

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. FRY OF SOUTH CAROLINA

Strike all that follows after the enacting clause, and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Promptly Ending Po-
3 litical Prosecutions and Executive Retaliation Act of
4 2025”.

5 SEC. 2. REMOVAL OF CERTAIN ACTIONS.

6 (a) IN GENERAL.—Section 1442 of title 28, United
7 States Code, is amended—

8 (1) in subsection (a)—

9 (A) in the matter preceding paragraph (1),
10 by inserting “, upon a prima facie showing by
11 the removing party that the standards for re-
12 moval are met,” after “removed by them”; and

13 (B) in paragraph (1)—

14 (i) by striking “or any officer (or any
15 person acting under that officer) of the
16 United States or of any agency thereof,”
17 and inserting “or any person who, at the
18 time of removal, is an officer of the United

1 States (or any person acting under that of-
2 ficer) or of any agency thereof, or was pre-
3 viously such an officer,”; and

4 (ii) by inserting “(including a discre-
5 tionary exercise of any authority of such
6 office)” after “color of such office”; and

7 (2) by adding at the end of subsection (a) the
8 following:

9 “(5) The President or Vice President for or re-
10 lating to any act while in office or where the State
11 court’s consideration of the claim or charge may
12 interfere with, hinder, burden, or delay the execution
13 of the duties of the President or the Vice President.

14 “(6) A former President or Vice President for
15 or relating to any act while in office.”.

16 (b) APPLICATION.—The amendments made by sub-
17 section (a) shall apply to a civil action or criminal prosecu-
18 tion pending on the date of enactment of this Act or com-
19 menced on or after such date.

20 **SEC. 3. PROCEDURE FOR REMOVAL OF CRIMINAL CASES.**

21 (a) IN GENERAL.—Section 1455(b) of title 28,
22 United States Code, is amended—

23 (1) in paragraph (3)—

24 (A) by striking “shall not” and inserting
25 “shall”; and

1 (B) by striking “except that a judgment of
2 conviction shall not be entered unless the pros-
3 ecution is first remanded” and inserting “and
4 no judgment of conviction shall be entered un-
5 less the prosecution is remanded”;

6 (2) in paragraph (4), by striking “promptly. If”
7 and inserting “promptly and where a prima facie
8 showing demonstrating the basis for removal is
9 made, the matter shall be removed. Only if”; and

10 (3) in paragraph (5)—

11 (A) by inserting “summary dismissal or
12 the” after “does not order the”;

13 (B) by striking “an evidentiary hearing”
14 and inserting “a hearing”;

15 (C) by inserting “including dismissal under
16 section 1456” after “require”; and

17 (D) by inserting “or dismissal ordered”
18 after “permitted”.”.

19 (b) APPLICATION.—The amendments made by sub-
20 section (a) shall apply to criminal prosecutions pending
21 on the date of enactment of this Act or commenced on
22 or after such date.

1 **SEC. 4. OFFICIAL IMMUNITY.**

2 (a) IN GENERAL.—Chapter 89 of title 28, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 **“§ 1456. Official Immunity**

6 “(a) IMMUNITY.—In any case that is subject to re-
7 moval under section 1442(a), a Federal official shall be
8 presumed to have immunity under article VI, clause 2 of
9 the Constitution of the United States from any charge or
10 claim made by or under authority of State law which may
11 only be rebutted by clear and convincing evidence that the
12 official was not acting under the color of such office or
13 on account of any right, title or authority claimed under
14 any Act of Congress for the apprehension or punishment
15 of criminals or the collection of the revenue.

16 “(b) DETERMINATION OF IMMUNITY.—For purposes
17 of making a determination of immunity under subsection
18 (a), the following may not be admitted into evidence:

19 “(1) The nature, elements or any other aspect
20 of the charge or claim made by or under authority
21 of State law.

22 “(2) An act alleged to be official that is not the
23 subject of the charge or claim made by or under au-
24 thority of State law.

1 “(c) REPRESENTATION.—In any case that is subject
2 to removal under section 1442(a) that names a Federal
3 official as a party, the Attorney General may—

4 “(1) represent such Federal official for any
5 charge or claim made by or under authority of State
6 law; or

7 “(2) compensate private counsel retained by
8 such official at a reasonable prevailing rate for any
9 such charge or claim.

10 “(d) PROHIBITION ON LIMITATION OF SCOPE.—No
11 court may define or limit the scope of the duties of an
12 official of the Executive Office of the President.

13 “(e) DISMISSAL.—In any action subject to removal
14 under paragraph (5) or (6) of section 1442(a), such case
15 shall be dismissed unless rebutted by clear and convincing
16 evidence establishing that the continued pendency of the
17 State claim or charge would not in any way interfere,
18 hinder, burden, or delay the execution of the duties of the
19 President or Vice President.”.

20 (b) APPLICATION.—The amendments made by this
21 section shall apply to civil actions or criminal prosecutions
22 pending on the date of enactment of this Act or com-
23 menced on or after such date.

