

Calendar No. 71

119TH CONGRESS
1ST SESSION

S. 1668

To amend chapter 131 of title 5, United States Code, to prohibit the President, Vice President, Members of Congress, and individuals appointed to Senate-confirmed positions from issuing, sponsoring, or endorsing certain financial instruments, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2025

Mr. MERKLEY (for himself, Mr. SCHUMER, Ms. WARREN, Ms. HIRONO, Mr. VAN HOLLEN, Mr. REED, Mrs. GILLIBRAND, Ms. CORTEZ MASTO, Mr. WYDEN, Mr. SANDERS, Mr. KIM, Ms. ALSOBROOKS, Mr. BOOKER, Mr. MARKEY, Ms. DUCKWORTH, Ms. SLOTKIN, Mr. KELLY, Ms. BLUNT ROCHESTER, Mr. BLUMENTHAL, and Mrs. SHAHEEN) introduced the following bill; which was read the first time

MAY 8, 2025

Read the second time and placed on the calendar

A BILL

To amend chapter 131 of title 5, United States Code, to prohibit the President, Vice President, Members of Congress, and individuals appointed to Senate-confirmed positions from issuing, sponsoring, or endorsing certain financial instruments, and for other purposes.

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

4 SEC. 2. PROHIBITED FINANCIAL TRANSACTIONS.

8 “SUBCHAPTER IV—PROHIBITED FINANCIAL
9 TRANSACTIONS

22 “(2) DEPENDENT CHILD; MEMBER OF CON-
23 GRESS.—The terms ‘dependent child’ and ‘Member
24 of Congress’ have the meanings given those terms in
25 section 13101.

1 “(3) DIRECTLY.—The term ‘directly’ means by
 2 virtue of the ownership or beneficial interest of a
 3 covered individual, or the spouse or dependent child
 4 of a covered individual, in a financial interest de-
 5 scribed in paragraph (5)(A).

6 “(4) INDIRECTLY.—The term ‘indirectly’ means
 7 by virtue of the financial interest of a covered indi-
 8 vidual, or the spouse or dependent child of a covered
 9 individual, in a business entity, partnership interest,
 10 company, investment fund, trust, or other third
 11 party in which the covered individual, or the spouse
 12 or dependent child of a covered individual, has an
 13 ownership or beneficial interest.

14 “(5) PROHIBITED FINANCIAL TRANSACTION.—

15 “(A) IN GENERAL.—The term ‘prohibited
 16 financial transaction’ means—

17 “(i) any issuance, sponsorship, or en-
 18 dorsement of a cryptocurrency, meme coin,
 19 token, non-fungible token, stablecoin, or
 20 other digital asset that is sold for remu-
 21 neration;

22 “(ii) any financial interest comparable
 23 to an interest described in clause (i) that
 24 is acquired through synthetic means, such

1 as the use of a derivative, including an op-
 2 tion, warrant, or other similar means; or

3 “(iii) any financial interest com-
 4 parable to an interest described in clause
 5 (i) that is acquired as part of an aggrega-
 6 tion or compilation of such interests
 7 through a mutual fund, exchange-traded
 8 fund, or other similar means.

9 “(B) EXCLUSIONS.—The term ‘prohibited
 10 financial transaction’ does not include the mere
 11 purchase, sale, holding, or other conduct relat-
 12 ing to financial instruments or assets routinely
 13 accessible to any member of the public.

14 “(6) SENATE-CONFIRMED POSITION.—The term
 15 ‘Senate-confirmed position’ means a position in a de-
 16 partment or agency of the executive branch of the
 17 United States for which appointment is required to
 18 be made by the President, by and with the advice
 19 and consent of the Senate.

20 **“§ 13152. Prohibition on certain transactions**

21 “(a) PROHIBITION.—Except as provided in sub-
 22 section (b), a covered individual, or the spouse or depend-
 23 ent child of a covered individual, may not engage directly
 24 or indirectly in a prohibited financial transaction—

1 “(1) during the term of service of the covered
2 individual; or

3 “(2) during the 1-year period beginning on the
4 date on which the service of the covered individual
5 is terminated.

6 “(b) LIABILITY AND IMMUNITY.—For purposes of
7 any immunities to civil liability, any conduct relating to
8 a prohibited financial transaction under this section shall
9 be deemed an unofficial act and beyond the scope of the
10 official duties of the relevant covered individual.

11 **“§ 13153. Civil penalties**

12 “(a) CIVIL ACTION.—The Attorney General may
13 bring a civil action in any appropriate district court of the
14 United States against any covered individual who violates
15 section 13152(a).

16 “(b) CIVIL PENALTY.—Any covered individual who
17 knowingly violates section 13152(a) shall be subject to a
18 civil monetary penalty equal to not more than 10 percent
19 of the value of the financial interest that is the subject
20 of the prohibited conduct, or the amount of financial gain,
21 if any, that the covered individual benefitted from relating
22 to the prohibited conduct, whichever is greater.

23 “(c) DISGORGEMENT.—A covered individual who is
24 found to have violated section 13152(a) in a civil action
25 under subsection (a) shall disgorge to the Treasury of the

1 United States any profit from the prohibited conduct that
 2 is the subject of that civil action.”.

3 (b) CLERICAL AMENDMENT.—The table of sections
 4 for chapter 131 of title 5, United States Code, is amended
 5 by adding at the end the following:

“SUBCHAPTER IV—PROHIBITED FINANCIAL TRANSACTIONS

“13151. Definitions.

“13152. Prohibition on certain transactions.

“13153. Civil penalties.”.

6 **SEC. 3. CRIMINAL PENALTIES RELATING TO PROHIBITED**
 7 **FINANCIAL TRANSACTIONS.**

8 (a) IN GENERAL.—Chapter 11 of title 18, United
 9 States Code, is amended by adding at the end the fol-
 10 lowing:

11 **“§ 227A. Prohibited financial transactions**

12 “(a) DEFINITIONS.—In this section:

13 “(1) COVERED INDIVIDUAL.—The term ‘cov-
 14 ered individual’ means—

15 “(A) the President;

16 “(B) the Vice President;

17 “(C) a Member of Congress;

18 “(D) an individual appointed to a Senate-
 19 confirmed position; or

20 “(E) a special Government employee (as
 21 defined in section 202) associated with the Ex-
 22 ecutive Office of the President.

1 “(2) MEMBER OF CONGRESS.—The term ‘Mem-
 2 ber of Congress’ has the meaning given that term in
 3 section 13101 of title 5.

4 “(3) PROHIBITED FINANCIAL TRANSACTION.—

5 “(A) IN GENERAL.—The term ‘prohibited
 6 financial transaction’ means—

7 “(i) any issuance, sponsorship, or en-
 8 dorsement of a cryptocurrency, meme coin,
 9 token, non-fungible token, stablecoin, or
 10 other digital asset that is sold for remu-
 11 neration; or

12 “(ii) any financial interest comparable
 13 to an interest described in clause (i) that
 14 is acquired through synthetic means, such
 15 as the use of a derivative, including an op-
 16 tion, warrant, or other similar means.

17 “(B) EXCLUSIONS.—The term ‘prohibited
 18 financial transaction’ does not include the mere
 19 purchase, sale, holding, or other conduct relat-
 20 ing to financial instruments or assets routinely
 21 accessible to any member of the public.

22 “(4) SENATE-CONFIRMED POSITION.—The term
 23 ‘Senate-confirmed position’ means a position in a de-
 24 partment or agency of the executive branch of the
 25 United States for which appointment is required to

1 be made by the President, by and with the advice
2 and consent of the Senate.

3 “(b) BENEFITTING FROM PROHIBITED FINANCIAL
4 TRANSACTION.—Any covered individual who—

5 “(1) knowingly violates any provision of section
6 13152(a) of title 5; and

7 “(2) through such violation—

8 “(A) causes an aggregate loss of not less
9 than \$1,000,000 to 1 or more persons in the
10 United States; or

11 “(B) benefits financially, through profit,
12 gain, or advantage, directly or indirectly
13 through any family member or business asso-
14 ciate of the covered individual, from the sale,
15 purchase, or distribution of the financial inter-
16 est described in subsection (a)(3)(A)(i) issued,
17 sponsored, or endorsed in violation of section
18 13152(a) of title 5,

19 shall be fined under this title, imprisoned for not
20 more than 5 years, or both.

21 “(c) BRIBERY.—Any covered individual who—

22 “(1) knowingly violates any provision of section
23 13152(a) of title 5; and

24 “(2) directly or indirectly, corruptly demands,
25 seeks, receives, accepts, or agrees to receive or ac-

1 cept any thing of value personally or for any other
2 person or entity, in return for—

3 “(A) being influenced in the performance
4 of any official act;

5 “(B) being influenced to commit or aid in
6 committing, or to collude in, or allow, any
7 fraud, or make opportunity for the commission
8 of any fraud, on the United States; or

9 “(C) being induced to do or omit to do any
10 act in violation of the official duty of such offi-
11 cial or person,

12 shall be fined under this title or not more than 2
13 times the monetary equivalent of the thing of value,
14 whichever is greater, or imprisoned for not more
15 than 5 years, or both, and may be disqualified from
16 holding any office of honor, trust, or profit under
17 the United States.

18 “(d) INTENT.—To incur criminal liability under this
19 section, it shall not be required that a covered individual
20 intended to create a financial interest described in sub-
21 section (a)(3)(A)(i) through the issuance, sponsorship or
22 endorsement of the financial interest described in sub-
23 section (a)(3)(A)(i).

24 “(e) LIABILITY AND IMMUNITY.—For purposes of
25 any immunities to civil and criminal liability, any conduct

1 relating to a prohibited financial transaction under this
2 section shall be deemed an unofficial act and beyond the
3 scope of official duties of the relevant covered individual.”.

4 (b) CLERICAL AMENDMENT.—The table of sections
5 for chapter 11 of title 18, United States Code, is amended
6 by inserting after the item relating to section 227 the fol-
7 lowing:

“227A. Prohibited financial transactions.”.

Calendar No. 71

119TH CONGRESS
1ST Session
S. 1668

A BILL

To amend chapter 131 of title 5, United States Code, to prohibit the President, Vice President, Members of Congress, and individuals appointed to Senate-confirmed positions from issuing, sponsoring, or endorsing certain financial instruments, and for other purposes.

MAY 8, 2025

Read the second time and placed on the calendar