provision derives from Congress's Article I oversight authority, from the Supreme Court's recognition in McGrain v. Daugherty that Congress possesses broad investigative power as an incident of its legislative functions, and from the principle established in Senate Select Committee v. Nixon and its successors that the scope of executive privilege is a justiciable legal question. The expedited review mandate derives from Congress's authority under Article III to establish the procedures by which federal courts exercise their jurisdiction, including the authority to designate categories of cases for expedited treatment. The constitutional authority for each element of this provision is well-grounded and does not depend on novel legal theories.

Implementation Timeline

The crime-fraud exception codification and the congressional standing provision take effect immediately upon enactment. The District Court for the District of Columbia shall designate a standing three-judge privilege review panel within sixty days of enactment and shall publish procedures for the submission of materials for in camera review. The expedited review mandate takes effect immediately upon enactment and applies to all privilege disputes in which enforcement actions are filed on or after the date of enactment. The Department of Justice shall publish, within ninety days of enactment, updated internal guidance for all executive branch agencies on the scope of permissible privilege assertions under the standards established by this provision.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test with a level of structural complexity that reflects the genuine difficulty of the subject. Provision 6.6.A specifies the ethics code, names the gift prohibition with defined thresholds, establishes mandatory financial disclosure in a defined form, specifies the recusal standard as objective rather than subjective, creates the Judicial Conduct Oversight Panel with defined composition and jurisdiction, and provides civil penalties with specific ranges.

Provision 6.6.B provides the full text of the proposed constitutional amendment in operative

language, specifies the staggered term structure and its consequences, addresses the Senior Justice mechanism, provides the statutory fallback pathway with a defined ten-year trigger, and establishes the Office of Constitutional Modernization. Provision 6.6.C codifies the crime-fraud exception with four enumerated categories, establishes the in camera review procedure with a defined production timeline, codifies congressional standing with defined standards, and establishes the expedited review mandate with specific day counts at each level of the appellate process. Every mechanism in this Act is specific enough to be operational on the day of enactment.

The Coalition Architecture Test

The judicial reform argument in this Act has a cross-partisan coalition architecture that is genuine rather than aspirational. The Supreme Court ethics requirement commands majority support across party lines: the proposition that the highest court should be held to at least the same ethical standards as every other court in the federal system is not ideologically contested. The term limits proposal draws specific support from voters who have watched the confirmation process degrade into a partisan combat zone and who believe, with significant survey evidence supporting the belief, that regularizing appointments would reduce the stakes of each nomination to a manageable level. The executive privilege clarification draws support from every voter who has watched a congressional investigation frustrated by the clock-running strategy of generalized privilege assertion and who believes that accountability for official conduct should not be indefinitely deferrable through procedural combat. These coalitions overlap across the political divide. The person who watched a Democratic administration invoke privilege to shield documents related to administrative failures and the person who watched a Republican administration do the same thing are often the same person. They want the same outcome: a justice system that answers to the law, not to the political interests of whoever currently holds power.

The Delivery Test

The Act passes the Delivery Test because each provision is designed around the specific failure mode of the predecessor arrangement it replaces. The ethics statute addresses the specific failure of the voluntary disclosure regime, which has produced no accountability for documented conduct that would be impermissible for any other federal judge. The Judicial Conduct Oversight Panel addresses the specific failure of self-adjudicated recusal, under which Justices with documented financial relationships to parties with interests before the Court have declined to recuse themselves from cases implicating those relationships. The constitutional amendment addresses the specific failure of the life tenure system to prevent the politicization of appointments by removing the variable that drives the politicization: the unpredictable timing and therefore the potentially permanent significance of each vacancy. The crime-fraud exception codification addresses the specific failure of the privilege doctrine to prevent its application to the very conduct it was never designed to protect. The congressional standing and expedited review provisions address the specific failure of the enforcement architecture to prevent the clock-running strategy that has allowed privilege disputes to outlast the investigations they were designed to obstruct. Every structural choice is a direct response to a documented failure. The Act was designed to fix what is broken, not to describe what should be

fixed. Act 6.1.A (Full Disclosure Protocol) — the mandatory financial disclosure for Justices here should be consistent with the Covered Person disclosure requirements there; confirm definitional alignment. Act 6.5.A (OPR loophole closure) — the principle of independent external oversight of legal professionals

established there and the Judicial Conduct Oversight Panel here are companion provisions; ensure the two Acts reference each other where the principle is stated. Amendment campaign note: The Office of Constitutional Modernization covers both this amendment and the Act 6.7.A term limits amendment. Ensure that Act 6.7.A references the same office with consistent language. Key precedents: United States v. Nixon (1974) — privilege yields to criminal process; McGrain v. Daugherty (1927) — congressional investigative power; Coleman v. Miller (1939) — ratification timeline; Calabresi & Lindgren, Harvard Journal on Legislation (2006) — statutory term limits scholarly foundation. All to be included in final source inventory. The Yellow Jacket Policy Research Series — April 2026 Independent Research — All Documents Freely Reproducible

Act 6.7 — The Legislative Accountability Act

The State of Affairs

The United States Congress was designed by people who drew their inspiration from Lucius Quinctius Cincinnatus, the Roman statesman who was called from his farm to save the Republic, exercised the full authority of a dictator to defeat Rome's enemies, and then — with absolute power in his hands and no institutional mechanism to remove it — returned to his plow. The founders understood that the character of the republic depended on the willingness of those who held power to relinquish it. They built a system of elections and term-limited executive

power specifically to institutionalize what Cincinnatus demonstrated voluntarily: that service to the public is a temporary obligation, not a permanent acquisition. Congress was the exception. The founders left congressional tenure unlimited, reasoning that the democratic accountability of regular elections would serve as the functional equivalent of term limits. A member who served badly would be removed by the voters. A member who served well would be retained as long as the voters wished. The theory was sound. The practice has not matched it. The average tenure of a member of the House of Representatives in the first century of the Republic was less than four years. Today it exceeds nine. The average tenure of a senator has more than doubled over the same period. The incumbency re-election rate for members of Congress exceeds ninety-four percent — a figure that would be the envy of any undemocratic institution on earth. Congress has an approval rating consistently below twenty percent, yet it re-elects itself at a rate that statistically suggests near-universal satisfaction. The mechanism of democratic accountability has been defeated by the advantages that incumbency itself confers: the name recognition, the campaign finance infrastructure, the franking privilege, the district maps drawn by the members' own parties. The electoral accountability the founders relied upon has been systematically disabled by the institution it was meant to govern. The consequences are measurable and specific. When the same members sit on the same committees for decades, the regulated industries that depend on those committees' goodwill have decades to develop

the relationships, the information flows, and the financial arrangements that produce the outcomes they prefer. The member who has served on the Agriculture Committee for thirty years has not merely learned the subject. They have been domesticated by it. The expertise that long tenure produces is real. So is the capture that accompanies it. The working draft of this series used a precise formulation: the career politician views public service not as a destination but as an audition. The financial record supports that characterization. A member of Congress who leaves office to join a lobbying firm earns, on average, a salary increase of 1,452 percent. The office is not the career. The office is the credential that makes the career possible. This Act addresses that architecture at both ends: it limits the tenure that makes the credential valuable, and it prohibits the trading conduct that makes the tenure financially productive while it lasts. The stock trading problem requires its own plain statement because it has been documented with specific, named examples that admit of no innocent characterization. Members of Congress who sit on classified intelligence briefings have traded in defense and pharmaceutical stocks in the days following those briefings. Members who sit on the committees overseeing financial regulation have traded in the stocks of the institutions they regulate. The STOCK Act of 2012 nominally prohibits insider trading by Congress but requires proof that the member acted on specific, non-public information — a standard of proof that is functionally impossible to meet

against a defendant who controls the information environment. The result is a law that exists and is not enforced, which is worse than no law at all because it creates the appearance of accountability where none exists. The Glass House Protocol replaces the unenforceable insider trading standard with a structural prohibition: members of Congress, and their spouses and dependent children, may not own individual securities while serving. The prohibition does not require proof of corrupt intent. It removes the opportunity for corrupt conduct by removing the financial instrument through which that conduct occurs. The salary and financial relationship between members of Congress and their constituents adds a dimension that neither term limits nor trading reform addresses directly. The member of Congress earning $174,000 annually in a district where median household income is $48,000 is making a structural argument about whose reality they share. The argument is made in numbers, not words, and the numbers are public. This provision does not propose to impoverish public servants. It proposes to establish a transparent and publicly visible relationship between what members earn for public service and what the people they serve earn for their labor, and to review that relationship against criteria that the public, rather than Congress itself, finds credible.

Public opinion data on the legislative accountability question is the most precise and the most cross-partisan in the entire body of survey work this project has reviewed. Over eighty percent of Americans support a total ban on individual stock trading by members of Congress and their spouses — the highest-consensus position in any policy domain in the 2026 survey record. Congressional term limits register overwhelming bipartisan support, with cross-party consensus strong enough that the position should be framed as a governance efficiency measure rather than a partisan one. The Glass House Protocol in Provision 6.7.B and the Citizen Legislator Amendment in Provision 6.7.A are not radical proposals. They are the operational expression of a sustained, documented public mandate that the existing legislative infrastructure has been structurally unable to translate into legislation because the legislators whose conduct is at issue are also the legislators who would have to enact the reform.

Provision 6.7.A — The Citizen Legislator Amendment

Legislative Intent and the Constitutional Pathway

The constitutional amendment pathway is the only pathway available for congressional term limits that produces a durable result. The Supreme Court held in U.S. Term Limits, Inc. v. Thornton in 1995 that states may not impose term limits on their federal congressional delegations because the qualifications for congressional service are set by the Constitution itself and may only be altered by constitutional amendment. By the same logic, Congress may not impose term limits on itself by statute without a constitutional amendment, because a statute enacted by one Congress can be repealed by the next. An amendment can only be undone by another amendment. The goal of this provision is a result that outlasts any particular political moment, and the amendment pathway is the only mechanism that produces one. The strategic reality of the amendment pathway must be addressed honestly. Congress must propose the amendment by a two-thirds vote of both chambers before it goes to the states for ratification. The members who would be subject to the limits are the members who must vote to impose them. This is the core political obstacle, and it is not a small one. The working draft of this series identified the correct strategic response: the grandfather clause. By making the term limits prospective — applying to future members and future terms rather than to sitting members

— the amendment removes the most powerful personal incentive to vote against it. The sitting member who faces no personal consequence from the amendment's passage faces a very different calculation than the sitting member who would be immediately termed out. The grandfather clause trades the immediate benefit of applying the limits to current members for the durable benefit of making the limits applicable at all. The trade is correct. The Article V convention of states pathway is the strategic backstop. If Congress refuses to propose the amendment, thirty-four states may call a convention for the purpose of proposing it. The convention strategy has never been used to produce a constitutional amendment, but the credible threat of it has historically been sufficient to prompt Congress to act: the Seventeenth Amendment providing for direct election of senators was preceded by years of state legislative pressure that made congressional action preferable to the uncertainty of a convention. The Office of Constitutional Modernization established in Act 6.6.B is charged with coordinating state legislative engagement on both this amendment and the Supreme Court term limits amendment. The two amendments are companion pieces of the same democratic reform argument.

The Proposed Constitutional Amendment

Congress hereby proposes the following article as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several states: PROPOSED AMENDMENT — ARTICLE [XXIX] Section 1. No person shall be elected to the House of Representatives more than six times. For purposes of this section, any person who has served more than one year of a term to which another person was elected shall be deemed to have served a full term. Section 2. No person shall be elected or appointed to the Senate more than twice. For purposes of this section, any person who has served more than three years of a term to which another person

was elected shall be deemed to have served a full term. Section 3. The limits established by Sections 1 and 2 shall apply separately. A person who has served the maximum number of terms in one chamber may serve in the other chamber, subject to the limits applicable to that chamber, provided that no person shall serve in the combined chambers of Congress for more than eighteen years.

Section 4. This article shall not apply to any person serving as a Member of Congress on the date this article is ratified by the requisite number of states. It shall apply to all terms of service commencing after the date of ratification. Section 5. Congress shall have power to enforce this article by appropriate legislation, including the establishment of procedures for determining compliance and the remedies available for violation.

Structural Analysis of the Amendment

The limits established by the amendment are twelve years in the House, twelve years in the Senate, and eighteen years in combined congressional service. These limits are calibrated against a specific judgment about the relationship between effective legislative service and institutional capture. Twelve years — six House terms or two Senate terms — is sufficient time to develop genuine legislative expertise, to build the institutional relationships necessary for effective legislating, and to deliver meaningful results for constituents. The first-term member learning the institution and the twelve-year veteran with genuine substantive mastery are both valuable. The forty-year veteran with a personal fiefdom built on seniority, fundraising relationships, and industry accommodation is a different kind of institution entirely. The eighteen-year combined service limit prevents the strategy of extending a congressional career by moving between chambers after reaching the limit in one. A member who serves twelve years in the House and then seeks election to the Senate would be limited to six additional years of Senate service. A member who served twelve years in the Senate would be ineligible for the House. The combined limit is not punitive. It is a recognition that the institutional advantages of long congressional tenure — the name recognition, the donor network, the committee assignments — accumulate across chambers and that the democratic accountability argument applies to combined congressional service, not merely to service in a single chamber. The Section 1 and Section 2 fractional term provisions address the appointment pathway that has historically been used to extend congressional careers beyond nominal limits: a senator appointed to fill a vacancy serves the remainder of the term and then argues that they have only served a partial term. The amendment treats service of more than one year in the House and more than three years in the Senate as a full term for purposes of the limit. A member who is appointed to fill a vacancy and serves three years and six months of a six-year Senate term has served more than half a term and the appointment counts as a full term. The provision prevents

the vacancy appointment from becoming a mechanism for adding additional service beyond what the amendment's democratic purpose requires.

The Article V Convention Strategy

The Office of Constitutional Modernization shall, in addition to its functions under Act 6.6.B, coordinate with state legislative leaders to support the passage of Article V convention applications limited to the subject of congressional term limits. The Office shall publish annually

a state-by-state status report on convention applications, track the cumulative count toward the thirty-four-state threshold, and provide technical assistance to state legislators drafting and considering convention applications. The Office shall advise Congress annually on whether the pace of state convention applications warrants the reconsideration of congressional action on the amendment as an alternative to a convention. The convention strategy is the backstop. The congressional proposal is the preferred path. The two pathways are coordinated through the same institutional infrastructure because their shared purpose is the same democratic reform.

Constitutional Authority

The amendment is proposed pursuant to Article V of the Constitution, which provides that Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the Constitution. The substantive constitutional question — whether Congress has the authority to limit its own members' terms by amendment — is answered by the nature of the constitutional amendment process itself: there are no substantive limits on what an Article V amendment may provide, subject only to the explicit protections of Article V itself (equal suffrage in the Senate, which this amendment does not affect) and the implicit structural requirements identified by the Court in cases such as Marbury v. Madison. Congressional term limits impose no structural constitutional infirmity of either kind. They are a democratic choice to alter the terms of legislative service, made through the most democratic process the Constitution provides. Implementation Congress shall transmit the proposed amendment to the states for ratification within thirty days of enactment of this Act. The amendment shall be open for ratification without a time limit. Congress shall enact implementing legislation specifying the procedures for tracking service, determining compliance, and enforcing the limits within one year of ratification. The implementing legislation shall be drafted to address the transition period in which members elected before ratification are completing terms that begin after ratification, and to provide clear guidance to state election officials on the eligibility of candidates whose prior service is subject to the amendment's limits.

Provision 6.7.B — The Glass House Protocol

Legislative Intent

The STOCK Act of 2012 was enacted because the documented pattern of congressional trading in industries subject to members' committee oversight was producing headlines that the institution found politically untenable. It was not enacted because Congress concluded that the trading was wrong and needed to be stopped. It was enacted because the trading was visible and needed to be managed. The distinction matters because it explains why the STOCK Act has not worked. A law that prohibits insider trading by requiring proof that a specific member acted on specific non-public information in a specific transaction is a law that knows it will not be enforced. Proving that a senator who traded defense stocks two days after a classified military procurement briefing acted on the information from that briefing, rather than on publicly available information or personal investment judgment, is a prosecutorial exercise that requires access to the senator's internal deliberations and to the classified information in question simultaneously. It is, in practice, impossible to sustain against a well-resourced defendant with access to the Senate floor and a legal team funded by the same industry whose stock they

traded. The STOCK Act is the appearance of reform in the clothing of statute. The Glass House Protocol is the reform itself. The structural prohibition on individual stock ownership eliminates the corrupt opportunity by eliminating the instrument through which it is exercised. A member of Congress who owns no individual securities cannot trade on legislative intelligence because they have nothing to trade with. The prohibition does not require proof of corrupt intent. It does not require surveillance of members' brokerage accounts for suspicious timing. It requires only compliance with a rule that is administratively simple, publicly verifiable, and structurally incompatible with the conduct it is designed to prevent. The member who objects to the prohibition on the grounds that it infringes their investment freedom is making the argument that the people who write the laws about financial markets should be permitted to profit from the non-public knowledge those laws generate. That argument is not made in good faith and does not deserve a good faith response.

The Trading Prohibition

No member of the Senate, no member of the House of Representatives, and no spouse or dependent child of any such member shall, during the period of the member's service in Congress, directly or indirectly purchase, sell, exchange, or otherwise transfer any individual security, bond, commodity contract, futures contract, option, or any other financial instrument

whose value is substantially determined by the performance of a single issuer, provided that this prohibition shall not apply to: Interests in diversified mutual funds, including index funds and exchange-traded funds that track broad market indices, provided that the fund holds securities of more than one hundred issuers and that no single issuer represents more than five percent of the fund's total assets. United States Treasury securities, savings bonds, and any other obligations of the United States government. Municipal bonds issued by the state or locality that the member represents, purchased at prevailing market rates and disclosed as provided in this provision. Assets held in a Qualified Blind Trust approved by the Office of Government Ethics, under which the trustee has sole discretionary authority over all investment decisions, the member receives no information about specific holdings or transactions, and the trust's financial statements are filed with the OGE on a quarterly basis and made publicly available within fifteen days of filing. Members elected or appointed to Congress shall have ninety days from the date of taking the oath of office to divest any individual securities not exempt under this provision, transfer them to a Qualified Blind Trust, or liquidate them. Securities held in a Qualified Blind Trust on the date of enactment are exempt from the divestiture requirement during the period of the trust's operation, provided that the trust meets the OGE qualification standards. Securities that cannot be practically liquidated within the ninety-day period due to trading restrictions, lock-up agreements, or other contractual limitations may be held in escrow under OGE supervision pending the earliest practicable liquidation date, provided that the member files a written disclosure of the restricted assets within thirty days of taking office and updates the disclosure quarterly. The Public Ledger — Real-Time Disclosure Any transaction executed by a Qualified Blind Trust holding assets on behalf of a member of Congress shall be disclosed to a public, searchable database maintained jointly by the Securities and Exchange Commission and the Office of Government Ethics within twenty-four hours of execution. The disclosure shall identify the trust, the nature of the transaction, the security or instrument involved, and the approximate value of the transaction. The identity of the member on whose behalf the trust holds assets shall

be publicly linked to the trust's disclosure record. The forty-five day disclosure window permitted under the current STOCK Act is eliminated. The twenty-four hour requirement reflects the speed at which markets operate and

the speed at which legislative information can move market prices. A disclosure window of forty-five days is not a transparency mechanism. It is a cover story. Any member, spouse, or dependent child who fails to comply with the twenty-four hour disclosure requirement shall be subject to an automatic fine equal to one hundred percent of the value of the undisclosed transaction, imposed by the Federal Election Commission without the requirement of a separate enforcement proceeding, and shall simultaneously be required to release their complete federal tax returns for the preceding three years for public inspection through the disclosure portal established under Act 6.1.A. The tax return trigger is not a punitive add-on. It is a transparency mechanism that operates on the premise that the member who is willing to violate the disclosure rule is likely to have financial information that the public has an interest in seeing.

The Corporate Insider Classification

For purposes of enforcement of the Securities Exchange Act of 1934 and the Insider Trading Sanctions Act of 1984, each member of the Senate and the House of Representatives is hereby classified as a Corporate Insider with respect to every publicly traded company operating in the United States. The corporate insider classification carries the following legal consequences: any trade by a classified insider that is made with knowledge of material non-public information is presumed to be an insider trading violation subject to the full penalty provisions of the Securities Exchange Act, including civil penalties of up to three times the profit gained or loss avoided, disgorgement of all profits, and criminal penalties of up to twenty years imprisonment and a fine of up to five million dollars; the burden of rebutting the presumption rests with the member, who must demonstrate by clear and convincing evidence that the transaction was executed without knowledge of, and without reference to, any material non-public information obtained through the member's official duties; and the SEC shall treat any trade by a member of Congress in any sector directly subject to pending or recent committee action in which the member participated as a priority enforcement matter subject to mandatory investigation within thirty days of disclosure. The shift in the burden of proof is the operative change from the current STOCK Act framework. Under current law, the government must prove that the member acted on specific non-public information. Under the Glass House Protocol, the member must prove that they did not. The member who traded defense stocks two days after a classified procurement briefing must demonstrate, by clear and convincing evidence, that the trade had nothing to do with the briefing. The evidentiary asymmetry that has made STOCK Act enforcement functionally impossible is reversed. The member with nothing to hide will have no difficulty meeting the

standard. The member with something to hide will find the standard precisely as demanding as the situation warrants.

Enforcement and Penalties

The Office of Government Ethics, the Securities and Exchange Commission, and the

Independent Ethics Prosecutor established under Act 6.1.B shall have concurrent jurisdiction over violations of this provision. The IEP shall be the primary enforcement authority for disclosure violations and trading prohibition violations by members and their immediate families. The SEC shall be the primary enforcement authority for violations of the insider trading provisions, with mandatory referral to the IEP for parallel ethics proceedings. Any member found to have violated the trading prohibition or the insider trading provisions shall be subject to: disgorgement of all profits, with interest; civil penalties as described above; referral to the relevant chamber's ethics committee with the IEP's findings and a recommendation for censure, suspension, or expulsion as appropriate; and, upon conviction for willful violation, permanent bar from serving in any federal office of trust.

Constitutional Authority

The Glass House Protocol derives from Congress's authority under Article I, Section 5 to determine the rules of its proceedings and to discipline its members; from Congress's authority under Article I, Section 8 to regulate commerce, including securities markets; from the Necessary and Proper Clause as applied to the integrity of the legislative process; and from the established principle that financial disclosure and conduct requirements for federal officials serve the compelling governmental interest in preventing corruption and its appearance. The corporate insider classification derives from Congress's plenary authority to regulate securities markets and to define the categories of persons subject to insider trading prohibitions. The automatic fine and tax return disclosure provisions derive from Congress's authority to establish the penalties applicable to violations of its own internal conduct rules. Each element of this provision is within the scope of established congressional authority.

Implementation Timeline

The trading prohibition takes effect with respect to all members elected or appointed to Congress on or after the date of enactment. Members serving on the date of enactment shall have one hundred eighty days to comply with the prohibition through divestiture, blind trust establishment, or liquidation of restricted assets. The twenty-four-hour disclosure requirement replaces the existing STOCK Act disclosure window effective thirty days after enactment. The corporate insider classification takes effect immediately upon enactment. The OGE shall update its Qualified Blind Trust qualification standards within ninety days of enactment to reflect the requirements of this provision. The SEC and IEP shall establish the joint enforcement referral procedures within one hundred twenty days of enactment.

Provision 6.7.C — Congressional Salary & Benefits Reform

Legislative Intent

The Twenty-Seventh Amendment to the Constitution, ratified in 1992 after a 202-year journey from James Madison's original proposal, provides that no law varying the compensation for the services of senators and representatives shall take effect until an election of representatives shall have intervened. The amendment was ratified because Gregory Watson, a University of Texas student, discovered Madison's unratified proposal in a library, wrote a paper about it that his professor graded a C, and then spent ten years persuading state legislatures to ratify it. The amendment stands for the proposition that there is no statute of limitations on a good idea. It also stands for the proposition that congressional self-compensation is a subject of legitimate public interest that the constitutional architecture takes seriously enough to require electoral accountability before any increase takes effect. This provision does not set the level of congressional compensation. It establishes a transparency and accountability framework under which congressional compensation is reviewed against publicly available criteria, published in a form accessible to every constituent, and subject to a mandatory public comment period before any adjustment takes effect. The member of Congress who earns $174,000 per year in a district where median household income is $48,000 has the right to that compensation if the law provides for it. The constituent who lives on $48,000 has the right to know the ratio between what they earn and what their representative earns for the service of representing them. Sunlight is the standard.

The Compensation Transparency Requirement

The Office of Personnel Management shall publish, on an annual basis and in a publicly accessible searchable format, the following information for each member of the Senate and the House of Representatives: the member's total compensation from federal sources, including base salary, office allowances, staff allowances, travel reimbursements, and the actuarial value of retirement and healthcare benefits; the median household income of the state or congressional district the member represents, as reported by the most recent American Community Survey; the ratio of the member's total federal compensation to the median household income of their constituency; and any outside income earned by the member during the preceding calendar year, as disclosed under the financial disclosure requirements of Act

6.1.A. The annual publication shall be transmitted to each member's official website for display, and each member's official website shall display the compensation-to-constituency-median ratio on its publicly accessible landing page.

The Electoral Accountability Mechanism

Consistent with the Twenty-Seventh Amendment, no adjustment to the base salary of members of Congress shall take effect until the next general election of representatives has intervened. Any resolution or statute providing for an adjustment to congressional base compensation shall be transmitted to the Office of Management and Budget for a public cost estimate and shall be published in the Federal Register with a sixty-day public comment period before final adoption. The public comment record shall be transmitted to the Office of Government Ethics and made

permanently available through the disclosure portal established under Act 6.1.A. No cost-of-living adjustment, automatic or otherwise, shall be implemented without satisfying the requirements of this provision. The Twenty-Seventh Amendment's electoral accountability requirement is not merely procedural. It is a substantive requirement that the people whose compensation is being adjusted have an opportunity to express their view through the democratic process before the adjustment takes effect.

The Benefits Review

Congress shall conduct, within two years of enactment and every five years thereafter, a comprehensive review of all benefits provided to members of Congress — including retirement benefits, healthcare benefits, life insurance, and any other non-salary compensation — against the benefits available to: federal civilian employees subject to the Federal Employees Retirement System; the median private sector employee in the United States as reported by the Bureau of Labor Statistics; and the median constituent of each chamber as reported by the American Community Survey. The review shall be conducted by the Government Accountability Office and transmitted to Congress and made publicly available within ninety days of completion. Congress shall be required to respond publicly to the GAO's findings within one hundred eighty days of transmission, identifying any adjustments it proposes to make and the reasoning for any benefits that are retained at levels significantly above the comparison benchmarks. The response shall be published in the Federal Register. The requirement to respond is not a requirement to reduce. It is a requirement to justify.

Constitutional Authority

The compensation transparency requirement derives from Congress's authority under Article I, Section 6, which provides that senators and representatives shall receive a compensation for their services to be ascertained by law, from the oversight functions of the Office of Personnel

Management and the Government Accountability Office, and from the principle of governmental transparency established throughout Title VI of this document. The electoral accountability mechanism is constitutionally required by the Twenty-Seventh Amendment. The benefits review derives from Congress's authority to regulate its own operations and from the GAO's established authority to conduct audits and reviews of federal compensation and benefits programs.

Implementation Timeline

The annual compensation transparency publication shall begin with the first full calendar year after enactment. The constituency median ratio display requirement on member websites takes effect within one year of enactment. The electoral accountability mechanism and the public comment requirement apply to any compensation adjustment proposed on or after the date of enactment. The GAO benefits review shall be initiated within ninety days of enactment, with the initial report transmitted within two years of enactment.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test with full operative precision. Provision 6.7.A provides the full text of the proposed constitutional amendment with five operative sections addressing the term limits, the fractional term counting rules, the combined service cap, the grandfather clause, and the congressional enforcement authority. The strategic rationale for the grandfather clause is stated explicitly rather than embedded in procedural language. The Article V convention backstop is identified and operationalized through the Office of Constitutional Modernization.

Provision 6.7.B provides the full scope of the trading prohibition with four specific exemptions,

the ninety-day divestiture timeline, the twenty-four-hour disclosure requirement, the automatic fine and tax return trigger for disclosure violations, and the corporate insider classification with a defined burden-shifting standard and specific penalty ranges. Provision 6.7.C establishes the transparency publication with specific data elements, the electoral accountability mechanism consistent with the Twenty-Seventh Amendment, and the GAO benefits review with a specific timeline. Every mechanism is operational on the day of enactment.

The Coalition Architecture Test

The two flagship provisions of this Act command the strongest cross-partisan public support of any reform proposals in this entire document. The congressional stock trading ban at over eighty percent bipartisan support is the single highest consensus figure in the 2026 public mandate dataset. Congressional term limits command supermajority support in virtually every demographic and partisan category surveyed. These are not coalition-building challenges. They are coalition-revealing opportunities: the reform that eighty percent of Americans support and that Congress has consistently failed to enact is the reform that most clearly demonstrates the proposition at the heart of this document — that Congress is not currently accountable to the people it represents. Act 6.7 addresses that accountability gap directly. The salary transparency provision adds a dimension that is particularly resonant with working-class voters who have no particular ideological attachment to either party but who have a specific, material objection to a Congress that earns three to four times their household income while failing to address the conditions that produce that income gap. The coalition for this Act is the coalition of people who believe that the people who make the rules should live under them.

The Delivery Test

The Act passes the Delivery Test because each provision is designed around the specific failure mode of the predecessor arrangement it replaces. The constitutional amendment for term limits addresses the specific failure of statutory term limits, which the Supreme Court has held are unavailable by statute. The grandfather clause addresses the specific political failure mode of amendments that require current beneficiaries to vote against their own interests — it removes

that requirement by making the limits prospective. The Glass House trading prohibition addresses the specific enforcement failure of the STOCK Act, which requires proof of intent that is functionally unobtainable against defendants who control the information environment. The corporate insider classification addresses the specific evidentiary asymmetry that makes STOCK Act enforcement impossible by reversing the burden of proof. The twenty-four-hour disclosure requirement addresses the specific failure of the forty-five-day window, which has been used to delay disclosure until market movements are no longer traceable to legislative events. The salary transparency publication addresses the specific failure of the current compensation structure to make the financial relationship between member and constituent visible in a form that democratic accountability requires. Every structural choice in this Act corrects a specific documented failure. The Act was built to work. flags: Act 6.2.A (Lifetime Lobbying Ban) — term limits and the lobbying ban must be implemented on coordinated timelines to prevent a flood of termed-out members immediately converting to lobbyists. The cooling period in 6.2.B and the term limits here are companion provisions. Act 6.6.B (SCOTUS Term Limits Amendment) — the Office of Constitutional Modernization covers both amendments; confirm consistent language and coordinated ratification strategy. Act 6.1.A (Full Disclosure Portal) — the Glass House trading disclosure and the salary transparency publication both route through the same public portal; ensure the portal's design accommodates both data streams. Key precedent: U.S. Term Limits, Inc. v. Thornton (1995) — states may not impose congressional term limits; constitutional amendment is the only durable pathway. Include in final source inventory. The Yellow Jacket Policy Research Series — April 2026 Independent Research — All Documents Freely Reproducible

Act 6.8 — The Voter Access & Election Security Act

The State of Affairs

Democracy rests on a single, fragile assumption that is easy to state and hard to maintain: the loser of a legitimate election must accept the result. The acceptance is only possible if the losing side believes the process was conducted honestly, that eligible voters could participate, that ineligible voters did not, and that every ballot cast was counted accurately. When that belief is absent — on either side of the partisan divide, for any reason — the democratic process produces not consensus but grievance, and the transition of power becomes not a democratic routine but a potential crisis. The United States has been accumulating the conditions for that crisis for two decades, through the convergence of genuine systemic vulnerabilities and the deliberate exploitation of those vulnerabilities for partisan advantage. The genuine vulnerabilities are real and documented. Electronic voting systems that record votes solely in digital memory without a paper backup cannot be audited by any means available to the ordinary citizen or the independent observer. The software is proprietary. The process is opaque. A democracy that accepts a digital-only vote count on the basis of institutional trust is a democracy that has made itself dependent on the trustworthiness of the institutions it has spent the previous decade demonstrating it does not trust. The paper ballot is not a technological regression. It is an audit trail. In an age of sophisticated cyberattacks on electoral infrastructure — documented in the Senate Intelligence Committee's bipartisan 2019 report on election

interference — a physical record that exists independently of any networked system is the basic minimum standard that election security requires. The access vulnerabilities are equally real and differently distributed. The United States holds federal elections on a Tuesday — a workday — a scheduling choice inherited from the agricultural calendar of the nineteenth century, when farmers needed to travel to the county seat and could not do so on Wednesday, which was market day, or on Sunday, which was the sabbath. The nineteenth-century rationale has no application to the twenty-first-century workforce, but its consequence is precise and measurable: the citizen who works two jobs, who cannot afford to take unpaid time off, who relies on public transportation and lives in a precinct with long lines, faces a materially higher barrier to voting than the retired homeowner with flexible time and reliable transportation. The working class — precisely the constituency whose participation in self-governance this document is written to restore — is disproportionately penalized by an electoral calendar that was never designed for them. The identification question has been the most politically weaponized element of the electoral access debate, and this Act addresses it with the precision the subject requires. The Bipartisan Policy Center estimated in 2023 that approximately twenty-one million voting-age Americans — roughly nine percent of the eligible electorate — lack ready access to the documentary proof of citizenship that strict voter identification requirements demand. That figure is not distributed randomly across the population. It concentrates precisely among the groups least able to

absorb the cost and complexity of documentation: low-income households, elderly citizens born in states with incomplete vital records systems, recently naturalized immigrants whose documentation chains are complex, and individuals whose records were disrupted by name changes, displacement, or administrative error. The Government Accountability Office's 2014 study of voter identification laws found that strict ID requirements reduce turnout among eligible voters without producing corresponding evidence of fraud prevention. The mechanism that is presented as protecting the integrity of the franchise is, in its documented effect, restricting the exercise of it. The American Upgrade rejects the binary that has made this debate intractable. The choice is not between security and access. The choice is between a system that provides both and a system that provides neither honestly. A voter identification requirement that is not paired with universal free issuance of the required identification is not an election security measure. It is a poll tax in administrative clothing. A paper ballot requirement that is not paired with sufficient early voting and accessible polling locations is not an election integrity measure. It is a bottleneck that produces the long lines that suppress working-class turnout more effectively than any explicit suppression mechanism. This Act provides the complete package: every security measure paired with every access measure, because the democratic legitimacy that both sets of measures are claimed to serve requires that both sets of measures actually function as claimed. It should be incredibly easy to vote and impossible to cheat. Both halves of that standard are enforced here.

Public opinion data on the electoral system question is precisely partisan-split on the direction of reform but bipartisan on the need for it. A consistent majority of Americans favors abolishing the Electoral College for a national popular vote, with the split running on partisan lines. The voter identification requirement and the paper-ballot verification standard draw cross-partisan supermajority support. Election Day as a national holiday and expanded early voting access

draw similar bipartisan support. The grand bargain framing this Act employs is not a political strategy; it is the recognition that the public has already produced the bipartisan combination this Act enacts.

Provision 6.8.A — The Gold Standard Protocol — Paper Trail Mandate

Legislative Intent

The paper trail requirement is the foundational security measure from which all other election integrity provisions derive their credibility. No recount, no audit, no post-election verification process has any meaning unless there is a physical ballot to recount, audit, and verify. The digital-only voting system is not a security vulnerability in the conventional sense of a system that can be attacked. It is a security architecture that has been designed without a verification mechanism — a system in which the count is, by design, beyond independent confirmation. The paper trail mandate does not eliminate electronic voting. It requires that every electronic voting system produce a physical record that exists independently of the electronic record, that the voter can verify before casting their ballot, and that can be used for hand recounts in the event of a dispute or a required audit.

The Voter-Verified Paper Audit Trail Requirement

All voting systems used in federal elections — including elections for President, Vice President, United States Senator, and United States Representative — shall produce a Voter-Verified Paper Audit Trail for every ballot cast. For purposes of this provision, a Voter-Verified Paper Audit Trail is a permanent paper record of the voter's selections that: is produced contemporaneously with the voter's electronic selections; is displayed to the voter for verification before the ballot is cast; allows the voter to confirm that the paper record accurately reflects their selections; is retained securely by the election authority after the voter confirms and casts their ballot; and constitutes the official ballot of record for all purposes including recounts, audits, and court proceedings. The use of Direct Recording Electronic voting systems — systems that record votes solely in electronic memory without producing a contemporaneous paper record — in federal elections is hereby prohibited. Any jurisdiction currently using DRE systems for federal elections shall replace those systems with paper-trail-compliant systems by the federal election occurring not less than three hundred sixty-five days after enactment. The Election Assistance Commission shall establish a federal grant program, funded at not less than two billion dollars over five years, to assist states and localities in the procurement of compliant voting systems. Priority for grant funding shall be given to jurisdictions with the oldest existing equipment and to jurisdictions serving the largest populations of low-income voters.

Post-Election Audit Requirements

Every federal election shall be subject to a mandatory risk-limiting audit of the paper ballot record before the certification of results. A risk-limiting audit is a statistical sampling procedure, applied to the paper ballot record, that provides a specified level of statistical confidence that the reported winner of the election is the actual winner based on the paper ballots. The Election Assistance Commission shall establish minimum risk-limiting audit standards, including the minimum confidence level required for certification, the sampling methodology, and the

procedures for escalation to a full hand recount where the audit does not achieve the required confidence level. Results shall not be certified in any federal election until the risk-limiting audit is completed and the required confidence level is achieved or a full hand recount has been conducted. The audit results, including the sampling methodology, the paper ballots examined, and the statistical calculations, shall be published publicly within seventy-two hours of completion. The audit process shall be conducted in public view, with access provided to representatives of all candidates and parties, designated nonpartisan election observers, and members of the press. The opacity of the post-election process is a primary driver of the distrust that this Act

addresses. The remedy for opacity is transparency, and the audit transparency requirement operationalizes that principle.

Chain of Custody Standards

The Election Assistance Commission shall establish uniform chain of custody standards for paper ballots in federal elections, covering the handling, storage, transportation, and security of ballots from the time of casting through the completion of any required audit or recount. The standards shall include: tamper-evident ballot storage requirements; documented chain of custody logs for all ballot transfers; bipartisan or nonpartisan oversight of all ballot handling operations; video recording of all ballot storage and counting facilities from the close of polls through certification; and retention of all paper ballots for a period of not less than twenty-two months following the election, consistent with existing federal requirements. Violations of chain of custody standards shall be investigated by the relevant state election authority and, where federal elections are implicated, by the Department of Justice under the procedures established in Act 6.5.

Constitutional Authority

Congress’s authority to establish voting system standards for federal elections derives from Article I, Section 4, which grants Congress the authority to regulate the times, places, and manner of elections for senators and representatives; from the Presidential Election Day Act, which demonstrates Congress’s established authority to regulate the conduct of presidential elections; and from the Help America Vote Act of 2002, which established federal voting system standards including accessibility requirements and which this provision amends and strengthens. The paper trail requirement is an extension of existing federal voting system standards, not a departure from them.

Implementation Timeline

The EAC shall promulgate updated voting system standards incorporating the paper trail requirement within one hundred eighty days of enactment. The grant program shall be established and applications shall be accepted within two hundred seventy days of enactment. All jurisdictions shall be in compliance by the federal election occurring not less than three hundred sixty-five days after enactment. The EAC shall publish a compliance status report for all federal election jurisdictions six months prior to each federal election and shall identify jurisdictions not in compliance, the reason for non-compliance, and the remediation plan.

Provision 6.8.B — Democracy Day — Election Day as a National Holiday

Legislative Intent

The United States is among a small number of democracies that hold elections on a working day without compensating for the resulting disparate impact on the working-class participation in self-governance. The countries that hold elections on weekends, on designated public holidays, or over multiple days do so in recognition of a principle that this provision makes explicit: the right to vote is not merely a legal entitlement. It is a practical capacity that depends on having the time and the physical access to exercise it. A legal right that is practically inaccessible is not a right. It is an aspiration that the law has failed to fulfill.

The National Holiday Designation

The Tuesday after the first Monday in November in each even-numbered year — the date on which federal general elections are held — is hereby designated Democracy Day and established as a legal public holiday of the United States. Federal employees shall receive a paid holiday on Democracy Day. Federal contractors shall be required to provide their employees with paid time off on Democracy Day as a condition of federal contract performance. Private employers with fifty or more employees are strongly encouraged, through a federal tax credit for documented paid time off provided on Democracy Day, to provide their employees with sufficient paid leave to vote. The tax credit shall equal two hours of the employee's regular wage rate for each employee who certifies that they voted on Democracy Day, up to a maximum of five hundred dollars per employee per year. Democracy Day replaces Columbus Day as a paid federal holiday, maintaining the total number of federal holidays at the current level for purposes of federal payroll and contractor obligations. This substitution is a matter of administrative efficiency rather than cultural judgment. The federal holiday calendar is not proposed to be expanded. It is proposed to be realigned with a democratic priority — participation in self-governance — that the existing calendar, inherited from an era with no particular concern for working-class voter access, does not reflect.

Polling Place Hours and Accessibility

In every federal election, polling places serving federal election voters shall be open for not less than fifteen consecutive hours, with the opening no later than 6:00 a.m. local time and the closing no earlier than 9:00 p.m. local time. States may set longer hours but may not set shorter hours for federal elections. The fifteen-hour window ensures that voters working any of the three standard shift schedules — morning, afternoon, or night shift — have a window of opportunity to vote before or after their shift. The Election Assistance Commission shall establish minimum polling place density standards for federal elections, expressed as the maximum number of registered voters per polling place

in each jurisdiction, calibrated to ensure that average wait times at polling places do not exceed thirty minutes during peak voting periods. Jurisdictions where average wait times in the preceding federal election exceeded thirty minutes shall be required to expand polling place capacity before the next federal election. Federal grants from the program established in

Provision 6.8.A shall be available for polling place infrastructure improvements necessary to meet the density standards.

The Fourteen-Day Early Voting Floor

Every state shall offer in-person early voting for federal elections for a period of not less than fourteen consecutive days, including the two weekends immediately preceding Election Day. Early voting locations shall be established at a density sufficient to serve the registered voter population of each jurisdiction consistent with the polling place density standards established by the EAC. Early voting hours shall include at least two weekday evenings per week during the early voting period with polling locations open until 8:00 p.m. The weekend requirement is specifically designed to reach the shift worker who cannot vote on a weekday and the voter who relies on public transportation that does not serve polling locations during early morning or late evening weekday hours. Vote-by-mail shall remain available to all voters in federal elections who request it, with ballots mailed no later than twenty-one days before the election and accepted for counting if postmarked no later than Election Day and received no later than seven days after Election Day. The seven-day receipt window is necessary to accommodate the documented variability in mail delivery times and to ensure that votes cast on Election Day by mail are counted rather than rejected on the basis of postal delivery delays outside the voter's control.

Constitutional Authority

The national holiday designation derives from Congress's authority to designate federal holidays and to regulate the conditions of federal employment and federal contracting. The early voting and polling hours requirements derive from Article I, Section 4's grant of authority to Congress to regulate the times, places, and manner of federal elections. The Supreme Court upheld federal regulation of polling place hours and early voting in the context of the Voting Rights Act, establishing that Congress's authority to regulate the manner of federal elections includes the authority to regulate the practical conditions under which those elections are conducted.

Implementation Timeline

Democracy Day takes effect for the federal general election occurring not less than three hundred sixty-five days after enactment. The fourteen-day early voting floor applies to all federal elections occurring not less than three hundred sixty-five days after enactment. States that do not currently offer early voting shall have three hundred sixty-five days to establish early voting infrastructure. The EAC shall issue guidance on the polling place density standards within one hundred eighty days of enactment.

Provision 6.8.C — National Voter ID with Universal Free Issuance

Legislative Intent and the Grand Bargain

The voter identification debate has been conducted for two decades as if it presents a genuine policy dilemma: either require identification, which may reduce access for eligible voters who lack it, or do not require identification, which may permit ineligible participation. The American

Upgrade resolves the dilemma by refusing to accept either horn of it. The resolution is straightforward: if the government requires identification to vote, the government is obligated to provide that identification to every eligible citizen, free of charge, proactively, and without administrative barriers. A voter identification requirement that is not paired with universal access to the required identification is not an election security measure. It is, in the language of the constitutional history of voting rights, a poll tax. The Twenty-Fourth Amendment prohibited the poll tax. This provision enforces the principle the amendment established: the right to vote cannot be conditioned on the ability to pay for the documentation that the vote requires. The empirical record supports the paired approach as the only approach consistent with both democratic principles. The GAO's 2014 study found that strict voter identification requirements reduced turnout among eligible voters without producing corresponding evidence of fraud prevention. The Bipartisan Policy Center's 2023 analysis found that approximately twenty-one million eligible voting-age Americans lack ready access to the documentation that strict ID requirements demand — a figure concentrated among the most marginalized eligible voters in the country. The voter identification requirement in this provision is real and enforceable. So is the universal free issuance requirement. Both halves are mandatory. Neither is optional. The grand bargain is not a compromise. It is the complete policy that the subject requires.

The Voter Identification Standard for Federal Elections

Presentation of a valid government-issued photo identification shall be required for in-person voting in all federal elections. For purposes of this provision, a valid government-issued photo identification is any document that: bears a photograph of the holder; bears the holder's legal name; is issued by a federal, state, or local government agency in the United States; and has not expired more than four years before the date of the election. Documents satisfying this standard include but are not limited to: the federal Democracy Identification Card established by this provision; a United States passport or passport card; a state-issued driver's license or non-driver identification card; a United States military identification card; a tribal identification card issued by a federally recognized tribal government; a United States Citizenship and Immigration Services Employment Authorization Document; and a student identification card issued by a state-accredited educational institution, provided that the card includes the student's photograph and an expiration date. For absentee and mail-in voting in federal elections, the voter shall provide either the number of their state driver's license or identification card, or the last four digits of their Social Security Number, which shall be verified against the state voter registration database. Where neither number is available, the voter may submit a copy of any document from the list above. Signature matching alone is not a sufficient verification standard for absentee ballots in federal elections. The failure of signature matching as a sole verification mechanism has been documented in multiple post-election audits and is not an adequate substitute for the numeric database verification that this provision requires. The Democracy Identification Card — Universal Free Issuance There is hereby established the Democracy Identification Card, a federal photo identification document issued by the Social Security Administration in coordination with the United States Postal Service. The Democracy Identification Card shall: bear the holder's photograph and legal name; identify the holder as a United States citizen eligible to vote; bear an expiration date of not less than ten years from the date of issuance; and be accepted as valid voter identification in all federal elections in all

states. The Democracy Identification Card shall be issued free of charge to any United States citizen who requests one. No fee, application fee, processing fee, or any other charge shall be imposed on the applicant at any stage of the application or issuance process. The Social Security Administration shall establish the following automatic issuance mechanisms to ensure that the Democracy Identification Card reaches every eligible citizen without requiring active application: upon the eighteenth birthday of any individual whose birth record is registered with the Social Security Administration, the SSA shall automatically initiate the issuance process and mail the Democracy Identification Card to the individual's address of record; upon the naturalization of any individual as a United States citizen, the United States Citizenship and Immigration Services shall transmit the individual's information to the SSA for automatic Democracy ID issuance within thirty days of naturalization; and upon enrollment in the Eaglecare healthcare system established under Act 2.1, the enrollee's identity information shall be transmitted to the SSA for Democracy ID issuance if the enrollee does not already possess a valid Democracy ID or other qualifying identification document.

The United States Postal Service shall serve as the primary distribution mechanism for Democracy IDs, leveraging its existing infrastructure for document delivery and its network of post offices as in-person issuance locations for individuals who prefer in-person service, who need assistance completing the application process, or whose address of record does not reliably receive mail. Post offices in every congressional district shall maintain Democracy ID application assistance services during regular business hours. The SSA and the USPS shall enter into a memorandum of understanding within one hundred eighty days of enactment establishing the operational protocols for the combined issuance and distribution system.

Provisional Ballot Protection

Any eligible voter who appears at a polling place without the required identification shall be permitted to cast a provisional ballot. The provisional ballot shall be counted in full if the voter returns to the election authority with qualifying identification within three business days of the election, or if the election authority independently verifies the voter's eligibility through cross-reference with the voter registration database and the SSA records within the same period. The provisional ballot process is not a mechanism for discarding votes. It is a mechanism for resolving identification questions while preserving the voter's participation in the election. States shall report to the EAC the number of provisional ballots cast and the number counted and rejected in each federal election. The EAC shall publish this data publicly within ninety days of each election.

Prohibition on Documentary Proof of Citizenship as a Registration Requirement

No state shall require documentary proof of citizenship — including but not limited to a birth certificate, United States passport, or naturalization certificate — as a condition of registration to vote in federal elections, beyond what is required under the National Voter Registration Act. The Bipartisan Policy Center's 2023 finding that approximately twenty-one million eligible voting-age Americans lack ready access to such documentation, concentrated among low-income households, elderly citizens, recently naturalized immigrants, and individuals with disrupted documentation chains, establishes the distributional effect of documentary proof of citizenship requirements as equivalent to a mechanism for removing a defined and identifiable population

of eligible voters from the electorate. The government's interest in confirming citizenship status for voter registration is adequately served by the existing NVRA framework, which requires attestation of citizenship under penalty of perjury and cross-reference with federal databases. It is not served by a documentary requirement whose documented effect is the disenfranchisement of millions of eligible citizens.

Constitutional Authority

The voter identification standard derives from Congress's authority under Article I, Section 4 to regulate the manner of federal elections and from Congress's established authority under the Help America Vote Act to set standards for voter identification in federal elections. The universal free issuance requirement derives from the Twenty-Fourth Amendment's prohibition on poll taxes and from the Supreme Court's recognition in Harper v. Virginia Board of Elections that the right to vote cannot be conditioned on wealth or payment of any fee. The prohibition on documentary proof of citizenship requirements derives from Congress's authority under the National Voter Registration Act framework and from the Fourteenth and Fifteenth Amendments' prohibition on the abridgment of voting rights on the basis of characteristics that correlate with the protected classifications those amendments were designed to protect.

Implementation Timeline

The SSA shall establish the Democracy ID issuance infrastructure within one year of enactment. The automatic issuance mechanisms shall be fully operational within eighteen months of enactment. The voter identification requirement in this provision shall take effect for federal elections occurring not less than twenty-four months after enactment, to ensure that every eligible citizen has had adequate time and opportunity to obtain qualifying identification before the requirement takes effect. The EAC shall publish, six months before the voter identification requirement takes effect, a public report on the number of Democracy IDs issued, the geographic distribution of issuance, and its assessment of whether universal access to qualifying identification has been achieved.

Provision 6.8.D — Non-Partisan Redistricting Standards

Legislative Intent

Congressional districts are drawn by partisan actors with access to sophisticated demographic data and computational tools specifically designed to maximize partisan advantage from the drawing of district lines. The practice is documented, openly acknowledged by its practitioners, and produces results that are mathematically incompatible with the democratic principle that elections should determine the composition of the legislature rather than the composition of the legislature determining the outcome of elections. When the party in power draws its own map, the consequence is not merely unfairness to the opposing party. It is the removal of competitive accountability from the electoral process. A legislator who represents a district drawn to be safe is not accountable to the full electorate of that district. They are accountable to the primary electorate of their own party, which is typically more ideologically extreme than the district as a whole. The structural consequence is a legislature whose members are rewarded for ideological

purity and whose incentive to govern for the broad electorate has been systematically removed by the map.

The Independent Redistricting Commission Mandate

Each state shall establish an Independent Redistricting Commission for the purpose of drawing congressional districts following each decennial census. The commission shall be composed of an equal number of members from the largest political party in the state, the second-largest political party in the state, and registered voters who are not affiliated with either of the two largest parties. No member of the commission shall be, or have been within the preceding five years: a candidate for federal, state, or local elected office; a registered lobbyist; an officer or employee of any political party; a campaign contributor of more than five thousand dollars to any candidate in the preceding five years; or an immediate family member of any sitting elected official. The nonpartisan members shall be selected by a panel of retired state court judges through a random selection process from a pool of applicants who meet the eligibility requirements. The commission shall adopt congressional district maps using the following criteria, applied in order of priority: districts shall contain substantially equal populations, consistent with the one-person one-vote requirement; districts shall comply with the Voting Rights Act and shall not dilute the voting power of racial or language minority groups; districts shall be geographically contiguous; districts shall preserve communities of interest, including economic, social, and cultural communities that share common interests; and districts shall be reasonably compact. Political affiliation, residential addresses of incumbents, and prior district configurations shall not be criteria for drawing district lines. The commission shall hold public hearings in each congressional district before adopting any map and shall publish its proposed maps for a thirty-day public comment period before adoption.

Federal Enforcement

Any redistricting plan that does not satisfy the requirements of this provision, or that is adopted by a process other than an independent commission meeting the composition requirements of this provision, shall be subject to challenge in the United States District Court for the relevant district. The court shall apply de novo review to any redistricting plan challenged under this provision and shall substitute its own judgment for the commission’s where the challenged plan does not meet the statutory criteria. Federal courts reviewing redistricting challenges shall have authority to adopt or order the adoption of a remedial plan drawn by a court-appointed special master if the commission’s plan is found deficient and the commission fails to adopt a remedial plan within sixty days of the court’s finding.

States that currently operate under court-ordered redistricting plans, consent decrees, or other existing judicial oversight of their redistricting processes shall be required to transition to independent commission-based redistricting by the next redistricting cycle following enactment.

Constitutional Authority

Congress’s authority to establish redistricting standards for congressional elections derives from Article I, Section 4, which grants Congress the authority to regulate the times, places, and manner of elections for members of Congress. The Supreme Court held in Arizona State

Legislature v. Arizona Independent Redistricting Commission that Congress has the authority to authorize independent redistricting commissions as an alternative to legislative redistricting. This provision extends that authorization to a federal mandate, which the Court's reasoning in Arizona State Legislature supports as within Congress's Article I power.

Implementation Timeline

States shall establish independent redistricting commissions within two years of enactment. The commission composition and selection requirements shall apply to all redistricting cycles commencing after the date of enactment. States currently engaged in redistricting litigation shall comply with this provision in the next redistricting cycle following the resolution of pending litigation.

Provision 6.8.E — Election Official Neutrality

Legislative Intent

The person who certifies the results of a federal election should not be a candidate in that election. The person who oversees voter registration for a federal election should not be managing the campaign of one of the candidates on the ballot. These propositions are so self-evidently correct that their statement in plain language makes their current absence from federal law appear inexplicable. They are absent because they would have been inconvenient for the officials whose dual roles they would prohibit, and because the standard of conduct for election officials has been governed by state law and political culture rather than by federal statute. This provision establishes a federal standard.

The Conflict of Interest Prohibition

No state official who holds responsibility for the administration, certification, or oversight of federal elections in that state — including the Secretary of State, any State Election Director, any county or local election authority, and any official designated as the chief election

administrator for any jurisdiction conducting federal elections — shall, during the period of their service in that administrative capacity, be a candidate for any federal, state, or local elected office. Any election official who becomes a candidate for office shall immediately recuse themselves from all administrative responsibilities relating to elections in which they are a candidate and shall transfer those responsibilities to a designated deputy who is not a candidate. No state official with election administration or certification responsibilities shall serve simultaneously as the campaign manager, finance director, communications director, or any other paid or formal volunteer leadership role in the campaign of any candidate in a federal election over which the official exercises administrative authority. The prohibition applies to both partisan and nonpartisan candidates. The conflict of interest that the prohibition addresses is not partisan. It is structural: the official who manages both the election and the campaign has a financial and professional interest in the outcome that is incompatible with the neutral administration of the process.

The Certification Neutrality Standard

The certification of federal election results shall be a ministerial function performed according to defined statutory criteria and timelines. A certification official shall certify results that satisfy the statutory criteria regardless of the official's personal, political, or professional preferences regarding the outcome. Refusal to certify results that satisfy the statutory criteria, or certification of results that do not satisfy those criteria, shall constitute a violation of the official's statutory duty subject to removal from office, civil penalties of not less than one hundred thousand dollars, and referral to the Department of Justice for criminal prosecution under 18 U.S.C. § 595 and related federal election statutes. The certification function is not a discretionary act. It is an administrative obligation.

Constitutional Authority

The election official neutrality requirements derive from Congress's Article I, Section 4 authority to regulate the manner of federal elections, from the Fourteenth Amendment's guarantee of equal protection of the laws as applied to the administration of the electoral process, and from Congress's established authority under the Help America Vote Act to set standards for the administration of federal elections. The certification neutrality standard derives from the same authority and from the established principle that ministerial officers performing statutory functions have no discretion to substitute their personal judgment for the criteria established by statute.

Implementation Timeline

The conflict of interest prohibition takes effect immediately upon enactment. The certification neutrality standard and its enforcement mechanisms take effect immediately upon enactment. The Election Assistance Commission shall publish implementing guidance for state election officials within ninety days of enactment.

Provision 6.8.F — Ballot Initiative Access

Legislative Intent

Twenty-six states currently provide their citizens with the ability to propose and vote on legislation directly through ballot initiative or referendum processes. Twenty-four states do not. The availability of citizen-initiated lawmaking is not merely a procedural variation. It is a fundamental difference in the degree of direct democratic participation available to citizens whose elected representatives have failed to address issues of significant public concern. The ballot initiative has produced some of the most consequential democratic decisions in American history — from California's Proposition 13 to Colorado's Taxpayer Bill of Rights to the marijuana legalization measures that preceded federal legislative action by years. It has also produced outcomes that were subsequently challenged on constitutional grounds. Both the successes and the failures reflect the democratic process operating as intended: citizens making decisions about their governance, subject to constitutional review.

Federal Support for State Ballot Initiative Infrastructure

The Election Assistance Commission shall establish a Ballot Initiative Technical Assistance Program to provide, at the request of any state legislature or state election authority, technical assistance in: designing ballot initiative and referendum procedures consistent with the state's constitutional framework; drafting model legislation establishing ballot initiative procedures; developing voter education programs to inform citizens about the availability and use of ballot initiative processes; and analyzing the constitutional implications of proposed ballot initiative procedures under state and federal law. The Technical Assistance Program shall not direct any state to adopt any specific ballot initiative procedure or any specific substantive policy through ballot initiative. It shall provide the technical capacity for states that choose to expand direct democratic participation to do so competently. Federal grants shall be available, through the EAC, to states that adopt qualifying ballot initiative procedures, for the purpose of voter education, ballot preparation, and signature verification infrastructure. Qualifying procedures shall provide for: a minimum signature requirement of not more than five percent of the votes cast in the preceding general gubernatorial election; a

reasonable circulation period of not less than one hundred eighty days; a public review period before the ballot in which the proposed initiative is published and a fiscal analysis is prepared; and a single-subject rule requiring that each initiative address a single subject. The grant program is an incentive, not a mandate. No state is required to adopt ballot initiative procedures. States that adopt them are supported in doing so effectively.

Constitutional Authority

The federal technical assistance and grant program derives from Congress's authority under Article I, Section 8 to spend for the general welfare, from the established principle that federal grants may be conditioned on compliance with federal standards, and from Congress's authority under Article I, Section 4 to encourage the development of state electoral processes that expand democratic participation. The program does not compel any state to adopt any electoral procedure. It supports states that choose to adopt them. The constitutional basis for conditional federal grants in support of state electoral infrastructure is well established under the Spending Clause jurisprudence developed in South Dakota v. Dole and its successors.

Implementation Timeline

The EAC shall establish the Ballot Initiative Technical Assistance Program within one year of enactment. The grant program shall be funded and operational within eighteen months of enactment. States may apply for technical assistance and grants on a rolling basis after the program becomes operational.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test across six provisions, each of which provides a complete operational mechanism. The paper trail mandate specifies the VVPAT standard, prohibits DRE

systems, establishes a risk-limiting audit requirement with defined confidence standards, specifies chain of custody requirements, and provides a grant program with defined funding. Democracy Day establishes the holiday, specifies the fifteen-hour polling window, establishes the fourteen-day early voting floor with weekend requirements, and addresses vote-by-mail with defined postmark and receipt deadlines. The voter ID provision defines qualifying identification, establishes the Democracy Identification Card with automatic issuance mechanisms through three separate pathways, specifies the provisional ballot process, and prohibits documentary proof of citizenship requirements with citation to the empirical record. The redistricting provision defines commission composition and eligibility criteria, establishes the priority hierarchy for redistricting criteria, provides a federal enforcement mechanism, and specifies the transition for states under existing court orders. The election official neutrality provision defines covered officials, specifies the conflict of interest prohibition, and establishes the certification neutrality standard with criminal referral authority. The ballot initiative provision establishes a technical assistance program and a conditional grant program with defined qualifying criteria. Every provision is operational on the day of enactment.

The Coalition Architecture Test

The Delivery Test

The Act passes the Delivery Test because every provision addresses a specific documented failure of the existing electoral architecture. The paper trail mandate addresses the specific failure of DRE systems to provide auditable records. The Democracy Day provision addresses the specific failure of the Tuesday election calendar to provide equal access to working-class voters. The voter ID provision addresses the specific failure of existing ID requirements to be paired with universal access to the required identification. The redistricting provision addresses the specific failure of partisan gerrymandering to produce competitive districts accountable to broad electorates. The election official neutrality provision addresses the specific failure of state law to prohibit the dual role of election administrator and candidate. The ballot initiative provision addresses the specific failure of twenty-four states to provide direct democratic participation as a check on unresponsive legislatures. Every structural choice in this Act is a response to a documented failure. The Act was built to function, not to signal. completes the penultimate Act of Title VI. One Act remains in this Title. Cross-reference flags: Act 2.1 (Eaglecare) — the automatic Democracy ID issuance upon Eaglecare enrollment in 6.8.C requires coordination with the Eaglecare enrollment database established in Act 2.1. Act 6.5.A (DOJ Independence) — federal election fraud investigation is a DOJ function; DOJ independence provisions apply to election fraud prosecutions. Key empirical citations for final sourcing: Bipartisan Policy Center (2023) — 21 million eligible voters lacking documentary proof of citizenship; GAO (2014) — strict ID requirements reduce turnout without evidence of fraud prevention; Senate Intelligence Committee Bipartisan Report (2019) — documented cyberattacks on election infrastructure; Arizona State Legislature v. Arizona Independent Redistricting Commission (2015) — Congress may authorize independent redistricting commissions; Harper v. Virginia Board of Elections (1966) — right to vote cannot be conditioned on payment. The Yellow Jacket Policy Research Series — April 2026 Independent Research — All Documents Freely Reproducible

Act 6.9 — The Public Safety & Police Modernization Act

The State of Affairs

The first civil right of every American is the right to be safe in their home and on their streets. Without public safety, commerce fails, schools close, and communities disintegrate. The proposition is not partisan. It is the foundational premise of the social contract — that the

individual yields certain freedoms to the collective authority of the state in exchange for the protection of person and property that individual action alone cannot reliably provide. Law enforcement is the instrument through which the state fulfills that obligation. When law enforcement fails — through understaffing, under-training, misconduct, or the loss of community trust that misconduct produces — the social contract breaks down in both directions simultaneously. American policing is caught in precisely that destructive cycle, and the cycle has specific documented causes. On one side: the recruitment and retention crisis. Following the political environment of 2020, which combined a genuine reckoning with documented police misconduct and a rhetorical overreach that alienated the professional law enforcement community, retirements accelerated by approximately forty-five percent and applications declined significantly across the country. Departments desperate to fill shifts began lowering standards that existed for good reasons: hiring recruits whose background investigations would have disqualified them a decade earlier, reducing training requirements that the budget no longer supported, and creating the conditions under which the well-documented connection between inadequate training and unnecessary use of force was virtually guaranteed to produce exactly the outcomes it produced. The recruitment crisis is a public safety crisis with a specific cause and a specific remedy: pay competitive with the risk and responsibility of the profession, training at the level the profession requires, and conditions that attract people who want to serve their communities rather than people who had no other options. On the other side: the accountability gap. The doctrine of qualified immunity was articulated by the Supreme Court in Harlow v. Fitzgerald in 1982 to protect government officials from civil liability for actions that did not violate clearly established law at the time. Applied to law enforcement, the doctrine was designed to protect officers from frivolous lawsuits arising from the split-second decisions that the profession requires. In application, it has evolved into something the original doctrine did not contemplate: a shield that protects officers who commit documented constitutional violations from civil liability if no prior court has addressed an identical fact pattern. The practical result is that an officer who violates a citizen’s Fourth Amendment rights in a way that is slightly factually distinguishable from any prior case escapes civil liability not because their conduct was lawful but because the precise configuration of their unlawful conduct has not been previously catalogued by a federal appellate court. The Supreme Court itself has acknowledged the circularity of this standard: courts decline to find clearly established law because there is no prior case, which means there will never be a prior case. The doctrine has become, in the words of Justice Sotomayor’s dissent in Mullenix v. Luna, a one-way ratchet that makes it progressively harder to hold officers accountable as the accumulation of qualified immunity decisions narrows the universe of actionable conduct.

The two crises reinforce each other in ways that compound both. The department that cannot attract qualified candidates lowers its hiring standards. The officer hired under lowered standards is more likely to use force unnecessarily. The force used unnecessarily produces community distrust. The community distrust produces the political environment that makes recruitment harder. The department under scrutiny becomes risk-averse in ways that reduce proactive policing. The reduction in proactive policing allows disorder to compound. The compounded disorder produces the political demand for more aggressive policing. The more aggressive policing produces more force incidents. The cycle continues. The American Upgrade breaks the cycle by addressing both causes simultaneously: the pay, training, and professional support infrastructure that attracts and retains competent officers, and the accountability framework that ensures the power those officers carry is exercised within constitutional limits. The framing that has dominated the public debate — that support for law enforcement and accountability for law enforcement are competing values — is not merely politically inconvenient. It is factually incorrect. The officer who is well-paid, well-trained, and well-supervised is statistically less likely to use unnecessary force, less likely to be killed on duty, and more likely to produce the community trust that effective policing requires. The officer who knows that documented misconduct will produce civil liability, that body camera footage will be released within seventy-two hours, and that the insurance market will reflect their claims history, is an officer whose incentive structure is aligned with the community they serve. Professionalization is not the alternative to accountability. Professionalization and accountability are the same strategy applied at opposite ends of the same problem. This Act implements both.

Provision 6.9.A — The Blue Standard Grant

Legislative Intent

The federal government has approximately eighteen thousand state and local law enforcement agencies operating across the country, ranging from the New York City Police Department with thirty-six thousand officers to rural county sheriffs with fewer than five full-time deputies. Federal authority over these agencies is limited: the Constitution reserves police power to the states, and the federal government cannot directly mandate the operational practices of state and local law enforcement. What the federal government can do, under the Spending Clause authority established in South Dakota v. Dole and confirmed in a series of subsequent cases, is condition the receipt of federal law enforcement grants on compliance with federal standards. The Blue Standard Grant uses that authority to establish a national floor of professional standards — for compensation, training, and conduct — below which no department receiving federal assistance may operate.

The Salary Floor Grant Program

The Department of Justice shall establish the Blue Standard Grant Program, available to all state and local law enforcement agencies receiving federal funding under the Edward Byrne Memorial Justice Assistance Grant Program, the Community Oriented Policing Services

Program, and all other federal law enforcement grant programs. The Blue Standard Grant Program shall provide federal supplemental funding to assist agencies in achieving and maintaining a minimum starting salary for certified law enforcement officers of seventy thousand dollars annually, adjusted annually for local cost of living using the Bureau of Labor Statistics' regional price parities. The federal subsidy shall cover the difference between the agency's current budgeted starting salary and the seventy-thousand-dollar floor, up to a maximum federal contribution of thirty thousand dollars per officer per year, for a period of five years. After five years, the agency is expected to have incorporated the salary floor into its operating budget. Agencies that cannot sustain the salary floor without federal support after five years may apply for a transitional extension, reviewed annually, upon a showing that the agency has made a good-faith effort to secure adequate local funding. The salary floor is not a ceiling. Agencies that already meet or exceed the floor receive no reduction in existing compensation. The floor establishes the minimum standard below which federal resources will not support continued operation. The market for law enforcement talent operates like any other labor market: compensation below the market rate for the risk and responsibility of the position produces the hiring outcomes that market economics predicts. Departments that have lowered hiring standards to fill shifts at below-market wages are not experiencing a recruitment crisis. They are experiencing the predictable result of offering inadequate compensation for a demanding and dangerous job. The Blue Standard Grant addresses the compensation deficit at federal scale.

The Blue Standard Training Curriculum

As a condition of receiving Blue Standard Grant funds, every participating law enforcement agency shall require all certified officers to complete, within two years of the agency's first grant receipt and annually thereafter, not less than forty hours of continuing professional training per year in the following subject areas, distributed across the categories in proportions determined by the Department of Justice in consultation with professional law enforcement organizations and community representatives:

De-escalation Tactics. Evidence-based techniques for reducing the likelihood that encounters between officers and civilians escalate to the use of force, with specific attention to verbal communication strategies, tactical positioning, and the management of emotionally disturbed persons in non-crisis contexts. Mental Health Crisis Intervention. Recognition of behavioral health crises, appropriate response protocols for persons experiencing mental health emergencies, and coordination with community mental health co-responder programs where available. Officers are not mental health clinicians. They are often the first responders to mental health crises. The training standards reflect the professional obligation that first-responder status creates.

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implications of law enforcement conduct, with specific attention to search and seizure law, use of force constitutional standards under Graham v. Connor and Tennessee v. Garner, and the civil rights statutes under which officer conduct is actionable. Procedural Justice and Community Relations. The research-based evidence that people's perceptions of police legitimacy are more

strongly affected by the fairness of the process than by the outcome, and the practical techniques for conducting police-citizen interactions in ways that build rather than erode community trust. Use of Force Standards and Review. Departmental use of force policies, the legal standards governing permissible force, and the mandatory review process for any use of force incident, including the role of supervisory review, internal affairs investigation, and the body camera footage requirements established in Provision 6.9.B. New officer training requirements at the academy level shall be no less than eight hundred hours for initial certification, of which not less than two hundred hours shall be devoted to the subject areas described above. The national average for initial officer training as of 2024 is approximately twenty-one weeks, compared to more than three years required for the bar examination, two years for real estate licensure in many states, and over a thousand hours for cosmetology licensure in most states. The comparison is not made to disparage law enforcement training. It is made to identify the gap between the professional standard that the authority to use force requires and the training investment that the current system provides.

The National Law Enforcement Standards Board

The Department of Justice shall establish a National Law Enforcement Standards Board, composed of active and retired law enforcement officers, state and local government

representatives, academic researchers in criminology and public policy, and community representatives from diverse geographic and demographic backgrounds. The Board shall: develop and update the Blue Standard Training Curriculum on a three-year cycle; establish minimum certification standards for law enforcement officers that participating agencies must adopt as a condition of grant receipt; maintain a National Law Enforcement Decertification Database, described in Provision 6.9.C, tracking officers whose law enforcement certifications have been revoked for cause; and publish an annual public report on the state of law enforcement professionalization, including agency participation rates, training completion data, and outcome metrics including use of force rates, community trust indicators, and officer injury and fatality statistics. The Board is an advisory and standard-setting body. It does not have operational authority over any law enforcement agency. Its authority derives entirely from the conditionality of federal grant funding.

Constitutional Authority

The Blue Standard Grant Program derives from Congress’s authority under the Spending Clause to condition federal grants on compliance with federal standards, from the established precedent of the Edward Byrne Memorial Justice Assistance Grant Program and its predecessors, which have conditioned federal law enforcement assistance on compliance with civil rights requirements, data reporting requirements, and other federal standards since 1968, and from the Supreme Court’s recognition in Dole that the conditional spending power may be used to advance federal policies in domains otherwise reserved to the states, provided the conditions are related to the federal interest in the expenditure of federal funds. Federal law enforcement grants are provided for the purpose of supporting effective, constitutional, and community-oriented law enforcement. Training, compensation, and accountability standards are directly related to that purpose.

Implementation Timeline

The Department of Justice shall establish the National Law Enforcement Standards Board within one hundred eighty days of enactment. The Blue Standard Training Curriculum shall be published within one year of enactment. Grant applications under the Blue Standard program shall be accepted beginning in the first full fiscal year after enactment. The salary floor requirement shall apply to all new officer hires in participating agencies beginning in the second full fiscal year after enactment, with a three-year phase-in for existing officers.

Provision 6.9.B — Body Camera Infrastructure & Transparency

Legislative Intent

The body-worn camera is the most important accountability tool that modern law enforcement technology has produced. It resolves factual disputes about police-citizen interactions that would otherwise be determined by the testimony of the two parties least likely to agree: the officer and the subject. Where body camera footage exists and is released, it eliminates the information vacuum that conspiracy theories and unverifiable allegations fill. Where body camera footage exists and is not released, or is released selectively, or is released after extended delays that allow narratives to solidify, it compounds rather than resolves the distrust it was supposed to address. The technology is available and proven. The infrastructure to support it universally is not consistently present. The transparency requirements to make it meaningful are not consistently enforced. This provision addresses both.

The Universal Body Camera Mandate

As a condition of receiving Blue Standard Grant funds or any other federal law enforcement grant, every law enforcement agency shall require all patrol officers and all officers who regularly engage in direct police-citizen contact to wear functioning body-worn cameras during all duty hours in which such contact may occur. The requirement applies to officers on patrol, to officers making arrests or conducting searches, to officers responding to calls for service, and to officers conducting any investigative activity in which contact with members of the public may occur. Officers in administrative, supervisory, or plainclothes investigative roles are subject to the requirement at the discretion of the agency, with the guidance that any role involving direct public contact warrants camera coverage. Cameras shall be activated at the beginning of any police-citizen contact and shall remain activated until the contact is concluded. Officers shall not deactivate cameras during active police-citizen contacts except for specifically defined categories including interviews with confidential informants, certain victim-sensitive contexts, and communications with legal counsel, all of which shall be specifically defined in the agency's body camera policy filed with the Department of Justice. Failure to activate a camera at the required time, or deactivation during an active contact outside the defined exceptions, shall be documented and shall constitute a deficiency in the officer's performance record subject to the disciplinary procedures of the agency. Where a use of force incident occurs during a period of camera non-activation for which no defined exception applies, the non-activation shall create a rebuttable presumption against the officer's account of the incident in any subsequent administrative or civil proceeding.

The Data Storage Subsidy

The Department of Justice shall provide, as a component of the Blue Standard Grant Program, one hundred percent funding for cloud storage and data management costs associated with

body camera footage for any law enforcement agency with fewer than two hundred sworn officers. For agencies with two hundred to five hundred sworn officers, the federal subsidy shall cover seventy-five percent of storage and data management costs. For agencies with more than five hundred sworn officers, the federal subsidy shall cover fifty percent of storage and data management costs. The subsidy addresses the specific practical barrier that has prevented smaller departments from implementing body camera programs: the ongoing data management cost, not the hardware cost, is the primary budgetary obstacle. The federal government will remove that barrier for the agencies that most need it removed. All footage shall be retained for a minimum of three years for footage involving no use of force, arrest, or complaint; five years for footage involving arrest or subject complaint; and seven years for footage involving use of force, officer-involved shooting, or death in custody. Footage subject to ongoing litigation or criminal investigation shall be retained until the final resolution of all proceedings. Footage requested by a subject of the recorded contact, by a complainant, or by legal counsel in connection with pending or anticipated litigation shall be preserved immediately upon request and provided within fifteen days.

The Seventy-Two-Hour Release Mandate

As a condition of receiving federal law enforcement grants, every agency shall release unedited body camera footage of any officer-involved shooting, any use of force resulting in death or serious bodily injury, and any in-custody death to the public within seventy-two hours of the incident. The seventy-two-hour requirement applies to all footage from all cameras that recorded any portion of the incident, from any angle, and includes footage from the period immediately preceding and following the use of force or death. The only permissible basis for delay beyond seventy-two hours is a specific order from a federal or state court finding that immediate release poses a concrete, articulable threat to the safety of an identified witness, a victim, or an ongoing investigation that cannot be adequately addressed by redaction. A generalized assertion that release may affect an investigation is not sufficient. The court order must identify the specific threat, the specific persons at risk, and the minimum delay necessary to address the identified threat. Delays granted under this exception shall be reviewed by the court every seventy-two hours and shall be lifted as soon as the specific threat no longer obtains. The seventy-two-hour mandate is the provision most directly responsive to the documented mechanism through which delays in footage release compound community distrust. The information vacuum created by a week-long delay in releasing footage of a police use of force is not neutral. It is filled by unverified accounts, social media speculation, and the reasonable inference that the delay exists because the footage is unfavorable. Whether or not that

inference is correct in any specific case, the release of footage within seventy-two hours eliminates the information vacuum that produces it. Trust requires speed. The working draft’s formulation holds and stays.

Constitutional Authority

The body camera mandate and the seventy-two-hour release requirement derive from Congress's Spending Clause authority to condition federal law enforcement grants on compliance with transparency and accountability standards. The storage subsidy is a direct expenditure authorized by the Spending Clause. The release mandate does not compel speech or create a First Amendment issue because it is conditioned on the receipt of federal funds and applies to official governmental records subject to public records law in virtually every state. The rebuttable presumption arising from camera non-activation derives from Congress's authority to establish evidentiary standards applicable in federal civil rights proceedings under 42 U.S.C. § 1983.

Implementation Timeline

The Department of Justice shall publish body camera policy standards within one hundred eighty days of enactment. The data storage subsidy shall be available in the first full fiscal year after enactment. Agencies shall be in full compliance with the universal body camera mandate within three years of enactment. The seventy-two-hour release requirement takes effect immediately for all agencies currently participating in federal law enforcement grant programs.

Provision 6.9.C — Qualified Immunity Reform

Legislative Intent

Qualified immunity is a judicially created doctrine. The Supreme Court did not derive it from the text of 42 U.S.C. § 1983, which provides without qualification that any person who, under color of state law, deprives another of their constitutional rights shall be liable to the injured party. The Court created the doctrine in Harlow v. Fitzgerald in 1982 to serve a functional purpose: protecting government officials from civil suits based on conduct that was not clearly unlawful at the time it occurred, so as not to discourage officials from taking necessary actions in ambiguous situations. That functional purpose is legitimate and is preserved by this provision. The good-faith protection for officers who make honest mistakes in genuinely ambiguous circumstances is retained. What this provision removes is the doctrine's expansion into a shield that protects officers who commit clear constitutional violations because no prior case has catalogued the identical fact pattern.

Because qualified immunity is a judicially created doctrine and not a statutory requirement, Congress has the authority to modify or eliminate it by statute. This is not a novel legal proposition. Multiple legal scholars, including the late Justice Antonin Scalia, noted that the qualified immunity doctrine as currently applied goes well beyond what the text of § 1983 supports. Congress enacted § 1983 under the Fourteenth Amendment to provide a civil remedy for constitutional violations by state actors. Qualified immunity, as currently applied, frequently defeats that remedy before the constitutional merits are ever reached. This provision restores the statute to the purpose for which it was enacted.

The Reformed Qualified Immunity Standard

Section 1983 of Title 42 of the United States Code is amended to add the following: Qualified immunity shall not be a defense in any civil action brought under this section if the court determines that the defendant officer's conduct constituted any of the following: a clear violation of the United States Constitution as established by the text of the Constitution, the Supreme Court's established constitutional doctrine, or the widely accepted interpretation of constitutional principles in the relevant circuit; a violation of the officer's own agency's written use of force policy, de-escalation policy, or other operational policy in effect at the time of the conduct; conduct that any reasonable officer would have known, without reference to prior case law, constituted the use of excessive force, unlawful seizure, or deliberate indifference to serious medical need; or conduct that was malicious, willful, or in reckless disregard of the constitutional rights of the plaintiff. Qualified immunity remains a complete defense where the officer demonstrates by a preponderance of the evidence that: the constitutional right at issue was not clearly established at the time of the conduct under the standards described above; the officer's conduct was a reasonable response to a genuine and imminent threat to the safety of the officer, a third party, or the public; the officer acted in good faith reliance on a warrant, court order, or legal authorization that was subsequently found to be defective; or the officer's conduct, although resulting in constitutional harm, was the product of reasonable error in a genuinely ambiguous and rapidly evolving situation. The reformed standard maintains the good-faith protection that the doctrine's original purpose required. An officer who makes an honest mistake in a high-stress situation retains protection. An officer who violates their own department's written policy, who uses force that any reasonable officer would recognize as excessive without reference to prior case law, or who acts maliciously does not. The circularity that has made the doctrine increasingly protective of

misconduct is broken: the absence of a prior case addressing the identical fact pattern is no longer sufficient to confer immunity where the constitutional violation is otherwise clear.

The Mandatory Liability Insurance Framework

As a condition of receiving Blue Standard Grant funds, every law enforcement agency shall require all certified officers to maintain professional liability insurance issued by a licensed carrier authorized to do business in the state. The base premium for the policy shall be paid by the employing agency. The premium shall be experience-rated: an officer's premium shall reflect their individual use of force history, sustained misconduct findings, and civil claims history, in addition to agency-wide and jurisdiction-wide factors. An officer whose premium rises beyond a defined threshold — set by the Department of Justice in consultation with the insurance industry at a level representing twice the statewide average premium for officers with no adverse history — shall be subject to enhanced supervision and mandatory retraining. An officer who becomes uninsurable in the standard market due to an excessive risk profile shall be ineligible for continued employment as a law enforcement officer in any agency receiving federal funding. The liability insurance model is the market mechanism that the working draft correctly identified as the structural complement to legal reform. The qualified immunity reform defines the legal standard. The insurance requirement creates the financial incentive structure that makes compliance with that standard economically rational for the officer throughout their

career, not merely in specific litigated cases. The officer who is aware that each documented use of force affects their insurance premium has a sustained, personal financial interest in the appropriate exercise of force that no amount of policy training alone can replicate. The market mechanism does not replace the legal standard. It reinforces it continuously.

The National Decertification Database

The National Law Enforcement Standards Board established under Provision 6.9.A shall maintain a National Law Enforcement Decertification Database, publicly accessible and searchable by name, that tracks officers whose law enforcement certifications have been revoked for cause in any jurisdiction. As a condition of receiving federal law enforcement grants, every state shall report to the database, within thirty days of any decertification, the name, employing agency, date of decertification, and the grounds for decertification of any officer whose certification has been revoked. Agencies may not hire any officer listed in the decertification database without affirmative disclosure to the hiring agency of the full record of prior decertification and a written determination by the agency head that the basis for prior decertification does not disqualify the officer from employment in the hiring agency.

The decertification database addresses the specific documented practice of “wandering officers” — officers who are terminated from one agency for documented misconduct and hired by another agency that either is unaware of the prior record or chooses to disregard it. The practice has been documented in multiple investigative reports including the Department of Justice’s own investigations of specific police departments and in academic research on patterns of police misconduct. The database is the information infrastructure that makes cross-agency accountability possible. An officer who loses their certification in Minnesota cannot present themselves as a clean hire in Alabama because the record travels with them.

Constitutional Authority

The qualified immunity reform derives from Congress’s authority under the Fourteenth Amendment, Section 5, which grants Congress the power to enforce the Amendment’s provisions by appropriate legislation, and from Congress’s authority as the enactor of 42 U.S.C. § 1983 to define the defenses available in actions brought under that statute. The Supreme Court confirmed in City of Boerne v. Flores that Congress’s Section 5 enforcement power extends to legislation that remedies constitutional violations, and the removal of a judicially created immunity doctrine that has been applied in ways that defeat the constitutional remedy § 1983 was designed to provide is remedial legislation within the scope of that power. The mandatory liability insurance requirement derives from the Spending Clause authority established in Dole. The decertification database derives from the same Spending Clause authority and from Congress’s established authority to maintain databases relevant to the administration of federal grant programs.

Implementation Timeline

The reformed qualified immunity standard takes effect for all § 1983 actions in which the alleged conduct occurred on or after the date of enactment. The liability insurance requirement shall be incorporated into Blue Standard Grant conditions beginning in the second full fiscal year after

enactment, with a two-year phase-in for agencies requiring time to identify and contract with qualifying insurers. The National Decertification Database shall be operational within one year of enactment. State reporting obligations to the database take effect six months after the database becomes operational.

Provision 6.9.D — Mental Health Crisis Response

Legislative Intent

Approximately twenty percent of calls for service received by law enforcement agencies involve individuals experiencing a mental health crisis, a substance use emergency, or a behavioral health episode that is not primarily a criminal matter. Law enforcement officers are typically the first — and often the only — responders to these calls, not because they are the most appropriate responders but because they are the most consistently available ones. The consequences of sending the wrong resource to a mental health crisis are documented: unnecessary use of force against individuals whose behavior is driven by illness rather than criminal intent, escalation of situations that skilled mental health intervention would de-escalate, preventable deaths, and the compounding of trauma in individuals whose mental health emergencies are met with the threat of criminal prosecution rather than the offer of treatment. This provision does not propose to remove law enforcement from the mental health response landscape. It proposes to add the appropriate resource alongside the existing one and, over time, to redirect calls that are mental health emergencies rather than public safety emergencies to responders who are trained to handle them. The CAHOOTS program in Eugene, Oregon, has operated a non-law-enforcement crisis response model since 1989 and has demonstrated that approximately seventeen percent of calls previously handled by police can be handled safely and more effectively by mental health professionals and crisis workers, at lower cost and with better outcomes for the individuals involved. The Denver STAR program, launched in 2020, produced similar results. The evidence base is not speculative. It is a two-decade operational record.

The Co-Responder Grant Program

The Department of Justice, in coordination with the Department of Health and Human Services, shall establish the Crisis Response Partnership Grant Program to fund the development and operation of co-responder programs in which law enforcement officers and mental health professionals respond jointly to calls for service involving behavioral health emergencies. Grant funds shall be available to state and local governments for: the hiring and training of mental health co-responders to partner with law enforcement agencies; the development of call screening protocols that identify calls appropriate for co-responder response; the establishment of crisis stabilization units where individuals experiencing mental health emergencies can be brought for assessment and treatment rather than arrest; and the development of pre-arrest diversion programs that route individuals with identified mental health needs to treatment rather than prosecution. The grant program shall be funded at not less than five hundred million dollars annually, adjusted for inflation.

Alternative Response Programs

As a condition of receiving Blue Standard Grant funds, agencies with more than one hundred sworn officers are encouraged — and agencies with more than five hundred sworn officers are required — to develop, within three years of enactment, a written alternative response protocol identifying the categories of calls for service that the agency will route to non-law-enforcement responders where such responders are available, and the process by which calls are screened, dispatched, and transferred between response types. The alternative response protocol shall be published publicly and updated annually. The requirement applies to agencies with more than five hundred officers because those agencies have the scale to develop and sustain alternative response infrastructure. The encouragement applies to smaller agencies because the infrastructure investment is more challenging at smaller scale, and the federal grant program provides the financial support to make it feasible. Law enforcement officers who respond to calls that are subsequently determined to have been mental health emergencies are not penalized for having responded. The protocol establishes the prospective routing process. It does not retroactively penalize officers for responding to calls that fell within their training and authority. Where mental health co-responders are not available, law enforcement officers remain the appropriate first responders. The mental health crisis response investment in Act 2.5 builds the community mental health infrastructure that reduces the frequency of law enforcement mental health calls over time. This provision addresses the immediate response architecture while that infrastructure is being built.

Officer Mental Health and Wellness

Law enforcement is among the most psychologically demanding professions in the country. Officers are regularly exposed to violence, death, trauma, and the accumulated weight of human suffering in ways that produce documented rates of post-traumatic stress, depression, substance use disorder, and suicide that exceed the general population’s baseline. The officer who does not receive adequate mental health support is more likely to make poor decisions under stress, more likely to use force unnecessarily, and more likely to leave the profession prematurely. The Blue Standard Grant program shall include funding for comprehensive employee assistance programs providing confidential mental health services to officers and their families, peer support programs staffed by officers trained in crisis intervention, and annual mental health screenings administered by licensed professionals. Participation in mental health screenings shall be mandatory. Treatment sought through the employee assistance program shall be confidential and shall not be disclosed to supervisors or used in personnel decisions except where an officer is determined to pose an immediate safety risk.

Constitutional Authority

The co-responder grant program derives from Congress’s authority under the Spending Clause to appropriate funds for programs advancing the general welfare, from the Commerce Clause as applied to the regulation of law enforcement practices with interstate implications, and from Congress’s authority under the Fourteenth Amendment to enforce the guarantee of equal protection as applied to individuals whose interactions with law enforcement are shaped by their mental health status. The alternative response protocol requirement derives from the Blue

Standard Grant conditionality established in Provision 6.9.A. The officer wellness provisions derive from the same grant conditionality.

Implementation Timeline

The Crisis Response Partnership Grant Program shall be established within one year of enactment. Grant applications shall be accepted beginning in the first full fiscal year after enactment. The alternative response protocol requirement for agencies with more than five hundred officers takes effect three years after enactment. The officer mental health and wellness requirements shall be incorporated into Blue Standard Grant conditions beginning in the second full fiscal year after enactment.

Coalition Rationale

The Material Priority Test

The Specificity Test

The Act passes the Specificity Test across four provisions. The Blue Standard Grant specifies the salary floor, the grant subsidy structure, the training curriculum subject areas, the minimum training hours for new officers, and the National Law Enforcement Standards Board's composition and mandate. The body camera provision specifies the activation requirement, the categories of permitted deactivation, the rebuttable presumption for non-activated incidents, the data storage subsidy with defined percentages by agency size, the retention periods by incident type, and the seventy-two-hour release requirement with specific court order standards for delay. The qualified immunity provision provides the full statutory text of the reformed standard with four grounds for denial of immunity and four grounds for the good-faith defense, the mandatory liability insurance requirement with the premium escalation trigger, and the national decertification database with defined reporting obligations. The mental health crisis response provision specifies the grant program funding floor, the co-responder program elements, the alternative response protocol requirement with a size-graduated mandate, and the officer wellness program requirements. Every provision is operational on the day of enactment.

The Coalition Architecture Test

The Delivery Test

The Act passes the Delivery Test because each provision addresses a specific documented failure of the existing system with a mechanism designed around that failure. The salary floor addresses the specific documented failure of below-market compensation to attract and retain qualified officers. The training requirement addresses the specific documented failure of inadequate crisis intervention and constitutional law training to prevent unnecessary use of

force. The body camera mandate and the seventy-two-hour release requirement address the specific documented failure of opacity in officer-involved incidents to resolve rather than compound community distrust. The qualified immunity reform addresses the specific documented failure of the circularity defense — no prior identical case means no clearly established right means no liability — to provide meaningful civil recourse for constitutional

violations. The liability insurance requirement addresses the specific documented failure of administrative accountability systems to create sustained individual financial incentives for constitutional conduct. The decertification database addresses the specific documented practice of wandering officers carrying misconduct records from one jurisdiction to another. The co-responder program addresses the specific documented mismatch between the training of law enforcement officers and the nature of mental health crisis calls. Every structural choice responds to a documented failure. The Act was built to work. TITLE VI — THE INTEGRITY OF GOVERNANCE — DRAFT COMPLETE All nine Acts of Title VI are now in draft: 6.1 through 6.9.

Coalition Rationale — Title VI

The Material Priority Test

Title VI passes the Material Priority Test through the most extensive and most precisely documented chain of causation in the entire document. The conflict of interest between public office and private financial gain is not an abstract governance problem. It is the upstream cause of every downstream policy failure that working people experience as the cost of living, the state of the healthcare system, the price of prescription drugs, and the wages their labor commands. When the official who oversees pharmaceutical pricing holds pharmaceutical equity, the material consequence is not an ethics violation on a disclosure form — it is the price of insulin. When the member of Congress who sits on the agriculture committee holds undisclosed positions in agricultural commodity markets, the material consequence is the price of groceries. When the senator who trades pharmaceutical stocks before voting on drug pricing legislation has a direct material relationship to the price of insulin every household in the country pays, the material chain is direct, documented, and measurable.

The civil service protection in Act 6.4 passes the Material Priority Test because every federal function that working people depend on — the Social Security payment delivered to retired workers, the veterans' disability claim processed by an examiner who has not been instructed to deny it on the basis of administrative convenience, the food safety inspection conducted by a professional whose continued employment does not depend on producing the answer the regulated industry prefers, the environmental regulation enforced by an agency whose professional staff has not been replaced by loyalty appointees — every one of these functions degrades when the merit protection framework is replaced by the political loyalty framework. The Material Priority Test is not met by 6.4 in the abstract; it is met by every downstream material function that the federal civil service performs.

The campaign finance system in Act 6.3 passes the Material Priority Test through the documented policy outcomes it produces. The pharmaceutical industry's multi-decade success in preventing Medicare drug price negotiation is the product of a campaign finance ecosystem in which the industry's political investment has reliably returned legislative protection of its pricing power. The insurance industry's ability to shape healthcare legislation in ways that preserve the administrative overhead that Eaglecare eliminates is the product of the same ecosystem. The

agricultural consolidation that has reduced competition in commodity markets, elevated food prices for consumers, and squeezed family farmers out of existence has been sustained by a lobbying and campaign finance infrastructure that the existing regulatory framework has been unable to reach. The dark money that funds the advertising campaigns shaping public perception of these issues originates with the same interests that benefit from their perpetuation. The candidate who relies on small dollar donors from working people has a materially different set of obligations than the candidate who relies on institutional money from concentrated industries. The small dollar matching program is not an abstraction. It is the mechanism by which the financial relationship between elected officials and working people is rebuilt.

The Department of Justice reform in Act 6.5 passes the Material Priority Test through the experience of every ordinary citizen who has ever encountered the federal justice system from the wrong side of the power differential. The DOJ that selectively investigates political opponents while declining to investigate political allies is the DOJ whose enforcement decisions no citizen can rely upon. The judicial reform in Act 6.6 passes the Material Priority Test through the consequences that a compromised judiciary produces: the worker whose case is heard by a judge whose ethics framework does not require disclosure of the financial relationships that may have influenced the assignment; the citizen whose constitutional rights are adjudicated by Justices whose deliberations are shaped by ideological commitments rather than constitutional interpretation. The legislative accountability in Act 6.7 passes the Material Priority Test through the documented connection between term limits, stock trading, and the policy outcomes that the existing legislative structure has produced.

The voter access and election security framework in Act 6.8 passes the Material Priority Test through the specific material consequences that electoral access and electoral integrity each produce for working people. The working-class voter who cannot take unpaid time off on a Tuesday, who lives in a precinct with long lines, who does not have a qualifying ID and cannot afford to obtain one, and whose congressional district has been drawn to make their vote irrelevant in any general election — that voter's participation in self-governance has been structurally impaired by specific, addressable policy failures. The paper ballot that cannot be audited, the electronic system that cannot be verified, the certification process overseen by a partisan candidate — these failures undermine the legitimacy of every election result, which means they undermine every policy outcome that depends on that legitimacy. The police modernization in Act 6.9 passes the Material Priority Test through two direct chains of material consequence: the citizen whose encounter with law enforcement is shaped by training and accountability standards established under the Blue Standard Grant, and the family whose loved one in mental health crisis is met by a co-responder team rather than by an officer without the training the crisis requires.

The Specificity Test

Title VI passes the Specificity Test across nine Acts and thirty Provisions with complete operational architecture. Act 6.1 specifies the Full Disclosure Protocol with named categories of covered persons, required disclosures, public accessibility standards, and enforcement

penalties, plus the Independent Ethics Prosecutor with the seven-year non-renewable term, the judicial-branch appointing panel, the budgetary independence at a defined percentage of legislative branch appropriations, and the jurisdiction over named federal ethics statutes. Act 6.2 specifies the lifetime ban on lobbying by former members of Congress, the closure of the shadow lobbying loophole through redefinition of “lobbying activity,” the government contractor donation prohibition with covered-contract thresholds, and the Executive Order Accountability framework. Act 6.3 specifies the Small Dollar Democracy Matching Program with the six-to-one match ratio and the small-donor qualifying threshold, the Dark Money Disclosure framework with the named threshold for organizational disclosure, and the Super PAC Coordination Rules with named indicia of coordination. Act 6.4 specifies the nullification of Schedule F with named legal effect, the Performance Standard with named evaluation criteria, and the Whistleblower Protection modernization with named retaliation prohibitions. Act 6.5 specifies the codification of DOJ independence with the White House contact ban and the FBI Oversight framework. Act 6.6 specifies the Supreme Court ethics framework, the eighteen-year fixed term limits constitutional amendment with named transitional provisions, and the standing and executive privilege clarifications. Act 6.7 specifies the Citizen Legislator Amendment with the named term-limit standard, the Glass House Protocol stock trading prohibition with four specific exemptions, and the Congressional Salary and Benefits Reform. Act 6.8 specifies the Paper Trail Mandate, Democracy Day, the National Voter ID with universal free issuance, the Non-Partisan Redistricting Standards with named criteria, the Election Official Neutrality framework, and the Ballot Initiative Access standards. Act 6.9 specifies the Blue Standard Grant with named training requirements, the Body Camera Infrastructure with named transparency standards, the Qualified Immunity Reform with named tort liability framework, and the Mental Health Crisis Response with named co-responder operational doctrine.

The Coalition Architecture and Delivery Tests

Title VI’s coalition architecture is the most cross-partisan in the entire document because the substantive material consequences of governance integrity reach across every partisan and demographic boundary the existing political infrastructure has drawn. The fiscal conservative who believes that government corruption produces fiscal waste, the progressive who believes that regulatory capture produces the policy failures that harm working people, the libertarian who believes that institutional accountability is a precondition of legitimate governance, the religious conservative who believes that public office is a stewardship rather than a personal enrichment opportunity — all share the documented material interest in the procedural rule framework this Title constructs.

The empirical ground for the cross-partisan supermajority this Title is designed to assemble is documented at scale in the public opinion data summarized in Section 3 of the Session Ruleset. Over eighty percent of Americans support the prohibition on Congressional individual stock trading. Bipartisan supermajorities support Congressional term limits, Supreme Court ethics reform, age limits for federal officeholders, and the paper-ballot verification standard. The 67% government-as-corrupt baseline and the 29% government-as-top-problem figure are the most powerful citations available for the project’s framing. Title VI exists precisely because those numbers are correct — and Title VI is the answer to what they are describing. The political

constraint on action has been institutional, not electoral. The constituency for these reforms is documented at supermajority scale. The legislators whose conduct is at issue are the legislators who would have to enact the reform. The structural blockage is the structural blockage.

Act 6.8 (Voter Access & Election Security) is the grand bargain provision of Title VI. It is designed to reach the full cross-partisan coalition that the subject requires because it refuses to offer either side of the existing electoral debate its preferred half of the solution while denying the other half. The conservative voter who wants verified identity and secure paper ballots gets both — in exchange for a national holiday, universal free ID issuance, fourteen days of early voting, and non-partisan redistricting. The progressive voter who wants expanded access and fair maps gets both — in exchange for a real ID requirement and a paper trail. Neither side is asked to accept the other side's priorities as a concession. Both sides are asked to accept that a complete electoral system requires both security and access, that the two are not in tension but in combination, and that the only way to restore the democratic legitimacy that both sides claim to want is to implement the complete standard that legitimacy requires. The coalition architecture test is met because this Act does not build a coalition. It names the complete democratic standard and invites everyone who believes in democracy to support it.

The Delivery Test is passed because every provision in this Title is designed around a specific documented failure mode of the existing system: the self-policing architecture of the Congressional ethics committees, the revolving door and shadow lobbying loopholes, the dark money infrastructure of the post-Citizens-United campaign finance system, the Schedule F framework that would replace professional civil servants with loyalty appointees, the political direction of DOJ enforcement decisions, the absence of an enforceable Supreme Court ethics code, the lifetime Congressional careers and individual stock trading that produce the capture this Title addresses, the verification and access failures of the electoral infrastructure, and the qualified immunity framework and mental health response gap that have produced the police accountability debate of the past decade. Every structural choice is a response to a documented failure. Title VI was built to work. It is the operating system on which every substantive policy proposal in the other eleven Titles depends. An operating system this critical to the function of the republic should not be optional. It should be mandatory. This Title makes it so.

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STATUS: Title VI — Acts 6.1 through 6.9 — Draft v2.0 Complete. Title VI: The Integrity of Governance is the largest Title in the American Upgrade and is now in v2.0 form. The 6.0 Title Overview is new in v2.0. The per-Act State-of-Affairs and per-Act Material-Priority-Test fragments from v1.0 have been unified into a single Title-level State of Affairs preamble and a single Title-level Coalition Rationale closing, matching the architectural pattern of v2.0 Titles I through V. All thirty Provisions have been preserved verbatim from v1.0. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated at strategic Acts, most importantly the 80%+ Congressional stock trading ban supermajority and the bipartisan Congressional term limits demand at Act 6.7, the bipartisan judicial reform interest at Act 6.6, and the cross-partisan electoral system reform combination at Act

6.8.

Key sources for final sourcing: Morrison v. Olson (1988) for independent prosecutor structural framework; Buckley v. Valeo (1976) for disclosure-as-anti-corruption authority; Citizens United v. FEC (2010) and McCutcheon v. FEC (2014) for the campaign finance regulatory context; United States v. Nixon (1974) for executive privilege limits; U.S. Term Limits Inc. v. Thornton (1995) for the constitutional-amendment requirement for Congressional term limits; Ethics in Government Act of 1978; STOCK Act (2012); Federal Election Campaign Act; Lobbying Disclosure Act; Foreign Agents Registration Act; National Voter Registration Act; Voting Rights Act; Help America Vote Act; FBI Reform Act history; 2026 Gallup and Pew Research Center public opinion data (67% gov-as-corrupt, 29% gov-as-top-problem, 80%+ stock trading ban, bipartisan term limits, bipartisan SCOTUS reform interest).

Cross-reference flags: Act 6.1.A (Full Disclosure Protocol) and Act 6.6.A (Supreme Court Ethics) — the mandatory financial disclosure for Justices in 6.6.A should be definitionally consistent with the disclosure framework in 6.1.A. Act 6.1.B (Independent Ethics Prosecutor) and Act 6.7.B (Glass House Protocol) — jurisdictional language must be consistent. Act 6.2.C (Government Contractor Donation Prohibition) and Act 6.3.B (Dark Money Disclosure) — companion pieces. Act 6.4 (Civil Service Protection) and Act 4.1 (DWS) — the merit-protection standard governs DWS personnel decisions. Act 6.9.D (Mental Health Crisis Response) and Act 2.4.B (Community Mental Health Infrastructure) — the co-responder framework funded by 2.4.B. Act 6.7 (Legislative Accountability) and Act 5.2 (Antitrust) — the 80%+ stock trading ban is the empirical proxy for the broader anti-rigging coalition this Title organizes. Act 6.8 (Voter Access) and Act 9.4 (Veterans) — the grand-bargain framing of 6.8 incorporates the veteran voter access provisions.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title VII — Justice, Reform & The Back Half of the System

Acts 7.1 through 7.3 — The Sentencing Reform Act, The Prison Conditions & Incarcerated Rights Act, and The Reentry & Second Chance Act

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title VII is now in v2.0 form. All three Acts and a Title Overview are contained in this document. Act 7.1: The Sentencing Reform Act. Act 7.2: The Prison Conditions & Incarcerated Rights Act. Act 7.3: The Reentry & Second Chance Act.

v2.0 changes vs v1.0: Title Overview added at 7.0. Act 7.1 expanded from one Provision to three, with The Expanded Safety Valve promoted to 7.1.B and The Sentencing Commission Mandate promoted to 7.1.C. Act 7.2 preserved with four Provisions (Solitary Confinement Reform, Prison Healthcare Standards, Prison Labor Accountability, Private Prison Phase-Out) and Constitutional Authority consolidated at Act level. Act 7.3 expanded from four Provisions to six, with Employment Barrier Reduction promoted to 7.3.B, Housing Barrier Reduction promoted to 7.3.C, and the prior 7.3.B/C/D renumbered to 7.3.D/E/F (Record Clearing & Expungement, Voting Rights Restoration, Family Impact Mitigation). Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout.

Cross-references: Act 6.9 (Public Safety & Police Modernization) — policing reform and criminal justice reform are companion pieces; Act 6.9 addresses the front end of the system, Title VII addresses the back end. Act 2.4 (Mental Health & Addiction Infrastructure) — the mental health and addiction treatment provisions in Acts 7.2 and 7.3 are the criminal justice companions to the community mental health investment in Title II. Act 4.1.B (National Skills Bank) and Act 7.3.B (Employment Barrier Reduction) — the Skills Bank is the employment infrastructure that returning citizens access; the reentry employment provisions here connect to the broader workforce-and-credentials framework in Title IV. Act 4.4 (Gig Economy & Worker Classification) and Act 7.3 — the reentry employment provisions interact with worker classification standards. Act 3.1 (Housing Supply) and Act 7.3.C (Housing Barrier Reduction) — the One Strike modification in 7.3.C operates within the broader federal housing framework. Act 6.8 (Voter Access) and Act 7.3.E (Voting Rights Restoration) — the federal baseline for restoration interacts with the federal electoral framework.

Provision 7.0 — Title Overview

The Back Half of the System

The American criminal justice system is organized around an investment imbalance that has produced the documented outcomes of the past four decades. The front half of the system — policing, prosecution, and sentencing — has received sustained legislative attention, expanded

funding, and the substantive policy reforms that Act 6.9 of this document treats as the police modernization framework. The back half of the system — the conditions of incarceration, the labor performed there, the healthcare provided within it, the reentry infrastructure that determines whether the people leaving the system are equipped to live law-abiding lives, and the civic restoration framework that determines whether the completion of a sentence is actually the completion of the punishment — has received neither the policy attention nor the investment that its documented role in producing the sixty-percent-plus three-year recidivism rate requires. Title VII addresses the back half of the system that the front-end reforms of Act 6.9 depend upon but cannot substitute for.

The economic premise is documented. The cost of incarcerating a single federal prisoner exceeds forty thousand dollars per year. The United States spends more than eighty billion dollars annually on incarceration at the state and federal levels. The return on that investment, measured in recidivism rates that exceed sixty percent within three years of release, is a documented failure by the system's own stated objectives. The mandatory minimum sentence that requires a judge to impose ten years on a low-level drug courier — a sentence whose deterrence value is negligible and whose recidivism-prevention value is exhausted within the first few years — costs the federal treasury four hundred thousand dollars over its course while producing no measurable public safety benefit the criminological literature can identify. The fiscal case for the reforms in this Title is not subordinate to the moral case. It is the moral case expressed in the language of the federal budget.

Three Acts, twelve Provisions, one premise: the back half of the criminal justice system must be designed to accomplish what the front half claims to be working toward. The Sentencing Reform Act in Act 7.1 restores judicial discretion in mandatory minimum cases where the rigidity of the existing framework has produced sentences disproportionate to the offense, expands the safety valve to reach the defendants whose circumstances the existing framework cannot accommodate, and directs the Sentencing Commission to review the guideline ranges whose calibration the four-decade record has shown to be miscalibrated. The Prison Conditions and Incarcerated Rights Act in Act 7.2 establishes the federal prohibition on prolonged solitary confinement, the federal minimum healthcare standards, the prison labor accountability framework with minimum-wage protections, and the private prison phase-out. The Reentry and Second Chance Act in Act 7.3 establishes the billion-dollar federal reentry investment, the employment and housing barrier reduction frameworks, the automatic expungement architecture for nonviolent federal offenses after ten conviction-free years, the voting rights restoration federal baseline, and the family impact mitigation including the Children of Incarcerated Parents Support Program.

The political claim is specific. The coalition for criminal justice reform is among the most demonstrably cross-partisan in the entire policy landscape this document addresses. The proposition that mandatory minimums for low-level nonviolent drug offenders produce sentences disproportionate to the offense has been endorsed by a coalition that includes conservative evangelical Christians concerned about redemption and second chances, libertarian conservatives concerned about government overreach and the cost of mass incarceration, and progressive advocates for racial equity and criminal justice reform. The Koch brothers and the ACLU have been on the same side of sentencing reform for over a decade.

The Sentencing Reform and Corrections Act introduced in multiple Congresses with bipartisan sponsorship but never enacted is the most direct evidence that the consensus for mandatory minimum reform exists at the legislative level and has been blocked not by disagreement about the substance but by the political calculus that votes on sentencing are difficult. Title VII makes the votes easy by naming the bipartisan consensus the survey data already documents and constructing the operational architecture that translates it into legislation.

Title VII — The State of Affairs

The United States incarcerates more people per capita than any nation on earth. With approximately two million people currently held in federal prisons, state prisons, local jails, and immigration detention facilities, the American incarceration rate is approximately five times the average of peer democratic nations and roughly twice the rate of the next-highest comparable country. This fact is widely known. Its implications are less widely examined. The incarceration rate is not a public safety achievement. It is a policy record: the accumulated consequence of specific legislative decisions made over four decades, beginning with the mandatory minimum sentencing statutes of the 1970s and 1980s, accelerating through the federal sentencing guidelines established in 1987, and producing by the early 2000s a carceral infrastructure whose scale, cost, and social consequences bear no defensible relationship to any measurable public safety benefit.

The evidence on this relationship is not ambiguous and is not partisan. The National Research Council's 2014 comprehensive review of the causes and consequences of high incarceration rates, The Growth of Incarceration in the United States, concluded that the primary driver of the incarceration increase between 1980 and 2010 was not rising crime rates but policy changes — specifically the adoption of mandatory minimum sentences, truth-in-sentencing requirements that eliminated parole, and the broader criminalization of drug offenses through sentencing structures that treated drug possession and low-level distribution as offenses warranting sentences previously reserved for violent crimes. The review found that the incarceration increase of the 1980s and 1990s produced modest reductions in crime but that the continued expansion of incarceration beyond a certain scale produced negligible additional public safety benefits while generating substantial social costs.

Those social costs are distributed with a specificity that the aggregate incarceration rate does not capture. Black Americans are incarcerated at approximately five times the rate of white Americans. The incarceration of a parent is one of the most reliable predictors of a child's subsequent contact with the criminal justice system — producing, across generations, precisely the conditions that drive the incarceration rates that drive the harm. Communities with high incarceration rates face documented labor market disruptions, family instability, civic disengagement, and erosion of the social infrastructure that the Bowling Alone research documents as a prerequisite for functioning democratic community.

Public opinion data on criminal justice reform documents one of the most consistent and least-partisan reform coalitions in the entire body of survey work this project has reviewed. Bipartisan supermajorities support mandatory minimum reform for nonviolent drug offenses, ban-the-box

hiring practices for federal contractors, automatic expungement for nonviolent offenses after sustained law-abiding periods, and federal investment in reentry infrastructure. The coalition for reform crosses the conservative-progressive divide more completely than any other policy domain except the anti-corruption framework in Title VI. The constraint on action has not been the absence of public mandate. It has been the institutional reluctance of legislators to take votes on sentencing and incarceration that the existing political incentive structure has framed as carrying asymmetric political risk. Title VII removes that asymmetry by naming the bipartisan consensus the survey data already documents.

The cost of incarcerating a single federal prisoner exceeds forty thousand dollars per year. The United States spends more than eighty billion dollars annually on incarceration at the state and federal level. The return on that investment, measured in recidivism rates that exceed sixty percent within three years of release, is a documented failure by the system's own stated objectives. Title VII addresses the back half of the criminal justice system that the front-end reforms of Act 6.9 depend upon but cannot substitute for. A police force that is professional, accountable, and trusted by its community is a necessary condition for effective public safety. It is not a sufficient condition as long as the sentencing system produces incarceration terms that exceed any deterrence or incapacitation benefit they provide, the conditions of incarceration compound the psychological and economic damage of the incarcerated person beyond what is necessary or constitutionally permissible, and the reentry infrastructure fails to provide the returning citizen with the tools to rebuild a law-abiding life. The three Acts of this Title address each failure in sequence: the sentence, the conditions, and the return.

Act 7.1 — The Sentencing Reform Act

Provision 7.1.A — Mandatory Minimum Reform

The Historical Record of Mandatory Minimums

Mandatory minimum sentencing statutes require courts to impose a fixed minimum term of imprisonment upon conviction for specified offenses, regardless of the individual defendant's circumstances, culpability, role in the offense, or prospects for rehabilitation. The federal mandatory minimum framework was substantially expanded by the Anti-Drug Abuse Acts of 1986 and 1988, which established the five-year and ten-year mandatory minimums for drug offenses that remain in effect in modified form today. The stated purpose was to deter drug trafficking through certain punishment and to ensure consistency in sentencing by removing judicial discretion that allegedly produced disparate outcomes based on the identity of the sentencing judge.

The three-decade record of mandatory minimums in operation does not support either stated purpose. The evidence on deterrence is not consistent with the hypothesis that mandatory minimums reduce drug trafficking: the drug trade has remained robust throughout the period of mandatory minimums, and the marginal deterrence produced by the difference between a five-year mandatory minimum and a judicial sentence of three years is not supported by the criminological literature on deterrence, which identifies the certainty of punishment as the

operative deterrence factor rather than its severity. The evidence on consistency is similarly contradictory: mandatory minimums shifted sentencing discretion from judges to prosecutors, who exercise it through charging decisions that are less visible, less reviewable, and less subject to public accountability than judicial sentencing decisions. The racial disparity that mandatory minimums were in part designed to reduce was, in documented practice, reproduced and in some respects amplified through their differential application.

The consequence has been decades of incarceration for low-level drug offenders at sentences designed for the most culpable actors in the distribution network — sentences that the federal judges required to impose them, the prosecutors who brought the charges, and the defense attorneys who could not negotiate around the floor, have repeatedly and publicly identified as unjust and counterproductive. The Sentencing Reform and Corrections Act introduced in multiple Congresses with bipartisan sponsorship but never enacted is the most direct evidence that the consensus for mandatory minimum reform exists at the legislative level and has been blocked not by disagreement about the substance but by the political calculus that votes on sentencing are difficult.

The Reform Standard

The federal mandatory minimum sentencing statutes applicable to drug offenses under 21 U.S.C. §§ 841, 844, and 960, and the firearms mandatory minimum under 18 U.S.C. § 924(c), are amended to restore judicial discretion within advisory guideline ranges for the following categories of offenses: possession offenses without evidence of distribution or intent to distribute; distribution offenses in which the defendant's role was limited to street-level transactions involving quantities below the threshold triggering the five-year mandatory minimum; and firearms offenses in which the mandatory minimum arises from the mere presence of a firearm during a drug offense rather than from its use or brandishing. Mandatory minimum sentences are retained for: offenses involving violence or the credible threat of violence; offenses involving distribution to minors; offenses involving distribution within school zones when the distribution was directed at students rather than merely proximate to a school building; and offenses in which the defendant held a leadership or organizational role in a distribution network as defined by USSG § 3B1.1.

The reform does not eliminate mandatory minimums. It targets them at the offenses and offenders for whom the incapacitation rationale is strongest — violent offenders, organizers and leaders of distribution networks, and those who prey specifically on children — while restoring the judicial discretion that is most necessary for the low-level, non-violent offender whose circumstances the mandatory minimum cannot accommodate. The judge exists to exercise judgment. This provision restores the function.

Retroactivity

The sentencing reforms of this Act apply retroactively to all federal defendants currently serving sentences imposed under the mandatory minimum provisions modified by this Act. A defendant whose sentence was imposed under a provision that this Act modifies may petition the sentencing court for a reduced sentence consistent with the modified provision. The court shall grant the petition unless it finds that the defendant's release would pose a specific and

articulable danger to the public based on the defendant's conduct during incarceration or other evidence in the record. The Bureau of Prisons shall process all petitions filed under this provision within one year of enactment and shall establish a pro se petition process that does not require legal representation as a condition of filing. The retroactivity provision is constitutionally sound under the Ex Post Facto Clause, which prohibits retroactive increases in punishment but expressly permits retroactive reductions.

Provision 7.1.B — The Expanded Safety Valve

Relief from Rigidity

The Expanded Safety Valve, organized in the v1.0 draft as a sub-section of the Mandatory Minimum Reform provision, is promoted in v2.0 to a standalone Provision because the safety valve framework operates through a distinct statutory mechanism (18 U.S.C. § 3553(f)), addresses a distinct population (defendants meeting specified criteria for whom the mandatory minimum can be set aside), and reflects a distinct policy theory (that even where mandatory minimums are retained as a general matter, the rigidity of the framework must yield in cases where its application produces clearly unjust outcomes).

The Three Reforms

The existing safety valve provision of 18 U.S.C. § 3553(f), which allows courts to sentence below applicable mandatory minimums for defendants who satisfy five specified criteria, is amended to: raise the criminal history disqualification from Criminal History Category I to Criminal History Category III, allowing defendants with limited prior records to access the safety valve; eliminate the requirement that the defendant have not possessed a firearm in connection with the offense, replacing it with a requirement that the defendant not have used or brandished the firearm in a threatening manner; and establish a presumption in favor of safety valve eligibility for defendants who provide full and truthful information to the government, reversing the current practice in which safety valve eligibility is conditioned on the government's satisfaction with the completeness of the defendant's cooperation.

The safety valve expansion is designed to reach the defendants for whom the mandatory minimum's rigidity produces the most clearly unjust outcomes: the minor participant whose peripheral role in an offense did not justify the sentence the mandatory minimum required. The three reforms operate on distinct populations within the broader safety valve eligibility pool, and each is calibrated to a specific documented failure mode of the existing framework: the Category I limitation that excludes defendants with any prior record; the firearms exclusion that operates regardless of how the firearm was actually involved; and the cooperation requirement that converts an eligibility standard into a prosecutorial leverage instrument.

Provision 7.1.C — The Sentencing Commission Mandate

The Institutional Reform Mechanism

The Sentencing Commission Mandate, organized in the v1.0 draft as a sub-section of the Mandatory Minimum Reform provision, is promoted in v2.0 to a standalone Provision because

the Sentencing Commission review framework operates through a distinct institutional mechanism (the United States Sentencing Commission, established by the Sentencing Reform Act of 1984 and operating under the Federal Sentencing Guidelines), addresses a broader scope than mandatory minimums alone (the full federal sentencing guidelines applicable to drug, firearms, and white-collar offenses), and produces a distinct deliverable (proposed guideline amendments and statutory recommendations that the legislative branch then acts upon).

The Comprehensive Review

The United States Sentencing Commission shall, within two years of enactment, review the federal sentencing guidelines applicable to drug offenses, firearms offenses, and white-collar offenses to assess whether the current guideline ranges produce sentences that are proportionate to the offense conduct, consistent with the deterrence and incapacitation evidence, and equitable across similarly situated defendants. The Commission shall publish its findings and proposed guideline amendments for public comment and shall transmit to Congress any proposed amendments to statutes whose current form prevents the guidelines from achieving the purposes of sentencing established in 18 U.S.C. § 3553(a). The Commission's review shall specifically address the documented disparity between sentences for crack cocaine and powder cocaine offenses, the adequacy of the current definition of aggravating role adjustments, and the treatment of prior convictions in the criminal history calculation where those prior convictions arose from offenses that would be treated differently under current law.

Implementation Timeline

The mandatory minimum reforms in Provision 7.1.A take effect for all offenses committed on or after the date of enactment. The retroactivity petition process shall be operational within ninety days of enactment. The BOP shall complete initial processing of all retroactivity petitions within one year of enactment. The expanded safety valve in Provision 7.1.B takes effect for all offenses committed on or after the date of enactment and shall be retroactively available to defendants currently serving sentences who would have been eligible under the expanded framework. The Sentencing Commission review in Provision 7.1.C shall be completed within two years of enactment.

Constitutional Authority

The sentencing reform provisions in 7.1.A derive from Congress's authority under Article I to define federal crimes and their penalties, from the Eighth Amendment's prohibition on grossly disproportionate punishment as interpreted in Solem v. Helm and its successors, and from the established principle that Congress may modify sentencing statutes, including by reducing penalties and making those reductions retroactively available to persons already sentenced, without implicating the Ex Post Facto Clause. The retroactivity provisions are consistent with Pepper v. United States and with the First Step Act of 2018's retroactive application of the Fair Sentencing Act's crack cocaine reforms. The expanded safety valve in 7.1.B derives from the same Article I authority and from Congress's established authority to define the conditions under which courts may depart from mandatory minimum sentences. The Sentencing Commission

Mandate in 7.1.C derives from the Sentencing Reform Act of 1984, which Congress may amend to define the scope of the Commission's ongoing review responsibilities.

Act 7.2 — The Prison Conditions & Incarcerated Rights Act

Provision 7.2.A — Solitary Confinement Reform

The Evidence on Solitary Confinement

Prolonged solitary confinement — the isolation of a person in a cell for twenty-two or more hours per day, with minimal human contact, for a period extending beyond fifteen days — has been the subject of extensive clinical research whose findings are consistent and unambiguous. The United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted as the Nelson Mandela Rules in 2015, define prolonged solitary confinement as cruel, inhuman, or degrading treatment or punishment and prohibit its use in all circumstances. The American Psychological Association has documented that solitary confinement produces anxiety, panic, hallucinations, hypersensitivity to stimuli, paranoia, cognitive distortions, and in a significant proportion of cases, lasting psychiatric damage that does not fully resolve upon release from isolation. Adolescents, people with pre-existing mental illness, and pregnant women face heightened vulnerability to these harms.

The use of solitary confinement in the United States is extensive and largely unreformed by evidence. Approximately fifty to eighty thousand people are held in some form of solitary confinement in American prisons and jails on any given day, according to the Bureau of Justice Statistics. The stated rationale is institutional safety: solitary is used to manage people who pose a threat to other incarcerated persons or to staff. The documented evidence does not support the proposition that the scale of solitary confinement use in American correctional facilities reflects a population that cannot be managed by any less restrictive means. The international comparison is instructive: European countries with substantially lower rates of prison violence manage their incarcerated populations with minimal use of prolonged isolation, using a combination of structured programming, mental health treatment, incentive-based management, and de-escalation techniques that American correctional systems have largely failed to adopt.

The Federal Prohibition

Prolonged solitary confinement, defined as placement in a setting providing less than four hours per day of meaningful human contact and less than two hours per day of out-of-cell time, for a continuous period exceeding fifteen days, is prohibited in all federal correctional facilities and in all state and local correctional facilities receiving federal correctional grants. The prohibition applies regardless of the designation assigned to the restricted housing unit — administrative segregation, special housing, protective custody, restricted housing, or any other term — if the functional conditions meet the definition of prolonged isolation. Placement in restricted housing for up to fifteen days is permitted as a response to documented immediate threats to

institutional safety or to the safety of other incarcerated persons, subject to review by a supervisory official within forty-eight hours and by an independent review panel within fifteen days. The independent review panel shall include a mental health professional who examines the person subject to restricted housing and makes a clinical assessment of the safety risks posed by continued isolation versus return to general population. No person with a diagnosed serious mental illness, no pregnant person, and no person under the age of twenty-one shall be placed in restricted housing for any period longer than four hours without a documented finding by a licensed mental health professional that no less restrictive alternative is available and that the placement does not pose an unacceptable risk of psychiatric harm.

Provision 7.2.B — Prison Healthcare Standards

The Constitutional Obligation

The Supreme Court held in Estelle v. Gamble in 1976 that deliberate indifference to the serious medical needs of incarcerated persons constitutes cruel and unusual punishment in violation of the Eighth Amendment. The obligation is the federal government's own: when the state takes a person into custody and removes their ability to seek their own medical care, it assumes the obligation to provide adequate care in its place. The documented condition of healthcare in American correctional facilities does not reflect the discharge of that obligation. The Department of Justice has found in a series of civil rights investigations that federal and state correctional facilities across the country have maintained medical staffing levels, facility conditions, and treatment protocols that the DOJ found to violate the constitutional minimum standard. The problem is structural rather than exceptional: correctional healthcare is chronically underfunded, understaffed, and subject to the perverse incentive in privately operated facilities of minimizing medical expenditure to maximize profit.

Federal Minimum Healthcare Standards

The Bureau of Prisons shall promulgate, within one year of enactment, comprehensive federal minimum healthcare standards for all federal correctional facilities, including contract facilities operated by private entities, specifying: minimum physician-to-incarcerated-person staffing ratios; minimum mental health professional staffing ratios; required access to specialist care and hospital services; pharmaceutical formulary minimum requirements; required response times for medical emergencies and for sick call requests; required protocols for the management of chronic conditions including diabetes, hypertension, HIV, hepatitis C, and serious mental illness; and required screening for mental health conditions at intake. The minimum standards shall be made applicable to state and local correctional facilities receiving federal grants through the conditions attached to those grants, with a three-year compliance timeline. The Bureau of Justice Assistance shall provide technical assistance and additional grant funding to facilities that require infrastructure investment to meet the minimum standards.

Mental health care deserves specific attention because its documented inadequacy in correctional settings is both a constitutional violation and a direct cause of the recidivism it is the system's purported objective to reduce. Approximately forty-four percent of the incarcerated population in state prisons has a diagnosable mental health condition, according to the Bureau

of Justice Statistics. The proportion receiving treatment is substantially lower. An incarcerated person with an untreated mental health condition who is released without treatment into a community without treatment resources is not less likely to re-offend than the same person who was incarcerated. They are more likely, because the incarceration itself has added trauma, disorientation, and economic devastation to the underlying condition. Mental health treatment in correctional settings is not a compassionate option. It is the minimum investment necessary for the system to accomplish its own stated purpose.

Private Prison Healthcare Accountability

Any correctional facility operated by a private entity under contract with a federal, state, or local government shall be subject to all federal minimum healthcare standards applicable to publicly operated facilities. Healthcare expenditure in privately operated facilities shall be subject to a minimum spend requirement of not less than the per-capita healthcare expenditure in comparable publicly operated federal facilities. Any private correctional facility that fails to meet the minimum healthcare standards for two consecutive annual inspection cycles shall be subject to immediate contract termination by the contracting government authority, with the Bureau of Justice Assistance providing emergency transition assistance to ensure continuity of care for the affected population. The contractual structure that creates a financial incentive to minimize healthcare expenditure in private correctional facilities is specifically identified as a structural incompatibility with the government's constitutional obligation to provide adequate care, and the minimum spend requirement is designed to eliminate that incentive.

Provision 7.2.C — Prison Labor Accountability

The Thirteenth Amendment Exception and Its Consequences

The Thirteenth Amendment to the Constitution abolished slavery and involuntary servitude, with one exception: neither shall exist in the United States except as a punishment for crime whereof the party shall have been duly convicted. The exception was included in 1865 to preserve the convict leasing system that had developed in Southern states as a mechanism for maintaining the coerced labor of freed Black Americans through criminal justice systems explicitly designed to criminalize ordinary behavior. Convict leasing in its original form was abolished by the early twentieth century, but the Thirteenth Amendment exception remains, and it authorizes the use of incarcerated people's labor at wages that would be unlawful under any other employment relationship. Federal prisoners working in UNICOR, the prison industries program, earn between twenty-three cents and $1.15 per hour. State prisoners in many jurisdictions earn between zero and fifty cents per hour for the same work. The labor is not voluntary in any meaningful sense: refusal to work can result in loss of good-time credits that affect the length of incarceration, loss of housing and programming assignments, and disciplinary proceedings. The compensation is not a market wage: it is set by the correctional authority without reference to any labor market standard. The gap between what the incarcerated person is paid and what the same labor would cost if performed by a civilian employee is the subsidy that prison labor provides to the government or private entity that benefits from it, extracted from people who cannot refuse without consequence.

The Labor Reform Provisions

The UNICOR Federal Prison Industries program shall be redesigned within three years of enactment to: pay participating incarcerated workers not less than the federal minimum wage for all work performed; make participation genuinely voluntary by prohibiting the imposition of any disciplinary consequence, housing assignment consequence, or good-time credit consequence on any incarcerated person who declines to participate in prison work programs; require that all work programs provide transferable skills and, where possible, industry-recognized credentials that the worker can use upon release; and eliminate the practice of using prison labor to compete with civilian workers in markets where the labor cost advantage of prison wages distorts competition with private employers who pay market wages. Private companies that contract for prison labor through any correctional facility shall pay the full federal minimum wage for all work performed, with the funds paid directly to an account accessible to the worker, subject to deductions for room and board costs that do not exceed twenty-five percent of earnings and restitution payments ordered by a court that do not exceed twenty-five percent of earnings. The total deductions shall not reduce the worker's net earnings below the equivalent of four dollars per hour. Private prison labor contracts that do not meet these standards shall not be renewed, and no new contracts shall be entered into that fail to meet them. The Bureau of Prisons shall publish annually the total value of prison labor performed in federal facilities, the total compensation paid to incarcerated workers, and the industries and companies that benefited from that labor.

Provision 7.2.D — Private Prison Phase-Out

Legislative Intent

The private prison industry was built on a premise that has not been validated by the evidence: that the competitive market would produce more efficient and higher-quality incarceration than government operation, reducing costs to taxpayers while maintaining the constitutional minimum standards that government itself cannot fall below. The documented record does not support this premise. Multiple DOJ Inspector General reviews have found that private federal facilities have lower staffing levels, higher rates of inmate-on-inmate violence, and more frequent violations of BOP standards than comparable publicly operated facilities. The incentive structure of the private prison model — in which the contracting company profits from reducing per-prisoner costs below the contract price — is fundamentally incompatible with the obligation to provide constitutional minimum conditions, because the inputs most likely to be reduced to generate profit — staffing, programming, healthcare, and physical plant maintenance — are precisely the inputs that constitutional minimum standards require.

The Phase-Out

The Bureau of Prisons shall not enter into any new contract with a private company for the operation of any federal correctional facility. All existing contracts for the operation of federal correctional facilities by private companies shall be allowed to expire on their existing termination dates and shall not be renewed. The BOP shall develop, within one year of enactment, a transition plan for each facility currently operated under a private contract,

specifying the timeline for transition to direct federal operation or transfer of the incarcerated population to existing federal facilities, the staffing and infrastructure requirements for the transition, and the cost implications of the transition compared to continued contract operation. The transition plan shall be transmitted to Congress and made publicly available. The federal government is responsible for the people it incarcerates. That responsibility cannot be contracted away.

Constitutional Authority

The prohibition on prolonged solitary confinement in 7.2.A derives from the Eighth Amendment's prohibition on cruel and unusual punishment, from the Supreme Court's recognition in Helling v. McKinney and Farmer v. Brennan that the Eighth Amendment requires prison officials to take reasonable measures to protect the health and safety of incarcerated persons, and from Congress's Spending Clause authority to condition federal correctional grants on compliance with humane treatment standards. The fifteen-day limit is consistent with the Nelson Mandela Rules and with the standards adopted in litigation settlements and consent decrees across multiple state prison systems. The healthcare standards in 7.2.B derive from the Eighth Amendment as interpreted in Estelle v. Gamble and Brown v. Plata, which upheld a federal court order requiring California to reduce its prison population to address unconstitutional healthcare conditions, and from Congress's Spending Clause authority to condition federal correctional grants on compliance with constitutional minimum standards. The labor reform provisions in 7.2.C derive from Congress's authority under the Thirteenth Amendment, Section 2, which grants Congress the power to enforce the amendment by appropriate legislation, including the authority to define the conditions under which the labor exception may be used; the provisions do not eliminate the use of incarcerated labor; they establish the minimum standards under which it may be used consistent with the prohibition on involuntary servitude. The private prison phase-out in 7.2.D derives from Congress's authority under Article I to define the terms of federal spending and contracting, from the BOP's statutory authority to manage the incarcerated population under 18 U.S.C. § 4001, and from Congress's plenary authority to determine the organizational structure through which the executive branch exercises its correctional functions.

Act 7.3 — The Reentry & Second Chance Act

Provision 7.3.A — Reentry Infrastructure

The Recidivism Problem Is a Reentry Infrastructure Problem

Approximately six hundred thousand people are released from state and federal prisons every year in the United States. Within three years of release, approximately two-thirds have been re-arrested. Within five years, approximately three-quarters have been re-arrested. These recidivism rates are not evidence that the people being released are incorrigible. They are evidence that the conditions into which people are released are not conditions under which law-abiding lives are practically achievable. A person released from prison with a few hundred dollars in a gate check, no housing, no identification, no employment, a criminal record that

disqualifies them from most jobs and many housing options, and unaddressed mental health or substance use disorders that drove the original offense is not being released into freedom. They are being released into a structured set of conditions that make re-offending statistically probable and re-incarceration statistically nearly certain. The recidivism rate is not a finding about human nature. It is a finding about policy.

The Federal Reentry Investment

The Second Chance Act of 2007 established a federal grant program for reentry services, funded at approximately one hundred million dollars annually. This investment has produced documented improvements in outcomes for the populations it serves, but its scale is incommensurate with the scope of the problem: six hundred thousand people released annually from state and federal prisons, plus millions more released from local jails, require access to housing, employment, healthcare, and support services that the Second Chance Act's current funding level cannot provide at meaningful scale. The federal reentry investment shall be increased to not less than one billion dollars annually, adjusted for inflation, with priority awards to programs that demonstrate measurable outcomes in employment, housing stability, and recidivism reduction among served populations.

Funded programs shall provide, at minimum: pre-release planning beginning not less than one year before projected release, including development of a reentry plan covering housing, employment, healthcare, and benefits enrollment; post-release case management for a period of not less than one year, with case manager caseloads not exceeding thirty individuals; employment services including job training, job placement assistance, and employer engagement; housing placement assistance including transitional housing where immediate permanent housing is not available; healthcare enrollment assistance including enrollment in Medicaid or Eaglecare for eligible individuals upon release; and mental health and substance use treatment referral and coordination for individuals with identified needs. Programs shall report outcomes data including employment rates, housing stability rates, and recidivism rates for served populations, and shall be subject to performance review at three-year intervals with continued funding conditioned on demonstrated outcomes.

Provision 7.3.B — Employment Barrier Reduction

The Documented Primary Barrier

Employment Barrier Reduction, organized in the v1.0 draft as a sub-section of the Reentry Infrastructure provision, is promoted in v2.0 to a standalone Provision because the employment barrier reduction framework operates through distinct statutory mechanisms (the ban-the-box federal contractor practices and the federal occupational licensing review), addresses a distinct population (returning citizens at the moment of labor market reentry), and connects directly to the broader workforce-and-credentials framework constructed in Title IV. The most documented barrier to successful reentry is employment: without stable employment, housing is precarious, sobriety is difficult, and the economic pressure toward re-offending is persistent. The employment barrier is created primarily by two mechanisms: the background check practices of employers that categorically exclude applicants with criminal records regardless of the nature of

the offense, the time elapsed, or the applicant's demonstrated rehabilitation; and the occupational licensing restrictions in many states that prohibit people with criminal records from obtaining licenses for professions ranging from barber to nurse to teacher, often regardless of the relevance of the offense to the licensed occupation.

The Ban-the-Box Standard and Licensing Review

Federal agencies and federal contractors shall adopt ban-the-box hiring practices that remove criminal history questions from initial employment applications and conduct background checks only after a conditional offer of employment has been extended, with individualized assessment of the nature and relevance of any criminal history to the specific position before an offer is withdrawn. Federal occupational licensing agencies shall review, within two years of enactment, all licensing requirements that include categorical bars on applicants with criminal records and shall replace categorical bars with individualized assessments that consider the nature of the offense, its relationship to the licensed occupation, and the time elapsed since conviction. States receiving federal employment and training grants shall be required to adopt comparable individualized assessment standards for state occupational licensing within five years of enactment.

Integration with the National Skills Bank

The employment barrier reduction framework in this Provision operates as the criminal justice complement to the National Skills Bank established in Provision 4.1.B and the broader workforce-and-credentials framework of Title IV. Returning citizens access the Skills Bank's employer-validated credential registry and skills-to-opportunity matching interface as the employment infrastructure that the reentry framework here directs them toward. The ban-the-box practices remove the documented filter that has excluded returning citizens from job consideration before their qualifications could be assessed; the Skills Bank provides the affirmative architecture that connects them to the employers who have registered demand for their actual skills. The two Provisions operate as an integrated employment access framework for the returning-citizen population.

Provision 7.3.C — Housing Barrier Reduction

Housing Access as Public Safety Investment

Housing Barrier Reduction, organized in the v1.0 draft as a sub-section of the Reentry Infrastructure provision, is promoted in v2.0 to a standalone Provision because the federal housing framework operates through distinct statutory mechanisms (the public housing eligibility framework administered by HUD, the One Strike policy framework, and the Section 8 voucher framework), addresses a distinct population at a distinct point of vulnerability (returning citizens at the moment of housing reentry), and operates as a documented public safety investment whose causal relationship to recidivism reduction is supported by the research literature.

The Individualized Assessment Standard

Public housing authorities that receive federal funding shall adopt policies that permit consideration of applicants with criminal records on an individualized basis, assessing the

nature and age of the offense and its relevance to the safety of other residents, rather than categorical exclusion of any applicant with a criminal record. The One Strike policy, which requires public housing authorities to permanently exclude from federal housing assistance any household member with certain criminal convictions, is modified to allow housing authorities to make individualized determinations based on the specific offense, its recency, and the applicant's demonstrated rehabilitation. Permanent categorical exclusion is retained only for persons required to register as sex offenders under state law and for persons convicted of manufacturing methamphetamine in federal housing. The documented connection between housing instability and recidivism makes housing access a public safety investment, not merely a social service.

Coordination with the Federal Housing Framework

The housing barrier reduction framework in this Provision operates within the broader federal housing infrastructure constructed in Title III. The Housing Supply and Affordability Act in Act 3.1 addresses the supply-side conditions that affect every household seeking housing; this Provision addresses the specific eligibility-side barriers that affect returning citizens. The two operate as complementary mechanisms: supply expansion increases the inventory of available housing, and eligibility reform ensures that returning citizens are not categorically excluded from the inventory the supply framework produces.

Provision 7.3.D — Record Clearing & Expungement

The Permanent Penalty

A criminal conviction in the United States is, in practical effect, a permanent economic and civic disability that extends well beyond the sentence imposed. The person who served their sentence — who did what the legal system required of them — is released into a world where their conviction follows them to every job application, every housing application, every professional licensing application, every college application, and in some states, every voter registration. The collateral consequences of conviction — the statutory and regulatory restrictions that attach to a criminal record independent of any sentence — have been catalogued by the National Inventory of Collateral Consequences of Conviction, which has identified more than forty-four thousand distinct collateral consequences in state and federal law. Many of these consequences bear no rational relationship to the offense that triggered them or to the public safety interest they purport to serve. The permanent criminal record is not a public safety tool. A person who committed a nonviolent drug offense fifteen years ago, served their sentence, and has lived as a law-abiding productive citizen since then is not a current public safety threat. Their criminal record is not protecting anyone. It is, however, preventing them from accessing the housing, employment, and civic participation that research consistently identifies as the most powerful predictors of continued law-abiding behavior. The permanent record produces the conditions for re-offending precisely in the population whose stability it claims to protect against.

The Automatic Expungement Framework

Federal law shall be amended to provide for the automatic expungement of federal criminal records under the following conditions: any federal conviction for a nonviolent offense in which the sentence imposed was less than five years of imprisonment, where the individual has remained conviction-free for a period of ten years following the completion of their sentence, including any term of supervised release, shall be automatically expunged without the requirement of any petition, application, or court proceeding. Expungement under this provision shall be treated as if the conviction never occurred for purposes of all federal background check systems, federal employment applications, federal housing programs, and federal occupational licensing requirements. The FBI shall update the National Crime Information Center database to reflect expungements within thirty days of their effective date.

The expungement does not apply to: convictions for violent felonies; convictions for sex offenses requiring registration; and convictions for offenses involving the exploitation of minors. These categories are retained in perpetuity because the public safety rationale for their retention in the record is substantiated. States that adopt expungement frameworks consistent with or more protective than the federal standard — covering comparable offense categories with comparable time periods — shall be eligible for additional federal reentry grant funding through the program established in Provision 7.3.A. The federal framework establishes the floor; states may provide broader relief. The goal is the eventual development of a nationally consistent expungement infrastructure that does not require individuals to navigate fifty different state systems with fifty different standards.

Provision 7.3.E — Voting Rights Restoration

Legislative Intent

The right to vote is the foundational right of democratic citizenship. The disenfranchisement of people with criminal convictions is not required by the Constitution — the Fourteenth Amendment explicitly contemplates it as one possible consequence of participation in rebellion or other crime, but does not require states to impose it, and the federal government does not impose it as a matter of federal law for federal elections. The variation in state disenfranchisement laws is extreme: Maine and Vermont do not disenfranchise incarcerated people at all; Florida and some other states impose lifetime disenfranchisement that requires individual executive clemency to restore. The result is that a person who commits the same federal offense in two neighboring states may face dramatically different voting rights consequences based on the accident of which state their federal facility is located in or which state they return to upon release. Permanent disenfranchisement is not a public safety measure. It is a civic penalty that extends indefinitely beyond the sentence the legal system determined was proportionate to the offense. It is also, in documented practice, a mechanism that has been applied with a racial disparity that mirrors the racial disparity in incarceration rates, producing a substantial reduction in the voting participation of Black Americans that has no legitimate penological justification.

The Federal Baseline

Any person who has been convicted of a federal or state offense and who has completed their sentence, including any term of supervised release or parole, shall be eligible to vote in federal elections. No state shall deny or abridge the right to vote in any federal election to any person on account of a prior criminal conviction if that person has completed their sentence, including all terms of supervised release and parole. The restoration is automatic upon completion of sentence and does not require any application, petition, court order, or executive action. The right to vote is restored at the moment the person walks out of the correctional facility or completes their final day of supervised release, whichever is later. The federal baseline does not prevent states from providing broader voting rights protections, including restoration during incarceration, as Maine and Vermont have chosen to do. It establishes the floor below which no state may fall for federal elections under Congress's Article I, Section 4 authority to regulate the time, place, and manner of federal elections. This Provision operates as the criminal-justice complement to the Voter Access and Election Security Act in Act 6.8: the federal electoral framework constructed there assumes the federal baseline established here.

Provision 7.3.F — Family Impact Mitigation

The Collateral Sentence

The incarceration of a parent is a childhood trauma event with documented long-term consequences for the child's educational outcomes, mental health, economic prospects, and subsequent contact with the criminal justice system. Approximately five million children in the United States have experienced the incarceration of a parent — approximately one in fourteen children under the age of eighteen. The children of incarcerated parents are substantially more likely to experience poverty, housing instability, school disengagement, and mental health challenges than comparable children whose parents have not been incarcerated. They are also substantially more likely to be incarcerated themselves. The child who watches a parent taken away in handcuffs has received a sentence they did not commit an offense to earn. The family impact provisions of this Act do not propose to exempt parents from incarceration for their offenses. They propose that the criminal justice system account for the collateral sentence imposed on children when making decisions about the placement, programming, and release of incarcerated parents, and that the federal government invest in the support systems that allow children of incarcerated parents to develop outside the cycle that parental incarceration tends to perpetuate.

Placement and Visitation

The Bureau of Prisons shall, to the extent practicable consistent with security requirements and bed availability, place incarcerated parents in facilities within two hundred fifty miles of their minor children's residence to facilitate visitation. Where the closest available facility is more than two hundred fifty miles from the children's residence, the BOP shall provide written justification for the placement and shall review the placement annually. BOP facilities shall offer visitation hours that include at least one weekend per month, shall maintain child-appropriate visiting areas with seating, play space, and private family interaction areas, and shall not charge fees

for children's entry to visitation. Video visitation shall be provided as a supplement to, not a replacement for, in-person visitation, and shall be offered at no charge to families with documented financial hardship.

The Children of Incarcerated Parents Investment

The Department of Health and Human Services shall establish, within two years of enactment, the Children of Incarcerated Parents Support Program, providing grants to community organizations, school districts, and state child welfare agencies for: school-based support services identifying and providing targeted academic and social-emotional support to children with incarcerated parents; peer support programs connecting children of incarcerated parents with trained counselors and peer mentors who have navigated the same experience; family stability support including housing assistance, food security resources, and childcare support for caregivers who assume responsibility for children whose parents are incarcerated; and reentry family reunification services supporting incarcerated parents and their children in rebuilding family relationships in the period preceding and following release. The program shall be funded at not less than two hundred fifty million dollars annually and shall publish annual outcomes data on the educational, mental health, and family stability outcomes of served children.

Constitutional Authority

The Reentry Infrastructure investment in 7.3.A derives from Congress's Spending Clause authority and from the established framework of the Second Chance Act of 2007, which Congress may amend. The Employment Barrier Reduction in 7.3.B derives from Congress's authority over federal contractor practices, from the Spending Clause as applied to federal employment and training grant conditions, and from the established authority over federal occupational licensing standards. The Housing Barrier Reduction in 7.3.C derives from Congress's authority under the Housing Act and from the Spending Clause as applied to public housing authority compliance. The federal expungement framework in 7.3.D derives from Congress's authority under Article I to define the legal consequences of federal convictions, from Congress's authority to establish the record-keeping requirements of federal criminal justice agencies, and from the established principle that Congress may modify the collateral consequences of prior convictions without implicating the Ex Post Facto Clause. The voting rights restoration in 7.3.E derives from Congress's authority under Article I, Section 4 to regulate the time, place, and manner of elections for senators and representatives; from Congress's authority under the Fourteenth Amendment, Section 5 to enforce the equal protection guarantee as applied to voting rights; and from the Supreme Court's recognition in Richardson v. Ramirez that while states may constitutionally disenfranchise convicted felons, Congress retains the authority to establish federal election standards that supersede state law under its Article I, Section 4 power, as it did in the Voting Rights Act and the National Voter Registration Act. The placement and visitation provisions in 7.3.F derive from Congress's Article I authority over federal correctional operations and from the BOP's statutory authority under 18 U.S.C. § 4001; the Children of Incarcerated Parents investment derives from Congress's Spending Clause authority to appropriate funds for the general welfare of children and families affected by federal and state correctional systems.

Coalition Rationale — Title VII

The Material Priority Test

Title VII passes the Material Priority Test through a chain of material consequences that runs from sentencing policy through prison conditions through reentry outcomes to the working-class communities that bear the disproportionate burden of each failure in sequence. The mandatory minimum sentence that requires a judge to impose ten years on a low-level drug courier — a sentence whose deterrence value is negligible and whose recidivism-prevention value is exhausted within the first few years — costs the federal treasury four hundred thousand dollars over its course while producing the documented child poverty, family destabilization, and labor market disruption that the communities most affected by incarceration experience as the material cost of the policy. The healthcare gap in correctional facilities is the material condition behind the elevated mortality, untreated chronic illness, and exacerbated mental health symptoms that returning citizens carry back into their communities. The labor exploitation framework enabled by the Thirteenth Amendment exception is the material condition behind the twenty-three-cent-per-hour wages that subsidize the products incarcerated people produce for the benefit of the institutions that hold them. The reentry infrastructure gap is the material condition behind the sixty-percent-plus three-year recidivism rate that produces the cycle the front-end reforms of Act 6.9 cannot interrupt without it. Every Provision in this Title addresses a specific, documented, material harm.

The Specificity Test

The Title passes the Specificity Test across three Acts and twelve Provisions with complete operational architecture. Act 7.1 specifies the mandatory minimum reform with named statutory amendments (21 U.S.C. §§ 841, 844, 960 and 18 U.S.C. § 924(c)), the retained mandatory minimum categories (violent offenses, distribution to minors, school zone offenses directed at students, leadership roles), the expanded safety valve with three specific reforms (Category III threshold, brandishing-not-possession firearms standard, presumption-of-eligibility for cooperators), the retroactivity petition process with ninety-day operational standard, and the Sentencing Commission review with two-year completion timeline. Act 7.2 specifies the prolonged solitary confinement prohibition with the named fifteen-day threshold, the four-hours-meaningful-contact and two-hours-out-of-cell-time operational definition, the federal minimum healthcare standards with named staffing ratio requirements, the prison labor minimum wage standard with twenty-five percent room-and-board and twenty-five percent restitution deduction caps and four-dollar-per-hour net wage floor, and the private prison phase-out with the named contract non-renewal standard. Act 7.3 specifies the one-billion-dollar annual reentry investment with named program components, the ban-the-box federal contractor framework with conditional-offer-before-background-check operational standard, the One Strike modification with retained sex offender and methamphetamine manufacture exceptions, the automatic expungement framework with five-year sentence threshold and ten-year clean-record waiting period, the voting rights restoration federal baseline, the two-hundred-fifty-mile placement

standard, and the two-hundred-fifty-million-dollar Children of Incarcerated Parents Support Program. Every provision is operational on the day of enactment.

The Coalition Architecture and Delivery Tests

Title VII's coalition architecture crosses partisan lines in ways that the political debate on criminal justice has consistently failed to recognize but that the polling data increasingly supports. The proposition that mandatory minimums for low-level nonviolent drug offenders produce sentences disproportionate to the offense has been endorsed by a bipartisan coalition that includes conservative evangelical Christians concerned about redemption and second chances, libertarian conservatives concerned about government overreach and the cost of mass incarceration, and progressive advocates for racial equity and criminal justice reform. The Koch brothers and the ACLU have been on the same side of sentencing reform for over a decade. The proposition that the permanent criminal record destroys the economic prospects of people who have completed their sentences and thereby drives recidivism has been endorsed by the same coalition. The proposition that prison conditions which fall below constitutional minimum standards both violate the Eighth Amendment and produce the recidivism the system claims to be reducing has been endorsed by a similar coalition crossing the conservative-progressive divide.

The fiscal conservative case for criminal justice reform is the same case in different language: the eighty billion dollars annually spent on incarceration at the state and federal levels produces no measurable return measured in the system's stated objectives. The federal taxpayer is paying forty thousand dollars per year per prisoner and receiving sixty-percent-plus recidivism in return. No private investor would accept that return on investment. The progressive case for criminal justice reform is the same case in different language: the racial disparity in incarceration rates, the documented harms of prolonged solitary confinement, the permanent civic disability that the criminal record imposes, and the collateral sentence imposed on the children of incarcerated parents are documented inequities that the federal government has the constitutional authority and the moral obligation to address. The two cases reach the same conclusions by different routes. Title VII passes the Coalition Architecture Test because it names both cases simultaneously and constructs the operational architecture that resolves both.

Title VII passes the Delivery Test because every Provision is designed around a specific documented failure mode of the existing system: the mandatory minimum rigidity that produces sentences disproportionate to offense conduct; the safety valve narrowness that excludes defendants for whom the framework was designed; the four-decade lag in Sentencing Commission guideline updates; the prolonged solitary confinement that the clinical research has documented as psychiatric harm; the correctional healthcare gap that the DOJ's own investigations have documented as Eighth Amendment violation; the prison labor compensation structure that the Thirteenth Amendment exception authorizes but no longer justifies; the private prison incentive structure incompatible with constitutional minimum standards; the reentry infrastructure underinvestment relative to the scale of the population; the ban-the-box and occupational licensing barriers that exclude returning citizens from the labor market; the One

Strike housing policy that categorically excludes returning citizens from federal housing; the permanent criminal record that destroys the predictors of law-abiding behavior; the disenfranchisement framework that imposes civic penalties beyond the sentence proportionate to the offense; and the collateral sentence imposed on children. Every structural choice is a response to a documented failure. Title VII was built to work.

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STATUS: Title VII — Acts 7.1 through 7.3 — Draft v2.0 Complete. Title VII: Justice, Reform & The Back Half of the System is now in v2.0 form. The 7.0 Title Overview is new in v2.0. Act 7.1 has been expanded from one Provision to three, with The Expanded Safety Valve promoted to 7.1.B and The Sentencing Commission Mandate promoted to 7.1.C. Act 7.2 has been preserved with four Provisions (Solitary Confinement Reform, Prison Healthcare Standards, Prison Labor Accountability, Private Prison Phase-Out) and Constitutional Authority consolidated at Act level. Act 7.3 has been expanded from four Provisions to six, with Employment Barrier Reduction promoted to 7.3.B and Housing Barrier Reduction promoted to 7.3.C, with the prior 7.3.B/C/D renumbered to 7.3.D/E/F. Public Mandate citations from Session Ruleset v1.4 § 3 have been integrated throughout, anchoring the cross-partisan reform coalition (Koch + ACLU consensus on sentencing, evangelical-libertarian-progressive convergence on reentry).

Key sources for final sourcing: National Research Council, The Growth of Incarceration in the United States (2014); Bureau of Justice Statistics recidivism and mental health data; Estelle v. Gamble (1976) for Eighth Amendment healthcare obligation; Helling v. McKinney and Farmer v. Brennan for prison conditions standards; Brown v. Plata (2011) for federal court correctional intervention authority; United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules, 2015); Solem v. Helm for proportionality review; Pepper v. United States and First Step Act of 2018 for retroactivity authority; Richardson v. Ramirez for voting rights restoration constitutional framework; Sentencing Reform Act of 1984 and Federal Sentencing Guidelines; Anti-Drug Abuse Acts of 1986 and 1988; Sentencing Reform and Corrections Act (multiple Congresses); Second Chance Act of 2007; Thirteenth Amendment legislative history; National Inventory of Collateral Consequences of Conviction; DOJ Inspector General reviews of private federal facilities.

Cross-reference flags: Act 6.9 (Police Modernization) and Title VII — front-end + back-end criminal justice companions; both must be read together for the complete public safety architecture. Act 2.4 (Mental Health & Addiction Infrastructure) and Act 7.2/7.3 — the mental health treatment in correctional settings (7.2.B) and reentry treatment coordination (7.3.A) are the criminal justice companions to Title II's community mental health investment. Act 4.1.B (National Skills Bank) and Act 7.3.B (Employment Barrier Reduction) — explicit integration specified; the Skills Bank is the employment infrastructure that returning citizens access. Act 4.4 (Gig Economy) and Act 7.3.B — reentry employment interacts with worker classification standards. Act 3.1 (Housing Supply) and Act 7.3.C (Housing Barrier Reduction) — supply-and-eligibility complementary mechanisms. Act 6.8 (Voter Access) and Act 7.3.E (Voting Rights Restoration) — federal baseline operates within federal electoral framework. Act 2.1 (Eaglecare) and Act 7.3.A — reentry healthcare enrollment connects to Eaglecare eligibility.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title VIII — The Promise Kept

Acts 8.1 & 8.2 — The Social Security Solvency Act & The Medicare Solvency & Expansion Act

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title VIII is now in v2.0 form. Both Acts and a Title Overview are contained in this document. Act 8.1: The Social Security Solvency Act (four Provisions). Act 8.2: The Medicare Solvency & Expansion Act (three Provisions). The two Acts are companion pieces that must be read together: the solvency mechanisms for each program are distinct but interdependent, and the long-term care provision of Act 8.2 directly addresses the gap between them.

v2.0 changes vs v1.0: Title Overview added at 8.0. All seven Provisions preserved verbatim from v1.0 (Acts 8.1 and 8.2 already had rich Provision-level architecture). Constitutional Authority sections consolidated at Act level for editorial consistency. Public Mandate citations from Session Ruleset v1.4 § 3 integrated at State of Affairs and at Act 8.2.A (Medicare drug negotiation as documented 80%+ bipartisan supermajority). Coalition Rationale preserved as v1.0 already had the full four-test architecture (Material Priority Test, Specificity Test, Coalition Architecture Test, Delivery Test).

Cross-references: Act 2.1 (Eaglecare) and Act 8.2.B (Eaglecare Transition Pathway) — the Medicare-to-Eaglecare transition must be consistent with the Eaglecare establishment in Act 2.1; the Medicare Trust Fund transfer architecture is specified here. Act 2.3 (Drug Pricing) and Act 8.2.A (Medicare Drug Negotiation Integration) — the Medicare negotiation authority is the same provision; the two must be definitionally consistent. Act 1.1 (Hybrid Revenue Act) and Act 8.1.A (Payroll Tax Cap Elimination) — the cap elimination affects the labor stabilization tax base; ensure definitional consistency. Act 3.4.D (Elder Single Adults) and Act 8.2.C (Long-Term Care Integration) — the senior housing gap analysis and the long-term care benefit are coordinated frameworks for the elder population. Act 2.4 (Mental Health & Addiction Infrastructure) and Act 8.2.C — the long-term care benefit includes home and community-based care for persons with severe cognitive impairment.

FISCAL NOTE: All solvency projections in this Title are based on Congressional Budget Office actuarial methodology and Social Security Administration Office of the Chief Actuary projections. The payroll cap elimination revenue estimate, the CPI-E benefit adjustment cost, the minimum benefit floor cost, and the Medicare drug pricing savings are each based on published SSA, CBO, and CMS data as of the most recent available reports. The methodology is stated for each figure. The math is shown because a document that makes solvency claims without showing the math deserves the skepticism it will receive.

Provision 8.0 — Title Overview

The Promise Kept

The Social Security Act of 1935 and the Social Security Amendments of 1965 that created Medicare together constitute the most consequential governing promise the United States has ever made to its working people. The promise is specific and bilateral: if you work and contribute across a lifetime, the government will ensure that you do not spend your retirement in poverty and that you do not die because you cannot afford medical care. The premise that the promise is keepable, that the institutional architecture which delivers it will remain solvent across the working lifetime of every American who is paying into it, is the foundation on which the entire labor compact of the past ninety years has been constructed. Title VIII is the operational architecture for keeping the promise.

The actuarial reality is that the promise as currently financed cannot be kept. The Social Security Administration's 2024 Trustees Report projects combined OASDI Trust Fund depletion by 2035 under intermediate assumptions, at which point benefits would be reduced by approximately twenty-three percent across the board absent legislative action. The Medicare Hospital Insurance Trust Fund faces depletion by 2036. The pattern of political paralysis that has prevented Congress from addressing these timelines is not mysterious: every option for extending solvency has a constituency that opposes it, and the constituency that benefits from inaction — the member of Congress who avoids a difficult vote — is the most politically powerful constituency of all. The American Upgrade does not offer a painless solution because there is none. It offers an honest solution: one that extends solvency through the contribution mechanism rather than the benefit cut mechanism, that improves rather than reduces the adequacy of benefits for the workers who paid into the system across a lifetime, and that addresses the structural gaps in long-term care coverage that the programs were originally designed to provide but did not.

Two Acts, seven Provisions, one premise: the promise is kept. The Social Security Solvency Act in Act 8.1 establishes the payroll tax cap elimination above $400,000 in annual earnings (extending Trust Fund solvency by 15-20 years), the CPI-E indexation correction that restores the inflation adjustment to its purpose, the minimum benefit floor at 125% of the federal poverty guideline for workers with 30+ years of covered employment, and the consolidated Solvency Timeline that shows the actuarial mathematics on a single page. The Medicare Solvency and Expansion Act in Act 8.2 establishes the full-formulary drug negotiation authority at the G7 reference price ceiling (delivering $200-300 billion in ten-year savings), the Eaglecare Transition Pathway that preserves Medicare's institutional infrastructure and beneficiary commitments through the transition to the universal healthcare framework established in Act 2.1, and the federal long-term care benefit that ends the Medicaid spend-down trap for Medicare beneficiaries who require assistance with activities of daily living.

The political claim is specific. The coalition for Social Security and Medicare solvency is the broadest available in American politics because the constituency for these programs is the broadest available in American politics. More than ninety percent of Americans sixty-five and

older receive Social Security benefits. More than sixty-five million Americans are enrolled in Medicare. Every working person who has paid into the programs has a direct financial stake in their solvency. Every retired person who depends on them has a direct financial stake in their adequacy. The Medicare drug negotiation authority operates within a documented bipartisan supermajority that approaches eighty percent in survey data — comparable to the Congressional stock trading ban as the highest-consensus position in specific policy domains. The reforms in this Title are specifically designed to resist the opposition argument that solvency requires cutting benefits: every provision either increases revenue through a contribution mechanism that applies specifically to income above $400,000 annually, improves benefit adequacy through an accuracy correction, or adds a benefit funded by a new dedicated contribution. The person who opposes this Title is opposing the solvency of Social Security and Medicare. That is the coalition architecture. It is the broadest one available.

Title VIII — The State of Affairs

The Social Security Act of 1935 and the Social Security Amendments of 1965 that created Medicare together constitute the most consequential governing promise the United States has ever made to its working people. The promise is specific and bilateral: if you work and contribute across a lifetime, the government will ensure that you do not spend your retirement in poverty and that you do not die because you cannot afford medical care. More than ninety percent of Americans sixty-five and older receive Social Security benefits. More than sixty-five million Americans are enrolled in Medicare. These are not marginal programs serving a specific constituency. They are the foundational institutions of the social contract between the federal government and the working population that built the country.

Public opinion data on the retirement security framework is among the most consistent and least-partisan in the entire body of survey work this project has reviewed. Bipartisan supermajorities support the preservation of Social Security and Medicare at scale that no other domestic policy domain approaches. The Medicare drug negotiation authority — partially implemented by the Inflation Reduction Act of 2022 and operationalized at full formulary scope in Provision 8.2.A of this Title — registers as a cross-partisan supermajority approaching eighty percent in the 2026 survey record, comparable in scale to the Congressional stock trading ban as the highest-consensus position in any specific policy domain. The political constraint on action has not been the absence of public mandate. The mandate is documented. The constraint has been the pharmaceutical industry’s demonstrated capacity to translate concentrated economic interest into legislative protection through the campaign finance and lobbying infrastructure that Title VI of this document addresses from a different angle.

Both programs are on a documented, actuarially projected trajectory toward insolvency that the Congressional Budget Office has characterized not as a risk but as a mathematical certainty under current policy. The Social Security Administration’s 2024 Trustees Report projects that the combined Old-Age and Survivors Insurance and Disability Insurance Trust Funds will be depleted by 2035 under the intermediate assumptions used for actuarial projection. Depletion does not mean that Social Security ceases to pay benefits. It means that Social Security can

only pay benefits equal to the payroll tax revenue coming in at that moment, which the trustees estimate at approximately seventy-seven percent of scheduled benefits. In plain language: every Social Security recipient in 2035, absent legislative action, faces an automatic twenty-three percent benefit cut. The worker who planned their retirement around their Social Security statement — the document the Social Security Administration sends every year telling you what you've earned — will receive twenty-three cents less on every dollar they were promised.

The Medicare Hospital Insurance Trust Fund faces a similar but earlier timeline: the trustees project its depletion by 2036 under intermediate assumptions, at which point the program could cover approximately eighty-nine percent of projected costs from current payroll tax revenue. The Medicare Supplementary Medical Insurance Trust Fund, which covers physician and prescription drug services, does not face a trust fund depletion problem because it is funded by a combination of general revenues and beneficiary premiums that are automatically adjusted. But the SMI program's cost trajectory — driven by the aging of the Baby Boomer cohort and the structural failure to control drug and physician service costs — is itself a significant fiscal pressure on the federal budget whose management requires the mechanisms this Title provides.

The political paralysis that has prevented Congress from addressing these timelines is not mysterious. The options for extending solvency involve some combination of increased revenues, reduced benefits, or structural changes to the programs that affect the interests of identifiable constituencies. Every one of those options has a constituency that opposes it, and the constituency that benefits from inaction — which is the member of Congress who avoids a difficult vote — is the most politically powerful constituency of all. The American Upgrade does not offer a painless solution because there is none. It offers an honest solution: one that extends solvency through the contribution mechanism rather than the benefit cut mechanism, that improves rather than reduces the adequacy of benefits for the workers who paid into the system across a lifetime, and that addresses the structural gaps in the long-term care coverage that the programs were originally designed to provide. The math is shown. The promise is kept.

Act 8.1 — The Social Security Solvency Act

Provision 8.1.A — The Payroll Tax Cap Elimination

The Structural Problem: A Tax Designed for an Economy That No Longer Exists

The Social Security payroll tax was designed in 1935 for an economy in which the distribution of income was substantially more compressed than it is today. The original architects of the program set a contribution base that covered the vast majority of wage income because, in 1935, the vast majority of wage income was earned below whatever threshold was set. The cap has been adjusted over the decades and stands at $168,600 for 2024, adjusted annually for average wage growth. The adjustment mechanism has not kept pace with the reality of income distribution at the top of the wage scale. In 1983, when Congress last comprehensively reformed Social Security, approximately ninety percent of all wage income in the United States

fell below the taxable maximum. Today, that figure has declined to approximately eighty-three percent, and the trend has been consistent for four decades.

The consequence of this trend is straightforward: a growing share of national wage income is exempt from the Social Security payroll tax. The worker earning fifty thousand dollars a year pays Social Security tax on every dollar they earn. The worker earning five million dollars a year reaches the cap in February and pays no additional Social Security tax for the remaining ten months of the year. This is not a design choice made by the framers of the original program. It is the accumulated consequence of four decades of income distribution shifting toward the top of the wage scale in ways that the original architecture did not contemplate and that the cap adjustment mechanism does not correct. The payroll tax cap is, in effect, a regressive tax structure that imposes the full burden of Social Security financing on the working and middle class and exempts the highest earners after the first few months of the year.

The Legislative Mechanism

Section 3121(a)(1) of the Internal Revenue Code, which establishes the wage base limit for Social Security taxes, is amended as follows: the taxable wage base for Social Security contributions shall be eliminated with respect to all wages and self-employment income above four hundred thousand dollars annually, effective for tax years beginning after the date of enactment. Wages and self-employment income between the existing taxable maximum and four hundred thousand dollars annually shall continue to be subject to Social Security contributions at the existing rate during a three-year phase-in period, after which the gap between the existing taxable maximum and four hundred thousand dollars shall be closed by subjecting all wages and self-employment income above the existing taxable maximum to the full contribution rate. Wages and self-employment income below the existing taxable maximum are not affected by this provision.

The four-hundred-thousand-dollar threshold before the elimination of the cap is a policy choice that insulates middle-income and upper-middle-income earners from the change while capturing the contribution from the income concentration at the very top of the wage distribution. A worker earning two hundred thousand dollars annually is not affected by this provision. A worker earning four hundred thousand dollars annually is not affected. A worker earning four million dollars annually will pay Social Security contributions on their full earnings rather than stopping in January. The policy design is deliberate: the solvency problem is a product of income concentration at the very top, and the solution is targeted at that concentration.

The Solvency Mathematics

Current taxable wage base (2024): $168,600. Share of wages currently subject to SS tax: approximately 83%. Target after cap elimination above $400K: approximately 93-95% of all wages. SSA Office of the Chief Actuary projection: eliminating the cap entirely would extend Trust Fund solvency by approximately 75 years beyond the current depletion date. Eliminating above $400K (this provision): estimated solvency extension of 20-25 years beyond current depletion date, reducing the 75-year actuarial deficit by approximately 67-70% (SSA OACT intermediate assumptions). Combined with Provision 8.1.C (minimum benefit floor) cost and

Provision 8.1.B (CPI-E adjustment) cost, net solvency extension under this Act: estimated 15-20 years beyond the current 2035 projected depletion date.

Note: All figures based on SSA 2024 Trustees Report intermediate assumptions. Subject to updated actuarial scoring upon formal legislative introduction. The solvency extension from this provision alone is substantial enough to address the near-term depletion threat while the broader economic growth that the American Upgrade's investment provisions are designed to produce further improves the program's long-term actuarial position. A growing economy with rising wages produces growing Social Security contributions at every income level. The payroll cap elimination secures the program's finances against the actuarial baseline. The economic growth provisions improve the baseline. The combination produces genuine long-term stability rather than a bridge to the next crisis.

The Credit to High-Earner Benefit Accounts

An individual whose earnings above the existing taxable maximum are now subject to Social Security contributions shall receive a corresponding credit to their Social Security benefit account, calculated using the existing benefit formula applied to the newly taxable earnings, up to a defined maximum additional benefit of one thousand dollars per month above the current maximum benefit. The credit provision ensures that the elimination of the cap does not convert the Social Security contribution into a pure tax for high earners, which would both undermine the contributory principle that gives the program its political durability and raise constitutional questions about the distinction between a contribution to a retirement benefit system and a general tax. The benefit credit is capped to limit the additional cost to the Trust Fund while maintaining the contributory character of the program.

Provision 8.1.B — The Benefit Adequacy Correction — CPI-E Indexation

The Structural Problem: An Inflation Adjustment That Does Not Measure Senior Inflation

Social Security benefits are adjusted annually for inflation using the Consumer Price Index for Urban Wage Earners and Clerical Workers, known as the CPI-W. The CPI-W measures price changes experienced by working-age urban wage earners and clerical workers. It is, in other words, an inflation measure designed for the spending patterns of people who are still employed — people whose largest expenses are housing, transportation, and food, weighted according to the consumption patterns of full-time workers. Social Security beneficiaries are, by definition, not the population the CPI-W was designed to measure. The Bureau of Labor Statistics has maintained, since 1987, an experimental index called the Consumer Price Index for Americans 62 and Older, the CPI-E, that measures price changes weighted according to the actual consumption patterns of elderly Americans. The CPI-E weights medical care and housing more heavily than the CPI-W, reflecting the documented reality that elderly Americans spend a substantially larger share of their income on healthcare and a smaller share on transportation and work-related expenses than working-age adults.

The documented consequence of using the CPI-W rather than the CPI-E for benefit adjustments is that Social Security benefits have consistently failed to keep pace with the actual inflation experienced by the people the adjustments are designed to protect. Studies by the National Academy of Social Insurance and the SSA's own Office of Policy found that the CPI-W has understated senior inflation by approximately 0.2 to 0.3 percentage points annually on average over extended periods. Compounded across a twenty-year retirement, this gap produces a measurable and documented erosion of purchasing power for the program's oldest and most economically vulnerable beneficiaries.

The Legislative Mechanism

Section 215(i) of the Social Security Act, which governs the cost-of-living adjustment, is amended to replace the Consumer Price Index for Urban Wage Earners and Clerical Workers with the Consumer Price Index for Americans 62 and Older as the inflation measure used to calculate annual cost-of-living adjustments, effective for benefit adjustments applied in calendar years beginning after the date of enactment. The Bureau of Labor Statistics shall, within one year of enactment, publish the CPI-E on a monthly basis using the same methodology currently used for the CPI-W, with the expanded data collection necessary to produce a statistically robust measure. Pending the publication of the expanded CPI-E, the SSA shall use the existing experimental CPI-E as a bridge measure.

The cost of switching from the CPI-W to the CPI-E is estimated, based on the historical differential between the two indices, at approximately 0.2 to 0.3 percent of benefit costs annually. Over the actuarial projection period, this represents a modest but compounding increase in program costs that is accounted for in the solvency mathematics of Provision 8.1.A. The CPI-E correction does not fully offset the cumulative erosion in benefit adequacy that the CPI-W has produced over four decades. It stops the erosion going forward and restores the program's inflation adjustment to the purpose for which it was designed: ensuring that a Social Security benefit in the thirtieth year of retirement buys as much as a Social Security benefit in the first year.

Provision 8.1.C — The Minimum Benefit Floor

Legislative Intent

The minimum benefit floor addresses a specific and documented failure of the Social Security benefit formula: the worker who spent a lifetime in low-wage employment, contributing to Social Security across a full career, can retire with a benefit that leaves them in poverty. The original Social Security benefit formula is progressive — it replaces a higher percentage of pre-retirement earnings for lower-wage workers than for higher-wage workers — but the progressivity is calculated against a worker's own earnings history, and a lifetime of low earnings produces a benefit that, even with the progressive formula, may fall below the poverty line. The program currently provides a special minimum benefit for workers with long careers in covered employment, but the existing special minimum has been eroded by decades of inadequate inflation adjustment and stands at a level well below the poverty threshold for most beneficiaries who qualify for it.

The Legislative Mechanism

The special minimum benefit provisions of Section 215(a)(1)(C) of the Social Security Act are amended to provide that any worker with thirty or more years of Social Security-covered employment who is eligible for retired worker benefits shall receive a benefit of not less than one hundred twenty-five percent of the federal poverty guideline for a single-person household, as updated annually by the Department of Health and Human Services, regardless of their computed primary insurance amount. The minimum benefit shall be funded from the Old-Age and Survivors Insurance Trust Fund and shall be included in the actuarial projections of program solvency as an identified cost of the solvency reform package. The thirty-year covered employment threshold is set to identify workers who have made a genuine lifetime commitment to covered employment rather than workers with intermittent earnings histories, while remaining accessible to workers who spent portions of their careers in uncovered employment, raising children outside the paid workforce, or in other circumstances that reduced their covered employment years without reflecting a choice to minimize Social Security contributions.

The Solvency Mathematics for the Minimum Benefit

2024 federal poverty guideline (single person): $15,060. 125% of poverty guideline: $18,825 annually. 2024 average Social Security retired worker benefit: $22,884 annually. 2024 special minimum benefit (30 years): approximately $12,000 annually (pre-reform). Estimated population eligible for enhanced floor: approximately 500,000-750,000 beneficiaries in the first year, growing as the Baby Boomer cohort ages. Estimated annual cost of minimum benefit floor: $1.5-2.5 billion annually (within actuarial solvency budget of payroll cap provision). Source: SSA Annual Statistical Supplement 2024, HHS Poverty Guidelines 2024.

Provision 8.1.D — The Solvency Timeline — The Math on the Page

This provision states, in a single place, the complete actuarial picture of Social Security solvency under the reforms of this Act, so that the reader, the legislator, and the actuary can assess the adequacy of the provisions against the scale of the problem. The math is shown because the promise is serious and the mechanism must be equal to it.

Social Security Solvency Under Act 8.1

Based on SSA 2024 Trustees Report intermediate assumptions. WITHOUT ACT 8.1: Combined OASDI Trust Fund depletion: 2035. Benefit cut at depletion: approximately 23% across the board.

Revenues from Act 8.1

Payroll cap elimination above $400K: +$150-175 billion annually (phase-in over 3 years). High-earner benefit credit cost: -$15-20 billion annually. Net revenue from cap elimination: +$130-155 billion annually.

Costs from Act 8.1

CPI-E adjustment vs. CPI-W (additional cost): +$8-12 billion annually (compounding; larger in outer years). Minimum benefit floor: +$1.5-2.5 billion annually. Total additional program costs: +$10-15 billion annually.

Net Annual Actuarial Improvement and Projected Depletion

Net annual actuarial improvement: +$115-140 billion annually. Projected Trust Fund depletion with Act 8.1: estimated new depletion date 2050-2055 (15-20 year extension beyond current 2035 projection). Additional growth factor: economic growth from American Upgrade investment provisions (Title I) projected to increase the wage base and payroll tax revenues, further improving the actuarial position; not included in the above figures.

Long-Term Note

Full actuarial balance (75-year) requires either further cap elimination, additional revenue, or demographic assumptions that improve with the economic growth provisions. The 2050-2055 horizon provides the legislative runway to make those decisions with full information rather than under the pressure of imminent depletion. The provisions of this Act do not achieve the seventy-five-year actuarial balance that the SSA uses as its long-term solvency standard. They achieve a fifteen-to-twenty-year extension of the Trust Fund beyond its current projected depletion date, eliminate the imminent twenty-three percent automatic benefit cut, improve the adequacy of benefits for the workers who need the most help, and correct the inflation measurement error that has eroded purchasing power for four decades. The remaining long-term actuarial gap is real and is not ignored. This Act identifies it, names it, puts the numbers on the page, and creates the conditions — a solvent program with a multi-decade runway and a growing economy generating additional payroll tax revenue — under which a subsequent Congress can address the remaining gap from a position of stability rather than crisis. Governing is not a single act. It is a continuing responsibility.

Constitutional Authority

The payroll tax cap elimination in 8.1.A derives from Congress’s authority under Article I, Section 8 to lay and collect taxes and to provide for the general welfare. The Social Security program has been consistently upheld as a valid exercise of the taxing and spending power since Helvering v. Davis in 1937. The modification of the wage base limit is a straightforward exercise of the same authority, within a framework that the Court has upheld for nearly ninety years. The CPI-E benefit adjustment in 8.1.B derives from Congress’s plenary authority under Article I, Section 8 and the Social Security Act to define the terms of Social Security benefits, including the method by which those benefits are adjusted for inflation; no constitutional issue is presented by the selection of a more accurate inflation index. The minimum benefit floor in 8.1.C derives from Congress’s authority under Article I, Section 8 and the Social Security Act to define the terms of Social Security benefits, and the progressive benefit formula and the existing special minimum benefit have been upheld as valid exercises of congressional discretion in the design of the Social Security program since Flemming v. Nestor in 1960, which confirmed that Congress has broad discretion to adjust benefit levels and eligibility conditions.

Implementation Timeline

The four-hundred-thousand-dollar payroll cap threshold phase-in begins in the tax year immediately following enactment. The Social Security Administration shall issue updated contribution guidance to employers within ninety days of enactment. The benefit credit calculation methodology shall be published by the SSA within one hundred eighty days of enactment. The BLS shall initiate the expanded CPI-E data collection within one hundred eighty days of enactment, and the SSA shall implement the CPI-E adjustment methodology for the first annual cost-of-living adjustment calculated after the effective date of enactment. The SSA shall implement the enhanced minimum benefit for all new benefit claims filed after the effective date of enactment and shall calculate enhanced benefits for existing beneficiaries with thirty or more years of covered employment within one year of enactment.

Act 8.2 — The Medicare Solvency & Expansion Act

Provision 8.2.A — Medicare Drug Negotiation Integration

The Structural Problem: Paying More to Subsidize Everyone Else

Medicare is the largest single purchaser of prescription drugs in the world. For twenty years following the passage of the Medicare Modernization Act of 2003, federal law explicitly prohibited Medicare from using that purchasing power to negotiate drug prices with pharmaceutical manufacturers. The prohibition was not a principled policy choice. It was a legislative gift to the pharmaceutical industry, inserted into the legislation by the same industry whose lobbyists helped write it. The consequence was documented precisely and repeatedly: Medicare paid two to ten times more for identical drugs than the Veterans Administration, which has negotiated drug prices since 1992; more than any peer nation’s national health system; and significantly more than the unregulated private market in many cases. The American taxpayer subsidized the pharmaceutical industry’s research and development costs through Medicare overpayment, while peer nations that negotiated prices got the benefit of that research at a fraction of the cost. The prohibition was partially lifted by the Inflation Reduction Act of 2022, which authorized Medicare to negotiate prices for a limited and slowly expanding list of drugs. This provision completes what that Act began.

The public mandate for Medicare drug price negotiation is documented at scale that places it among the most consistently bipartisan policy positions in the entire body of survey work this project has reviewed. Cross-partisan support for Medicare’s authority to negotiate drug prices approaches eighty percent in 2026 survey data — comparable to the Congressional stock trading ban as the highest-consensus position in any specific policy domain. The partial lifting of the prohibition through the Inflation Reduction Act of 2022 confirmed that the legislative pathway exists; the documented public mandate confirms that the political constraint on full-formulary expansion has been institutional rather than electoral.

The Legislative Mechanism

The Centers for Medicare and Medicaid Services shall negotiate the price of all prescription drugs covered under Medicare Parts B and D with the manufacturers of those drugs, effective for drugs whose patents or market exclusivity have been in effect for seven or more years for small-molecule drugs and eleven or more years for biological products. The negotiation authority applies to the full formulary of covered drugs, not merely to a defined list subject to annual expansion. CMS shall use as the reference ceiling for negotiations the average price paid by G7 peer nations — the United Kingdom, Germany, France, Japan, Canada, and Italy — for the same drug, adjusted for purchasing power parity. Medicare shall not pay more than one-hundred-and-twenty percent of the G7 average price for any drug subject to negotiation. The negotiation process shall be transparent: CMS shall publish the initial offer, the manufacturer's counteroffer, and the final negotiated price for each drug within sixty days of the conclusion of negotiations. The transparency requirement serves both accountability and market function: it allows Congress, the public, and the pharmaceutical industry itself to assess whether the negotiation process is producing fair outcomes, and it provides pricing benchmarks that inform negotiations for subsequent drugs.

The Solvency Mathematics

Medicare HI Trust Fund depletion (no action): 2036 (SSA 2024 Trustees Report intermediate assumptions). Drug price negotiation savings (CMS estimates): Inflation Reduction Act (limited list): $25B over 10 years. Full formulary expansion (this provision): $200-300B over 10 years. Annual steady-state savings: $25-35B/year. Note: RAND Corporation (2021) estimated that aligning Medicare drug prices with international reference prices would save $450B over 10 years; CMS internal actuarial estimates are more conservative. This provision uses the conservative CMS methodology. Contribution to HI Trust Fund solvency: estimated HI depletion extension of 2-4 years (drug savings alone; combined with Provision 8.2.B premium adjustments, total extension: 5-8 years).

Provision 8.2.B — The Eaglecare Transition Pathway

Legislative Intent

The relationship between the Medicare program established in 1965 and the Eaglecare universal healthcare system established in Act 2.1 of this document requires explicit architectural specification. Medicare is the foundation on which Eaglecare is built: the single-payer payment infrastructure, the provider network relationships, the fraud detection and quality assurance systems, and the administrative capacity that Medicare has developed over sixty years are the institutional assets that Eaglecare requires to function at scale. The transition pathway established by this provision ensures that Medicare's commitments to current and near-term beneficiaries are honored in full during the transition period, that the institutional infrastructure of Medicare is preserved and transferred to the Eaglecare system rather than dismantled, and that the fiscal relationship between the Medicare Trust Funds and the broader Eaglecare financing mechanism is specified clearly enough that neither the transition nor the long-term operation produces a gap in coverage or a gap in accounting.

The Transition Architecture

During the transition period from the enactment of the Eaglecare Act to the full operational commencement of the Eaglecare Trust, Medicare shall continue to operate under its existing statutory framework and shall honor all benefit commitments to current and future beneficiaries without interruption. The transition period shall be not less than five years from the effective date of Act 2.1 and shall be extended as necessary to ensure operational readiness of the Eaglecare Trust's administrative infrastructure. No Medicare beneficiary shall experience a reduction in covered services, an increase in cost-sharing, or a disruption in provider relationships as a consequence of the transition.

Upon the Eaglecare Trust reaching full operational status, Medicare beneficiaries shall be automatically enrolled in Eaglecare and shall receive, without interruption, the benefits to which they were entitled under Medicare, at a standard of coverage not less than the existing Medicare benefit package and supplemented by the additional benefits established in the Eaglecare comprehensive benefit package, including dental, vision, and audiology services that Medicare currently covers only partially or through supplemental plans. The Medicare Trust Funds shall be transferred to the Eaglecare Trust as contributed capital. The Medicare payroll tax contribution shall be consolidated into the Eaglecare contribution structure established in Act 2.1, with the transition designed to ensure that the combined contribution rate for working Americans is not higher than the sum of their existing Medicare and Social Security contributions for the equivalent benefit level.

Protecting the Medicare Commitment During Transition

The transition pathway does not reduce any currently enrolled beneficiary's benefits at any point during the transition or after. The Medicare commitment to persons who have already retired or are within ten years of retirement age is a contractual obligation that no transition architecture may impair. The provision of that commitment is the first priority of the transition design. Every other element of the transition — the administrative consolidation, the contribution structure rationalization, the benefit expansion — is subordinate to the obligation to honor what has already been promised to the people who have already paid for it.

Provision 8.2.C — The Long-Term Care Integration — Ending the Medicaid Spend-Down Trap

The Structural Problem: A System That Forces Seniors to Impoverish Themselves

Medicare does not cover long-term custodial care — the assistance with activities of daily living that the frail elderly, the disabled, and those with chronic conditions require to remain in their homes or in assisted living facilities. This is not an oversight in the original program design. It was a deliberate coverage exclusion, made in 1965 on the assumption that long-term care would continue to be provided primarily by families. The assumption was wrong then and is catastrophically wrong now, as the Baby Boomer generation ages into the demographic that requires long-term care services at a scale that family provision alone cannot address. The program that covers long-term care for Americans who cannot pay for it privately is Medicaid, a means-tested program that requires beneficiaries to exhaust virtually all of their assets before

qualifying for coverage. The result is the spend-down trap: the senior who worked for forty years, paid into Social Security and Medicare across a full career, saved carefully for retirement, and purchased a home, must liquidate their home, their savings, and their retirement assets — everything they spent a lifetime building — before the government will pay for the nursing home that their doctor says they need. The spend-down trap is not an administrative accident. It is a structural consequence of a gap between Medicare's coverage and the reality of aging. It destroys the financial legacy that working people try to leave their children, and it does so specifically and exclusively to the people who cannot afford the private long-term care insurance that the wealthy use to avoid the same trap.

The Federal Long-Term Care Benefit

Title XVIII of the Social Security Act is amended to establish a federal long-term care benefit for Medicare beneficiaries who require assistance with two or more activities of daily living — as defined by the standard functional assessment used in the Medicaid program — or who have a severe cognitive impairment. The benefit shall provide coverage for home and community-based care services, including personal care assistance, adult day services, and home health aide services, and for institutional care in nursing facilities and assisted living facilities that meet federal quality standards. The benefit shall be available without a spend-down requirement: a Medicare beneficiary who qualifies functionally for long-term care services shall receive those services through the federal benefit without being required to exhaust their assets as a condition of eligibility.

The benefit shall be funded through a combination of a new long-term care payroll contribution of 0.4 percent of wages, applied equally to employers and employees on all wages above the exemption established in the Eaglecare contribution structure, and through the savings generated by the drug price negotiation provision of this Act. The payroll contribution rate is calibrated against the Congressional Budget Office's 2021 estimates of the cost of a public long-term care insurance program and is subject to actuarial review and adjustment every five years. The contribution is modest relative to the benefit: a worker earning fifty thousand dollars annually contributes approximately two hundred dollars per year to a benefit that, if needed, can provide care worth sixty to one hundred thousand dollars annually.

The Medicaid Coordination

The federal long-term care benefit does not eliminate Medicaid's role in long-term care. It eliminates the spend-down requirement for Medicare beneficiaries, which is the mechanism that produces the most financially catastrophic outcomes for working and middle-class families. Medicaid long-term care coverage for individuals who did not accumulate significant assets continues, with the coordination between the federal Medicare benefit and Medicaid specified by CMS in implementing regulations. The goal of the coordination is to ensure that every American who needs long-term care receives it without being required to impoverish themselves or their families as a condition of access.

The Solvency Mathematics for the Long-Term Care Benefit

Long-term care benefit cost estimate (based on CBO 2021 public LTC insurance analysis): Year 1 cost approximately $50-70 billion annually; Year 10 steady-state cost approximately $80-100 billion annually (Baby Boomer cohort fully in benefit range). Revenue from 0.4% LTC payroll contribution (based on 2024 total U.S. covered wages of approximately $10 trillion): annual revenue at full collection approximately $80-85 billion annually. Net actuarial position: Year 1 modest deficit of approximately $0-15 billion, funded from Medicare drug savings; Year 10+ near actuarial balance at steady state. Medicaid savings offset: the federal Medicare LTC benefit reduces Medicaid LTC expenditures by an estimated $15-25 billion annually as middle-class beneficiaries shift to Medicare rather than spending down to Medicaid. Source: CBO Long-Term Budgetary Considerations 2021, HHS ASPE Long-Term Care Financing 2023.

Constitutional Authority

The drug negotiation authority in 8.2.A derives from Congress's plenary authority under Article I, Section 8 to establish the terms of federal spending programs, from the Medicare statute which Congress may amend to include or exclude specific program elements, and from the Commerce Clause as applied to the regulation of interstate commerce in pharmaceutical products. The Inflation Reduction Act of 2022 established the constitutional and statutory precedent for Medicare drug price negotiation; this provision extends that precedent to the full formulary. The Eaglecare transition framework in 8.2.B derives from Congress's authority over the Medicare program and from the established framework for transitioning federal benefit programs through legislative action. The federal long-term care benefit in 8.2.C derives from Congress's authority under Article I, Section 8 to establish the terms of the Medicare program, from the taxing and spending power as applied to the new long-term care payroll contribution, and from the settled precedent upholding Medicare and Social Security as valid exercises of Congress's authority to provide for the general welfare. The means-test elimination for Medicare beneficiaries derives from Congress's authority to define Medicare eligibility standards, which has never been constitutionally constrained by any requirement to impose means testing.

Implementation Timeline

For Provision 8.2.A: CMS shall publish the expanded formulary subject to negotiation within one hundred eighty days of enactment; the first round of full-formulary negotiations shall be completed within eighteen months of enactment; the price transparency publication requirement takes effect with the first completed negotiation; the G7 reference price ceiling applies immediately upon completion of negotiations for each drug. For Provision 8.2.B: the transition architecture planning shall begin within one year of the enactment of Act 2.1; the five-year minimum transition period shall begin upon the formal establishment of the Eaglecare Trust; CMS shall publish an annual Transition Status Report beginning in the first year of the transition period. For Provision 8.2.C: CMS shall publish implementing regulations for the long-term care benefit within one year of enactment; the benefit shall be available to new claimants within two years of enactment, with a three-year phase-in for current Medicaid long-term care beneficiaries who would qualify for the Medicare benefit; the long-term care payroll contribution shall take effect in the tax year beginning after enactment.

Coalition Rationale — Title VIII

The Material Priority Test

Title VIII passes the Material Priority Test in the most direct terms available to any provision in this document. Social Security is the primary source of income for approximately forty percent of Americans sixty-five and older. For the bottom quintile of elderly Americans by income, it provides ninety percent or more of their total income. The twenty-three percent automatic benefit cut that the CBO projects for 2035 — absent the reforms of this Title — is a direct, dated, and quantifiable reduction in the material conditions of the most financially vulnerable elderly Americans in the country. The CPI-E correction addresses the documented erosion of purchasing power that has progressively reduced the real value of Social Security benefits for the oldest and most economically vulnerable beneficiaries. The minimum benefit floor addresses the specific failure of the existing benefit formula to prevent poverty among workers with full careers in low-wage employment. The long-term care benefit addresses the spend-down trap that destroys the financial legacy of the working and middle class with a mathematical precision that no amount of private planning can reliably avoid. Every provision in this Title addresses a specific, documented, quantified material harm to specific, identified populations.

The Specificity Test

The Title passes the Specificity Test through the explicit presentation of the actuarial mathematics that underlies every solvency claim. The payroll cap elimination revenue estimate, the CPI-E adjustment cost, the minimum benefit floor cost, the drug pricing savings, the long-term care benefit cost, and the long-term care payroll contribution revenue are each stated with a methodology, a source, and a range of uncertainty that reflects the actuarial reality. The solvency timeline before and after the reforms is presented in Provision 8.1.D that any reader can evaluate. The transition pathway from Medicare to Eaglecare specifies the priority of the commitment to current beneficiaries, the five-year minimum transition period, and the consolidated contribution structure. Every provision is operational on the day of enactment, with implementing regulation timelines specified for each.

The Coalition Architecture Test

The coalition for Social Security and Medicare solvency is the broadest available in American politics because the constituency for these programs is the broadest available in American politics. Every working person who has paid into Social Security and Medicare has a direct financial stake in their solvency. Every retired person who depends on them has a direct financial stake in their adequacy. Every adult who has watched a parent or grandparent face the spend-down trap has a direct personal stake in the long-term care provision. The reforms in this Title are specifically designed to resist the opposition argument that solvency requires cutting benefits: every provision either increases revenue through a contribution mechanism that applies specifically to income above four hundred thousand dollars annually, improves benefit adequacy through an accuracy correction, or adds a benefit funded by a new dedicated

contribution. The person who opposes this Title is opposing the solvency of Social Security and Medicare. That is the coalition architecture. It is the broadest one available.

The Delivery Test

The Title passes the Delivery Test because the math is on the page. The solvency claim is not asserted. It is calculated, sourced, ranged, and qualified with the uncertainty that actuarial projection requires. The fifteen-to-twenty-year solvency extension from the payroll cap elimination is not sufficient for seventy-five-year actuarial balance, and this document says so explicitly rather than claiming a complete solution where the mathematics do not support one. The remaining long-term actuarial gap is named, and the conditions under which a subsequent Congress can address it — a solvent program with a multi-decade runway, a growing economy, and the full suite of economic reforms in Title I generating additional payroll tax revenue — are specified. The promise is kept for the foreseeable future. The mechanism for keeping it permanently is identified. The math earns the trust that the claim requires.

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STATUS: Title VIII — Acts 8.1 & 8.2 — Draft v2.0 Complete. Title VIII: The Promise Kept is now in v2.0 form. The 8.0 Title Overview is new in v2.0. Acts 8.1 (Social Security Solvency) and 8.2 (Medicare Solvency & Expansion) have been preserved with all seven Provisions intact (v1.0 already had rich Provision-level architecture). Constitutional Authority sections consolidated at Act level. Public Mandate citations integrated at State of Affairs (Social Security and Medicare as the broadest documented bipartisan supermajority) and at Act 8.2.A (Medicare drug negotiation as 80%+ cross-partisan consensus, comparable in scale to the Congressional stock trading ban). The four-test Coalition Rationale (Material Priority Test, Specificity Test, Coalition Architecture Test, Delivery Test) preserved from v1.0 which already had the full architecture.

Key sources for final sourcing: SSA 2024 Trustees Report (all actuarial figures); SSA Office of the Chief Actuary projections; SSA Annual Statistical Supplement 2024; CBO Long-Term Budgetary Considerations 2021 (long-term care benefit cost analysis); RAND Corporation 2021 (Medicare drug pricing savings analysis); CMS internal actuarial estimates; BLS CPI-E experimental index historical data; HHS Poverty Guidelines 2024; HHS ASPE Long-Term Care Financing 2023; National Academy of Social Insurance (CPI-E differential research); Helvering v. Davis (1937) for Social Security constitutional authority; Flemming v. Nestor (1960) for congressional discretion in benefit design; Medicare Modernization Act of 2003 (drug negotiation prohibition legislative history); Inflation Reduction Act of 2022 (drug negotiation precedent).

Cross-reference flags: Act 2.1 (Eaglecare) and Act 8.2.B (Eaglecare Transition Pathway) — must be reviewed for definitional consistency on transition architecture and Medicare Trust Fund transfer. Act 2.3 (Drug Pricing) and Act 8.2.A — the Medicare negotiation authority is the same provision in both Titles; ensure definitional consistency. Act 1.1 (Hybrid Revenue Act) and Act 8.1.A — the cap elimination interacts with the labor stabilization tax base; review for consistency. Act 3.4.D (Elder Single Adults) and Act 8.2.C (Long-Term Care) — coordinated frameworks for the elder population; the senior housing gap analysis in 3.4.D operates alongside the LTC benefit here. Act 2.4 (Mental Health & Addiction Infrastructure) and Act 8.2.C — long-term care benefit covers home and community-based

care for persons with severe cognitive impairment, coordinating with the dementia-care infrastructure framework. Act 4.4.B (Portable Benefits) and Act 8.2.B — Eaglecare transition coordinates with portable benefits architecture during the transition period.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title IX — The Civic Commonwealth

Acts 9.1 through 9.4 — The Civic Infrastructure & Community Rebuilding Act, The Local Journalism & Democratic Information Commons Act, The Arts, Culture & Creative Economy Act, and The Veterans Mental Health & Transition Services Act

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title IX is now in v2.0 form. All four Acts and a Title Overview are contained in this document. Act 9.1: The Civic Infrastructure & Community Rebuilding Act. Act 9.2: The Local Journalism & Democratic Information Commons Act. Act 9.3: The Arts, Culture & Creative Economy Act. Act 9.4: The Veterans Mental Health & Transition Services Act.

v2.0 changes vs v1.0: Title Overview added at 9.0. Act 9.1 expanded with The National Service Expansion promoted to 9.1.B standalone (with explicit DWS Division of Civic Education coordination), and The Loneliness Epidemic Response renumbered to 9.1.C. Acts 9.2 and 9.3 preserved with Constitutional Authority consolidated at Act level. Act 9.4 expanded with the Veterans Mental Health Parity Requirement promoted to 9.4.B, Suicide Prevention Investment promoted to 9.4.C, Transition Services Modernization renumbered to 9.4.D, and Military Spouse Employment and License Portability promoted to 9.4.E standalone. Public Mandate citations from Session Ruleset v1.4 § 3 integrated throughout, anchored on the Surgeon General 2023 loneliness advisory and veterans care as the most consistent bipartisan policy domain.

Cross-references: Act 5.2.D (Local Media Consolidation Limits) and Act 9.2 — supply-side / demand-side complementary mechanisms for the local journalism crisis; both must be read together. Act 6.4.A (Civil Service / DWS) and Act 9.1.B — AmeriCorps is housed in the DWS Division of Civic Education and National Service per Act 4.1.A; this Provision specifies the expansion framework. Act 2.4 (Mental Health Infrastructure) and Act 9.4 — Title II's community mental health investment and this Title's veterans-specific mental health framework are companion pieces. Act 6.9.D (Mental Health Crisis Response) and Act 9.4 — general co-responder framework and veterans-specific mental health system coordinate during transitions between civilian and veteran care settings. Act 3.4.D (Elder Single Adults) and Act 9.1.C (Loneliness Epidemic Response) — elder single adults are the priority population for the Social Connection Infrastructure Program; the framework operates within 9.1.C rather than as a separate funding stream. Title X (The Shield) — Veterans transition services in Act 9.4 and Title X veterans choice provisions are companion pieces.

Provision 9.0 — Title Overview

The Civic Commonwealth

Robert Putnam published Bowling Alone in 2000 and named, with the precision of a quarter-century of social science work, a condition the country had been experiencing for four decades without recognizing as a single phenomenon: the comprehensive collapse of American civic associational life. Union membership, PTA participation, fraternal organization rolls, veterans' posts, local political clubs, neighborhood associations, and the broader institutional fabric of working-class community organization had been dissolving at an accelerating pace, with no countervailing institutional development producing replacements. The twenty-five years since Bowling Arts was published have not reversed those trends. They have accelerated them. The civic transmission mechanism through which democratic governance maintained contact with the people it governed has been substantially dismantled. Title IX is the institutional architecture for rebuilding it.

The premise of this Title is that civic infrastructure is national infrastructure. The community center, the local newspaper, the publicly accessible arts and performance space, and the veterans mental health system are not amenities. They are the institutional preconditions of democratic functioning at the scale and complexity the contemporary United States requires. The federal government has, through nearly a century of policy decisions, underwritten the transportation infrastructure, the energy infrastructure, the broadband infrastructure, and the food infrastructure on which modern American life depends. It has made no comparable institutional commitment to the social infrastructure on which democratic citizenship depends. The Surgeon General's 2023 advisory on the loneliness epidemic named the consequence: approximately half of American adults report measurable levels of loneliness, and the social isolation documented among adults under thirty-five has reached levels that were previously associated only with the elderly. The mortality consequences of chronic loneliness are comparable, by some metrics, to smoking fifteen cigarettes a day. This is a public health crisis. It is also a political crisis: a citizenry that has no civic infrastructure cannot exercise democratic citizenship in any meaningful sense, and the institutional architecture this Title constructs is the federal response to that documented deficit.

Four Acts, twelve Provisions, one premise: the civic commonwealth is national infrastructure that requires federal investment proportionate to its documented role in democratic functioning. The Civic Infrastructure and Community Rebuilding Act in Act 9.1 establishes the Community Infrastructure Investment Fund (community centers, libraries, parks, after-school facilities, community gardens), the National Service Expansion (AmeriCorps to 250,000 annual participants administered through the DWS Division of Civic Education and National Service), and the Loneliness Epidemic Response (federal social connection infrastructure program implementing the Surgeon General's 2023 advisory). The Local Journalism and Democratic Information Commons Act in Act 9.2 establishes the billion-dollar Local Journalism Investment Fund with the Journalism Workforce Development fellowship program and explicit complementarity with the Title V antitrust mechanism, and the Public Media Modernization at three billion dollars annually. The Arts, Culture and Creative Economy Act in Act 9.3 reinvests

the NEA to one billion dollars annually and the NEH to five hundred million dollars annually with Public Civics Programs priority. The Veterans Mental Health and Transition Services Act in Act 9.4 expands VA mental health access through the Mission Act framework, establishes the parity requirement and the two-billion-dollar Suicide Prevention Investment, redesigns the Transition Assistance Program, and establishes federal preemption of state licensing for military spouse license portability.

The political claim is specific. The coalition for Title IX crosses partisan lines because the conditions it addresses cross partisan lines. The rural Republican voter who has watched the local newspaper close, the community center deteriorate, and the veteran neighbor struggle with untreated PTSD has the same material stake in this Title's provisions as the urban progressive voter who has watched the city's arts institutions defunded and worries about the social isolation affecting young adults in the neighborhood. The veterans mental health framework reaches the most consistent bipartisan policy domain in the survey record: veterans care is the policy domain where cross-partisan agreement is most consistently documented and where federal investment is most consistently supported. The civic infrastructure framing is not partisan. It is the argument that communities function when they have the institutions that make community possible, and that the federal government has the constitutional authority and the moral obligation to invest in those institutions at scale commensurate with their documented role in democratic functioning.

Title IX — The State of Affairs

Robert Putnam published Bowling Alone in 2000, drawing on nearly half a million interviews conducted over twenty years to document something that had been occurring so gradually that most observers had not registered it as a single phenomenon: the comprehensive collapse of American civic associational life. Union membership had been falling for four decades. PTA membership had dropped from more than twelve million in 1964 to barely five million by the early 1980s. Fraternal organizations, veterans' posts, local political clubs, neighborhood associations, and bowling leagues — the institutional fabric of working-class community organization — had been dissolving at an accelerating pace. Putnam's argument was not merely sociological. It was political: the institutions he documented were not social amenities. They were the transmission mechanism through which democratic governance maintained contact with the people it governed. The union hall was not only a place where workers organized for wages. It was where a precinct captain explained, face to face, what a piece of legislation would mean for the specific people in that room. It was where the abstraction of policy became the concreteness of a person explaining something to people they knew. That transmission mechanism has been dismantled.

The twenty-five years since Bowling Alone was published have not reversed the trends Putnam documented. They have accelerated them. The institutions he described as declining have in many cases ceased to exist. The loneliness epidemic — named as such by the United States Surgeon General in a 2023 advisory — is the public health consequence of their absence: approximately half of American adults report measurable levels of loneliness, and the social

isolation documented among adults under thirty-five has reached levels that were previously associated only with the elderly. The health consequences of chronic loneliness are comparable, by some metrics, to smoking fifteen cigarettes a day: increased risk of cardiovascular disease, cognitive decline, immune dysfunction, and premature mortality. Loneliness is not a personal failing. It is a structural condition produced by the systematic withdrawal of the institutions that made human connection a natural byproduct of ordinary community participation.

Public opinion data on the civic infrastructure conditions this Title addresses converges on a documented bipartisan recognition of the collapse and a documented cross-partisan demand for institutional response. The Surgeon General's 2023 advisory framing the loneliness epidemic as a public health emergency produced no significant partisan division: the data is not contested, and the call for institutional response is broadly supported across the demographic and partisan distribution. The collapse of local journalism is similarly documented at scale (more than 2,200 local newspapers closed in the United States between 2005 and 2025) and is similarly addressed by broad cross-partisan recognition of the consequences for local democratic accountability. The veterans care framework in Act 9.4 reaches the most consistent bipartisan policy domain in the entire body of survey work this project has reviewed: federal investment in veterans health, mental health, and transition services registers consistent bipartisan support at scale that few other policy domains approach. The political constraint on action has not been the absence of public mandate. It has been the institutional fragmentation of the responsible agencies and the absence of a unified federal investment framework comparable to the transportation, energy, and broadband infrastructure programs the federal government has already built.

The political consequences of the civic infrastructure collapse are equally severe and more immediately visible. A person who belongs to no civic organizations, who knows no neighbors by name, who gets their information about the world exclusively from algorithmically curated feeds designed to maximize engagement through outrage, is not a person who is capable of exercising democratic citizenship in any meaningful sense. They are a person who is capable of expressing preferences and registering grievances — and they do, loudly, continuously — but who lacks the civic infrastructure that would translate those preferences and grievances into collective action capable of producing change. The ActBlue email that replaced the union hall does not organize people into communities of shared purpose. It extracts money from isolated individuals and reports the aggregate back to them as evidence of a movement. It is not a movement. It is a fund balance.

The local newspaper is the most important single institution in the civic infrastructure that Putnam documented and that has since collapsed. More than two thousand local newspapers have closed in the United States in the twenty years between 2005 and 2025. The communities that lost their newspapers did not lose a product. They lost the institutional capacity to know what their city council was doing, what their school board was deciding, what their local businesses were building and closing, and who their neighbors were. Without a local newspaper, corruption at the city hall is invisible. Without local arts infrastructure, there is no space in which a community experiences itself as a community. Without adequate mental health resources for veterans returning from decades of continuous war, the people who made the

greatest sacrifice in the nation's name are left to manage the consequences of that sacrifice alone.

Title IX does not propose to rebuild the union hall or restore the bowling league by government fiat. It proposes to invest in the physical and institutional infrastructure that makes civic life possible: the community centers and public gathering spaces, the grant programs that support local journalism's survival and reinvention, the arts and cultural investment that makes communities worth living in, and the veterans mental health system that honors the specific obligation the nation owes to the people who served in its name. These are not soft provisions. A democracy that cannot maintain the civic infrastructure of democratic participation will not long maintain the democracy itself. The evidence on this point is not academic. It is the current political crisis, in real time.

Act 9.1 — The Civic Infrastructure & Community Rebuilding Act

Provision 9.1.A — The Community Center Investment

Physical Space as Democratic Infrastructure

The most underappreciated conclusion of Putnam's research is that civic participation is not primarily a function of motivation or political consciousness. It is a function of physical proximity and institutional availability. People join the PTA because their child's school has a PTA. People attend civic meetings because civic meetings happen in places they can get to. People know their neighbors because the built environment provides spaces — parks, libraries, community centers, gathering places — where neighbors encounter each other in the course of ordinary life. The systematic disinvestment in public physical infrastructure — the community centers that closed, the parks that deteriorated, the libraries whose hours were cut, the public spaces that were privatized or allowed to decay — is not merely an amenity failure. It is the physical dismantling of the conditions under which civic association occurs naturally.

The United States has no federal equivalent of the investment mechanisms that peer democracies use to maintain community infrastructure. The United Kingdom's National Lottery distributes approximately six hundred million pounds annually to local community projects through the National Lottery Community Fund. Canada's New Horizons for Seniors Program and Community Services Recovery Fund support local civic infrastructure at scale. The American federal government provides infrastructure investment for transportation, broadband, and energy, but has no comparable mechanism for the social infrastructure that Putnam identifies as the precondition of functioning democratic community.

The Community Infrastructure Investment Fund

There is hereby established the Community Infrastructure Investment Fund, administered by a newly created Office of Civic Infrastructure within the Department of Housing and Urban Development, providing competitive and formula grants to local governments, nonprofit

organizations, and tribal governments for the construction, renovation, expansion, and programming of community-serving physical infrastructure. Eligible investments include: community centers providing gathering space, recreational programming, and social services; public libraries including renovations, expanded hours, and digital access infrastructure; public parks and recreational facilities in communities with documented deficits in publicly accessible green space; after-school and youth development facilities in communities where school-age children lack safe supervised alternatives during out-of-school hours; and community gardens, farmers markets, and food access infrastructure in food desert communities.

The Fund shall be capitalized at not less than two billion dollars annually, adjusted for inflation, with not less than forty percent of awards directed to rural and small-town communities and not less than thirty percent directed to low-income urban communities. Award criteria shall give substantial weight to: the degree to which the proposed project fills a demonstrated gap in publicly accessible community gathering space; the likelihood that the project will serve as a hub for civic association, volunteer activity, and community organization; the diversity of populations the project will serve; and the applicant's plan for sustainable long-term operation. The Office of Civic Infrastructure shall publish annual data on award recipients, project outcomes, and measurable indicators of community vitality including civic association membership, volunteer rates, and community engagement metrics where available.

Provision 9.1.B — The National Service Expansion

AmeriCorps as Federal Civic Infrastructure

The National Service Expansion, organized in the v1.0 draft as a sub-section of the Community Center Investment provision, is promoted in v2.0 to a standalone Provision because AmeriCorps operates through a distinct statutory framework (the National and Community Service Act of 1990 as amended), is administered through a distinct institutional architecture (the Corporation for National and Community Service, consolidated into the DWS Division of Civic Education and National Service under Act 4.1.A), and addresses a distinct population (the approximately 250,000 annual service participants the expanded program will support) with documented outcomes that the research literature has separately validated.

AmeriCorps, the federal national service program, currently engages approximately seventy-five thousand Americans annually in community service positions across the country. The program's outcomes research consistently documents significant benefits both to the communities served and to the participants, who report higher rates of civic engagement, community attachment, and cross-demographic understanding than comparable non-participant cohorts. AmeriCorps is chronically underfunded relative to its demonstrated value: the program receives approximately one billion dollars annually, supports seventy-five thousand service members, and consistently oversubscribes its available positions by a ratio of roughly five applicants per slot.

The Expansion Framework

AmeriCorps shall be expanded, within five years of enactment, to a capacity of two hundred fifty thousand annual participants, with a corresponding increase in annual appropriation to not less than three billion dollars. The expansion shall prioritize placement in communities with the

highest documented civic infrastructure deficits, including rural communities that currently receive disproportionately low AmeriCorps placement relative to their population and need. The living allowance for AmeriCorps members shall be increased to not less than the federal minimum wage equivalent for a full-time service year. The education award provided upon completion of service shall be increased to not less than the average annual in-state tuition at a public four-year university in the member's state, indexed to tuition inflation annually. The expansion treats national service as what it is: the most cost-effective community infrastructure investment the federal government makes.

Integration with the Department of Workforce and Service

AmeriCorps is housed within the Division of Civic Education and National Service of the Department of Workforce and Service established in Provision 4.1.A. The Division administers AmeriCorps, the K-12 Civic Education Framework established in Provision 4.2.B, and the educational assessment functions of the former Department of Education in a unified institutional architecture that recognizes civic education, national service, and K-12 educational standards as components of a single coordinated federal civic education infrastructure. The expansion of AmeriCorps in this Provision operates within the DWS administrative framework rather than as a separate program, ensuring that the institutional coordination across federal civic education investments is maintained at the agency level rather than fragmented across multiple separate authorities.

Provision 9.1.C — The Loneliness Epidemic Response

The Public Health Designation

The United States Surgeon General's 2023 advisory on the loneliness and isolation epidemic identified social disconnection as a public health crisis with mortality consequences comparable to smoking and obesity. The advisory called for a national strategy to rebuild social connection, noting that the United States has no coordinated federal response to a documented health crisis affecting approximately half the adult population. This provision operationalizes that call with the institutional and financial mechanism it requires.

The Social Connection Infrastructure Program

The Department of Health and Human Services shall establish the Social Connection Infrastructure Program, coordinating across HUD, HHS, the Corporation for National and Community Service, and the Department of Agriculture's rural development programs, to: fund community-based social connection programs targeting isolated populations including seniors living alone, young adults in high-isolation metropolitan areas, recently relocated individuals, and new immigrants; support the development and dissemination of evidence-based community connection models that have demonstrated measurable reductions in social isolation; establish a public reporting system for social connection metrics that allows communities to identify their isolation burden and track the impact of interventions; and fund research into the structural causes and effective remedies of social isolation, with particular attention to the built environment, transportation access, and institutional design factors that contribute to isolation.

The program shall be funded at not less than five hundred million dollars annually. HHS shall publish, within two years of enactment, a national Social Connection Strategy that identifies measurable goals for reducing isolation across demographic groups, the federal and state programs responsible for contributing to those goals, and the metrics by which progress will be assessed. The strategy shall be updated every four years.

The Elder Single Adults Priority Designation

Elder single adults are designated as a priority population for the Social Connection Infrastructure Program, with funding for programs that provide social engagement, peer support, and practical assistance to seniors living alone, consistent with the architectural framework established in Provision 3.4.D of this document. The priority designation operates as a programmatic requirement within the 9.1.C framework rather than as a separate funding stream, ensuring that the elder single-adult population receives proportionate attention from the broader social connection infrastructure investment without fragmenting the infrastructure across multiple administrative tracks.

Constitutional Authority

The Community Infrastructure Investment Fund in 9.1.A derives from Congress's authority under the Spending Clause to appropriate funds for the general welfare and from Congress's established authority to support community development through HUD programs. The AmeriCorps expansion in 9.1.B derives from the National and Community Service Act of 1990 and the amendments to that Act, which Congress may modify and fund at the levels this provision establishes. The Social Connection Infrastructure Program in 9.1.C derives from Congress's Spending Clause authority to appropriate funds for public health programs and the general welfare; the designation of social isolation as a public health concern is consistent with the established scope of federal public health authority under the Public Health Service Act.

Act 9.2 — The Local Journalism & Democratic Information Commons Act

Provision 9.2.A — The Local Journalism Investment Fund

The Democratic Necessity of Local News

The case for public investment in local journalism is not a cultural argument about the value of newspaper ink. It is a democratic accountability argument about what happens to the institutions that govern people's daily lives when no one is watching them. The research on this question is precise and consistent. Pengjie Gao, Chang Lee, and Dermot Murphy, writing in the Journal of Finance in 2020, found that municipalities in areas that lost their local newspaper faced significantly higher municipal borrowing costs — a direct financial penalty reflecting the increased credit risk that investors assigned to governments operating without local press scrutiny. Joshua Darr and colleagues documented in the American Political Science Review that local newspaper closures reduced split-ticket voting and increased partisan polarization, as

voters deprived of local information defaulted to national partisan cues. The Shorenstein Center has documented a systematic increase in corruption prosecutions in counties that lost their local newspaper, reflecting the absence of the investigative scrutiny that preceded those prosecutions in counties that retained one. The local newspaper is not a product people miss because they liked reading it. It is a public accountability mechanism whose absence has documented, quantified consequences for the institutions it monitored.

The Public Interest Journalism Investment

There is hereby established the Local Journalism Investment Fund, administered by a newly created Local Journalism Office within the Federal Communications Commission, providing competitive grants to support the sustainability and development of local news organizations serving communities with documented local news deficits. Eligible organizations include: local newspapers, digital news outlets, community radio stations, and other organizations whose primary journalistic function is coverage of local and regional government, civic affairs, education, and community life; nonprofit news organizations structured as 501(c)(3) public benefit corporations; Local News Cooperatives structured as member-owned cooperative organizations with governance accountability to local readers; and university-affiliated local journalism training programs that provide both professional development and community news coverage.

The Fund shall be capitalized at not less than one billion dollars annually, adjusted for inflation. Award criteria shall give substantial weight to: the depth and quality of local government and civic affairs coverage; the organization’s governance structure and accountability to the community it serves; the organization’s economic sustainability model, with preference for revenue models that reduce dependence on a single funding source; and the organization’s commitment to serving the full demographic diversity of its coverage area. Grant recipients shall be prohibited from using federal funds for advocacy, endorsements, or any content that is not journalism. The FCC shall establish an independent Local Journalism Advisory Board composed of working journalists, editors, journalism educators, and community members to oversee grant awards and establish editorial independence safeguards. No federal official shall have any authority over the editorial content of any organization receiving funds under this provision.

Journalism Workforce Development

The FCC Local Journalism Office shall administer a Local Journalism Fellowship Program providing two-year paid fellowships to early-career journalists placed at local news organizations in underserved communities. Fellows shall receive a salary of not less than sixty thousand dollars annually, employer-paid health insurance, and a student loan repayment benefit of not less than ten thousand dollars annually, in exchange for a two-year commitment to a local news organization serving a community with documented local news deficits. The fellowship program shall be designed to address the specific documented barrier to local journalism careers — the combination of low salaries, student debt, and geographic placement in communities where cost savings are offset by reduced career opportunity — that has depleted the pipeline of local journalism talent over the past two decades.

The Antitrust Complement

The Local Journalism Investment Fund is the demand-side investment complement to the supply-side reform of Act 5.2.D, which prohibits private equity and financial investor ownership of local newspapers and limits media consolidation in local markets. The two provisions work in tandem: Act 5.2.D prevents the further extraction and consolidation of local news assets by absentee financial investors, and this provision provides the investment in alternative ownership models and journalistic capacity that gives local news organizations a viable path forward in communities where the advertising-funded model has collapsed. Neither provision alone is sufficient. Together they constitute a complete policy response to the local journalism crisis.

Provision 9.2.B — Public Media Modernization

Legislative Intent

The Public Broadcasting Act of 1967 established the Corporation for Public Broadcasting and authorized federal support for a national public media system that would, in the words of the Carnegie Commission whose report preceded the Act, serve as an “expression of democratic society” providing Americans with educational, cultural, and informational programming that the commercial market would not consistently provide. Public broadcasting in the United States has been chronically underfunded relative to peer nations: the United States spends approximately $1.35 per capita on public broadcasting annually, compared to approximately $22 per capita in Canada, $80 in the United Kingdom, and $100 in Denmark. The result is a public media system that is perpetually financially precarious, heavily dependent on audience contributions that skew toward affluent demographics, and structurally limited in its capacity to serve the communities most in need of the alternatives to commercial media that public broadcasting was designed to provide.

The Public Media Reinvestment

The annual federal appropriation to the Corporation for Public Broadcasting shall be increased to not less than three billion dollars annually, phased in over five years from the current baseline, adjusted for inflation thereafter. The CPB shall use the increased appropriation to: increase the per-station operating grants to local public radio and television stations, with priority for stations serving rural, low-income, and otherwise underserved communities; expand the local journalism capacity of public media stations that provide local news and public affairs coverage; fund the development of public media digital platforms that provide alternatives to commercial social media and algorithmically curated news aggregation; and support collaborations between public media stations and the local journalism organizations funded under Provision 9.2.A. The CPB’s editorial independence charter shall be reaffirmed and strengthened to prohibit any congressional or executive branch direction of programmatic content. Federal investment in public media is an investment in the information commons. It is not an investment in any particular viewpoint.

Constitutional Authority

The Local Journalism Investment Fund in 9.2.A derives from Congress's Spending Clause authority to appropriate funds for the general welfare, from Congress's established authority over the FCC and the regulation of communications, and from the principle established in the Public Broadcasting Act of 1967 that federal investment in journalism and public communications is a valid exercise of the spending power when accompanied by editorial independence safeguards. The First Amendment does not prohibit federal support for journalism; it prohibits government control of journalistic content. The editorial independence safeguards in this provision are designed to be at least as robust as those that have governed public broadcasting for nearly sixty years. The public media reinvestment in 9.2.B derives from Congress's Spending Clause authority and from the Public Broadcasting Act of 1967, which establishes the legal framework for federal public media investment. The editorial independence protections are designed to maintain compliance with the First Amendment standards applicable to government-supported but editorially independent media, consistent with the framework upheld in Arkansas Educational Television Commission v. Forbes.

Act 9.3 — The Arts, Culture & Creative Economy Act

Provision 9.3.A — National Endowment for the Arts Reinvestment

The Case for Arts Investment

The National Endowment for the Arts was established in 1965 on a specific and defensible proposition: that the federal government has an interest in the health of the cultural life of the nation that the commercial market, left to its own operation, will not fully serve. The arts are not a luxury consumption good for the affluent. They are, in Putnam's framework, a form of social infrastructure: the community theater production, the public mural, the local music venue, the literary reading series — these are the occasions around which communities gather, recognize themselves, tell their stories, and maintain the shared cultural fabric that makes community coherent. The rural county that has no theater, no gallery, no performance space, and no publicly supported cultural programming is not merely culturally impoverished. It is a community with fewer occasions for the face-to-face interaction that civic association requires.

The NEA's current annual budget of approximately two hundred million dollars represents approximately sixty cents per capita in federal arts investment — less than any peer democratic nation and substantially less than the level that peer nations have determined is necessary to maintain a healthy cultural ecosystem. The NEA has been a target of periodic congressional defunding efforts, most recently in the 1990s and during the current period, on the basis that federal arts investment is an elite subsidy that does not serve ordinary Americans. The documented geographic and demographic distribution of NEA grants contradicts this characterization: the majority of NEA grants fund community arts organizations, arts education programs in public schools, and cultural programming in rural and low-income communities that the commercial arts market does not reach. The NEA is not the Metropolitan Opera's subsidy. It is the community theater's survival mechanism.

The NEA Reinvestment and Modernization

The annual appropriation to the National Endowment for the Arts shall be increased to not less than one billion dollars annually, phased in over three years, adjusted for inflation thereafter. The NEA shall redesign its grant program to: increase the proportion of grants going to organizations serving rural, low-income, and otherwise underserved communities; establish a new Community Cultural Infrastructure grant category specifically for capital projects creating or renovating publicly accessible arts and performance spaces in communities without existing infrastructure; create a Cultural Democracy initiative providing direct grants to artists and cultural organizations whose work reflects and serves communities that have been historically underrepresented in federally funded cultural programming; and fund arts education programming in public schools, with priority for schools and districts that have eliminated arts education from their curricula due to budget constraints. The NEA shall maintain its panel review system and peer assessment process, which has historically protected grant awards from political interference, and shall publish all grant decisions with the panel's reasoning.

The Creative Economy Recognition

The arts and cultural sector employs approximately five million Americans directly and generates approximately nine hundred billion dollars in economic activity annually, according to the Bureau of Economic Analysis. The creative economy is not a subsector of the entertainment industry. It is distributed across every congressional district, employing graphic designers, architects, musicians, writers, photographers, game developers, and the broad range of creative professionals whose work is embedded in every sector of the economy. Federal economic development programs, including the Small Business Administration's programs addressed in Act 5.1, shall treat creative economy businesses as eligible for the full range of small business support, with specific recognition that the irregular income patterns, intellectual property-dependent business models, and project-based work structures of creative businesses require program design adjustments to serve them effectively.

Provision 9.3.B — The National Humanities Endowment & Public History

Civic Knowledge as Democratic Infrastructure

The National Endowment for the Humanities supports scholarship, education, and public programs in history, literature, philosophy, languages, and the other humanistic disciplines that equip citizens to understand the society they inhabit and the choices that produced it. Civic knowledge — knowledge of how democratic institutions work, of the historical choices that produced the current political landscape, of the constitutional framework that governs the exercise of power — is not merely educational enrichment. It is the cognitive infrastructure of democratic citizenship. A citizenry that does not understand how its government works, what its history means, or what the constitutional framework requires of its institutions is a citizenry that cannot hold those institutions accountable. The documented collapse of civics education in American public schools — fewer than half of Americans can name all three branches of

government; fewer than a quarter can name a single right protected by the First Amendment — is not merely a cultural embarrassment. It is a structural vulnerability of the democratic system.

The NEH Reinvestment and Civic Focus

The annual appropriation to the National Endowment for the Humanities shall be increased to not less than five hundred million dollars annually, phased in over three years. The NEH shall establish, as a priority grant category, Public Civics Programs that fund: library and community center programming providing accessible, nonpartisan education about American history, constitutional law, and democratic institutions; digital public history projects making primary source materials accessible to the general public; oral history programs documenting the experiences of communities whose histories have not been adequately preserved in conventional archives; and public-facing journalism and documentary projects that explain the workings of democratic institutions to general audiences. The NEH's existing programs in K-12 education, teacher training, and digital humanities shall be maintained and expanded under the increased appropriation.

Constitutional Authority

The NEA reinvestment in 9.3.A derives from Congress's Spending Clause authority and from the National Foundation on the Arts and the Humanities Act of 1965, which establishes the legal framework for federal arts investment. The Supreme Court upheld federal arts funding subject to content-neutral criteria in National Endowment for the Arts v. Finley, and the grant criteria established in this provision are designed to remain within the constitutional framework that decision established. The NEH reinvestment in 9.3.B derives from the same Spending Clause authority and from the National Foundation on the Arts and the Humanities Act of 1965. The civic focus of the programming described in 9.3.B is consistent with the NEH's existing statutory mandate and does not implicate any First Amendment concerns, as the programming is designed to be nonpartisan and to enhance civic knowledge rather than to advance any particular political viewpoint.

Act 9.4 — The Veterans Mental Health & Transition Services Act

Provision 9.4.A — The Veterans Mental Health Crisis

The Scale of the Crisis

The United States has been engaged in continuous military operations since September 2001 — the longest sustained period of military engagement in American history. The generation of veterans who served in Iraq, Afghanistan, and the dozens of other theaters of operations in which American forces have been deployed since 2001 is the most operationally stressed cohort of veterans since the Second World War, and it has returned to a country whose mental health care system was not prepared to receive them. The Veterans Health Administration's own data documents approximately seventeen to twenty-two veteran suicides per day — a

figure that represents approximately four times the general population suicide rate after controlling for age and sex.

The VA's mental health workforce is chronically understaffed: the documented demand for mental health services among veterans exceeds the VA's current capacity to provide it, producing wait times that in many cases exceed the clinical threshold for timely intervention. The signature wounds of the post-9/11 wars — traumatic brain injury and post-traumatic stress disorder — are conditions whose effective treatment requires sustained, specialized clinical attention that the VA's current capacity cannot consistently provide. TBI and PTSD are also conditions whose manifestations extend well beyond the clinical encounter: the veteran whose undiagnosed TBI produces personality changes, impulse control difficulties, and relationship dysfunction is not only a patient in need of treatment. They are a person whose civilian reintegration is being undermined by an injury the government's own forces inflicted and that the government's own care system has not adequately addressed. The moral debt this represents is not abstract. It is twenty-two names per day.

The Mission Act Mental Health Expansion

The VA MISSION Act of 2018 expanded veterans' access to community care outside the VA system when VA facilities are unavailable or when wait times exceed specified thresholds. This provision extends the MISSION Act framework specifically to mental health services: any eligible veteran who has been waiting more than thirty days for a VA mental health appointment, or who lives more than forty miles from a VA facility providing the required mental health services, is automatically eligible for community care mental health services at VA expense, without requiring individual authorization from the VA for each appointment. The thirty-day and forty-mile thresholds shall be reviewed annually by the VA and reduced as VA mental health capacity expands to meet demand. The long-term goal is a mental health care system in which every veteran can access timely, high-quality mental health care through the VA directly, supplemented by community care as a bridge while capacity is built.

The VA shall increase its mental health workforce by not less than twenty-five percent within three years of enactment, prioritizing: licensed clinical social workers and psychologists in specialties with the greatest documented staffing deficits; peer support specialists — veterans trained to provide mental health peer support to fellow veterans — whose effectiveness in reaching veterans who are reluctant to engage with clinical care has been documented in multiple VA and Department of Defense studies; and outreach workers serving rural veterans, Native American veterans, and other populations with documented barriers to VA care access.

Provision 9.4.B — The Veterans Mental Health Parity Requirement

Parity Within the VA System

The Veterans Mental Health Parity Requirement, organized in the v1.0 draft as a sub-section of the Veterans Mental Health Crisis provision, is promoted in v2.0 to a standalone Provision because the parity requirement operates through a distinct statutory framework (a VA-specific application of the parity principle that the Mental Health Parity and Addiction Equity Act of 2008 established for private insurance), establishes distinct operational architecture (the public

dashboard and the mandatory remediation framework for non-compliant facilities), and creates a distinct accountability mechanism (the public reporting requirement and the consecutive-quarter remediation trigger).

The Parity Standard

Veterans enrolled in VA healthcare shall receive mental health services on terms of parity with their physical health services: the same appointment access standards, the same care continuity requirements, the same quality metrics, and the same administrative priority. The VA shall publish, and update quarterly, a public dashboard reporting mental health appointment wait times by facility, mental health appointment completion rates, and mental health workforce vacancy rates by specialty. VA facilities that have consistently exceeded the thirty-day mental health appointment wait time threshold for two or more consecutive quarters shall be subject to mandatory VA oversight review and shall be required to submit a remediation plan within sixty days. The dashboard and the oversight mechanism create the public accountability that the VA's mental health system has historically lacked.

Provision 9.4.C — The Suicide Prevention Investment

The Dedicated Funding Stream

The Suicide Prevention Investment, organized in the v1.0 draft as a sub-section of the Veterans Mental Health Crisis provision, is promoted in v2.0 to a standalone Provision because the suicide prevention framework operates through a distinct funding mechanism (the two-billion-dollar annual dedicated appropriation), a distinct programmatic architecture (the four operational priorities of outreach, crisis line capacity, lethal means counseling, and post-9/11 risk factor research), and a distinct institutional structure (the Veterans Suicide Prevention Task Force with named multi-stakeholder membership).

The Investment Framework

The VA's suicide prevention programs shall be funded at not less than two billion dollars annually, with a specific investment in: outreach programs targeting veterans not currently engaged with VA care, who account for the majority of veteran suicides; crisis line capacity expansion to eliminate wait times that have been documented during peak demand periods; lethal means counseling programs working with veterans and their families during mental health crises, which have demonstrated efficacy in suicide prevention; and research into the specific risk factors for suicide among post-9/11 veterans, including the interaction between TBI and PTSD and their combined effect on suicide risk.

The Veterans Suicide Prevention Task Force

The VA shall establish, within one year of enactment, a Veterans Suicide Prevention Task Force with membership including VA clinicians, veterans service organization representatives, peer support specialists, and family members of veterans who died by suicide, with a mandate to develop an updated national suicide prevention strategy within two years. The Task Force structure ensures that the strategy is informed by the clinical experience of VA practitioners, the institutional knowledge of veterans service organizations, the peer-support insight of veterans

who have themselves navigated suicidal crises, and the lived experience of families whose loved ones the existing system failed to reach.

Provision 9.4.D — Transition Services Modernization

The Transition Gap

The period of transition from military to civilian life is the highest-risk period in a veteran's post-service trajectory. The documented correlations between recent separation from service and elevated rates of unemployment, housing instability, mental health deterioration, and suicide risk are consistent across demographic groups and across service branches. The Transition Assistance Program that prepares separating service members for civilian life has been repeatedly assessed by the Government Accountability Office as inadequate in its content, insufficient in its duration, and inconsistent in its quality across installations. A service member who has spent four years developing highly specialized military skills, operating within a total institution that provided housing, healthcare, community, and purpose, and who is then separated into civilian life with a week of TAP classes, a DD-214, and a gate check, has not been prepared for the transition. They have been processed through it.

The Transition Services Redesign

The Transition Assistance Program shall be redesigned, in coordination between the Department of Defense, the Department of Veterans Affairs, and the Department of Workforce and Service, to: extend the mandatory transition preparation period to not less than six months for service members with four or more years of service; require individualized transition planning that matches the service member's military occupational specialty, educational background, and geographic preferences with civilian career pathways, educational opportunities, and regional labor market conditions; provide a twelve-month post-separation case management period in which a dedicated transition counselor maintains contact with the recently separated veteran and assists with employment, housing, healthcare enrollment, and benefits claims; and include mental health assessment and referral as a mandatory component of the separation process, with follow-up contact at thirty, sixty, and ninety days post-separation.

The redesigned TAP shall be funded at a level commensurate with its expanded scope and duration: not less than five hundred million dollars annually, compared to the current approximately one hundred sixty million dollar appropriation. The program shall be evaluated against outcome metrics including employment rates at six and twelve months post-separation, housing stability, VA healthcare enrollment, and mental health service utilization, published annually and used to inform program improvement. The redesigned TAP coordinates with the DWS National Skills Bank established in Provision 4.1.B for employment placement and credential recognition, ensuring that the workforce infrastructure available to all American workers is the workforce infrastructure available to transitioning veterans as a default rather than an exception.

Provision 9.4.E — Military Spouse Employment and License Portability

The Documented Unemployment Gap

Military Spouse Employment and License Portability, organized in the v1.0 draft as a sub-section of the Transition Services Modernization provision, is promoted in v2.0 to a standalone Provision because the license portability framework operates through a distinct constitutional authority (the Commerce Clause and the Supremacy Clause), addresses a distinct population (military spouses across all fifty states and territories at the moment of permanent change of station), and constructs a distinct policy mechanism (federal preemption of inconsistent state licensing requirements rather than the voluntary state compact framework that has produced partial reciprocity).

The Federal Preemption Standard

Military spouses face an unemployment rate of approximately twenty-two percent — nearly six times the national average — primarily because the military's permanent change of station schedule moves families every two to three years, requiring military spouses with professional licenses to navigate a new state's licensing requirements every time they move. A military spouse who is a licensed nurse, teacher, social worker, or cosmetologist in one state should not have to retake licensing examinations or pay reapplication fees when the military orders their family to a new state. Federal legislation requiring universal reciprocal recognition of professional licenses held by military spouses across all fifty states and territories, effective immediately upon the service member's receipt of permanent change of station orders, is enacted by this provision, building on the partial reciprocity framework established in prior federal legislation and state compact agreements. The federal mandate closes the gaps in the existing patchwork of voluntary state agreements and makes license portability a right rather than a favor.

Constitutional Authority

The veterans mental health provisions in 9.4.A, 9.4.B, and 9.4.C derive from Congress's authority under Article I to provide for the care of veterans, from the Veterans' Benefits Improvement Act and the VA MISSION Act as amended, and from Congress's established authority to define the scope and standards of VA healthcare. The moral obligation is pre-constitutional: it is the obligation of a nation that asks people to risk their lives in its name to care for them when those lives are damaged by the service they rendered. The TAP redesign in 9.4.D derives from Congress's Article I authority over the armed forces and from the Veterans' Benefits Acts that establish the statutory framework for transition services. The military spouse license portability requirement in 9.4.E derives from Congress's Commerce Clause authority to regulate interstate commerce, including the interstate provision of professional services, and from Congress's Article I authority over matters affecting the military and its personnel; the Supremacy Clause provides the basis for the federal portability requirement to supersede inconsistent state licensing requirements.

Coalition Rationale — Title IX

The Material Priority Test

Title IX passes the Material Priority Test through the specific material consequences of civic infrastructure collapse on the communities this document is written for. The working-class community that has lost its local newspaper cannot hold its city council accountable for misappropriating funds. The rural community without a community center has no space in which to organize around the economic issues that affect it. The veteran whose PTSD goes untreated cannot rebuild the civilian life that years of service interrupted. The senior living alone in an apartment building without any institutional framework for social connection experiences the loneliness that the Surgeon General has named as a public health crisis with mortality consequences comparable to chronic smoking. The young adult whose only source of information about the world is algorithmically curated outrage cannot exercise democratic citizenship in any meaningful sense. Every provision in this Title addresses a specific, documented, material harm to specific identified populations whose conditions the existing federal investment framework has not been designed to address.

The Specificity Test

The Title passes the Specificity Test across four Acts and twelve Provisions with complete operational architecture. Act 9.1 specifies the Community Infrastructure Investment Fund at two billion dollars annually with named geographic distribution requirements (40% rural, 30% low-income urban), the AmeriCorps expansion to 250,000 annual participants at three billion dollars annually with the DWS Division of Civic Education and National Service administrative architecture, and the Social Connection Infrastructure Program at five hundred million dollars annually with the four-year national strategy update cycle and the elder single-adults priority designation. Act 9.2 specifies the Local Journalism Investment Fund at one billion dollars annually with the FCC Local Journalism Office administrative architecture and the Local Journalism Advisory Board editorial independence safeguards, the Journalism Workforce Development Fellowship at sixty-thousand-dollar named salary and ten-thousand-dollar loan repayment benefit, the explicit Antitrust Complement coordination with Act 5.2.D, and the Public Media Modernization at three billion dollars annually. Act 9.3 specifies the NEA reinvestment to one billion dollars annually with the named Community Cultural Infrastructure grant category and Cultural Democracy initiative, and the NEH reinvestment to five hundred million dollars annually with the named Public Civics Programs priority. Act 9.4 specifies the VA Mission Act mental health expansion with named thirty-day and forty-mile thresholds, the parity requirement with the public dashboard and two-consecutive-quarters remediation trigger, the Suicide Prevention Investment at two billion dollars annually with named operational priorities, the redesigned TAP at five hundred million dollars annually with the six-month preparation and twelve-month post-separation case management framework, and the federal preemption of state licensing for military spouse portability. Every provision is operational on the day of enactment.

The Coalition Architecture and Delivery Tests

Title IX builds its coalition from the recognition that the conditions it addresses — isolation, civic disengagement, local news deserts, arts deprivation, and veterans abandonment — are experienced in every congressional district and across every partisan demographic. The rural Republican voter who has watched their local newspaper close and their community center deteriorate and whose veteran neighbor struggles with untreated PTSD has the same material stake in Title IX's provisions as the urban progressive voter who has watched their city's arts institutions defunded and who worries about the social isolation affecting the young adults in their neighborhood. The civic infrastructure argument is not partisan. It is the argument that communities function when they have the institutions that make community possible, and that the federal government has the constitutional authority and the moral obligation to invest in those institutions at scale commensurate with their documented role in democratic functioning.

The veterans care framework in Act 9.4 reaches the most consistently bipartisan policy domain in the entire body of survey work this project has reviewed. The political constituency for veterans health, mental health, and transition services is cross-partisan at a scale that few other policy domains approach. The political constraint on action has not been the absence of public mandate — the mandate is documented across the partisan distribution. The constraint has been the institutional fragmentation of the responsible agencies, the underfunding of the VA mental health system relative to the scale of demand, and the absence of a unified investment framework that treats veterans care as the comprehensive obligation it is. Title IX is the institutional response to that documented bipartisan mandate.

Title IX passes the Delivery Test because every Provision is designed around a specific documented failure mode of the existing federal investment framework: the absence of any federal community infrastructure investment program comparable to the United Kingdom's National Lottery Community Fund or Canada's New Horizons for Seniors Program; the underfunding of AmeriCorps relative to its demonstrated outcomes and applicant demand; the absence of a coordinated federal response to the Surgeon General's 2023 loneliness advisory; the collapse of local journalism that the antitrust mechanism in Act 5.2.D cannot alone reverse; the underfunding of public media relative to peer democracies; the underfunding of the NEA and NEH relative to the documented role of arts and humanities programming in civic life; the VA mental health capacity gap relative to documented demand; the absence of a parity requirement and accountability mechanism for VA mental health services; the underfunding of suicide prevention relative to the scale of the crisis; the inadequate transition assistance framework that has been repeatedly identified by GAO; and the patchwork voluntary state compact framework that has failed to deliver military spouse license portability at the scale the population requires. Every structural choice is a response to a documented failure. Title IX was built to work.

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is now in v2.0 form. The 9.0 Title Overview is new in v2.0. Act 9.1 has been expanded from two Provisions to three with The National Service Expansion promoted to 9.1.B standalone (with explicit DWS Division of Civic Education and National Service coordination per Act 4.1.A), and The Loneliness Epidemic Response renumbered to 9.1.C with the Elder Single Adults priority designation added per coordination with Provision 3.4.D. Acts 9.2 and 9.3 preserved with Constitutional Authority consolidated at Act level. Act 9.4 has been expanded from two Provisions to five with the Veterans Mental Health Parity Requirement promoted to 9.4.B, the Suicide Prevention Investment promoted to 9.4.C, the Transition Services Modernization renumbered to 9.4.D (with DWS National Skills Bank coordination added), and Military Spouse Employment and License Portability promoted to 9.4.E. Public Mandate citations from Session Ruleset v1.4 § 3 integrated at State of Affairs (Surgeon General 2023 loneliness advisory, Bowling Alone civic collapse data, 2,200+ newspapers closed 2005-2025) and at Act 9.4 (veterans care as the most consistently bipartisan policy domain in the survey record).

Key sources for final sourcing: Robert Putnam, Bowling Alone: The Collapse and Revival of American Community (Simon & Schuster, 2000); U.S. Surgeon General, Our Epidemic of Loneliness and Isolation (2023 Advisory); Pengjie Gao, Chang Lee, and Dermot Murphy, “Financing Dies in Darkness? The Impact of Newspaper Closures on Public Finance,” Journal of Finance (2020); Joshua Darr et al., American Political Science Review on local news and partisan polarization; Shorenstein Center on Media, Politics and Public Policy reporting on corruption prosecution patterns; Carnegie Commission on Educational Television; National Foundation on the Arts and the Humanities Act of 1965; Public Broadcasting Act of 1967; Arkansas Educational Television Commission v. Forbes for public media editorial independence framework; National Endowment for the Arts v. Finley for arts funding constitutional framework; National and Community Service Act of 1990; Veterans Health Administration suicide data; VA MISSION Act of 2018; Mental Health Parity and Addiction Equity Act of 2008 (parity framework precedent); Government Accountability Office reports on Transition Assistance Program inadequacies; Bureau of Economic Analysis Arts and Cultural Production Satellite Account.

Cross-reference flags: Act 5.2.D (Local Media Consolidation Limits) and Act 9.2 — supply-side / demand-side complementary mechanisms; both must be read together for the complete local journalism response. Act 6.4.A (Civil Service / DWS) and Act 9.1.B — AmeriCorps expansion operates within the DWS Division of Civic Education and National Service per Act 4.1.A administrative architecture. Act 4.1.B (National Skills Bank) and Act 9.4.D (TAP Redesign) — transitioning veterans access the Skills Bank for employment placement and credential recognition. Act 2.4 (Mental Health & Addiction Infrastructure) and Act 9.4 — Title II’s community mental health investment and this Title’s veterans-specific framework are companion pieces. Act 6.9.D (Mental Health Crisis Response) and Act 9.4 — general co-responder framework and veterans-specific mental health system coordinate during care transitions. Act 3.4.D (Elder Single Adults) and Act 9.1.C (Loneliness Epidemic Response) — elder single adults priority population integrated within 9.1.C. Title X (The Shield) and Act 9.4 — Veterans transition services here and Title X veterans choice provisions are companion pieces; both must be read together for the complete veterans care architecture.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title X — The Shield

Acts 10.1 through 10.5 — The Alliance Revitalization & Treaty Stability Act, The Modern Deterrence & Defense Acquisition Reform Act, The Cyber Sovereignty & Critical Infrastructure Defense Act, The China Strategy & Economic Statecraft Act, and The Veterans Choice & Care Evolution Act

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Title X is now in v2.0 form. All five Acts and a Title Overview are contained in this document. Act 10.1: The Alliance Revitalization & Treaty Stability Act. Act 10.2: The Modern Deterrence & Defense Acquisition Reform Act. Act 10.3: The Cyber Sovereignty & Critical Infrastructure Defense Act. Act 10.4: The China Strategy & Economic Statecraft Act. Act 10.5: The Veterans Choice & Care Evolution Act.

v2.0 changes vs v1.0: Title Overview added at 10.0. Each of the five Acts has been expanded from a single Provision A to multiple standalone Provisions corresponding to the distinct statutory mechanisms within each Act — the largest single-Title v2.0 expansion in the document. Act 10.1 expanded to four Provisions (Alliance Sovereignty, Burden-Sharing, Pacific Deterrence Initiative, Foreign Aid as Strategic Investment). Act 10.2 expanded to three Provisions (Acquisition Revolution, Replicator Acceleration, Defense Industrial Corridors). Act 10.3 expanded to four Provisions (Cyber Shield, Mandatory Standards, Strategic Transformer Reserve, Cyber Offense Doctrine). Act 10.4 expanded to four Provisions (Targeted Decoupling, National Survival Industries, Friend-Shoring Protocol, Technology Export Controls). Act 10.5 expanded to four Provisions (Broken Covenant, Veterans Choice Expansion, VA Quality and Accountability, Barracks Modernization). All v1.0 prose preserved verbatim; Constitutional Authority sections consolidated at Act level. Public Mandate citations integrated.

Governing doctrine: Strategic Realism. The United States cannot police the world but cannot ignore it. An ocean is no longer a moat. Security requires both the might of the military and the durability of alliances and the resilience of supply chains. This doctrine rejects both naive engagement (trading with authoritarian adversaries expecting democratization) and reckless isolationism (retreating from alliances whose strategic value exceeds their cost by any serious calculation). It pursues deterrence through strength, alliance, targeted decoupling, and the lethality advantage that innovation provides.

Cross-references: Act 9.4 (Veterans Mental Health & Transition Services) and Act 10.5 — companion pieces on the complete veterans care architecture; both must be read together. Act 12.2 (Clean Energy Transition) and Act 10.4 (National Survival Industries) — companion pieces on supply chain resilience and energy security. Act 1.2 (Energy Sovereignty) and Act 10.3 (Critical Infrastructure Defense) — companion pieces on grid hardening and cyber resilience. Act 4.1 (Human Capital Block Grant / DWS) and Act 10.2.C (Defense Industrial Corridors) — the foreign policy imperative of decoupling and the economic development imperative of rebuilding manufacturing operate through the same workforce infrastructure. Act 9.4.E (Military Spouse License Portability) and Act 10.5.D — the federal license

portability mandate applies with full force during active duty PCS orders.

Provision 10.0 — Title Overview

The Shield

Strategic defense is the back-end of the working-class security framework that the first nine Titles of this document construct. The healthcare, housing, education, retirement, and civic infrastructure that the substantive Titles guarantee are durable only to the extent that the strategic environment within which they operate remains stable enough to sustain them. A workforce that loses its semiconductor supply chain, an electrical grid that fails to a cyber attack, an alliance network that an adversary successfully fractures, or a veterans care system that breaks the covenant with the people who served — each of these failures undermines the material foundation on which the substantive policy program in this document depends. Title X is the strategic infrastructure that the rest of the document presupposes.

The governing doctrine of this Title is Strategic Realism. The United States cannot police the world but cannot ignore it. An ocean is no longer a moat. Security requires both the might of the military and the durability of alliances and the resilience of supply chains. This doctrine rejects both naive engagement — the thirty-year premise that trading with authoritarian adversaries would produce their democratization — and reckless isolationism, the proposition that the United States can withdraw from alliances whose strategic value exceeds their cost by any serious calculation. The evidence on naive engagement is in: China has grown richer and become more authoritarian. The evidence on the alliance network is in: it is the strategic asset that produces the sixty percent of global GDP coalition that deters the eighteen percent China alone represents. Targeted decoupling, structured alliance commitment, modernized deterrence at the speed of contemporary technology, cyber resilience for the critical infrastructure on which civilian life depends, and a veterans care system that honors the covenant — these are the five mechanisms through which the shield is constructed.

Five Acts, nineteen Provisions, one premise: the strategic infrastructure of the United States must be designed for the world that exists rather than the world that ended. The Alliance Revitalization and Treaty Stability Act in Act 10.1 codifies the commitment (two-thirds Senate requirement for withdrawal from NATO, the Japan and ROK and Philippines and ANZUS mutual defense treaties), establishes the burden-sharing framework through the quadrennial Alliance Value Assessment, builds the Pacific Deterrence Initiative through permanent joint training rotations across the Quad-plus-Philippines network, and reorients foreign aid through the quadrennial Strategic Alignment Review. The Modern Deterrence and Defense Acquisition Reform Act in Act 10.2 establishes the fifteen-percent procurement ring-fence for asymmetric and autonomous systems with standing Other Transaction Authority, transitions Space Force to Proliferated Low Earth Orbit doctrine, and builds the Defense Industrial Corridors that co-locate the National Survival Industry manufacturing with the workforce infrastructure of Act 4.1. The Cyber Sovereignty and Critical Infrastructure Defense Act in Act 10.3 mandates NIST CSF Tier

Three standards across critical infrastructure sectors with revenue-based civil penalties, builds the five-billion-dollar Strategic Transformer Reserve with ninety-day replacement capacity, and establishes the Cyber Response Doctrine for offensive operations as deterrence rather than first-strike instrument. The China Strategy and Economic Statecraft Act in Act 10.4 designates the National Survival Industries, prohibits federal procurement of designated-industry goods sourced from Countries of Particular Concern by fiscal year 2030, structures the Friend-Shoring Protocol with allied partners, and updates Technology Export Controls annually. The Veterans Choice and Care Evolution Act in Act 10.5 expands the Veterans Community Care Program (fifteen and ten business day wait time triggers, twenty-five-mile rural distance threshold), establishes the quarterly VA performance dashboard, and appropriates ten billion dollars over five years for barracks modernization to end the documented housing conditions that the GAO and DoD IG have repeatedly reported.

The political claim is specific. Title X assembles a bipartisan strategic coalition that draws on the traditional Republican strength on defense, the traditional Democratic strength on alliance and international institutions, the bipartisan convergence on China policy that has emerged over the past decade, and the consistent bipartisan supermajority for veterans care. The political constraint on strategic modernization has not been the absence of consensus on direction. It has been the institutional inertia of the defense acquisition system, the bureaucratic resistance of the VA to internal reform, the regulatory capture of critical infrastructure operators by their own sector lobbyists, and the difficulty of building the political constituency for the boring but consequential investment in supply chain resilience and cyber defense. Title X is the operational architecture for translating the documented bipartisan strategic consensus into the operational systems the strategic environment requires.

Title X — The State of Affairs

The United States is the only nation in human history that has simultaneously been the world’s largest economy, its dominant military power, the architect of the rules-based international order, and the guarantor of the freedom of navigation that enables the global trade on which its own prosperity depends. This is not a boast. It is a description of a role that carries responsibilities and costs, and whose abandonment would produce consequences that the advocates of abandonment have not adequately accounted for. The question of what a world looks like after American retrenchment is not hypothetical. History has answered it repeatedly, and the answer is consistently that the void is filled not by peace but by the most aggressive actor present.

The mathematics of American strategic advantage are straightforward and frequently unstated in the domestic debate about alliance burden-sharing. If the United States faces China alone in any serious strategic competition, the economic weight is roughly equivalent — a coin flip, with all the uncertainty that implies. If the United States faces China alongside NATO, Japan, South Korea, Australia, the Philippines, and the broader network of democratic partnerships built over eight decades, the combined economic weight of the alliance is approximately sixty percent of global GDP against China’s eighteen percent. The military-industrial capacity differential is

larger still. These are not abstract statistics. They are the reason that China has not attempted what it has stated it intends. The alliance network is the deterrent. Weakening it is not cost-cutting. It is strategic self-disarmament.

Public opinion data on the strategic framework this Title operationalizes documents a bipartisan consensus that the political debate has often obscured. Cross-partisan supermajorities support the NATO alliance commitment, support sustained competition with China in the National Survival Industry sectors, support cybersecurity investment for critical infrastructure, and — most consistently across the entire survey record — support federal investment in veterans health and care. The veterans care framework in Act 10.5 reaches the same documented bipartisan supermajority that Act 9.4 operates within: veterans care is the policy domain where cross-partisan agreement is most consistently documented and where federal investment is most consistently supported. The political constraint on strategic modernization has been institutional rather than electoral: the constituency for the substantive reforms in this Title is documented at supermajority scale, and the structural blockage has been the bureaucratic and procurement-system inertia rather than the absence of public mandate.

The character of the threats facing the United States in 2026 is different in important respects from the threats that shaped the Cold War strategic architecture, and the defense acquisition system that was designed to respond to the Cold War threat has not adequately adapted to the current one. The acquisition system that produces aircraft carriers at $13 billion per hull and manned fighter aircraft at $100 million per unit is optimizing for platforms designed for a strategic environment in which the United States faced an adversary with limited long-range precision strike capability. The current environment features adversaries with thousands of anti-ship and anti-aircraft missiles that can be produced at a small fraction of the cost of the platforms they target. We are building exquisite targets at extraordinary cost. The alternative — small, smart, and many; autonomous systems at scale; distributed lethality that cannot be defeated by a concentrated precision strike — is available and is being pursued by our adversaries faster than by us.

The cyber domain has added a dimension to the security environment for which neither the military nor the civilian government was initially designed. Future conflicts will not begin with tanks crossing a border. They will begin with power grids failing, financial systems freezing, communication infrastructure degrading, and the coordination mechanisms of the defense establishment disrupted before the first conventional military action. The United States' critical infrastructure — the power grid, the financial system, the water treatment facilities, the hospital networks, the transportation systems — is almost entirely privately owned and has been managed by operators whose financial incentive for cybersecurity investment is constrained by the gap between their private cost of inadequate security and the much larger social cost that a successful attack would impose. The gap between private incentive and social cost is the definition of a market failure that requires public policy to address.

The veterans who have borne the weight of twenty-five years of continuous military operations since September 11, 2001 — the longest sustained period of combat engagement in American history — deserve a healthcare system that honors the specific obligation the nation incurred when it sent them into harm's way. Act 10.5 addresses the Veterans Affairs system as the

institution through which that obligation is discharged, with the specific focus on access, accountability, and the infrastructure improvements necessary to deliver the promise that has been made to every person who has served.

Act 10.1 — The Alliance Revitalization & Treaty Stability Act

Provision 10.1.A — The Alliance Sovereignty Act

Codifying the Commitment

The President of the United States currently has broad unilateral authority to withdraw from international treaties, including the mutual defense treaties that form the backbone of the American strategic alliance system. The legal basis for unilateral presidential treaty withdrawal is contested by constitutional scholars, but the practical reality is that the threat of withdrawal — credibly signaled and periodically repeated — is sufficient to produce the alliance hedge behavior that constitutes the strategic damage, regardless of whether the withdrawal is ultimately consummated. An ally that believes American commitment to its defense is contingent on the political preferences of a particular administration will make security decisions accordingly: it will hedge its bets, diversify its security arrangements, and in some cases accommodate the adversary it would prefer to resist if the American commitment were firm. Alliance uncertainty is a strategic gift to American adversaries at no cost to them.

The Treaty Withdrawal Standard

The President shall not suspend, terminate, denounce, or withdraw the United States from the North Atlantic Treaty, the Mutual Defense Treaty with Japan, the Mutual Defense Treaty with the Republic of Korea, the Mutual Defense Treaty with the Philippines, or the ANZUS Treaty with Australia, except by and with the advice and consent of the Senate, provided that two-thirds of Senators present concur. No funds appropriated by Congress may be used to effectuate a withdrawal from any of these treaties without such Senate approval. The requirement does not prevent the President from negotiating the terms of alliance commitments, from pressing allies to increase their defense contributions, or from adapting alliance structures to changing strategic circumstances. It prevents the unilateral abrogation of commitments that took decades to build and that constitute the United States' most valuable strategic asset. The law of the land is more credible than the whim of the moment.

Provision 10.1.B — Alliance Burden-Sharing and Modernization

The Diplomacy of Burden-Sharing

Alliance Burden-Sharing and Modernization, organized in the v1.0 draft as a sub-section of the Alliance Sovereignty Act, is promoted in v2.0 to a standalone Provision because the burden-sharing framework operates through a distinct diplomatic and statutory mechanism (the quadrennial Alliance Value Assessment) and addresses a distinct operational problem (the

calibration of public-facing alliance pressure to produce increased ally contributions without producing the public ultimatum effects that undermine alliance credibility).

The United States should press its allies to meet and exceed the NATO defense spending target of two percent of GDP, not because the target itself is strategically optimal in every circumstance but because the political sustainability of American alliance commitments in the domestic context requires that the public see alliance partners making commensurate investments in their own defense. The diplomatic approach to burden-sharing shall be conducted through the established alliance consultation mechanisms rather than through public ultimata that humiliate allies in front of adversaries and undermine the very confidence the ultimata are supposed to strengthen. Pressing an ally to spend more on defense through private negotiation and structured incentives is competent statecraft. Threatening to abandon them on a public stage is the announcement to every adversary that the alliance is uncertain, which produces exactly the strategic vulnerability the threat was nominally designed to correct.

The Quadrennial Alliance Value Assessment

The National Security Council shall conduct a quadrennial Alliance Value Assessment examining, for each major alliance partner, the specific strategic benefits the alliance provides to the United States in terms of basing access, intelligence sharing, combined military capacity, and economic partnership, and shall present the findings to Congress alongside any proposal affecting the terms of alliance commitments. The assessment operationalizes the point the working draft made plainly: the bases in Japan and Germany exist not to protect Japan and Germany but to give the United States the operational real estate to respond to threats five thousand miles from the American coast. The alliance is an asset. Its value should be calculated and communicated.

Provision 10.1.C — The Pacific Deterrence Initiative

The Indo-Pacific Theater

The Pacific Deterrence Initiative, organized in the v1.0 draft as a sub-section of the Alliance Sovereignty Act, is promoted in v2.0 to a standalone Provision because the Indo-Pacific deterrence network operates through a distinct institutional architecture (the Quadrilateral Security Dialogue plus the Philippines bilateral relationship), addresses a distinct strategic theater (the primary peer military competition of the next generation), and constructs a distinct operational mechanism (permanent funded joint training rotations at a level of operational integration sufficient to produce genuine combined warfighting capacity).

The Joint Training Architecture

The Department of Defense shall establish and maintain permanent funded joint training rotations with Australia, Japan, South Korea, the Philippines, and India — the core of the Indo-Pacific deterrence network — at a level of operational integration sufficient to provide genuine combined warfighting capacity rather than merely diplomatic reassurance. The Quadrilateral Security Dialogue framework shall be developed into a structured defense coordination architecture with defined interoperability standards, combined logistics planning, and information

sharing protocols that give the network the operational substance its strategic concept requires. The Indo-Pacific is where the primary peer military competition of the next generation will be determined. The network that deters conflict there is worth every dollar of the investment required to maintain it.

Provision 10.1.D — Foreign Aid as Strategic Investment

The Strategic Alignment Standard

Foreign Aid as Strategic Investment, organized in the v1.0 draft as a sub-section of the Alliance Sovereignty Act, is promoted in v2.0 to a standalone Provision because the foreign aid framework operates through a distinct institutional architecture (the State Department and USAID joint review with the Development Finance Corporation), addresses a distinct operational problem (the connection between development financing and strategic positioning relative to the Chinese Belt and Road Initiative), and constructs a distinct mechanism (the quadrennial Strategic Alignment Review with named sunset criteria).

The Quadrennial Strategic Alignment Review

The Secretary of State and the Administrator of USAID shall conduct a quadrennial Strategic Alignment Review of all foreign assistance programs, assessing each program against specific US national security objectives including: preventing the emergence of ungoverned spaces that serve as incubators for transnational terrorism; securing critical mineral and supply chain partnerships with strategically located nations; countering the influence of adversarial nations through the provision of development financing alternatives to the Chinese Belt and Road Initiative; and building the institutional capacity of democratic partners whose stability serves US strategic interests. Programs that cannot demonstrate a specific connection to these strategic objectives shall be subject to sunset. Programs that demonstrate measurable strategic returns shall receive priority funding. The Development Finance Corporation’s authorities shall be expanded to allow faster deployment of private-sector-leveraged development financing in strategic markets where Chinese state investment is the primary competition.

Constitutional Authority

The treaty withdrawal restriction in 10.1.A derives from the Senate’s advice and consent authority over treaties under Article II, Section 2, from the Supremacy Clause’s treatment of ratified treaties as supreme law of the land, and from Congress’s Article I authority to define the procedures through which treaty obligations may be terminated. The burden-sharing assessment framework in 10.1.B derives from Congress’s established oversight authority over executive branch national security functions. The Pacific Deterrence Initiative in 10.1.C derives from Congress’s Article I authority over defense appropriations and from the President’s Article II authority as Commander in Chief to structure military deployments and exercises. The foreign aid provisions in 10.1.D derive from Congress’s appropriations authority and from the Foreign Assistance Act as amended.

Act 10.2 — The Modern Deterrence & Defense Acquisition Reform Act

Provision 10.2.A — The Acquisition Revolution

The Wrong War Problem

The United States defense acquisition system is optimized for the strategic environment of the 1980s. It produces large, exquisite, extraordinarily capable, and extraordinarily expensive platforms — aircraft carriers, manned stealth fighters, large geostationary satellites — that represent the peak of twentieth-century military technology and the primary targets of twenty-first-century adversary investments in anti-access and area-denial capabilities. China has spent the past twenty years developing and fielding the specific capabilities designed to hold these platforms at risk: long-range anti-ship missiles, anti-satellite weapons, anti-aircraft systems, and hypersonic glide vehicles that present the American platforms with threats they were not designed to defeat. We are building $13 billion ships against $2 million missiles. The arithmetic of that exchange does not favor the ship at scale.

The alternative doctrine is small, smart, and many: large numbers of individually less capable but collectively effective autonomous systems, unmanned platforms, and distributed lethality that cannot be defeated by a concentrated precision strike because there is no concentrated target to strike. The Department of Defense's own Replicator initiative, announced in 2023 as a program to field all-domain attritable autonomous systems at scale within eighteen months, is the correct strategic concept and has been underfunded and under-resourced relative to the scale of the challenge it identifies. This Act funds it adequately and creates the acquisition authority to move at the speed the strategy requires.

Provision 10.2.B — The Replicator Acceleration

The Asymmetric Systems Ring-Fence

The Replicator Acceleration, organized in the v1.0 draft as a sub-section of the Acquisition Revolution provision, is promoted in v2.0 to a standalone Provision because the Replicator framework operates through distinct procurement authorities (the fifteen-percent ring-fence and the standing Other Transaction Authority expansion), addresses a distinct industrial base architecture (deliberate diversification across multiple vendors with named production capacity and stockpile requirements), and constructs a distinct doctrinal framework (the Space Force Proliferated Low Earth Orbit transition).

The Ring-Fence and OTA Authority

Not less than fifteen percent of the total annual defense procurement budget shall be ring-fenced for asymmetric and autonomous systems, defined to include: autonomous and semi-autonomous unmanned aerial vehicles capable of operating in contested airspace; loitering munitions and precision-guided systems that can be produced at unit costs enabling attritable deployment at scale; unmanned maritime surface and submersible systems; and electronic

warfare, counter-drone, and directed energy systems. The Secretary of Defense shall be granted standing Other Transaction Authority for the acquisition of these systems, allowing procurement directly from commercial technology companies at commercial speed without the five-year acquisition cycle that renders the traditional defense acquisition process structurally incapable of keeping pace with the commercial technology development that now drives military capability advancement.

The defense industrial base for asymmetric systems shall be deliberately diversified across multiple vendors to prevent the single-supplier bottlenecks that have constrained production scaling for critical munitions. The Department of Defense shall maintain production capacity for not less than twice the annual consumption rate of all critical munitions in the asymmetric portfolio, with strategic reserves of not less than twelve months of wartime consumption for the highest-priority systems. The lesson of the support to Ukraine — that the United States burned through decades of stockpiled munitions in months and has not rebuilt those stockpiles at the pace the strategic situation requires — is incorporated in the production mandate.

Space Force Doctrine — Proliferated Low Earth Orbit

The United States Space Force shall transition its procurement doctrine from large, geostationary satellite platforms to Proliferated Low Earth Orbit constellations for all non-specialized satellite functions including communications, navigation augmentation, and intelligence surveillance and reconnaissance. The strategic logic is architectural: a single geostationary satellite the size of a bus is a target with a known orbit and a replacement timeline measured in years. A constellation of one thousand satellites the size of toasters, in low earth orbit with overlapping coverage, presents an adversary with a denial problem of an entirely different character. The loss of ten satellites does not degrade the network. The cost of attempting to deny the network exceeds the cost of replacing the attrition. Resilience through redundancy is the doctrine. The acquisition program must match it.

Provision 10.2.C — Defense Industrial Corridors

The Co-Location Framework

Defense Industrial Corridors, organized in the v1.0 draft as a sub-section of the Acquisition Revolution provision, is promoted in v2.0 to a standalone Provision because the corridor framework operates through a distinct institutional architecture (DoD partnership with state economic development agencies), addresses a distinct operational problem (the geographic concentration of National Survival Industry manufacturing co-located with workforce infrastructure), and constructs a distinct policy mechanism (pre-certification of regions with named characteristics, paired with priority defense contracting weight).

The Pre-Certification Architecture

The Department of Defense shall partner with state economic development agencies to pre-certify Defense Industrial Corridors — regions with the industrial workforce, infrastructure, and regulatory environment capable of hosting National Survival Industry manufacturing — and shall give priority in defense contracting to facilities located within designated corridors. The corridors

shall be designated in coordination with the targeted decoupling provisions of Act 10.4 so that the domestic manufacturing capacity being built to replace adversary-sourced supply chains is co-located with the workforce infrastructure being built or maintained by the Human Capital Block Grant of Act 4.1. The foreign policy imperative of decoupling critical supply chains from adversary nations and the economic development imperative of rebuilding manufacturing capacity in the communities that lost it to globalization are the same imperative pursued through the same mechanism.

Constitutional Authority

The acquisition reform provisions in 10.2.A and the Replicator Acceleration in 10.2.B derive from Congress's Article I authority over defense appropriations and from Congress's established authority to direct defense acquisition policy through the National Defense Authorization Act. The Other Transaction Authority expansion derives from 10 U.S.C. § 4022, which Congress may amend to expand the categories of transactions eligible for OTA treatment. The Space Force doctrine directive derives from Congress's defense authorization authority. The Defense Industrial Corridors framework in 10.2.C derives from Congress's defense appropriations authority and from Congress's established authority over federal procurement priorities.

Act 10.3 — The Cyber Sovereignty & Critical Infrastructure Defense Act

Provision 10.3.A — The Critical Infrastructure Cyber Shield

The Market Failure in Cybersecurity

The United States' critical infrastructure — the electrical grid, the water treatment systems, the financial networks, the hospital systems, the transportation infrastructure, the pipelines — is almost entirely privately owned. The operators of this infrastructure make cybersecurity investment decisions based on their private cost-benefit calculation, which systematically underweights the social cost of a successful attack because the damage from a grid failure or a financial system disruption is borne across the entire economy rather than concentrated on the operator who failed to invest adequately. The gap between the private incentive for cybersecurity investment and the social cost of inadequate security is a market failure of the first order. It requires the same regulatory response that market failures in environmental protection, workplace safety, and financial stability have historically required: government standards enforceable against the operators who cannot be relied upon to invest adequately on their own.

The most significant documented cyberattacks on American critical infrastructure in the past decade — the Colonial Pipeline ransomware attack that disrupted fuel supplies across the Eastern Seaboard in 2021, the SolarWinds supply chain compromise that penetrated dozens of federal agencies and major corporations in 2020, the Volt Typhoon pre-positioning in critical infrastructure networks that the FBI and CISA disclosed in 2024 — share a common characteristic: they exploited known vulnerabilities in systems whose operators had the technical means to address those vulnerabilities but insufficient financial or regulatory incentive

to do so. The regulatory mandate is not a substitute for technical capacity. It is the mechanism that ensures the technical capacity is deployed.

Provision 10.3.B — Mandatory Cybersecurity Standards

The NIST CSF Tier Three Standard

Mandatory Cybersecurity Standards, organized in the v1.0 draft as a sub-section of the Critical Infrastructure Cyber Shield provision, is promoted in v2.0 to a standalone Provision because the regulatory framework operates through a distinct statutory mechanism (sector-specific rulemaking by CISA in coordination with sector-specific regulatory agencies), addresses a distinct compliance architecture (the named seven critical infrastructure sectors with three-year compliance timelines), and constructs a distinct penalty framework (revenue-based civil penalties with named percentage thresholds and the safe harbor provision for compliant operators).

The Standards Framework

All operators of critical infrastructure in the following sectors shall be required to implement and maintain cybersecurity standards meeting or exceeding the National Institute of Standards and Technology Cybersecurity Framework at Implementation Tier Three, within three years of enactment: electric power generation, transmission, and distribution; water and wastewater treatment and distribution; financial services including banking, payment processing, and market infrastructure; healthcare including hospital networks, health information systems, and medical device networks; telecommunications and internet infrastructure; pipeline and liquefied natural gas terminal operations; and transportation management including air traffic control, rail control systems, and port operations. Standards for each sector shall be promulgated by the Cybersecurity and Infrastructure Security Agency in coordination with the sector-specific regulatory agencies, and shall be updated not less than every three years to reflect the current threat environment.

Revenue-Based Penalties and Safe Harbor

Civil penalties for non-compliance shall be calculated as a percentage of annual revenue rather than a fixed dollar amount: not less than one percent of annual revenue for first violations, not less than two percent for repeat violations, and not less than five percent for violations that contributed to a successful attack producing significant public harm. Revenue-based penalties ensure that cybersecurity is treated as a board-level strategic priority rather than an IT department budget line. The safe harbor provision grants liability protection from shareholder lawsuits to operators that meet the required standards and are nonetheless successfully attacked: the goal of the regulatory framework is to drive investment in defensible security postures, not to punish operators who are successfully attacked despite adequate investment.

Provision 10.3.C — The Strategic Transformer Reserve and Grid Hardening

The LPT Replacement Capacity Problem

The Strategic Transformer Reserve and Grid Hardening framework, organized in the v1.0 draft as a sub-section of the Critical Infrastructure Cyber Shield provision, is promoted in v2.0 to a standalone Provision because the Reserve operates through a distinct institutional architecture (domestic manufacturing capacity plus stockpiled inventory with named capitalization at five billion dollars), addresses a distinct operational problem (the twelve-to-twenty-four-month lead time for Large Power Transformers sourced from abroad and the resulting blackout duration vulnerability), and constructs a distinct mechanism (the ninety-day replacement capacity requirement for critical grid nodes).

The Reserve Framework and Grid Hardening Mandate

The United States shall establish and maintain a Strategic Transformer Reserve providing domestic manufacturing capacity and stockpiled inventory for Large Power Transformers sufficient to replace the most critical grid nodes within ninety days of any disruption. LPTs currently have lead times of twelve to twenty-four months when sourced from abroad, meaning a coordinated physical or cyber attack on the highest-priority grid nodes could produce a blackout lasting over a year. The Reserve shall be funded at not less than five billion dollars in initial capitalization, with an annual maintenance appropriation sufficient to keep the inventory current and the domestic manufacturing capacity operational. The grid hardening mandate shall require all utilities connecting to the bulk power system to meet physical and cyber security standards addressing electromagnetic pulse and geomagnetic disturbance vulnerabilities, with a five-year compliance timeline and a federal cost-sharing program for utilities serving rural communities with limited capital access.

Provision 10.3.D — Cyber Offense Doctrine

Deterrence Through Capability

Cyber Offense Doctrine, organized in the v1.0 draft as a sub-section of the Critical Infrastructure Cyber Shield provision, is promoted in v2.0 to a standalone Provision because the offensive cyber framework operates through a distinct institutional architecture (the National Security Council and US Cyber Command), addresses a distinct strategic function (deterrence and sub-conventional response rather than defensive infrastructure protection), and constructs a distinct doctrinal mechanism (the classified Cyber Response Doctrine with named annual review and congressional briefing requirements).

The Doctrine Framework

The United States shall maintain and continuously improve its offensive cyber capabilities as a deterrent and as a response option below the threshold of conventional military action. The President, through the National Security Council and the US Cyber Command, shall develop and maintain a classified Cyber Response Doctrine specifying the circumstances under which

offensive cyber operations will be conducted in response to attacks on American critical infrastructure, the chain of authority for approving offensive operations, and the escalation management protocols that prevent cyber responses from triggering conventional military escalation. The doctrine shall be reviewed annually and updated to reflect the current threat environment. Congress shall be briefed on the doctrine in classified sessions not less than annually. The American Upgrade endorses offensive cyber capability as an element of deterrence, not as a first-strike instrument.

Constitutional Authority

The cyber shield framework in 10.3.A and the mandatory cybersecurity standards in 10.3.B derive from Congress's Commerce Clause authority to regulate interstate commerce conducted through networked systems, from Congress's authority over communications infrastructure under the Communications Act, from the Defense Production Act, and from the Homeland Security Act's establishment of CISA. The Strategic Transformer Reserve in 10.3.C derives from Congress's defense authorization authority and from the Defense Production Act. The offensive cyber doctrine direction in 10.3.D derives from Congress's oversight authority over intelligence and military operations.

Act 10.4 — The China Strategy & Economic Statecraft Act

Provision 10.4.A — Targeted Decoupling

The End of Naive Engagement

For thirty years, American China policy was built on the Engagement Theory: if the United States traded with China, integrated it into the global economy, and welcomed it into international institutions, China would liberalize politically. The trade would bring democracy. The theory was not without logic. It was based on a genuine hypothesis about the relationship between economic development and political liberalization that had some supporting historical evidence. The evidence that China has produced since 1990 does not support it. China has grown dramatically richer, and it has become more authoritarian, more aggressive, more militarily capable, and more explicitly hostile to the democratic international order that American foreign policy helped to build. The theory was wrong. The costs of continuing to operate on it are not theoretical.

The correct lesson from the failure of naive engagement is not the isolationist alternative of total decoupling or economic warfare. China is too deeply integrated into the global economy, and the collateral damage of total decoupling to American consumers, businesses, and allies would undermine the economic foundation of the strategic competition rather than strengthening it. The correct lesson is targeted decoupling: severing the specific dependencies in the specific sectors where Chinese state control of supply creates a security vulnerability, while maintaining trade in the vast majority of goods and services where mutual economic benefit does not create strategic risk. The distinction is between the sectors that can kill us — semiconductors, active

pharmaceutical ingredients, rare earth processing, energetics and munitions components — and the sectors that cannot. We decouple the former. We manage the latter.

Provision 10.4.B — The National Survival Industries

The Designation Framework

The National Survival Industries framework, organized in the v1.0 draft as a sub-section of the Targeted Decoupling provision, is promoted in v2.0 to a standalone Provision because the designation operates through a distinct joint institutional architecture (Departments of Defense and Commerce), addresses a distinct named list of initial sectors (semiconductors, batteries and rare earths, active pharmaceutical ingredients, energetics and munitions components), and constructs a distinct procurement mechanism (the fiscal year 2030 procurement prohibition for designated-industry goods sourced from named Countries of Particular Concern).

The Federal Procurement Prohibition

The Departments of Defense and Commerce shall jointly designate National Survival Industries: sectors in which the United States government's dependence on supply chains passing through nations that the Secretary of Defense has identified as adversaries of the United States creates an unacceptable national security vulnerability. The initial designations shall include: semiconductors and advanced microelectronics; high-capacity batteries and the rare earth elements and processing capacity necessary to produce them; active pharmaceutical ingredients for all drugs on the FDA's essential medicines list; and energetics, propellants, and munitions components. By fiscal year 2030, the United States government shall not procure any goods in designated National Survival Industries that contain materials sourced from Countries of Particular Concern, defined as China, Russia, Iran, North Korea, and any other nation subsequently designated by the Secretary of Defense.

The federal procurement prohibition creates the guaranteed federal customer that de-risks the capital investment required to build domestic production capacity. A semiconductor fabrication facility requires a capital investment of twenty billion dollars or more. No private investor will commit that capital without confidence that the product will be purchased at a price and volume that justifies the investment. The federal procurement guarantee provides that confidence. The same logic applies to each National Survival Industry: the federal government creates the market, and the private sector builds the capacity. This is not industrial policy as ideology. It is industrial policy as national security.

Provision 10.4.C — The Friend-Shoring Protocol

Integrating Economic Security into Alliance Architecture

The Friend-Shoring Protocol, organized in the v1.0 draft as a sub-section of the Targeted Decoupling provision, is promoted in v2.0 to a standalone Provision because the protocol operates through a distinct diplomatic mechanism (supply chain partnership agreements with allied nations), addresses a distinct operational architecture (the integration of economic security into the alliance relationship per Act 10.1), and constructs a distinct investment

framework (the Development Finance Corporation prioritization of National Survival Industry capacity in trusted allied nations).

The Partnership Framework

Supply chain resilience does not require that all production occur within the United States. It requires that production occur within the network of trusted partners whose political and economic systems make them reliable suppliers in adversarial conditions. The Friend-Shoring Protocol shall govern the negotiation of supply chain partnership agreements with allied nations, integrating economic security directly into the alliance relationship: nations that receive the American security umbrella shall be expected to decouple their own National Survival Industry supply chains from adversarial nations and to integrate them with the American and allied supply chain network. The Development Finance Corporation shall prioritize investment in National Survival Industry capacity in trusted allied nations, particularly in the critical minerals processing and battery manufacturing sectors where allied nations with relevant natural resources lack the processing infrastructure to supply the alliance network.

Provision 10.4.D — Technology Export Controls

The Annual Update Architecture

Technology Export Controls, organized in the v1.0 draft as a sub-section of the Targeted Decoupling provision, is promoted in v2.0 to a standalone Provision because the export control framework operates through a distinct statutory mechanism (the Export Administration Regulations under the Export Control Reform Act), addresses a distinct technological scope (artificial intelligence, quantum computing, and advanced semiconductors as the named priority categories), and constructs a distinct enforcement architecture (multilateral coordination through allied export control regimes to prevent third-country transshipment circumvention).

The Update and Enforcement Standard

The Export Administration Regulations governing the export of advanced technology to adversarial nations shall be updated annually to reflect the current state of technology development, with specific attention to the artificial intelligence, quantum computing, and advanced semiconductor categories where the gap between American and adversary capabilities is most directly related to national security outcomes. The export control regime shall be coordinated with allied nations through the multilateral export control regimes so that American controls are not circumvented through third-country transshipment. The enforcement budget for export control compliance shall be increased to levels commensurate with the strategic importance of the controlled technologies.

Constitutional Authority

The targeted decoupling framework in 10.4.A and the National Survival Industries provisions in 10.4.B derive from Congress’s Commerce Clause authority, from the Defense Production Act, from the Export Control Reform Act, and from Congress’s established authority to impose conditions on federal procurement. The Friend-Shoring Protocol in 10.4.C derives from the executive’s foreign affairs authority, exercised in coordination with Congress through the trade

and appropriations processes. The export control updates in 10.4.D derive from the Export Administration Regulations framework and from Congress's Commerce Clause and foreign affairs authority.

Act 10.5 — The Veterans Choice & Care Evolution Act

Provision 10.5.A — The Broken Covenant

The State of the Promise

The covenant with the American service member is specific: if you sign a blank check to the United States government up to and including your life, the government will honor its obligations to you when you are done serving. The obligations include healthcare, disability compensation, educational benefits, and the support necessary to transition from military to civilian life. The record of the Department of Veterans Affairs in fulfilling those obligations is mixed in ways that are documented, specific, and unacceptable. Veterans die on waiting lists. Claims take years to process. The bureaucracy that exists to serve the veteran has in documented cases been managed to protect the employment of the administrators rather than the health of the people it nominally exists to serve.

The working draft's formulation is correct: the fundamental problem with the VA is a closed, captive-audience model in which the veteran has no choice but to accept what the VA provides regardless of quality, and the VA has no competitive pressure to improve because the veteran cannot take their business elsewhere. The solution is not privatization. Privatization of the VA would expose veterans to the same fragmented, costly, uncoordinated healthcare system from which Eaglecare in Title II is designed to liberate everyone else. The solution is competition and choice within a framework that maintains the VA's expertise in the specific health conditions of the veteran population while giving veterans the option to go elsewhere when the VA fails to provide timely, high-quality care.

Provision 10.5.B — The Veterans Choice Expansion

The Operational Reforms to the MISSION Act Framework

The Veterans Choice Expansion, organized in the v1.0 draft as a sub-section of the Broken Covenant provision, is promoted in v2.0 to a standalone Provision because the expansion operates through a distinct statutory mechanism (the VA MISSION Act of 2018 as amended), addresses a distinct operational architecture (the named wait time and distance thresholds with the five-business-day authorization timeline), and constructs a distinct competitive accountability framework (the quality-guarantee structure within which the VA must perform or lose the veteran to community providers).

The Expanded Eligibility Standards

The VA MISSION Act of 2018 established the Veterans Community Care Program, allowing veterans to receive care from non-VA providers when VA appointments are not available within

specified wait time standards or distance thresholds. The MISSION Act framework is the correct structural approach and requires expansion and improvement in its implementation. The following specific modifications shall take effect within one year of enactment: the maximum wait time before community care eligibility is triggered shall be reduced from the current twenty business days to fifteen business days for primary care and ten business days for specialty care and mental health; the distance threshold for community care eligibility shall be reduced from forty miles to twenty-five miles for veterans in rural areas with documented transportation limitations; the VA's community care authorization process shall be streamlined to achieve a maximum authorization timeline of five business days from referral, eliminating the administrative delays that have rendered the MISSION Act's access improvements unavailable to veterans who technically qualify for them; and community mental health services shall be available under the expanded thresholds established in Act 9.4.A without requiring separate authorization.

The Quality Guarantee Framework

The Vets Choice model is not privatization. It is a quality guarantee: the VA must provide care that is at least as good as the community alternative within the defined access standards, or the veteran exercises their choice. The VA that provides world-class care will retain its patients. The VA facility that provides inferior care will lose them to community providers, and the resulting data will identify the facilities requiring management attention and resource investment. Competition within the framework preserves the VA's veteran-specific expertise while creating the accountability mechanism that closed systems resist.

Provision 10.5.C — VA Quality and Accountability

The Public Performance Dashboard

VA Quality and Accountability, organized in the v1.0 draft as a sub-section of the Broken Covenant provision, is promoted in v2.0 to a standalone Provision because the accountability framework operates through a distinct institutional mechanism (the quarterly public performance dashboard with named metrics across primary care, specialty care, mental health, satisfaction, quality outcomes, community care utilization, and claims processing), addresses a distinct operational architecture (the independent quality oversight panel with leadership-change authority), and constructs a distinct enforcement mechanism for below-average facilities.

The Dashboard and Oversight Framework

The Department of Veterans Affairs shall publish, and update quarterly, a public performance dashboard for every VA medical facility reporting: primary care, specialty care, and mental health appointment wait times; patient satisfaction scores; healthcare quality metrics including preventable readmission rates, surgical complication rates, and chronic disease management outcomes; community care utilization rates and authorization processing times; and claims processing backlogs and average processing times by claims category. The dashboard shall be publicly accessible and searchable by facility and metric.

VA facilities that perform consistently below the national average on quality metrics shall be subject to mandatory improvement plans reviewed by an independent quality oversight panel with authority to recommend leadership changes, resource reallocations, and where necessary, the consolidation of services into higher-performing facilities. The transparency requirement is the accountability mechanism. The VA that cannot be seen performing poorly cannot be held accountable for performing poorly. The dashboard makes performance visible to veterans, to Congress, and to the public.

Provision 10.5.D — The Barracks Modernization and Quality of Life Investment

The Documented Housing Conditions

The Barracks Modernization and Quality of Life Investment, organized in the v1.0 draft as a sub-section of the Broken Covenant provision, is promoted in v2.0 to a standalone Provision because the housing framework operates through a distinct appropriation mechanism (the ten-billion-dollar five-year investment), addresses a distinct documented failure (the GAO 2023 housing conditions report and the DoD IG 2023 privatized housing maintenance report), constructs a distinct compliance framework (the mandatory standard that all military housing meet the health and safety codes of the surrounding jurisdiction), and incorporates the integration with the military spouse license portability framework of Act 9.4.E.

The Investment Framework and Habitability Standard

The GAO's 2023 report on military housing conditions documented sewage backing into showers, toxic mold in walls, and pest infestations in barracks across the globe. A 2023 DoD Inspector General report found that thirty-one percent of privatized military family housing units had unresolved maintenance issues. The government that houses federal prisoners in better sanitary conditions than it houses junior enlisted infantrymen has failed a basic test of institutional competence and moral seriousness. Congress shall appropriate not less than ten billion dollars over five years for the renovation and construction of unaccompanied enlisted barracks, with a mandatory standard that all military housing shall meet the same health and safety codes required of private rental properties in the jurisdiction where the installation is located. The Department of Defense shall not be exempt from basic habitability standards. The service member who accepts the physical risks of military service is entitled to the dignity of a living space that does not poison them.

Military Spouse License Portability During Active Duty

Military spouse employment and professional license portability — addressed in Act 9.4.E in the context of veterans transition services — is equally applicable during active duty service. The military family that moves every two to three years under permanent change of station orders and loses the spouse's professional income at each move because the new state's licensing requirements impose re-examination costs and delays is experiencing a material financial penalty for service. The federal license portability mandate of Act 9.4.E applies with full force to military spouses on PCS orders, effective immediately upon the orders. Coordination between

Act 9.4.E and this Provision establishes the unified federal framework that operates from initial PCS orders through the post-separation transition.

Constitutional Authority

The framework in 10.5.A derives from Congress's Article I authority over veterans' benefits programs. The Veterans Choice expansion in 10.5.B derives from the VA MISSION Act of 2018, which Congress may amend, and from Congress's Article I authority over veterans' benefits programs. The quality dashboard and accountability mechanisms in 10.5.C derive from the same authority and from Congress's established oversight functions over executive agency performance. The barracks modernization appropriation in 10.5.D derives from Congress's Article I power to raise and support armies and to provide for the common defense. The military spouse license portability application during active duty in 10.5.D derives from the same Commerce Clause and Article I authorities that support the federal preemption framework established in Act 9.4.E.

Coalition Rationale — Title X

The Material Priority Test

Title X passes the Material Priority Test through the specific material consequences of strategic failure on the working people who bear both the military burden and the economic burden of that failure. The service member whose recruitment bonus brought them into an all-volunteer force whose covenant the government has not honored experiences the broken promise personally and materially. The factory worker in the Rust Belt whose job moved to China in the name of efficient global supply chains experiences the material consequence of the Engagement Theory's failure. The hospital patient whose care is disrupted by a ransomware attack on a health system that failed to invest in adequate cybersecurity experiences the material consequence of the market failure in critical infrastructure protection. The consumer whose supply of a life-saving drug is disrupted because a single foreign supplier controls ninety percent of the active pharmaceutical ingredient market experiences the supply chain vulnerability that targeted decoupling is designed to prevent. Every provision in this Title connects to a specific material consequence for a specific person.

The Specificity Test

Title X passes the Specificity Test through complete operational specificity across five Acts and nineteen Provisions. Act 10.1 specifies the two-thirds Senate requirement for treaty withdrawal from the named mutual defense treaties, the quadrennial Alliance Value Assessment, the permanent funded joint training rotations across the Quad-plus-Philippines network, and the Strategic Alignment Review criteria for foreign aid. Act 10.2 specifies the fifteen-percent procurement ring-fence for asymmetric systems, the standing OTA authority, the named production capacity (double annual consumption rate) and stockpile (twelve months of wartime consumption) requirements, the Proliferated Low Earth Orbit doctrine transition, and the Defense Industrial Corridor pre-certification framework. Act 10.3 specifies the NIST CSF Tier

Three standard for seven named critical infrastructure sectors, the revenue-based penalty formula (1%, 2%, 5% thresholds), the five-billion-dollar Strategic Transformer Reserve capitalization, the ninety-day replacement capacity requirement, the five-year grid hardening compliance timeline, and the annual classified Cyber Response Doctrine review. Act 10.4 specifies the National Survival Industry initial designations (semiconductors, batteries and rare earths, APIs, energetics), the fiscal year 2030 procurement prohibition, the named Countries of Particular Concern, the Friend-Shoring Protocol framework, and the annual export control update requirement for AI, quantum computing, and advanced semiconductors. Act 10.5 specifies the fifteen and ten business day wait time thresholds for community care eligibility, the twenty-five-mile rural distance threshold, the five-business-day authorization timeline, the quarterly public performance dashboard with named metrics, the independent quality oversight panel authority, and the ten-billion-dollar five-year barracks modernization appropriation with named habitability standard.

The Coalition Architecture and Delivery Tests

Title X assembles a bipartisan strategic coalition that draws on multiple distinct constituencies converging on the same operational program. The traditional Republican strength on defense supports the modernized deterrence framework in Act 10.2 and the China strategy in Act 10.4. The traditional Democratic strength on alliance and international institutions supports the treaty stability framework in Act 10.1 and the structured diplomatic burden-sharing approach in 10.1.B. The bipartisan convergence on China policy that has emerged over the past decade supports the National Survival Industries designation, the federal procurement prohibition, and the technology export controls. The cybersecurity framework in Act 10.3 reaches the documented bipartisan recognition that the market failure in critical infrastructure protection requires regulatory response. The veterans care framework in Act 10.5 operates within the same documented bipartisan supermajority that Act 9.4 reaches: veterans care is the policy domain where cross-partisan agreement is most consistently documented and where federal investment is most consistently supported across the entire body of survey work this project has reviewed.

The Title passes the Delivery Test because every Provision is designed around a specific documented failure mode of the existing strategic infrastructure: the alliance uncertainty produced by unilateral presidential treaty withdrawal authority; the public-ultimatum approach to burden-sharing that has produced ally hedging rather than ally investment; the under-resourcing of the Pacific Deterrence Initiative relative to the strategic theater it operates within; the foreign aid framework that has not been systematically aligned with strategic objectives; the defense acquisition system optimized for the wrong war; the Replicator initiative under-resourced relative to the strategic concept it identifies; the absence of Defense Industrial Corridor pre-certification that has fragmented the supply-chain-and-workforce infrastructure decision; the market failure in critical infrastructure cybersecurity; the LPT replacement capacity gap that produces multi-month blackout vulnerabilities; the absence of a unified Cyber Response Doctrine; the failure of the Engagement Theory; the absence of a National Survival Industries framework; the inadequate Friend-Shoring coordination with allies; the static export control framework; the VA closed-system accountability gap; the inadequate community care wait time and authorization timelines; the absence of a public VA performance dashboard; and the documented military

housing conditions. Every structural choice is a response to a documented failure. Title X was built to work.

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STATUS: Title X — Acts 10.1 through 10.5 — Draft v2.0 Complete. Title X: The Shield is now in v2.0 form. The 10.0 Title Overview is new in v2.0. Each of the five Acts has been expanded from a single Provision A to multiple standalone Provisions corresponding to the distinct statutory mechanisms within each Act — the largest single-Title v2.0 expansion in the document. Act 10.1 expanded from 1 to 4 Provisions (Alliance Sovereignty, Burden-Sharing, Pacific Deterrence Initiative, Foreign Aid Strategic Investment). Act 10.2 expanded from 1 to 3 Provisions (Acquisition Revolution, Replicator Acceleration, Defense Industrial Corridors). Act 10.3 expanded from 1 to 4 Provisions (Cyber Shield, Mandatory Standards, Strategic Transformer Reserve, Cyber Offense Doctrine). Act 10.4 expanded from 1 to 4 Provisions (Targeted Decoupling, National Survival Industries, Friend-Shoring Protocol, Technology Export Controls). Act 10.5 expanded from 1 to 4 Provisions (Broken Covenant, Veterans Choice Expansion, VA Quality and Accountability, Barracks Modernization). All v1.0 prose preserved verbatim; Constitutional Authority sections consolidated at Act level. Public Mandate citations integrated at State of Affairs (bipartisan strategic consensus) and at Act 10.5 (veterans care as the most consistently bipartisan policy domain).

Key sources for final sourcing: North Atlantic Treaty (1949); Mutual Defense Treaty with Japan (1960); Mutual Defense Treaty with the Republic of Korea (1953); Mutual Defense Treaty with the Philippines (1951); ANZUS Treaty (1951); VA MISSION Act of 2018; National Defense Authorization Act framework; 10 U.S.C. § 4022 (Other Transaction Authority); DoD Replicator initiative (2023); NIST Cybersecurity Framework; Cybersecurity and Infrastructure Security Agency authorities; Homeland Security Act; Defense Production Act; Export Control Reform Act; Export Administration Regulations; Foreign Assistance Act; Development Finance Corporation enabling legislation; Colonial Pipeline ransomware incident reports (2021); SolarWinds compromise reports (2020); Volt Typhoon FBI/CISA disclosures (2024); GAO 2023 military housing conditions report; DoD Inspector General 2023 privatized housing report; CBO defense acquisition assessments; Congressional Budget Justification for VA appropriations.

Cross-reference flags: Act 9.4 (Veterans Mental Health) and Act 10.5 — companion pieces on the complete veterans care architecture; both must be read together. Act 9.4.E (Military Spouse License Portability) and Act 10.5.D — explicit cross-reference; federal preemption mandate applies during active duty PCS orders and during post-separation transition. Act 1.2 (Energy Sovereignty) and Act 10.3.C (Strategic Transformer Reserve / Grid Hardening) — companion frameworks. Act 4.1 (Human Capital Block Grant / DWS) and Act 10.2.C (Defense Industrial Corridors) — the foreign policy imperative of decoupling and the workforce infrastructure of the DWS framework operate through the same corridor mechanism. Act 12.2 (Clean Energy Transition) and Act 10.4.B (National Survival Industries) — companion pieces on critical mineral supply chain resilience and battery manufacturing capacity. Act 2.3 (Drug Pricing) and Act 10.4.B — Active Pharmaceutical Ingredients designation in 10.4.B coordinates with the drug pricing framework. Act 6.5 (DOJ Reform) and Act 10.3.D (Cyber Offense Doctrine) — the chain of authority for offensive cyber operations operates within the broader DOJ independence framework.

The Yellow Jacket Policy Research Series — May 2026

Independent Research — All Documents Freely Reproducible

The American Upgrade — Title X — The Shield — Draft v2.0

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title XI — The First Nations Compact

Acts 11.1 through 11.5 — The Treaty Obligations & Tribal Sovereignty Modernization Act, The Tribal Economic Development & Self-Determination Act, The Native Healthcare & Indian Health Service Modernization Act, The Native Education, Language & Cultural Preservation Act, and The Missing & Murdered Indigenous People & Tribal Justice Act

E. Lawrence Anderson — May 2026 — Draft v2.0

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DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title XI is now in v2.0 form. All five Acts and a Title Overview are contained in this document. Act 11.1: The Treaty Obligations & Tribal Sovereignty Modernization Act. Act 11.2: The Tribal Economic Development & Self-Determination Act. Act 11.3: The Native Healthcare & Indian Health Service Modernization Act. Act 11.4: The Native Education, Language & Cultural Preservation Act. Act 11.5: The Missing & Murdered Indigenous People & Tribal Justice Act.

v2.0 changes vs v1.0: Title Overview added at 11.0. Each of the five Acts has been expanded from a single Provision A to multiple standalone Provisions corresponding to the distinct statutory mechanisms within each Act. Act 11.1 expanded from 1 to 3 Provisions (Federal Trust Responsibility Reaffirmation, Consultation Standard, Plenary Power Modernization). Act 11.2 expanded from 1 to 3 Provisions (Reservation Economy, Economic Self-Determination, Tribal Water Rights). Act 11.3 expanded from 1 to 4 Provisions (IHS Funding Crisis, Funding Mandate, Facility Modernization, Behavioral Health). Act 11.4 expanded from 1 to 3 Provisions (Education Trust, Native Language Revitalization Emergency, Tribal Education Sovereignty). Act 11.5 expanded from 1 to 4 Provisions (MMIP Crisis, Federal Response, Tribal Criminal Jurisdiction Modernization, Savanna's Act Implementation). All v1.0 prose preserved verbatim; Constitutional Authority sections consolidated at Act level. The rule-of-law coalition framing from the v1.0 Coalition Rationale preserved as the architectural anchor.

Foundational framing: The federal trust responsibility to federally recognized tribal nations is not a policy preference subject to political revision. It is a legal obligation arising from ratified treaties (supreme law of the land under Article VI), from the federal common law developed in Worcester v. Georgia and its successors, and from the plenary authority over Indian affairs that the Constitution vests in Congress. Honoring it is not charity. It is compliance with the law. This framing governs every provision in this Title.

Cross-references: Act 2.1 (Eaglecare) and Act 11.3 — the IHS modernization and the Eaglecare transition must be architecturally consistent; IHS-eligible populations shall be enrolled in Eaglecare with IHS serving as a specialized network within the Eaglecare framework. Act 12.3 (Water Security) and Act 11.2.C — tribal water rights adjudication is addressed in the Colorado River Compact modernization; the two provisions must be consistent. Act 6.8.C (National Voter ID) — tribal enrollment cards are qualifying identification under Act 6.8.C; confirm cross-reference. Act 5.1.A (CDFI Expansion) and Act 11.2.B (Economic Self-Determination) — SBA programs including the CDFI expansion shall specifically target Indian Country as a priority investment area. Act 2.4 (Mental Health Infrastructure) and Act 11.3.D (Behavioral Health) — the mental health parity standards apply to IHS and tribal health

programs with the same force as they apply to all other providers.

Provision 11.0 — Title Overview

The First Nations Compact

The United States government has entered into more than 370 ratified treaties with the sovereign nations that occupied this continent before European settlement. The Constitution's Supremacy Clause, Article VI, specifies that treaties made under the authority of the United States shall be the supreme law of the land, binding on every judge in every state court notwithstanding anything in state law to the contrary. The record of the United States government in honoring those treaties is among the most thoroughly documented records of systematic breach of legal obligation in the history of modern democratic governance. Title XI is not a remediation of two centuries of injustice in a single legislative package. It is the operational architecture for stopping the breach and fulfilling, at adequate funding levels, the specific legal obligations the United States has already incurred and continues to incur.

The premise of this Title is that the obligations to tribal nations are not a progressive policy preference and not a conservative policy preference. They are legal obligations. The trust responsibility is enforceable in federal court. The treaties are supreme law of the land. The Indian Health Service is funded at approximately forty percent of the per-capita expenditure for the general American population not because of a discretionary budgetary choice but in spite of a treaty obligation that requires parity. The Native American child who develops diabetes at three times the national rate, the Native woman whose disappearance falls into a jurisdictional gap that has been documented in federal reports for decades without producing reform, the language that will become extinct within a decade because the last fluent speakers are aging without successors — each of these is the documented material consequence of a specific federal failure to comply with a specific legal obligation. The rule of law is not a partisan value. Title XI is written for the coalition of people who believe that the law means what it says and that the United States should honor what it has promised.

Five Acts, seventeen Provisions, one premise: the trust responsibility is a legal obligation that the United States shall discharge. The Treaty Obligations and Tribal Sovereignty Modernization Act in Act 11.1 reaffirms the trust responsibility, establishes the government-to-government Consultation Standard with mandatory procedural requirements, and modernizes the exercise of congressional plenary power through the tribal impact statement requirement and the expanded Self-Determination framework. The Tribal Economic Development and Self-Determination Act in Act 11.2 establishes the $3 billion annual Tribal Infrastructure Fund, expands Self-Determination contracting and compacting to cover all federal programs administered on behalf of tribal nations, and operationalizes tribal water rights adjudication under the Winters doctrine. The Native Healthcare and Indian Health Service Modernization Act in Act 11.3 establishes the parity funding mandate for IHS, integrates IHS into Eaglecare as a specialized provider network, capitalizes the IHS Facility Modernization Fund at $2 billion over five years, and dedicates

twenty percent of the IHS appropriation to culturally appropriate behavioral health services. The Native Education, Language and Cultural Preservation Act in Act 11.4 issues the formal congressional apology for the Indian boarding school era, establishes the Native Language Preservation and Revitalization Fund at $100 million annually, and extends Self-Determination authority to BIE-funded schools. The Missing and Murdered Indigenous People and Tribal Justice Act in Act 11.5 makes the DOJ MMIP Task Force permanent, expands tribal criminal jurisdiction over non-Indian defendants for all violent felonies committed in Indian Country, and makes Savanna's Act implementation mandatory and funded.

The political claim is specific. Title XI is built on a foundation that transcends the conventional partisan categories. The obligation to tribal nations is a legal obligation, and compliance with legal obligations is not a progressive or conservative value. It is a rule-of-law value. The conservative who believes in the sanctity of contracts and the supremacy of the law as enacted should be as committed to fulfilling the treaty obligations of the United States as the progressive who believes in the rights of marginalized communities. The fiscal conservative who believes that the federal government should honor its specific legal commitments rather than incurring breach-of-trust liability should be as committed to adequate IHS funding as the healthcare advocate who believes in equal access to care. The national security conservative who believes that domestic stability requires addressing documented crises before they compound should be as committed to the MMIP response as the civil rights advocate who believes in equal justice under law. Title XI is written for the coalition of people across the political spectrum who believe that the law means what it says.

Title XI — The State of Affairs

The United States government has entered into more than 370 ratified treaties with the sovereign nations that occupied this continent before European settlement. The Constitution's Supremacy Clause, Article VI, specifies that treaties made under the authority of the United States shall be the supreme law of the land, binding on every judge in every state court notwithstanding anything in state law to the contrary. The treaties that the United States signed with tribal nations — treaties exchanging land for guaranteed rights to specific territories, hunting and fishing in specific waters, healthcare, education, and protection from encroachment — are, by the plain text of the Constitution, the supreme law of the land. The record of the United States government in honoring them is among the most thoroughly documented records of systematic breach of legal obligation in the history of modern democratic governance.

There are 574 federally recognized tribal nations in the United States, governing approximately 326 Indian reservations covering approximately 56 million acres, with a combined enrolled population of approximately three million people. These nations are not ethnic constituencies or interest groups. They are sovereign governments with whom the United States has a specific, documented, legally enforceable relationship defined by treaties, by the federal trust responsibility articulated in Worcester v. Georgia in 1832 and refined through two centuries of federal Indian law, and by the plenary authority over Indian affairs that the Constitution vests in Congress. The political relationship between the United States and tribal nations is unique in

American law. It is not analogous to the relationship between the federal government and state governments, between the federal government and foreign nations, or between the federal government and any ethnic or racial group. It is a government-to-government relationship arising from treaty, defined by law, and carrying specific legal obligations.

The political alignment around the trust responsibility framework this Title operationalizes does not map cleanly onto the conventional progressive-conservative axis, which is precisely the source of its coalition strength. The cross-partisan coalition for tribal sovereignty includes the libertarian and constitutional conservative concerned about the supremacy of ratified treaties and the rule of law; the fiscal conservative concerned about the federal government's breach-of-trust liability exposure under chronic underfunding of trust obligations; the national security conservative concerned about the stability of frontier communities and the documented MMIP crisis; the progressive committed to civil rights for marginalized communities; the healthcare advocate concerned about the structural inequity of IHS underfunding; and the language and cultural preservation advocate concerned about the irreversible loss that language extinction represents. The recent legislative record supports the bipartisan framing: the VAWA 2013 and 2022 reauthorizations, Savanna's Act in 2020, and the bipartisan support for the Federal Indian Boarding School Initiative Investigative Report in 2022 all crossed partisan lines. The political constraint on full implementation has not been the absence of cross-partisan support. It has been the chronic underfunding of the implementation mechanisms and the absence of mandatory compliance frameworks. Title XI is the operational architecture for translating documented cross-partisan recognition into the funded, enforceable operational systems the trust responsibility requires.

The conditions on many Indian reservations in 2026 are the documented consequence of two centuries of broken promises, forced relocations, assimilation policies that destroyed languages and cultural institutions, theft of land and resources through fraudulent allotments, and chronic underfunding of the federal programs through which the trust responsibility was nominally discharged. The Indian Health Service, the federal agency charged with fulfilling the healthcare component of the trust responsibility, is funded at approximately forty percent of the level necessary to provide care equivalent to what the general American population receives through private insurance and Medicare. The reservation unemployment rate is approximately twenty-eight percent nationally, with rates exceeding fifty percent on the most isolated reservations. The infrastructure gap on Indian lands — the broadband access, the road quality, the water and sanitation systems, the electrical grid — reflects decades of federal investment levels that fell far short of the legal obligation they nominally served. These are not statistics about a disadvantaged population. They are the documented consequences of specific policy failures, each traceable to a specific decision to allocate fewer resources to the federal trust obligation than the law required.

This Title does not propose to resolve two centuries of injustice in a single legislative package. It proposes to stop breaching the law and to fulfill, at adequate funding levels, the specific legal obligations the United States has already incurred. It proposes to treat tribal nations as the sovereign governments the Constitution and the treaties recognize them to be, with the government-to-government consultation and the self-determination authority that sovereignty requires. And it proposes to address, with the specificity the subjects demand, the specific

emergency conditions — the Missing and Murdered Indigenous People crisis, the Indian Health Service infrastructure collapse, the language extinction that is accelerating as the last fluent speakers age — that cannot wait for the slower pace of comprehensive structural reform.

Act 11.1 — The Treaty Obligations & Tribal Sovereignty Modernization Act

Provision 11.1.A — The Federal Trust Responsibility Reaffirmation

The Legal Foundation

The federal trust responsibility to federally recognized tribal nations is the most specific and legally grounded special relationship in American constitutional law. It derives from the Commerce Clause's grant to Congress of exclusive authority to regulate commerce with Indian tribes; from the treaty-making history of the United States, in which tribal nations traded vast territories for specific guarantees of federal protection; from the Supreme Court's recognition in Worcester v. Georgia that tribal nations are distinct political communities retaining the right to self-governance within their territories; and from the body of federal Indian law developed over two centuries in which the Court has consistently recognized that the United States owes tribal nations a duty of protection arising from the nature and history of the relationship between them. The trust responsibility is not a discretionary policy. It is a legal obligation enforceable in federal court.

The Reaffirmation

Congress hereby reaffirms the federal trust responsibility to all federally recognized tribal nations and directs all federal departments and agencies to discharge their responsibilities to tribal nations in accordance with the trust relationship, including: the obligation to consult with tribal governments on a government-to-government basis before taking any federal action that substantially affects tribal interests; the obligation to manage federal resources held in trust for tribal nations — including land, water, and mineral resources — for the benefit of those nations rather than for the benefit of non-Indian interests; the obligation to fund the federal programs through which the trust responsibility is discharged at levels sufficient to meet the treaty and statutory obligations those programs are designed to fulfill; and the obligation to protect tribal sovereignty and self-governance from encroachment by state and local governments.

Provision 11.1.B — The Consultation Standard

Government-to-Government Procedural Architecture

The Consultation Standard, organized in the v1.0 draft as a sub-section of the Federal Trust Responsibility Reaffirmation provision, is promoted in v2.0 to a standalone Provision because the consultation framework operates through a distinct procedural mechanism (the mandatory engagement requirement applicable to specific categories of agency action), establishes a distinct institutional architecture (the OMB Tribal Consultation Policy with uniform minimum

standards across all federal agencies), and creates a distinct enforcement mechanism (the annual OMB compliance review with mandatory corrective action plans for consistent non-compliance).

The Mandatory Engagement Standard

All federal departments and agencies shall implement the government-to-government consultation requirement as a mandatory procedural standard for any agency action that: proposes to affect tribal lands, waters, resources, or treaty rights; proposes to implement a federal program on or near an Indian reservation; affects the health, safety, cultural resources, or governmental authority of a tribal nation; or alters the terms or conditions under which a federal agency fulfills its trust obligations to a tribal nation. Consultation shall mean meaningful engagement with tribal government officials — not mere notification — at the earliest practicable stage of agency decision-making and throughout the process. Agencies shall document the tribal perspectives received in consultation and shall explain in writing, for any decision that proceeds over tribal objection, the specific reasons for the decision and the steps taken to address tribal concerns. The consultation standard does not give tribal nations a veto over federal action. It gives them the meaningful participation in decisions that affect them that their status as sovereign governments with treaty rights requires.

The OMB Tribal Consultation Policy

The Office of Management and Budget shall establish, within one year of enactment, a Tribal Consultation Policy covering all federal agencies, with uniform minimum standards for the timing, scope, and documentation of tribal consultation. Agency compliance with the consultation standard shall be reviewed annually by the OMB and reported to Congress. Agencies that consistently fail to meet the consultation standard shall be subject to a mandatory corrective action plan reviewed by the OMB with congressional oversight.

Provision 11.1.C — The Plenary Power Modernization

The Tribal Impact Statement Requirement

The Plenary Power Modernization, organized in the v1.0 draft as a sub-section of the Federal Trust Responsibility Reaffirmation provision, is promoted in v2.0 to a standalone Provision because the modernization operates through distinct mechanisms (the tribal impact statement requirement applicable to federal legislation, and the expanded Indian Self-Determination and Education Assistance Act contracting framework), addresses a distinct constitutional doctrine (the plenary power that has historically been exercised in ways ranging from the protective to the destructive), and constructs a distinct self-governance architecture.

Congress’s plenary power over Indian affairs, derived from the Commerce Clause and the treaty-making authority, has historically been exercised in ways that ranged from the protective to the destructive: the same constitutional authority that enabled Congress to honor treaties also enabled Congress to abrogate them, to terminate tribal recognition, and to implement the assimilation policies that dismantled tribal governments and cultures in the nineteenth and

twentieth centuries. The American Upgrade asserts that the exercise of plenary power must be governed by the trust responsibility rather than in contradiction to it.

The Expanded Self-Determination Framework

No federal legislation affecting tribal interests shall be introduced without a tribal impact statement prepared in consultation with the affected tribal nations. The Indian Self-Determination and Education Assistance Act framework, which allows tribal nations to contract and compact to administer federal Indian programs themselves, shall be expanded to cover the full range of federal services provided to tribal nations, giving tribal governments the authority to determine how trust responsibility obligations are fulfilled in their specific communities.

Constitutional Authority

The trust responsibility reaffirmation in 11.1.A, the consultation standard in 11.1.B, and the plenary power modernization in 11.1.C all derive from the Commerce Clause, the treaty obligations of the United States, the Supreme Court's trust responsibility doctrine from Cherokee Nation v. Georgia through McGirt v. Oklahoma, and Congress's established authority to define the terms of the federal-tribal relationship through legislation. The Indian Self-Determination and Education Assistance Act of 1975 provides the established statutory framework that this Act expands.

Act 11.2 — The Tribal Economic Development & Self-Determination Act

Provision 11.2.A — The Reservation Economy

The Infrastructure Gap

The infrastructure deficit on Indian reservations is among the most severe of any comparable geographic area in the United States. Approximately three in ten reservation homes lack access to safe drinking water or adequate sanitation, compared to less than one percent of non-reservation homes. Approximately forty percent of reservation households lack broadband internet access, compared to approximately twenty percent nationally, with the gap reflecting both the geographic isolation of many reservations and the chronic underfunding of federal infrastructure programs serving tribal communities. The road infrastructure on many reservations is inadequate for emergency vehicle access, for the transportation of agricultural products to market, and for the basic mobility that economic participation in the surrounding regional economy requires. The electrical grid on some reservations remains unconnected to the broader regional grid, with communities depending on diesel generators whose cost is multiple times the rate paid by grid-connected households.

The Tribal Infrastructure Fund

The Infrastructure Investment and Jobs Act of 2021 included provisions for tribal infrastructure investment, but at funding levels that address only a fraction of the documented gap. This

provision establishes a dedicated Tribal Infrastructure Fund capitalized at not less than three billion dollars annually, administered by the Bureau of Indian Affairs in consultation with tribal governments, for the construction and improvement of: water and sanitation systems serving reservation communities; roads and bridges on Indian lands meeting federal safety standards; broadband infrastructure connecting reservation communities to the regional and national internet backbone; electrical grid connections and renewable energy development on Indian lands; and housing, both rehabilitation of existing substandard housing stock and construction of new housing to address the documented shortage on reservations where overcrowding rates far exceed the national average.

Provision 11.2.B — Economic Self-Determination

The Self-Determination Framework Expansion

Economic Self-Determination, organized in the v1.0 draft as a sub-section of the Reservation Economy provision, is promoted in v2.0 to a standalone Provision because the self-determination framework operates through a distinct statutory mechanism (the Indian Self-Determination and Education Assistance Act of 1975 expanded scope), addresses a distinct institutional architecture (tribal contracting and compacting authority over the full range of federal programs administered on behalf of tribal nations), and constructs a distinct economic development framework (SBA programs including the CDFI expansion in Act 5.1.A targeting Indian Country as a priority investment area, BIA Office of Indian Energy and Economic Development capacity, and Native American Agriculture Fund expansion).

The Self-Determination Expansion

The Indian Self-Determination and Education Assistance Act of 1975 established the foundational principle that tribal nations should have the authority to plan, conduct, and administer federal programs and services serving their communities rather than having those programs administered by federal bureaucracies that are distant from, and often inadequately attentive to, the specific conditions and priorities of the communities they serve. The self-determination framework has produced documented improvements in service quality and cultural appropriateness in the programs where it has been implemented. Its scope shall be expanded to cover all federal programs administered on behalf of tribal nations, with a specific mandate to offer contracting and compacting opportunities to every tribal nation that requests them within two years of enactment.

The Economic Development Architecture

The Small Business Administration’s programs, including the CDFI expansion established in Act 5.1.A, shall specifically target Indian Country as a priority investment area. The BIA’s Office of Indian Energy and Economic Development shall be funded at levels sufficient to provide technical assistance for tribal business development, loan guarantee support for tribal enterprise development, and regulatory assistance to tribal nations seeking to develop their natural and cultural resources under tribal law. The Native American Agriculture Fund and the USDA’s programs for Native American farmers and ranchers shall be expanded to address the

documented barriers to agricultural credit, equipment access, and market participation that limit the economic return from the agricultural resources on many reservations.

Provision 11.2.C — Tribal Water Rights

The Winters Doctrine Framework

Tribal Water Rights, organized in the v1.0 draft as a sub-section of the Reservation Economy provision, is promoted in v2.0 to a standalone Provision because the water rights framework operates through a distinct constitutional doctrine (the Winters doctrine established in Winters v. United States in 1908, providing that the federal government implicitly reserved the water rights necessary to fulfill the purposes of reservations at the time of establishment), addresses a distinct adjudication architecture (the ongoing federal-state-tribal settlement negotiations that have been continuing for decades), and constructs a distinct integration mechanism (the Colorado River Compact renegotiation in Act 12.3.A treating tribal nations as equal parties to the negotiation).

The Reserved Water Rights

The water rights of tribal nations, arising from the Winters doctrine established in Winters v. United States in 1908, provide that when the federal government established Indian reservations, it implicitly reserved the water rights necessary to fulfill the purposes of the reservation, with a priority date of the reservation's establishment. These reserved water rights are senior to most state water rights in the western United States and are central to the economic viability of agricultural, ranching, and economic development activities on many reservations. The adjudication of tribal water rights has been ongoing for decades in many western states, with settlements providing certainty of allocation but often at levels below what the Winters doctrine's full reservation would provide.

The Settlement Completion Standard

The Department of the Interior shall complete all pending tribal water rights settlement negotiations within five years of enactment, with federal financial support for the infrastructure necessary to put adjudicated water rights to beneficial use. No tribal water rights settlement shall be finalized without the free, prior, and informed consent of the tribal nation whose rights are being settled. The Colorado River Compact renegotiation established in Act 12.3.A shall include tribal nations with Colorado River water rights as equal parties to the negotiation, not as stakeholders to be consulted after the state allocation framework is established.

Constitutional Authority

The tribal infrastructure investment in 11.2.A and the economic development provisions in 11.2.B derive from Congress's plenary authority over Indian affairs under the Commerce Clause, from the trust responsibility, and from the Spending Clause. The water rights provisions in 11.2.C derive from the Winters doctrine, the trust responsibility, and Congress's authority to appropriate funds for the fulfillment of treaty and trust obligations.

Act 11.3 — The Native Healthcare & Indian Health Service Modernization Act

Provision 11.3.A — The IHS Funding Crisis

The Healthcare Debt

The Indian Health Service was established to fulfill the healthcare component of the federal trust responsibility — the treaty promise of healthcare that the United States made to tribal nations in exchange for the vast territories they ceded. The IHS is chronically and severely underfunded relative to the trust obligation it nominally discharges. The per-capita funding for IHS patients is approximately forty percent of the per-capita healthcare expenditure for the general American population under Medicare. The gap means that IHS facilities routinely exhaust their annual budgets before the fiscal year ends, deferring non-emergency care, canceling referrals, and operating with staffing levels that are inadequate to provide care that meets the standard available to non-Indian patients. The Native American population, as a direct consequence, experiences the highest rates of diabetes, tuberculosis, heart disease, suicide, and infant mortality of any demographic group in the United States. The healthcare crisis in Indian Country is the healthcare crisis of a population whose treaty-guaranteed right to healthcare has been systematically underfunded for generations.

Provision 11.3.B — The IHS Funding Mandate

The Parity Standard and Eaglecare Integration

The IHS Funding Mandate, organized in the v1.0 draft as a sub-section of the IHS Funding Crisis provision, is promoted in v2.0 to a standalone Provision because the funding parity framework operates through a distinct statutory mechanism (the five-year phase-in to per-capita parity with the general American population), addresses a distinct institutional architecture (the IHS modernization as a specialized provider network within Eaglecare per Act 2.1), and constructs a distinct integration mechanism (automatic Eaglecare enrollment for IHS-eligible patients with full provider network access).

The Parity Funding Standard

The annual appropriation for the Indian Health Service shall be increased to reach funding parity with the per-capita healthcare expenditure of the general American population, on a five-year phase-in schedule beginning in the first full fiscal year after enactment. Parity shall be calculated annually by the HHS Office of Minority Health using the most current available per-capita healthcare expenditure data, and the IHS appropriation shall be adjusted accordingly in each subsequent fiscal year. The parity funding mandate reflects the specific legal basis of IHS funding: it is not a welfare appropriation subject to the discretionary budgeting process. It is the fulfillment of a treaty obligation. Congress shall appropriate the funds necessary to meet it.

The Eaglecare Integration

The IHS shall be modernized in coordination with the Eaglecare transition established in Act 2.1 to function as a specialized provider network within the Eaglecare system, preserving the IHS's unique expertise in the specific health conditions of Native American populations while giving IHS-eligible patients full access to the broader Eaglecare provider network for services not available at IHS facilities. IHS-eligible patients shall be automatically enrolled in Eaglecare upon the system's operational commencement and shall be able to use their Eaglecare coverage at any provider in the Eaglecare network. The IHS's referral care crisis — the documented practice of deferring referrals to specialist care because the referral budget is exhausted — is eliminated under the Eaglecare integration: the Eaglecare Trust covers specialist care regardless of the IHS's budget status.

Provision 11.3.C — IHS Facility Modernization

The Facility Modernization Fund

IHS Facility Modernization, organized in the v1.0 draft as a sub-section of the IHS Funding Crisis provision, is promoted in v2.0 to a standalone Provision because the facility modernization framework operates through a distinct funding mechanism (the IHS Facility Modernization Fund with $2 billion over five years capitalization), addresses a distinct infrastructure scope (the network of approximately 170 IHS hospitals and health centers and over 90 health stations), and constructs a distinct eligibility framework (tribal health programs operated under self-determination contracting authority eligible on the same terms as federally operated facilities).

The Modernization Standard

The IHS maintains a network of approximately 170 hospitals and health centers and over 90 health stations across Indian Country. Many of these facilities are in facilities that are decades old, inadequately equipped by the standards of modern medicine, and in documented states of disrepair. The IHS Facility Modernization Fund shall be established within the IHS budget, capitalized at not less than two billion dollars over five years, for the renovation, reconstruction, and re-equipment of IHS facilities to meet modern clinical standards. Priority shall be given to facilities with the most severe documented infrastructure deficiencies and to facilities serving the most underserved populations. Tribal health programs operated under the self-determination contracting authority shall be eligible for Facility Modernization Fund resources on the same terms as federally operated IHS facilities.

Provision 11.3.D — Behavioral Health and Substance Use

The Behavioral Health Crisis

Behavioral Health and Substance Use, organized in the v1.0 draft as a sub-section of the IHS Funding Crisis provision, is promoted in v2.0 to a standalone Provision because the behavioral health framework operates through a distinct programmatic architecture (the twenty-percent-of-IHS-appropriation dedicated funding), addresses a distinct documented condition (the rates of

suicide, depression, PTSD, and substance use disorder driven by historical and ongoing trauma), and constructs a distinct service standard (cultural competency requirements including traditional healing integration, community health representatives, and tribal cultural values).

The Twenty-Percent Dedicated Funding

The behavioral health crisis in Indian Country — including rates of suicide, depression, PTSD, and substance use disorder that exceed national averages by significant margins, driven by the cumulative trauma of historical losses and the ongoing conditions of poverty, isolation, and inadequate infrastructure — requires investment in culturally appropriate behavioral health services that the IHS has not been funded to provide at scale. The IHS behavioral health program shall be funded at not less than twenty percent of the total IHS appropriation, reflecting the documented proportion of the Native American health burden attributable to behavioral health conditions.

The Cultural Competency Standard

Cultural competency in behavioral health services — including the integration of traditional healing practices, the employment of community health representatives who are members of the communities they serve, and the development of treatment models that reflect tribal cultural values — shall be a required element of all IHS behavioral health programs. The mental health parity standards of Act 2.4 apply to IHS and tribal health programs with the same force as they apply to all other healthcare providers.

Constitutional Authority

The IHS funding mandate in 11.3.A and 11.3.B derives from Congress's trust responsibility obligations, from the treaty basis of the IHS's mission, and from the Snyder Act of 1921, which provides the primary statutory authorization for federal healthcare services to Native Americans. The Eaglecare integration derives from Act 2.1's statutory framework, which Congress may amend to incorporate the IHS network. The Facility Modernization Fund in 11.3.C derives from the same trust responsibility authority and from Congress's Spending Clause power. The behavioral health framework in 11.3.D derives from the Snyder Act, the trust responsibility, and the Mental Health Parity and Addiction Equity Act of 2008 as applied through Act 2.4.

Act 11.4 — The Native Education, Language & Cultural Preservation Act

Provision 11.4.A — The Education Trust

The Legacy of the Boarding Schools

From the 1870s through the 1970s, the United States government operated a network of Indian boarding schools whose explicit institutional purpose was the destruction of Native American culture, language, and identity. The slogan associated with Richard Henry Pratt, the founder of the Carlisle Indian Industrial School, stated the policy with a precision that the subsequent

century's worth of euphemism has not fully obscured: kill the Indian, save the man. Children were removed from their families, prohibited from speaking their languages, punished for practicing their traditions, and subjected to conditions that a 2022 Interior Department report documented included physical and sexual abuse and the deaths of more than fifty children, with the burial sites of many of those children still unknown.

The boarding school era did not end in some distant historical past. It continued into the living memory of grandparents and great-grandparents of people alive today, and its consequences — in the form of intergenerational trauma, language loss, and cultural disruption — are documented by research in child development, psychology, and public health as continuing contributors to the health and social outcomes disparities in Native American communities. The United States government has not formally apologized for the boarding school era. A formal apology does not undo what was done. It does not restore the languages that were silenced or the communities that were disrupted. But a government that claims to be governed by honesty and accountability for its own conduct owes the nations it governed in this way the acknowledgment that the conduct occurred, that it was wrong, and that the federal trust responsibility that the boarding school era systematically violated is real and enforceable.

The Formal Apology

Congress hereby issues a formal apology to all tribal nations and to all individuals and families affected by the Indian boarding school policies of the United States government, acknowledges the government's responsibility for the harms those policies produced, and commits the resources and the institutional attention necessary to address those harms in the provisions of this Act.

Provision 11.4.B — The Native Language Revitalization Emergency

The Documented Timeline

The Native Language Revitalization Emergency, organized in the v1.0 draft as a sub-section of the Education Trust provision, is promoted in v2.0 to a standalone Provision because the language revitalization framework operates through a distinct funding mechanism (the Native Language Preservation and Revitalization Fund at $100 million annually administered by the Administration for Native Americans), addresses a distinct documented timeline (approximately seventy languages spoken only by elders with no younger fluent speakers, facing extinction within a generation), and constructs a distinct programmatic architecture (named program categories from master-apprentice transmission through community language use programs).

The Scope of Language Loss

Of the approximately 170 Indigenous languages still spoken in the United States, approximately seventy are spoken only by elders with no younger fluent speakers — meaning that without immediate intervention, those languages will become extinct within a generation. Languages that took millennia to develop, that encode specific knowledge about the natural world, specific philosophical and spiritual frameworks, and specific forms of human relationship that have no precise equivalent in any other language, will cease to exist as living systems of communication

and thought. Language death is not merely a cultural loss. It is the termination of a form of human knowledge that cannot be reconstructed once the last fluent speaker is gone.

The Native Language Preservation and Revitalization Fund

The Administration for Native Americans shall administer the Native Language Preservation and Revitalization Fund, capitalized at not less than one hundred million dollars annually, for: master-apprentice language transmission programs pairing elder fluent speakers with younger community members in intensive language transmission relationships; language nest immersion programs for children from birth through early childhood conducted entirely in tribal languages; tribal language documentation projects creating permanent archives of language materials, audio recordings, and grammatical analyses; tribal college language programs providing teacher training and curriculum development for tribal language instruction; and community language use programs supporting the use of tribal languages in tribal government operations, signage, and community events. The urgency of the investment is calibrated to the documented timeline: every year of delay means the permanent loss of languages and the knowledge they carry.

Provision 11.4.C — Tribal Education Sovereignty

The BIE School System Framework

Tribal Education Sovereignty, organized in the v1.0 draft as a sub-section of the Education Trust provision, is promoted in v2.0 to a standalone Provision because the education sovereignty framework operates through a distinct institutional architecture (the Bureau of Indian Education system of approximately 183 schools serving approximately 48,000 students — the only federal school system in the United States), addresses a distinct statutory framework (the Indian Self-Determination framework extension to BIE-funded schools and the Every Student Succeeds Act amendment), and constructs a distinct funding standard (federal per-pupil rates at least equivalent to the national average).

The Self-Determination Extension

The Bureau of Indian Education operates approximately 183 schools serving approximately 48,000 students in tribal communities, making it the only federal school system in the United States. The BIE schools have historically been governed by federal standards and curricula that were designed for the general American student population rather than for students whose cultural context, language background, and community needs are distinct. The Indian Self-Determination framework shall be extended fully to BIE-funded schools: tribal nations shall have the authority to govern their own schools under tribal education codes, to design curricula that integrate tribal languages, cultural knowledge, and community values, and to hire teachers who are members of the communities they serve.

The Per-Pupil Funding Standard and Native Student Support

Federal funding for tribal-controlled schools shall be provided at per-pupil rates at least equivalent to the national average per-pupil expenditure in public schools, addressing the documented chronic underfunding that has left BIE schools with deteriorating facilities, outdated

technology, and teacher salaries insufficient to attract and retain qualified educators. The Every Student Succeeds Act shall be amended to recognize tribal education authority as a distinct governmental entity with the right to develop tribal educational sovereignty plans that reflect tribal priorities, with federal accountability requirements adapted to respect tribal self-determination while maintaining appropriate accountability for federal funds. Native students in public schools outside of BIE schools shall have their cultural and linguistic needs addressed through adequate funding for Native language and culture programs, Native American student support services, and professional development for teachers serving Native students.

Constitutional Authority

The formal apology in 11.4.A derives from Congress's authority to speak for the government and from the established precedent of congressional apologies for prior government conduct. The Native Language Preservation and Revitalization Fund in 11.4.B and the tribal education sovereignty provisions in 11.4.C derive from Congress's plenary authority over Indian affairs, the trust responsibility, and the Spending Clause.

Act 11.5 — The Missing & Murdered Indigenous People & Tribal Justice Act

Provision 11.5.A — The MMIP Crisis

The Scale and the Jurisdictional Failure

Native American and Alaska Native women are murdered at a rate more than ten times the national average. Native American women are more than twice as likely to experience sexual violence as women of other racial groups, according to the Department of Justice's own research. The National Crime Information Center has documented systematic under-reporting of missing and murdered Native Americans, with tribal law enforcement agencies historically lacking the access to NCIC databases and the federal investigative resources necessary to report and investigate cases at the rate that the documented incidence would require. Cases that are reported frequently fall into a jurisdictional gap in which tribal, state, and federal authorities each lack the authority, the resources, or both to prosecute the responsible parties — a gap that has been documented in academic research, in GAO reports, and in the testimony of tribal leaders and advocates for decades without producing the structural reform necessary to close it.

The jurisdictional complexity of Indian Country criminal law is the product of a series of Supreme Court decisions and congressional statutes that have created a layered, inconsistent, and in many cases functionally dysfunctional allocation of criminal jurisdiction among tribal, federal, and state authorities. The Major Crimes Act, the General Crimes Act, Public Law 280, and the Violence Against Women Act's tribal provisions have created a framework in which the jurisdiction over a specific crime depends on variables including the race of the victim, the race of the perpetrator, the location of the offense, and the specific crime charged, in ways that no reasonable system of justice would design if designing from scratch.

Provision 11.5.B — The Federal Response

The DOJ MMIP Task Force and FBI Architecture

The Federal Response framework, organized in the v1.0 draft as a sub-section of the MMIP Crisis provision, is promoted in v2.0 to a standalone Provision because the response operates through distinct institutional mechanisms (the DOJ Missing and Murdered Indigenous People Task Force made permanent, dedicated FBI field agents in offices serving Indian Country jurisdictions, the NCIC dedicated MMIP database with tribal law enforcement access), and constructs a distinct accountability framework (the annual DOJ MMIP public reporting requirement by tribal nation and by state).

The Federal Investigative Architecture

The Department of Justice's Missing and Murdered Indigenous People Task Force shall be made permanent and adequately funded, with dedicated federal investigative resources assigned to unresolved missing and murdered cases in Indian Country. The FBI shall assign dedicated agents to each of its field offices serving areas with significant Indian Country jurisdiction, with specific training in the jurisdictional framework of Indian Country criminal law and in the cultural competency necessary to build the trust with tribal communities that effective investigation requires. The National Crime Information Center shall establish a dedicated MMIP database that tribal law enforcement agencies can directly access and contribute to, eliminating the information gaps that have allowed cases to go uninvestigated because of incompatible records systems. The DOJ shall publish annually the number of MMIP cases reported, investigated, prosecuted, and resolved in Indian Country, by tribal nation and by state, as a public accountability measure.

Provision 11.5.C — Tribal Criminal Jurisdiction Modernization

The VAWA Jurisdiction Expansion

Tribal Criminal Jurisdiction Modernization, organized in the v1.0 draft as a sub-section of the MMIP Crisis provision, is promoted in v2.0 to a standalone Provision because the jurisdiction framework operates through a distinct statutory mechanism (the Violence Against Women Act 2013 and 2022 reauthorizations expanded Special Tribal Criminal Jurisdiction), addresses a distinct constitutional question (the Supreme Court's recognition in United States v. Lara that Congress may relax restrictions on tribal criminal jurisdiction over non-members), and constructs a distinct enforcement architecture (the funded tribal court infrastructure necessary to exercise expanded jurisdiction competently and constitutionally).

The Expanded Jurisdiction Framework

The Violence Against Women Reauthorization Act of 2013 recognized tribal criminal jurisdiction over non-Indian defendants who commit domestic violence, dating violence, and violations of protective orders in Indian Country — a first step toward addressing the jurisdictional gap that had allowed non-Indian perpetrators to commit violence against Native women with near-total impunity because tribal courts lacked jurisdiction to prosecute them. The VAWA 2022

reauthorization expanded tribal jurisdiction to include sexual violence, sex trafficking, child violence, and stalking. This Act makes permanent and fully funded the Special Tribal Criminal Jurisdiction provisions of VAWA 2022, extends them to all violent felonies committed in Indian Country regardless of the race of the perpetrator, and provides the training, technical assistance, and federal cost-sharing for tribal court infrastructure necessary to exercise this expanded jurisdiction competently and constitutionally.

The Tribal Court Funding Standard

The funding for tribal court systems — which are the governmental institutions through which tribal sovereignty is most directly exercised in the daily life of reservation communities — shall be increased to levels sufficient to provide adequate judicial salaries, legal representation for indigent defendants, court facilities that meet basic standards of dignity and functionality, and professional development for tribal judges and court staff. A tribal court system that cannot function adequately for lack of funding is a tribal sovereignty that exists in name only. The American Upgrade treats tribal judicial infrastructure as the governmental necessity it is.

Provision 11.5.D — The Savanna's Act Implementation

The Mandatory Implementation Framework

The Savanna's Act Implementation, organized in the v1.0 draft as a sub-section of the MMIP Crisis provision, is promoted in v2.0 to a standalone Provision because the implementation framework operates through a distinct statutory mechanism (Savanna's Act of 2020, made mandatory and funded), addresses a distinct implementation problem (the v1.0 statute lacked mandatory compliance mechanisms), and constructs a distinct operational architecture (the six-month DOJ guidelines finalization, the one-year mandatory federal agency implementation, and the conditional grant eligibility for state and local law enforcement agencies).

The Implementation Requirements

Savanna's Act, enacted in 2020, required the Department of Justice to develop guidelines for law enforcement agencies responding to cases of missing and murdered Indigenous people and to develop and implement a comprehensive strategy to address MMIP. The implementation of the Act has been incomplete due to inadequate funding and the absence of mandatory compliance mechanisms. This provision makes the implementation requirements of Savanna's Act mandatory and funded: the DOJ guidelines shall be finalized within six months of enactment; all federal law enforcement agencies operating in or adjacent to Indian Country shall be required to implement the guidelines as mandatory operational procedures within one year; state and local law enforcement agencies receiving federal justice assistance grants shall be required to implement the guidelines as a condition of grant eligibility; and the DOJ shall provide technical assistance and training to any agency requesting support in implementing the guidelines.

Constitutional Authority

The MMIP federal response provisions in 11.5.A and 11.5.B derive from Congress's trust responsibility, its plenary authority over Indian affairs, and from Congress's established law

enforcement authority under the Commerce Clause and the Major Crimes Act. The tribal criminal jurisdiction expansion in 11.5.C derives from Congress's authority to recognize tribal sovereignty and from the Supreme Court's recognition in United States v. Lara that Congress may relax restrictions on tribal criminal jurisdiction over non-members. The tribal court funding derives from the trust responsibility and the Spending Clause. The Savanna's Act implementation framework in 11.5.D derives from the same trust responsibility, congressional law enforcement authority, and Spending Clause power as applied through grant conditions.

Coalition Rationale — Title XI

The Material Priority Test

Title XI passes the Material Priority Test through the most direct chain of legal obligation available in this document: the United States owes specific, enforceable legal duties to tribal nations, and the failure to fulfill those duties produces specific, documented, material harms. The Native American child who develops diabetes at a rate three times the national average because the IHS facility serving their community is funded at forty percent of the level necessary to provide equivalent care is experiencing the material consequence of a legal breach. The Native woman who disappears into an unsolved case that falls into a jurisdictional gap between tribal, state, and federal authorities is experiencing the material consequence of a statutory and constitutional framework so dysfunctional that it has produced a crisis documented in federal government reports without producing the reform those reports recommended. The language that will disappear within a decade because the federal government spent a century trying to eliminate it and has not invested adequately in its revival is a material loss that cannot be undone once the last fluent speaker is gone. Every provision in this Title addresses a specific, documented, legally grounded material obligation.

The Specificity Test

Title XI passes the Specificity Test through complete operational specificity across five Acts and seventeen Provisions. Act 11.1 specifies the federal trust responsibility reaffirmation, the OMB Tribal Consultation Policy with uniform minimum standards across all federal agencies, the annual compliance review and corrective action plan framework, and the tribal impact statement requirement for federal legislation. Act 11.2 specifies the $3 billion annual Tribal Infrastructure Fund with named investment categories, the Self-Determination contracting and compacting expansion with two-year offering mandate, the SBA and BIA program targeting, and the five-year tribal water rights settlement completion timeline with named Colorado River Compact integration. Act 11.3 specifies the five-year IHS funding parity phase-in to per-capita parity with the general American population, the Eaglecare integration with automatic IHS-eligible enrollment, the $2 billion over five years IHS Facility Modernization Fund, and the twenty-percent-of-IHS-appropriation behavioral health funding floor. Act 11.4 specifies the formal congressional apology for the Indian boarding school era, the $100 million annual Native Language Preservation and Revitalization Fund with named program categories, and the BIE schools per-pupil parity standard with the Every Student Succeeds Act tribal education

sovereignty amendment. Act 11.5 specifies the permanent DOJ MMIP Task Force, the dedicated FBI field agents in Indian Country offices, the NCIC dedicated MMIP database with tribal access, the annual DOJ MMIP public reporting, the VAWA Special Tribal Criminal Jurisdiction expansion to all violent felonies regardless of perpetrator race, the funded tribal court infrastructure, and the Savanna's Act mandatory implementation with the six-month DOJ guidelines and one-year federal agency adoption timeline.

The Coalition Architecture and Delivery Tests

Title XI's coalition is built on a foundation that transcends the conventional partisan categories in a specific way: the obligation to tribal nations is a legal obligation, and compliance with legal obligations is not a progressive or conservative value. It is a rule-of-law value. The conservative who believes in the sanctity of contracts and the supremacy of the law as enacted should be as committed to fulfilling the treaty obligations of the United States as the progressive who believes in the rights of marginalized communities. The fiscal conservative who believes that the federal government should honor its specific legal commitments rather than incurring breach-of-trust liability should be as committed to adequate IHS funding as the healthcare advocate who believes in equal access to care. The national security conservative who believes that domestic stability requires addressing documented crises before they compound should be as committed to the MMIP response as the civil rights advocate who believes in equal justice under law. The language preservationist who understands that the extinction of a language is the permanent loss of a form of human knowledge should find allies across the political spectrum who share that understanding. Title XI is written for the coalition of people who believe that the law means what it says and that the United States should honor what it has promised.

The recent legislative record supports the bipartisan framing: the VAWA 2013 and 2022 reauthorizations crossed partisan lines; Savanna's Act in 2020 passed with bipartisan support; the Federal Indian Boarding School Initiative Investigative Report released in 2022 received bipartisan recognition. The Indian Self-Determination and Education Assistance Act of 1975 itself was bipartisan legislation, and the subsequent expansions of the self-determination framework have been bipartisan. The political constraint on full implementation has not been the absence of cross-partisan support but the chronic underfunding of the implementation mechanisms. Title XI is the operational architecture for translating documented cross-partisan recognition into the funded, enforceable operational systems the trust responsibility requires.

Title XI passes the Delivery Test because every Provision is designed around a specific documented failure mode of the existing trust responsibility infrastructure: the unilateral presidential capacity to disregard the consultation requirement; the absence of uniform tribal consultation standards across federal agencies; the exercise of plenary power without trust-responsibility constraint; the documented infrastructure gap on reservations; the Self-Determination framework constrained in scope; the unresolved tribal water rights adjudications; the IHS per-capita funding shortfall; the IHS facility infrastructure deterioration; the behavioral health gap; the historical breach of the boarding school era unrecognized by formal apology; the language extinction proceeding faster than the revitalization investment; the BIE schools governed by standards not designed for tribal communities; the MMIP under-reporting and

jurisdictional gap; the VAWA Special Tribal Criminal Jurisdiction limited in scope and underfunded; and the Savanna's Act implementation incomplete for lack of mandatory compliance mechanisms. Every structural choice is a response to a documented failure. Title XI was built to work.

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STATUS: Title XI — Acts 11.1 through 11.5 — Draft v2.0 Complete. Title XI: The First Nations Compact is now in v2.0 form. The 11.0 Title Overview is new in v2.0. Each of the five Acts has been expanded from a single Provision A to multiple standalone Provisions corresponding to the distinct statutory mechanisms within each Act. Act 11.1 expanded from 1 to 3 Provisions (Federal Trust Responsibility Reaffirmation, Consultation Standard, Plenary Power Modernization). Act 11.2 expanded from 1 to 3 Provisions (Reservation Economy, Economic Self-Determination, Tribal Water Rights). Act 11.3 expanded from 1 to 4 Provisions (IHS Funding Crisis, IHS Funding Mandate, IHS Facility Modernization, Behavioral Health and Substance Use). Act 11.4 expanded from 1 to 3 Provisions (Education Trust, Native Language Revitalization Emergency, Tribal Education Sovereignty). Act 11.5 expanded from 1 to 4 Provisions (MMIP Crisis, Federal Response, Tribal Criminal Jurisdiction Modernization, Savanna's Act Implementation). All v1.0 prose preserved verbatim; Constitutional Authority sections consolidated at Act level. The rule-of-law coalition framing from v1.0 preserved as the architectural anchor.

Key sources for final sourcing: Worcester v. Georgia (1832); Cherokee Nation v. Georgia (1831); Winters v. United States (1908); United States v. Lara (2004); McGirt v. Oklahoma (2020); Indian Self-Determination and Education Assistance Act (1975); Snyder Act (1921); Violence Against Women Act reauthorizations (2013, 2022); Savanna's Act (2020); Major Crimes Act; General Crimes Act; Public Law 280; Interior Department Federal Indian Boarding School Initiative Investigative Report (2022); BIA Missing and Murdered Indigenous People data; DOJ tribal justice statistics; IHS per-capita funding comparison data; Census Bureau American Indian and Alaska Native population and poverty data; National Congress of American Indians tribal infrastructure gap reports; Administration for Native Americans language vitality reports; Bureau of Indian Education school census data.

Cross-reference flags: Act 2.1 (Eaglecare) and Act 11.3.B — IHS as specialized Eaglecare network provider; confirm architectural consistency. Act 12.3.A (Colorado River) and Act 11.2.C — tribal nations as equal negotiating parties; confirm consistent language. Act 6.8.C (National Voter ID) — tribal enrollment cards as qualifying identification; confirm cross-reference. Act 5.1.A (CDFI Expansion) and Act 11.2.B — SBA programs including CDFI targeting Indian Country as priority investment area. Act 2.4 (Mental Health Parity) and Act 11.3.D — mental health parity standards apply to IHS and tribal health programs. Act 4.1 (DWS Block Grant) and Act 11.4.C — BIE schools and the broader K-12 framework coordination. Act 6.4 (Civil Service Protection) and Act 11.1.B — the OMB Tribal Consultation Policy operates within the merit-protection framework of Title VI.

THE YELLOW JACKET POLICY RESEARCH SERIES

The American Upgrade

Title XII — The Environmental Compact

Acts 12.1 through 12.5 — The Public Lands Compact, The Clean Energy Transition Act, The Water Security Act, The Climate Resilience & Adaptation Act, and The Ocean & Coastal Protection Act

E. Lawrence Anderson — May 2026 — Draft v2.0

Independent Research — All Documents Freely Reproducible

DRAFTING STATUS: ■ v2.0 Complete │ □ Legal Review │ □ Final

Title XII is the final Title of the American Upgrade and is now in v2.0 form. All five Acts and a Title Overview are contained in this document. Act 12.1: The Public Lands Compact. Act 12.2: The Clean Energy Transition Act. Act 12.3: The Water Security Act. Act 12.4: The Climate Resilience & Adaptation Act. Act 12.5: The Ocean & Coastal Protection Act.

v2.0 changes vs v1.0: Title Overview added at 12.0. Each of the five Acts has been expanded from a single Provision A to multiple standalone Provisions corresponding to the distinct statutory mechanisms within each Act. Act 12.1 expanded from 1 to 3 Provisions (Statutory Lockbox, No Net Loss Guarantee, Stewardship Federalism). Act 12.2 expanded from 1 to 3 Provisions (Clean Energy Standard, Grid Modernization Mandate, Just Transition Investment). Act 12.3 expanded from 1 to 4 Provisions (Lead Pipe Elimination, Colorado River Compact Modernization, Ogallala Aquifer Conservation Program, National Water Infrastructure Investment). Act 12.4 expanded from 1 to 3 Provisions (National Climate Resilience Strategy, Federal Flood Insurance Modernization, Wildfire Management Investment). Act 12.5 expanded from 1 to 4 Provisions (Ocean Commons, Federal Fisheries Management Modernization, Offshore Wind and Ocean Planning Framework, Marine Protected Areas and Coastal Restoration). All v1.0 prose preserved verbatim; Constitutional Authority consolidated at Act level.

Framing note: Title XII is written as a stewardship and security argument, not an ideological one. The unifying principle across all five Acts is the one the working draft identified correctly: conservation is a conservative value. The elk hunter in Montana and the environmental activist in Vermont have the same material stake in clean water, intact public lands, and functioning ecosystems. They use different language. This document uses the language of stewardship, security, and economic inheritance rather than the language of climate politics. That framing is deliberate and is the condition under which this Title passes the coalition architecture test.

Cross-references: Act 1.2 (Energy Sovereignty Initiative) — the clean energy transition in Act 12.2 and the all-of-the-above energy provisions in Title I are companion pieces; grid modernization, nuclear, permitting reform, and transmission corridors are addressed in Title I and referenced here. Act 1.6 (American Stewardship Act) — the public lands protection in Act 12.1 extends and codifies the framework established in Act 1.6.A. Act 1.4 (Food Independence) — the water security provisions in Act 12.3 are directly connected to agricultural water use and rural water infrastructure. Act 11.2.C (Tribal Water Rights) and Act 12.3.B — tribal nations are equal parties to the Colorado River Compact renegotiation; the two provisions must be consistent. Act 10.4.B (National Survival Industries) and Act 12.2 — the clean energy supply chain for batteries and rare earth processing operates within the National Survival Industries framework. Act 10.3.C (Strategic Transformer Reserve) and Act 12.2.B —

grid hardening and grid modernization are companion frameworks.

Provision 12.0 — Title Overview

The Environmental Compact

The environmental conditions on which working people depend are not abstractions in a policy paper. They are the watersheds that supply the drinking water, the public lands that supply the elk and the hunting season and the recreation economy, the rivers that irrigate the crops, the soils that grow the food, the oceans that yield the fish, the atmospheres that the lungs of children develop in, and the climates whose stability the agricultural calendar of every farming community in the country presupposes. Title XII is the operational architecture for stewarding these conditions across the five domains in which the federal government has the constitutional authority and the institutional responsibility to act: the public lands, the energy transition, the water systems, the climate resilience infrastructure, and the ocean and coastal protection framework.

The premise of this Title is that conservation is a conservative value, stewardship is not ideology, and the land belongs to the people. These are not controversial propositions. They are the unifying principles of this Title and of the coalition it is designed to build. The binary between fossil fuel maximalism and degrowth austerity has been false for twenty years and has obscured the actual range of choices available. The United States can build the energy infrastructure of the 21st century, including advanced nuclear, geothermal, offshore wind, utility-scale solar, and the grid transmission infrastructure to connect generation to demand, while maintaining and expanding domestic fossil fuel production during the transition period, while protecting the public lands and water systems that are the material basis of the rural economy, and while reducing the emissions that are changing the conditions on which that economy depends. These are not competing choices. They are the same agenda pursued with competence rather than ideology.

Five Acts, seventeen Provisions, one premise: the natural systems that working people depend on require federal stewardship at scale commensurate with their documented role in the economic and physical conditions of American life. The Public Lands Compact in Act 12.1 establishes the permanent statutory sale prohibition on all federal public lands managed by the National Park Service, the U.S. Fish and Wildlife Service, the BLM, and the U.S. Forest Service, with permanent mandatory funding for the Land and Water Conservation Fund, the No Net Loss guarantee for hunting and fishing access, and the Stewardship Federalism framework. The Clean Energy Transition Act in Act 12.2 establishes the all-of-the-above Clean Energy Standard (70% clean generation by 2035, 100% by 2045), the Grid Modernization Mandate with FERC interconnection queue reform and DOE National Transmission Corridor authority, and the $10 billion Just Transition Investment Fund for coal communities. The Water Security Act in Act 12.3 establishes the five-year lead pipe elimination with 100% federal funding for low-income communities, the Colorado River Compact modernization with tribal nations as equal parties, the Ogallala Aquifer Conservation Program at $500 million annually, and the $5 billion annual

National Water Infrastructure Investment. The Climate Resilience and Adaptation Act in Act 12.4 establishes the National Climate Resilience Strategy framework with named planning horizons, the National Flood Insurance Program modernization with risk-based premium pricing and the voluntary buyout framework, and the Wildfire Management Investment restructuring with a permanent suppression fund separated from the discretionary appropriations process. The Ocean and Coastal Protection Act in Act 12.5 establishes the Magnuson-Stevens ecosystem-based fisheries management framework with the Community Fisheries Resilience Fund, the BOEM offshore wind and ocean planning framework, and the 30x30 marine protected areas plan with coastal wetland restoration.

The political claim is specific. Title XII is written to reach the coalition that the public lands and conservation argument has historically produced when it is not captured by the climate ideology binary: the elk hunter and the environmentalist, the commercial fisherman and the marine conservationist, the rancher who depends on public grazing and the hiker who depends on public trails, the farmer in the Ogallala basin who needs a conservation program and the city resident whose drinking water comes from a river fed by a watershed that public land management protects. These constituencies have rarely been organized under the same banner. The American Upgrade does so by naming what they have in common: the material stake in functioning natural systems that the market will not maintain without intentional public stewardship. With this Title, the operational architecture of the American Upgrade across all twelve Titles is complete.

Title XII — The State of Affairs

The public lands of the United States span more than 640 million acres of national parks, national forests, Bureau of Land Management territory, wildlife refuges, and other federally managed land. They are not assets listed on a government balance sheet. They are the physical inheritance of every American citizen — the elk country of the Rockies, the pine forests of the Pacific Northwest, the desert canyons of the Southwest, the wetlands of the Gulf Coast, the ancient deciduous forests of Appalachia. They provide the watersheds that supply drinking water to hundreds of millions of people, the habitat that sustains the wildlife that hunters and anglers and birders and hikers depend upon, the recreational infrastructure that generates $1.1 trillion in annual economic output — more than the mining, oil, and gas industries combined. They are the goose. The proposals to sell them are the proposal to kill it.

The water systems of the United States are under stress from the convergence of aging infrastructure, agricultural overuse, and the changing precipitation patterns that are shifting where water is available and when. The Colorado River, which supplies water to forty million Americans across seven states and two countries, has been overallocated by law for a century — more water is legally promised from the river than the river carries in an average year. The Ogallala Aquifer, which underlies eight Great Plains states and irrigates approximately thirty percent of the nation’s groundwater-irrigated cropland, is being depleted at a rate that exceeds its natural recharge by a factor that makes its eventual depletion a mathematical certainty under current use patterns. The lead pipes that still deliver drinking water to millions of American

homes — including the homes of children whose neurological development is directly damaged by the lead those pipes leach — are the most immediate, most preventable, and most inexcusable environmental health failure in the country.

Public opinion data on the conservation and stewardship framing this Title operates within shows a coalition pattern distinct from the partisan division that the climate policy debate has produced. Cross-partisan supermajorities support public lands protection, oppose the sale of federal lands, support clean water infrastructure investment, and support the conservation of hunting and fishing access. The lead pipe elimination registers as a cross-partisan environmental justice priority. The all-of-the-above energy framing reaches both the constituency for clean energy expansion and the constituency for energy security and domestic production. The political constraint on conservation and stewardship policy has not been the absence of cross-partisan support; the constituency for the substantive provisions in this Title is documented at supermajority scale across the demographic and partisan distribution. The constraint has been the climate ideology binary that has captured the framing of environmental policy and converted documented bipartisan stewardship commitments into partisan disputes. Title XII is the operational architecture for translating documented cross-partisan recognition into the funded, enforceable operational systems that the natural systems require.

The changing climate is not a distant projection. It is a present operational reality that federal emergency management, military planning, agricultural policy, infrastructure investment, and public health systems are already incorporating. The Department of Defense identified climate change as a threat multiplier in its 2014 Quadrennial Defense Review and has maintained that assessment through every subsequent review regardless of the political composition of the administration producing it. FEMA’s national flood insurance program is structurally insolvent because the actuarial assumptions underlying its premium structure were built for a historical flood frequency that no longer accurately describes the risk. The agricultural sector is managing shifting growing seasons, altered precipitation patterns, and increased frequency of extreme weather events that are changing the economics of farming in ways that the existing federal crop insurance and commodity support architecture was not designed to address. These are not projections. They are the present operational environment.

The framing contest over environmental policy has made addressing these conditions harder than the conditions themselves require. The binary between fossil fuel maximalism and degrowth austerity is false and has been false for twenty years. It does not describe the actual range of choices available. The United States can build the energy infrastructure of the 21st century, including advanced nuclear, geothermal, offshore wind, utility-scale solar, and the grid transmission infrastructure to connect generation to demand, while maintaining and expanding domestic fossil fuel production during the transition period, while protecting the public lands and water systems that are the material basis of the rural economy, and while reducing the emissions that are changing the conditions on which that economy depends. These are not competing choices. They are the same agenda pursued with competence rather than ideology. Title XII pursues that agenda.

Act 12.1 — The Public Lands Compact

Provision 12.1.A — The Statutory Lockbox

The Permanent Sale Prohibition

The statutory permanent prohibition on the sale, transfer, or disposal of federal public lands managed by the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, and the United States Forest Service, established in Act 1.6.A, is hereby re-affirmed and strengthened in Title XII as a foundational principle of the American Upgrade's environmental architecture. The re-affirmation is not redundant. It establishes that the protection of the public land estate is both an economic provision — the outdoor recreation economy requires intact public lands as its productive asset — and an environmental provision — the watershed protection, carbon storage, and biodiversity maintenance that public lands provide are public goods that market mechanisms will not otherwise supply. The two justifications are the same justification viewed from different angles, and both are load-bearing.

The one-way ratchet principle applies: the public land estate may be expanded through acquisition, conservation easements, and land exchanges that consolidate fragmented boundaries or improve public access. It may not be diminished through sale, transfer, or re-designation that reduces the level of protection applicable to any parcel currently managed as public land. Any legislation that purports to authorize a net reduction in the federally managed public land estate shall be subject to a constitutional point of order in both chambers of Congress and shall require a two-thirds supermajority for passage. The public lands belong to the people. They do not belong to the administration that happens to be in office.

The Land and Water Conservation Fund — Permanent Mandatory Funding

The Land and Water Conservation Fund, established in 1965 and authorized at $900 million annually, shall receive permanent mandatory funding at its full authorized level, removed from the discretionary appropriations process and not subject to sequestration, rescission, or transfer to other purposes. The LWCF has been the primary federal mechanism for expanding public access, acquiring conservation easements, and protecting nationally significant lands and waters since its establishment. It has been consistently underfunded: in the thirty years between its establishment and 2015, it received full funding in only three fiscal years. The permanent mandatory funding mechanism established by this provision ends the annual political contest over whether the fund that pays for public access to public lands will receive the appropriation Congress authorized it to receive.

The Secretary of the Interior shall prioritize LWCF expenditures for: the acquisition of access easements and rights-of-way providing physical access to landlocked federal parcels, of which there are currently more than sixteen million acres surrounded entirely by private holdings with no legal road access; the acquisition of inholdings within designated wilderness areas and national parks whose private ownership fragments protected landscapes; conservation easements on working agricultural and forest lands that provide ecosystem services and wildlife habitat connectivity while keeping the land in productive private use; and urban park land

acquisition in cities where per-capita access to public greenspace falls below the minimum standards recommended by the National Recreation and Park Association.

Provision 12.1.B — The No Net Loss Guarantee

Access as Conservation Necessity

The No Net Loss Guarantee, organized in the v1.0 draft as a sub-section of the Statutory Lockbox provision, is promoted in v2.0 to a standalone Provision because the access framework operates through a distinct statutory mechanism (the no-net-loss standard applicable to hunting, fishing, and wildlife-dependent recreation), addresses a distinct constituency (the hunters, anglers, and wildlife-dependent recreationists who fund the majority of state wildlife management through license fees and excise taxes), and constructs a distinct policy mechanism (the mandatory simultaneous equivalent-access opening when a parcel is closed for documented reasons).

The Policy Standard

It is the policy of the United States that there shall be no net loss of access for hunting, fishing, and wildlife-dependent recreation on federal public lands. Where a specific parcel of federal land is temporarily or permanently closed to hunting, fishing, or other wildlife-dependent recreation for documented conservation, safety, or resource management reasons, the responsible agency shall simultaneously identify and open or improve equivalent access within the same wildlife management unit or region. The no net loss guarantee treats hunters, anglers, and wildlife-dependent recreationists as the original conservationists whose license fees and excise taxes fund the majority of state wildlife management, and whose continued engagement with public lands is both a recreational right and a conservation necessity. The agency that manages public lands without the engagement of the people who use them is managing an abstraction. The agency that manages them in partnership with the people who depend on them is managing a living system.

Provision 12.1.C — Stewardship Federalism

The Federal-State Management Partnership

Stewardship Federalism, organized in the v1.0 draft as a sub-section of the Statutory Lockbox provision, is promoted in v2.0 to a standalone Provision because the federalism framework operates through a distinct institutional architecture (the Stewardship Federalism Agreement process between states and federal agencies), addresses a distinct political problem (the local frustration with national management standards that fuels political pressure to sell the land outright), and constructs a distinct operational mechanism (the management-decision delegation linked to the permanent federal ownership guarantee).

The Stewardship Federalism Agreement Framework

The federal government shall retain title to public lands as the permanent guarantee against sale or privatization. Within that framework, states shall be granted expanded authority over

day-to-day management decisions including trail maintenance standards, prescribed fire management, invasive species control, and wildlife habitat improvement projects, through a Stewardship Federalism Agreement process in which states and federal agencies negotiate and formalize the division of management responsibilities. The current relationship, in which federal agencies manage land according to national standards that may not reflect local ecological or economic realities, and in which state and local frustration with that management fuels political pressure to sell the land outright, is replaced by a partnership in which the permanent federal ownership guarantee and the state management flexibility are explicitly linked. Washington guarantees the land will always belong to the people. The states ensure it is managed for the people who live nearest to it.

Constitutional Authority

The public lands prohibition and LWCF provisions in 12.1.A derive from Congress's authority under the Property Clause of Article IV, Section 3, which grants Congress the power to make all needful rules and regulations respecting the territory and other property of the United States, and from Congress's established authority under the Federal Land Policy and Management Act, the National Forest Management Act, the National Park Service Organic Act, and their successors. The no net loss guarantee in 12.1.B and the stewardship federalism agreements in 12.1.C derive from the same Property Clause authority and from Congress's authority to establish the terms under which federal land management agencies operate.

Act 12.2 — The Clean Energy Transition Act

Provision 12.2.A — The Clean Energy Standard

The All-of-the-Above Standard

The United States generates approximately four trillion kilowatt-hours of electricity annually. The grid that delivers that electricity is the physical infrastructure of the modern economy: every factory, every data center, every electric vehicle, every hospital, every home depends on its reliability. The challenge of building the energy system of the 21st century is not ideological. It is engineering. The question is not whether to build clean energy but how to build it at the scale, reliability, and cost that the economy requires. The answer is the same answer France reached in 1973 after the oil shock: all of the above, pursued with the urgency of a national security imperative, with the regulatory framework that enables rather than obstructs, and with the market mechanisms that allocate capital to the most effective solutions rather than to the most politically connected ones.

The Clean Energy Standard Framework

The Clean Energy Standard established by this Act requires that seventy percent of electricity sold by utilities subject to federal jurisdiction shall be generated from qualifying clean energy sources by 2035, and one hundred percent by 2045. Qualifying clean energy sources include: nuclear power, including advanced nuclear designs and small modular reactors; wind energy, onshore and offshore; solar energy, utility-scale and distributed; geothermal energy;

hydropower, including both conventional and pumped storage; and any other generation source that produces electricity with lifecycle greenhouse gas emissions of less than fifty grams of carbon dioxide equivalent per kilowatt-hour as certified by the Environmental Protection Agency. The standard does not prohibit the continued operation of natural gas or coal generation during the transition period. It establishes the market signal that enables utilities to plan capital investment toward the 2035 and 2045 targets with regulatory certainty, which is the condition for the scale of investment the transition requires.

Provision 12.2.B — The Grid Modernization Mandate

The Interconnection Queue Backlog

The Grid Modernization Mandate, organized in the v1.0 draft as a sub-section of the Clean Energy Standard provision, is promoted in v2.0 to a standalone Provision because the grid modernization framework operates through a distinct institutional mechanism (FERC rulemaking on interconnection queue management and DOE National Transmission Corridor designation), addresses a distinct documented bottleneck (the more than eight thousand gigawatts of clean energy projects stuck in interconnection queues), and constructs a distinct operational architecture (the first-ready-first-served queue standard with cluster studies and proactive transmission planning).

The Transmission Infrastructure Framework

The transition to a clean energy grid requires transmission infrastructure at a scale that the current regulatory framework is not equipped to deliver. More than eight thousand gigawatts of clean energy projects are currently stuck in interconnection queues waiting years for permission to connect to the grid — a regulatory backlog that represents the single largest near-term barrier to clean energy deployment. The Federal Energy Regulatory Commission shall promulgate, within one year of enactment, updated interconnection queue management rules that: establish a first-ready, first-served queue processing standard with defined timelines; require utilities to study interconnection requests in clusters rather than individually to capture the efficiencies of coordinated grid planning; and require utilities to plan transmission infrastructure proactively to accommodate projected clean energy development rather than reactively to accommodate individual project requests.

The Department of Energy shall designate National Transmission Corridors — critical transmission pathways connecting high-resource clean energy generation regions with high-demand population centers — and shall exercise the federal permitting authority necessary to ensure those corridors are built within five years of designation. The federal transmission permitting authority is the companion to the Title I energy permitting provisions: the same regulatory framework that enables all-of-the-above generation development must also enable the transmission infrastructure that delivers that generation to the consumers who need it. A wind farm in Wyoming that cannot reach Chicago is not an energy asset. It is a stranded investment.

Provision 12.2.C — The Just Transition Investment

The Social Contract of the Energy Transition

The Just Transition Investment, organized in the v1.0 draft as a sub-section of the Clean Energy Standard provision, is promoted in v2.0 to a standalone Provision because the just transition framework operates through a distinct funding mechanism (the $10 billion ten-year Just Transition Investment Fund), addresses a distinct affected population (workers in coal mining, coal power generation, and related industries in communities organized around those industries for generations), and constructs a distinct operational architecture (the named two-year wage replacement at 75 percent, fully funded retraining, Eaglecare healthcare continuation, and federal contracting preferences).

The Investment Framework

The transition away from fossil fuel generation will displace workers in coal mining, coal power generation, and related industries in communities whose economies have been organized around those industries for generations. The American Upgrade does not propose to achieve the clean energy transition on the backs of the workers the transition displaces. The Just Transition Investment Fund shall provide: not less than ten billion dollars in federal investment over ten years for economic development, infrastructure, and workforce training in coal communities and other fossil fuel-dependent communities identified by the Department of Energy and the Appalachian Regional Commission as facing significant economic dislocation from the energy transition; direct transition assistance for displaced fossil fuel workers including two years of wage replacement at not less than seventy-five percent of prior wages, fully funded retraining grants, and healthcare continuation through Eaglecare enrollment; and priority federal contracting and procurement preferences for businesses located in designated energy transition communities, creating an affirmative demand for the economic activity the transition funds are designed to stimulate. The just transition investment is not charity. It is the social contract of the energy transition: the communities that powered the American economy for a century are not abandoned when the economy moves on. They are invested in as the sites of the next chapter.

Constitutional Authority

The Clean Energy Standard in 12.2.A derives from Congress’s Commerce Clause authority to regulate the interstate electricity market and from Congress’s established authority under the Federal Power Act to regulate wholesale electricity markets. The grid modernization mandate in 12.2.B derives from the same Federal Power Act authority and from Congress’s authority to direct FERC rulemaking. The just transition investment in 12.2.C derives from the Spending Clause.

Act 12.3 — The Water Security Act

Provision 12.3.A — The Lead Pipe Elimination

The Irreducible Minimum of Environmental Justice

There are approximately nine million lead service lines still delivering drinking water to American homes, schools, and businesses. Lead is a neurotoxin. There is no safe level of lead exposure for children. The neurological damage from lead exposure is irreversible: cognitive development impairment, reduced IQ, behavioral disorders, and increased risk of cardiovascular disease in adulthood. The lead pipes that are poisoning American children are not a legacy problem awaiting a future fix. They are a present emergency whose continued existence represents a policy choice — the choice to spend federal infrastructure resources on other priorities while the pipes that poison children remain in the ground.

The Five-Year Replacement Mandate

The Bipartisan Infrastructure Law of 2021 allocated $15 billion for lead service line replacement over five years. The EPA's 2021 Lead and Copper Rule Improvements require utilities to inventory and replace lead service lines but on timelines that extend to ten years and more. This Act accelerates the replacement timeline: all lead service lines shall be replaced within five years of enactment. The federal government shall provide, through the Drinking Water State Revolving Fund, one hundred percent of the cost of lead service line replacement for utilities serving low-income communities and communities of color where the concentration of lead pipes is highest and where the local fiscal capacity to fund replacement is lowest. The replacement cost shall not be passed through to ratepayers in communities that qualify for full federal funding. No child in America should be poisoned by the pipes in their home because their community cannot afford to replace them. This is the irreducible minimum of what a government that claims to protect its citizens is obligated to provide.

Provision 12.3.B — The Colorado River Compact Modernization

The Overallocation Problem

The Colorado River Compact Modernization, organized in the v1.0 draft as a sub-section of the Lead Pipe Elimination provision, is promoted in v2.0 to a standalone Provision because the compact framework operates through a distinct constitutional mechanism (Congress's authority over interstate compacts under Article I, Section 10), addresses a distinct documented condition (the century-long structural deficit between legally allocated water at 16.5 million acre-feet and average flow at 12-14 million acre-feet), and constructs a distinct institutional architecture (the Bureau of Reclamation-facilitated multi-party renegotiation with tribal nations as equal parties per Act 11.2.C, with backstop federal interim allocation guidelines).

The Renegotiation Framework

The Colorado River Compact of 1922 allocates 7.5 million acre-feet of water annually to the Upper Basin states and 7.5 million acre-feet to the Lower Basin states plus Mexico, for a total of

approximately 16.5 million acre-feet of annual allocation. The river's average annual flow has been measured, since the compact was signed, at approximately 12 to 14 million acre-feet — meaning the compact has always promised more water than the river provides. The overallocation has been sustained by the drawdown of Lake Mead and Lake Powell, the two largest reservoirs in the United States, which together stored the accumulated surplus from wetter-than-average decades and are now at historically low levels that reflect the depletion of that surplus and the structural deficit between allocation and flow.

The federal government, through the Bureau of Reclamation, shall facilitate a comprehensive renegotiation of the Colorado River Compact among the seven basin states, the federal government, and the representatives of Mexico, to produce an updated allocation framework that is consistent with the river's measured average flow rather than the flow assumed in 1922. The federal government shall provide mediation resources, technical assistance, and where voluntary agreement among basin states cannot be reached within three years, shall promulgate interim allocation guidelines based on current flow measurements and Bureau of Reclamation operational guidelines. The renegotiation shall include specific provisions for: prioritizing water allocation for municipal and domestic use over agricultural and industrial use in periods of shortage; providing financial compensation to agricultural water rights holders who voluntarily reduce their water use through conservation and efficiency investments; and funding the development of additional water storage, water recycling, and demand management infrastructure throughout the basin. Per the coordination with Act 11.2.C, tribal nations with Colorado River water rights are equal parties to the renegotiation, not stakeholders consulted after the state allocation framework is established.

Provision 12.3.C — The Ogallala Aquifer Conservation Program

The Depletion Timeline

The Ogallala Aquifer Conservation Program, organized in the v1.0 draft as a sub-section of the Lead Pipe Elimination provision, is promoted in v2.0 to a standalone Provision because the conservation framework operates through a distinct institutional mechanism (USDA program administered through the Farm Bill conservation title authority), addresses a distinct documented condition (the aquifer's depletion rate of approximately three feet per year against natural recharge measured in fractions of an inch annually), and constructs a distinct operational mechanism (the conservation payment of not less than $25 per acre for 25%+ reductions in groundwater withdrawals, funded at $500 million annually).

The Conservation Investment Framework

The Ogallala Aquifer underlies approximately 174,000 square miles across eight Great Plains states and provides approximately thirty percent of all groundwater used for irrigation in the United States. It is being depleted at a rate estimated by the United States Geological Survey at approximately three feet per year in the most heavily used areas of Kansas, Oklahoma, and Texas, while its natural recharge rate is measured in fractions of an inch annually. The aquifer's depletion is not a future projection. It is a present process with a documented timeline that,

under current use patterns, will produce the exhaustion of economically viable water supplies in the most heavily depleted areas within a generation.

The USDA shall establish, within two years of enactment, an Ogallala Aquifer Conservation Program providing financial incentives to farmers in the aquifer's recharge zone who adopt precision irrigation technologies, drought-tolerant crop varieties, dryland farming practices, and other water conservation measures that measurably reduce annual groundwater withdrawals. Farmers who reduce their annual groundwater withdrawals by twenty-five percent or more shall receive a conservation payment of not less than twenty-five dollars per acre enrolled in the program. The program shall be funded at not less than five hundred million dollars annually. The alternative to a conservation investment now is the exhaustion of the aquifer that is the productive basis of the Great Plains agricultural economy. The conservation investment is the cheaper option by any calculation that extends beyond the next planting season.

Provision 12.3.D — The National Water Infrastructure Investment

The Clean and Drinking Water Investment Framework

The National Water Infrastructure Investment, organized in the v1.0 draft as a sub-section of the Lead Pipe Elimination provision, is promoted in v2.0 to a standalone Provision because the water infrastructure framework operates through distinct statutory mechanisms (the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund), addresses a distinct set of conditions (aging municipal water infrastructure, rural fiscal capacity gaps, water affordability concerns, agricultural nitrate contamination), and constructs a distinct priority framework with named criteria for federal investment.

The Investment Standard

The federal government shall increase investment in drinking water and wastewater infrastructure through the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund to not less than five billion dollars annually combined, adjusted for inflation, with priority for: communities with documented water quality violations; rural communities with aging infrastructure and limited local fiscal capacity; communities where water service rates as a percentage of median household income exceed the EPA's affordability threshold; and communities in agricultural areas where nitrate contamination from fertilizer runoff exceeds EPA drinking water standards. Clean water is not a luxury. It is the precondition of public health, economic development, and human dignity.

Constitutional Authority

The lead pipe replacement in 12.3.A derives from the Safe Drinking Water Act, the Commerce Clause, and the Spending Clause. The Colorado River Compact modernization in 12.3.B derives from Congress's authority over interstate compacts under Article I, Section 10 and from the Bureau of Reclamation's statutory authority over federal water projects. The Ogallala conservation program in 12.3.C derives from the Farm Bill conservation title authority and the Spending Clause. The national water infrastructure investment in 12.3.D derives from the Clean Water Act, the Safe Drinking Water Act, and the Spending Clause.

Act 12.4 — The Climate Resilience & Adaptation Act

Provision 12.4.A — The National Climate Resilience Strategy

Adaptation as National Security

The Department of Defense identified climate change as a threat multiplier in its 2014 Quadrennial Defense Review and has sustained that assessment through every subsequent defense planning document regardless of political administration. The military assessment is operational rather than ideological: changing precipitation patterns affect water availability at overseas bases; sea level rise threatens coastal military installations; shifting growing seasons and water availability in vulnerable regions increase the likelihood of state fragility, conflict, and the humanitarian crises that generate refugee flows and destabilize allied governments. The military does not debate whether these changes are occurring. It plans for them. The civilian government's failure to match the military's adaptation planning with civilian policy is not a difference of opinion about the facts. It is a failure of institutional response to documented operational conditions.

The Strategy Framework

The Office of Management and Budget, in coordination with FEMA, the Department of Defense, the Department of Homeland Security, and the relevant cabinet departments, shall publish a comprehensive National Climate Resilience Strategy within two years of enactment, updated every four years. The strategy shall identify: the specific infrastructure systems, economic sectors, and population centers facing the highest climate-related risks over ten, thirty, and fifty-year planning horizons; the federal investment priorities for resilience infrastructure in those areas; the coordination mechanisms between federal, state, local, and tribal governments for resilience planning; and the monitoring and early warning systems necessary to provide actionable advance notice of climate-related hazards to the populations and infrastructure systems at risk.

Provision 12.4.B — The Federal Flood Insurance Modernization

The NFIP Insolvency Problem

The Federal Flood Insurance Modernization, organized in the v1.0 draft as a sub-section of the National Climate Resilience Strategy provision, is promoted in v2.0 to a standalone Provision because the NFIP reform operates through a distinct statutory mechanism (the National Flood Insurance Act as amended), addresses a distinct structural problem (the program's approximately $20 billion debt to the Treasury and its actuarial insolvency), and constructs a distinct operational architecture (the risk-based premium pricing transition, the repetitive loss property prohibition, and the voluntary buyout program).

The Reform Framework

The National Flood Insurance Program is structurally insolvent. It carries approximately $20 billion in debt to the Treasury, accumulated through decades of premium pricing based on

historical flood frequency data that no longer accurately describes the risk, through the provision of subsidized coverage for high-risk properties that enables their continued occupation and development in flood-prone areas, and through repeated catastrophic payouts following major flood events whose frequency and severity have increased beyond the actuarial assumptions underlying the program's design. The NFIP's insolvency is a symptom of the broader failure to price climate risk accurately in federal programs, and its reform is a prerequisite for any serious federal adaptation strategy.

The NFIP shall be reformed to: transition to risk-based premium pricing that accurately reflects current flood risk as measured by the best available actuarial data, with a transition period of not more than five years for existing policyholders and income-based premium assistance for low-income policyholders in high-risk areas; prohibit the issuance of new NFIP policies for properties in Special Flood Hazard Areas that have filed two or more flood damage claims exceeding the property's value — the repetitive loss properties that account for approximately one percent of NFIP properties and thirty percent of its claims; and establish a voluntary buyout program for repetitive loss properties and properties in areas where risk-based pricing would make continued insurance prohibitively expensive, providing fair market value compensation to property owners who sell their properties and relocate. The buyout program is the compassionate alternative to the alternative of continued subsidized insurance for properties that flood repeatedly, harm the people who live in them, and cost the federal treasury more than their value.

Provision 12.4.C — The Wildfire Management Investment

The Defining Environmental Emergency of the West

The Wildfire Management Investment, organized in the v1.0 draft as a sub-section of the National Climate Resilience Strategy provision, is promoted in v2.0 to a standalone Provision because the wildfire framework operates through distinct institutional mechanisms (federal forest management and the permanent wildfire suppression fund), addresses a distinct documented condition (the fivefold increase in acreage burned annually since the 1970s), and constructs a distinct operational architecture (the named 20%-to-40% hazardous fuel reduction shift, the permanent suppression fund separated from discretionary appropriations, and the WUI community hardening matching grant framework).

The Wildfire Investment Restructuring

Wildfire has become the defining environmental emergency of the American West. The acreage burned annually has increased fivefold since the 1970s, driven by a combination of fuel accumulation from decades of fire suppression, the bark beetle epidemic that has killed tens of millions of acres of forest across the West, and the warmer and drier conditions that extend the fire season and reduce the moisture content of potential fuels. The communities at the wildland-urban interface — the growing population of homes built adjacent to fire-prone public and private lands — face an increasing risk of catastrophic loss that the existing federal and state firefighting infrastructure is chronically underfunded to address.

The federal wildfire management investment shall be restructured to: increase the proportion of federal forest management spending allocated to hazardous fuel reduction treatments — prescribed burns, mechanical thinning, and forest restoration activities that reduce fuel loading and restore fire-adapted forest conditions — from the current approximately twenty percent to not less than forty percent over five years; establish a permanent federal wildfire suppression fund, separated from the discretionary appropriations process, funded at a level sufficient to cover the full cost of federal firefighting operations without requiring emergency supplemental appropriations that come at the expense of hazardous fuel reduction and other prevention investments; and provide matching grants to states and local governments for WUI community hardening programs including home ignition zone assessments, ember-resistant building retrofits, and defensible space creation that reduce the vulnerability of homes and communities to wildfire regardless of suppression success.

Constitutional Authority

The National Climate Resilience Strategy in 12.4.A derives from Congress's authority under Article I, Section 8 to provide for the common defense and general welfare, from the Disaster Relief Act and the Stafford Act, and from Congress's authority to direct executive branch planning and coordination. The NFIP reform in 12.4.B derives from the National Flood Insurance Act. The wildfire management investment in 12.4.C derives from the National Forest Management Act, the Federal Land Policy and Management Act, and the Spending Clause.

Act 12.5 — The Ocean & Coastal Protection Act

Provision 12.5.A — The Ocean Commons

The Oceans as National Infrastructure

The oceans cover seventy percent of the earth's surface and produce approximately fifty percent of the world's oxygen through phytoplankton photosynthesis. They regulate global temperature, absorb approximately a third of the carbon dioxide released by human activity, and provide the protein foundation of the diet of more than three billion people worldwide. American fisheries — the commercial and recreational fishing industries that operate in federal waters from the Gulf of Mexico to the Bering Sea — generate approximately $200 billion in economic activity annually and support approximately 1.7 million jobs. The fishermen of New England, the Gulf Coast, Alaska, and the Pacific Northwest are not peripheral economic actors. They are the working-class practitioners of the oldest industry in human history, and the federal regulatory framework that governs the fisheries they depend on is the difference between a resource that sustains their communities for generations and a resource that is depleted by overextraction and leaves those communities with nothing.

Provision 12.5.B — The Federal Fisheries Management Modernization

The Magnuson-Stevens Framework

The Federal Fisheries Management Modernization, organized in the v1.0 draft as a sub-section of the Ocean Commons provision, is promoted in v2.0 to a standalone Provision because the fisheries management framework operates through a distinct statutory mechanism (the Magnuson-Stevens Fishery Conservation and Management Act as amended), addresses a distinct documented condition (the annual catch limit system's inadequate ecosystem-level accounting and the economic disruption of dramatic year-to-year catch fluctuations), and constructs a distinct operational architecture (the ecosystem-based fisheries management plans, the Community Fisheries Resilience Fund, and the economic impact assessment trigger for catch reductions exceeding 20%).

The Magnuson-Stevens Amendments

The Magnuson-Stevens Fishery Conservation and Management Act governs the management of federal fisheries in the exclusive economic zone extending 200 nautical miles from the US coastline. The Act's requirements for science-based catch limits and mandatory rebuilding timelines for overfished stocks have produced genuine conservation successes — several previously depleted stocks have been rebuilt to sustainable levels under its framework. The Act's weaknesses are equally documented: the annual catch limit system does not adequately account for the ecosystem-level interactions between managed species, the scientific uncertainty inherent in stock assessments, or the economic disruption to fishing communities of dramatic year-to-year fluctuations in catch limits.

The Magnuson-Stevens Act shall be amended to: require ecosystem-based fisheries management plans that account for the prey base of managed species and the impact of catch decisions on the broader marine ecosystem; establish a Community Fisheries Resilience Fund providing direct assistance to fishing-dependent communities during rebuilding periods when catch limits are reduced to allow overfished stocks to recover; and require that the economic welfare of fishing-dependent communities be considered alongside biological sustainability objectives in the determination of annual catch limits, with the requirement that any reduction exceeding twenty percent in a single year trigger a mandatory economic impact assessment and community transition support plan.

Provision 12.5.C — The Offshore Wind and Ocean Planning Framework

The Spatial Planning Architecture

The Offshore Wind and Ocean Planning Framework, organized in the v1.0 draft as a sub-section of the Ocean Commons provision, is promoted in v2.0 to a standalone Provision because the framework operates through a distinct institutional mechanism (the Bureau of Ocean Energy Management comprehensive national plan), addresses a distinct operational architecture (the spatial mapping of offshore wind resources against fisheries, navigation, marine protected areas, and Indigenous cultural resources), and constructs a distinct

consultation requirement (meaningful early consultation with commercial and recreational fishing communities, tribal governments with treaty fishing rights, and other ocean stakeholders).

The Planning Framework

The development of offshore wind energy in the United States Outer Continental Shelf represents one of the most significant clean energy opportunities available to the country — the Atlantic coastline alone has the technical potential to generate more electricity than the entire current US grid. It also represents a potential conflict between the energy development imperative and the fisheries, navigation, and marine ecosystem interests that have operated in those waters for generations. The conflict is not irresolvable. It requires planning.

The Bureau of Ocean Energy Management shall develop, within two years of enactment, a comprehensive national offshore energy and ocean planning framework that: maps the spatial distribution of offshore wind energy resources against the distribution of commercially and ecologically significant fisheries, navigation corridors, marine protected areas, and Indigenous cultural resources; establishes designated zones for offshore wind development that minimize conflict with existing ocean uses; requires meaningful early consultation with commercial and recreational fishing communities, tribal governments with treaty fishing rights, and other ocean stakeholders in the design of offshore wind leasing areas and project layouts; and ensures that offshore wind development agreements include provisions for scientific monitoring of cumulative impacts on marine ecosystems and fishing communities, with adaptive management requirements that allow project operations to be modified if monitoring identifies documented harm. The offshore wind industry and the fishing industry need not be adversaries. The ocean is large enough for both, provided the planning is done with the honesty and specificity the subject requires.

Provision 12.5.D — Marine Protected Areas and Coastal Restoration

The 30x30 Marine Component

Marine Protected Areas and Coastal Restoration, organized in the v1.0 draft as a sub-section of the Ocean Commons provision, is promoted in v2.0 to a standalone Provision because the MPA framework operates through a distinct institutional mechanism (NOAA national planning), addresses a distinct conservation commitment (the 30x30 framework target of protecting thirty percent of lands and waters by 2030), and constructs a distinct integrated investment architecture (MPA designation, existing MPA strengthening, and coastal wetland restoration as simultaneously a fisheries investment, climate adaptation investment, and coastal community protection investment).

The National Planning Framework

The United States has committed to protecting thirty percent of its lands and waters by 2030 under the 30x30 conservation framework. The marine component of that commitment is achievable and necessary: marine protected areas that restrict or prohibit extractive use have been consistently shown to produce higher fish biomass, greater species diversity, and more

productive spillover to adjacent fisheries than unprotected areas. The National Oceanic and Atmospheric Administration shall develop, within two years of enactment, a national plan for achieving the thirty percent ocean protection target through: the designation of new marine protected areas in federal waters, prioritizing areas of high biodiversity, critical spawning habitat, and documented overfishing pressure; the expansion and strengthened management of existing marine protected areas and National Marine Sanctuaries; and the restoration of coastal wetlands — salt marshes, mangroves, and seagrass meadows — that provide critical nursery habitat for commercially important fish species, protect coastal communities from storm surge and erosion, and sequester carbon at rates that exceed most terrestrial ecosystems. The restoration of coastal wetlands is simultaneously a fisheries investment, a climate adaptation investment, and a coastal community protection investment. It is the most cost-effective conservation dollar available in the ocean and coastal management portfolio.

Constitutional Authority

The Ocean Commons framing in 12.5.A and the fisheries management provisions in 12.5.B derive from the Magnuson-Stevens Act and from Congress's Commerce Clause authority over interstate and international commerce in fisheries. The offshore planning framework in 12.5.C derives from the Outer Continental Shelf Lands Act and from BOEM's statutory leasing authority. The marine protected area and coastal restoration provisions in 12.5.D derive from the Coastal Zone Management Act, the National Marine Sanctuaries Act, the Magnuson-Stevens Act, and the Spending Clause.

Coalition Rationale — Title XII

The Material Priority Test

Title XII passes the Material Priority Test through the specific material consequences that environmental conditions impose on the working people who live closest to them. The rancher in Montana whose grazing allotment depends on a functioning watershed fed by public land snowpack has a direct material stake in the public lands protection of Act 12.1. The farmer in Kansas whose irrigation system draws from an Ogallala Aquifer being depleted faster than it recharges has a direct material stake in the water conservation investment of Act 12.3. The commercial fisherman in New England whose catch limits have been slashed because the stock was overfished before he arrived has a direct material stake in the fisheries management reform of Act 12.5. The child in Flint or Newark or any of the thousands of communities still served by lead pipes has a direct material stake in the lead pipe elimination of Act 12.3. The coal miner in West Virginia whose industry is changing regardless of whether federal policy acknowledges it has a direct material stake in the just transition investment of Act 12.2. Environmental conditions are not abstractions. They are the conditions under which working people live their lives. Title XII addresses them as such.

The Specificity Test

Title XII passes the Specificity Test through complete operational specificity across five Acts and seventeen Provisions. Act 12.1 specifies the permanent statutory sale prohibition on federal public lands with two-thirds supermajority requirement for any net reduction, the permanent mandatory $900 million LWCF funding, the no-net-loss access guarantee with simultaneous equivalent-access opening requirements, and the Stewardship Federalism Agreement framework. Act 12.2 specifies the Clean Energy Standard with 70% by 2035 and 100% by 2045 thresholds, the FERC interconnection queue reform with first-ready-first-served standard, the DOE National Transmission Corridor designation authority with five-year build requirement, and the $10 billion ten-year Just Transition Investment Fund with 75% wage replacement, fully funded retraining, and Eaglecare healthcare continuation. Act 12.3 specifies the five-year lead pipe elimination with 100% federal funding for low-income communities, the Colorado River Compact renegotiation with three-year voluntary agreement window and federal interim allocation backstop, the $500 million annual Ogallala Aquifer Conservation Program with $25/acre payment for 25%+ withdrawal reductions, and the $5 billion annual National Water Infrastructure Investment with named priority criteria. Act 12.4 specifies the National Climate Resilience Strategy with named ten/thirty/fifty-year planning horizons, the NFIP risk-based premium pricing transition with five-year implementation, the repetitive loss property prohibition, the voluntary buyout program, the federal forest management hazardous fuel reduction shift from 20% to 40%, and the permanent wildfire suppression fund. Act 12.5 specifies the Magnuson-Stevens ecosystem-based management amendment, the Community Fisheries Resilience Fund, the 20% catch reduction economic impact assessment trigger, the BOEM comprehensive offshore wind and ocean planning framework with two-year deadline, the NOAA 30x30 national plan with three named investment categories, and the coastal wetland restoration framework as integrated fisheries/climate/community protection investment.

The Coalition Architecture and Delivery Tests

Title XII is written to reach the coalition that the public lands and conservation argument has historically produced when it is not captured by the climate ideology binary: the elk hunter and the environmentalist, the commercial fisherman and the marine conservationist, the rancher who depends on public grazing and the hiker who depends on public trails, the farmer in the Ogallala basin who needs a conservation program and the city resident whose drinking water comes from a river fed by a watershed that public land management protects. These constituencies have rarely been organized under the same banner. The American Upgrade does so by naming what they have in common: the material stake in functioning natural systems that the market will not maintain without intentional public stewardship. Conservation is a conservative value. Stewardship is not ideology. The land belongs to the people. These are not controversial propositions. They are the unifying principles of this Title and of the coalition it is designed to build.

Title XII passes the Delivery Test because every Provision is designed around a specific documented failure mode of the existing environmental and conservation infrastructure: the absence of a statutory permanent sale prohibition on public lands; the chronic underfunding of

the Land and Water Conservation Fund through the discretionary appropriations process; the access losses that have occurred without the no-net-loss guarantee; the federal-state management friction that fuels political pressure to sell the land; the interconnection queue backlog of more than 8,000 GW; the transmission corridor permitting gridlock; the absence of a just transition framework for coal communities; the nine million lead service lines still in the ground; the century-old Colorado River Compact based on flow assumptions that no longer hold; the Ogallala Aquifer depletion proceeding faster than recharge; the underinvestment in clean and drinking water infrastructure relative to documented violations; the gap between military and civilian climate resilience planning; the NFIP's actuarial insolvency; the wildfire management framework underinvested in prevention and structurally vulnerable to suppression cost spikes; the absence of ecosystem-based fisheries management; the absence of comprehensive offshore wind and ocean planning; and the 30x30 marine component without an operational national plan. Every structural choice is a response to a documented failure. Title XII was built to work.

Closing — The American Upgrade

Title XII closes the operational architecture of The American Upgrade across all twelve Titles. The Economic Foundation in Title I produces the fiscal and industrial substrate. Health, Body, and Personal Security in Title II addresses the healthcare crisis the working population experiences as the most immediate material condition. Home, Family, and the Cost of Living in Title III addresses the housing, childcare, and family-economy crisis. The Ladder in Title IV builds the human-capital and credentialing infrastructure for the working population's mobility. The Market and the Maker in Title V restores small business viability and antitrust enforcement. The Integrity of Governance in Title VI is the operating system on which every other Title depends. Justice, Reform, and the Back Half of the System in Title VII addresses the criminal justice infrastructure. The Promise Kept in Title VIII secures Social Security and Medicare. The Civic Commonwealth in Title IX rebuilds the civic infrastructure of democratic functioning. The Shield in Title X constructs the strategic defense and veterans care framework. The First Nations Compact in Title XI honors the legal obligations to tribal nations. The Environmental Compact in Title XII stewards the natural systems on which all of this depends.

Twelve Titles. Approximately sixty Acts. Approximately two hundred Provisions. One thesis: the federal government has the constitutional authority, the institutional capacity, and the documented bipartisan mandate to address the material conditions that working people experience as the substance of their lives, and the political constraint on action has been institutional fragmentation and ideological polarization rather than the absence of public support or technical feasibility. The American Upgrade is the operational architecture for translating that mandate into the funded, enforceable, operational systems the conditions require.

The math is shown. The mechanisms are named. The constitutional authorities are documented. The cross-references are consistent. The coalition is articulated. The promise is real, and the architecture for keeping it is complete. The remaining question is one this document cannot answer on its own: whether the institutions that the Constitution charged with

translating public mandate into operational policy will exercise that authority on behalf of the public it serves. That is the question every reader of this document carries forward into the political work the document is designed to enable.

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STATUS: Title XII — Acts 12.1 through 12.5 — Draft v2.0 Complete. Title XII: The Environmental Compact is now in v2.0 form. The 12.0 Title Overview is new in v2.0. Each of the five Acts has been expanded from a single Provision A to multiple standalone Provisions. Act 12.1 expanded 1 to 3 (Statutory Lockbox, No Net Loss Guarantee, Stewardship Federalism). Act 12.2 expanded 1 to 3 (Clean Energy Standard, Grid Modernization Mandate, Just Transition Investment). Act 12.3 expanded 1 to 4 (Lead Pipe Elimination, Colorado River Compact Modernization, Ogallala Aquifer Conservation Program, National Water Infrastructure Investment). Act 12.4 expanded 1 to 3 (National Climate Resilience Strategy, Federal Flood Insurance Modernization, Wildfire Management Investment). Act 12.5 expanded 1 to 4 (Ocean Commons, Federal Fisheries Management Modernization, Offshore Wind and Ocean Planning Framework, Marine Protected Areas and Coastal Restoration). All v1.0 prose preserved verbatim; Constitutional Authority consolidated at Act level. Title XII completes the v2.0 build of all twelve Titles of the American Upgrade.

Key sources for final sourcing: Federal Land Policy and Management Act; National Forest Management Act; National Park Service Organic Act; Land and Water Conservation Fund Act of 1965; Federal Power Act; Clean Energy Standard precedent legislation; Bipartisan Infrastructure Law of 2021; EPA 2021 Lead and Copper Rule Improvements; Safe Drinking Water Act; Clean Water Act; Colorado River Compact of 1922; Farm Bill conservation title authority; USGS Ogallala Aquifer depletion data; DoD 2014 Quadrennial Defense Review (climate threat multiplier); National Flood Insurance Act; Stafford Act; Disaster Relief Act; National Forest Management Act; Magnuson-Stevens Fishery Conservation and Management Act; Outer Continental Shelf Lands Act; Coastal Zone Management Act; National Marine Sanctuaries Act; 30x30 conservation framework; Bureau of Reclamation operational guidelines; Bureau of Land Management public lands inventory.

Cross-reference flags: Act 1.6.A (American Stewardship Act) and Act 12.1.A — the public lands sale prohibition is established in 1.6.A and re-affirmed and strengthened here; definitional consistency required. Act 1.2 (Energy Sovereignty) and Act 12.2 — the all-of-the-above energy framework and grid modernization are companion frameworks. Act 11.2.C (Tribal Water Rights) and Act 12.3.B — tribal nations as equal parties to the Colorado River Compact renegotiation; definitional consistency required. Act 10.3.C (Strategic Transformer Reserve) and Act 12.2.B — grid hardening and grid modernization are companion frameworks. Act 10.4.B (National Survival Industries) and Act 12.2 — clean energy supply chain for batteries, rare earths, and APIs operates within the National Survival Industries framework. Act 1.4 (Food Independence) and Act 12.3 — water security and agricultural water use coordination. Act 2.1 (Eaglecare) and Act 12.2.C — Just Transition healthcare continuation through Eaglecare enrollment.

Afterword

A note after the document

By E. Lawrence Anderson

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You read it.

Or you read enough of it. Or you read the Titles that mattered to you and skimmed the rest. Or you opened it, scanned the architecture, and closed it again to come back later. Whatever you did, you spent some part of your time on a document written by someone you do not know about, about questions that the country has been failing to address for as long as you have been alive. That fact alone, in the political moment in which we find ourselves, is not small.

I want to use this space — a few pages at the back of a long book — to say four things to you directly. They are the things I think need saying that the document's formal architecture could not.

What this experiment was.

The American Upgrade is, in the most literal sense, an experiment. It is the result of one person, decades of listening, a year of focused research, and a trove of publicly available data. Modern tools that any citizen can access have made it possible. There is no team, no foundation, no committee, and no campaign behind this. There has been no editorial process beyond the one I imposed on myself.

That is either a useful piece of information about what is now possible, or it is the dismissal that gets the work waved away. I will leave the choice to you. What I will say is that the thing the document has tried to demonstrate — that a coherent operational policy architecture for the federal government can be assembled, at scale, by a citizen who is willing to do the work — is not proof. It is one data point. One person can produce one such document. The interesting question, the one that the existence of this draft is meant to open rather than close, is whether the methodology generalizes. Whether the institutions that the Constitution charged with this work could do it, if they recovered the will. Whether the citizens that the Constitution charged with overseeing those institutions could organize, if they recovered the practice. Whether the country still has, in its working population, the patience and the seriousness to do the slow, substantive work that self-governance requires.

I do not know the answers to those questions. The document is offered as one citizen's attempt to increase the likelihood that the answer will be yes.

What is missing?

This document is comprehensive. It is not complete. The distinction matters.

Across twelve Titles and two hundred Provisions, the architecture covers the twelve domains in which I believe the federal government's authority and the people's experience converge most directly. It does not cover everything. There is no Title on immigration as a freestanding subject, though immigration provisions appear across several Titles. There is no Title on technology policy as a freestanding subject, though the AI governance, biometric privacy, and digital infrastructure questions appear in pieces across Titles I, V, VI, and X. There is no Title on the international economic architecture beyond what is implicit in the China strategy of Title X, the alliance framework of the same Title, and the energy and supply chain provisions distributed across Titles I, X, and XII. There is no Title on the relationship between the federal and state governments, aside from the specific reforms in Title VI and the public lands provisions of Title XII. There is no Title on the constitutional questions that several provisions in this document will raise, though the Constitutional Authority sections at the end of each Act attempt to address those questions as they arise.

The gaps are mine. They are the gaps in what one person could responsibly attempt to write within the time and resources available. They are also the places where the next stage of the work most obviously requires people who are not me.

What comes next?

I do not know.

That is the honest answer, and it is the answer I want to offer in place of the false confidence that closes most of these documents. *The American Upgrade* is, in its current form, a draft. The next stage of the work is legal review, technical scrub by subject-matter specialists in every domain it touches, red-teaming by the people who would actually have to implement it, public discussion among the people whose lives it would affect, and — if any of those stages produce a document that can survive contact with the political and institutional realities — eventually some form of legislative or administrative action.

I cannot do those next stages alone. I should not, and I would be wrong to try. If a piece of this document is useful to you, take it. If a Title speaks to a specific institutional reform you have been working on, use the provisions as scaffolding for your own work. If a section infuriates you and you can articulate the reasons why, write up your objections and send them — the contact information is at the end of this document — and I will read them. Where they identify real problems with the work, I will revise. If you know a lawyer who would be willing to read a Title in their area of expertise, send it to them. If you know a

policy analyst whose domain overlaps with one of these Titles, send them the relevant section.

The document is in your hands now. It will go where you take it, or it will go nowhere. The latter is the more likely outcome, and I have no illusions about that. The former is the reason the document was written. The work was never going to be completed by one person. It was completed enough to argue with and to build on by anyone who wants to do that work.

The larger question.

There is one observation I want to make before this document ends, and I want to make it carefully because it is the observation most easily mistaken for a complaint.

A citizen should not have to write this document.

The institutions of the federal government—Congressional committees, executive branch research staffs, regulatory agencies with technical expertise, Inspectors General offices, the Congressional Research Service, the Government Accountability Office, policy schools, and research institutions funded by the government—exist so that the operational architecture of governance is developed and maintained by professionals. This process should be continuous and answerable to the public through elected representatives. Yet, over the decades, these institutions have become so degraded in their basic functions that a single citizen with modern tools can produce a more coherent operational architecture across 12 domains than any of these institutions has in the same period. That is not a triumph. It is a sign of institutional failure.

I do not say this to claim credit. I say it because the project of *The American Upgrade* is not, finally, the document. The project is the recovery of institutional capacity to produce documents like this as a routine matter of self-governance, rather than as the unusual product of one citizen's frustrated patience. Until that capacity is recovered, drafts like this one will continue to be needed. Once that capacity is recovered, drafts like this one will become unnecessary, and the work will return to the people whose work it should always have been. I would like to live to see that.

A direct word, to close.

If you've read this far, you know what I know. The math is shown. The mechanisms are named. The architecture is clear enough to debate meaningfully.

Carry it forward, in whatever form makes sense for you. Argue with the parts you disagree with. Take the parts you find useful. Send pieces of it to people who can use them. Ignore the parts that do not serve you. Hand it to a lawyer who can mark up a Title. Hand it to a policy analyst who can stress-test a domain. Hand it to a representative who claims to want reform and watch what they do with the operational specificity. Hand it to a friend who has

stopped believing that any of this is possible. The document is offered for all such uses and has no other purpose.

Thank you for reading and for carrying this work further. This document now belongs to you—let it drive meaningful change, let it spark challenges, let it build what comes next. Together, we decide if its vision remains only words, or becomes action. The work is yours now; make it count.

— *E. Lawrence Anderson*

May 2026