AMENDMENT TO RULES COMMITTEE PRINT 117-20

OFFERED BY MR. RASKIN OF MARYLAND

Page 8, line 13, strike “LIMITATIONS” and insert “LIMITATIONS AND DELAY OF PROCEEDINGS”.

Page 8, strike line 18 and all that follows through page 9, line 2, and insert the following:

“(c) Offenses Committed by President or Vice President During or Prior to Tenure in Office.—In the case of any person serving as President or Vice President of the United States, the duration of that person’s tenure may, at the discretion of a court of competent jurisdiction, be excluded from any applicable statute of limitations for any Federal criminal offense committed by that person, when the investigation and prosecution of such offense have been precluded or forestalled by reason of the defendant’s official role or duties. Such offense may include an offense committed preceding or during any period of time preceding the defendant’s tenure in office.

“(d) Delay in Trial or Other Legal Proceedings.—Notwithstanding an exercise of discretion pursuant to subsection (c), in the case of an indictment
of any person serving as President or Vice President of
the United States, a trial or other legal proceeding with
respect to such indictment may be delayed at the discre-
tion of a court of competent jurisdiction to the extent that
ongoing criminal proceedings would interfere with the per-
formance of the defendant’s duties while in office.

“(e) BURDEN OF PROOF.—With respect to an exer-
cise of discretion under subsection (c) or (d), the burden
of proof shall be on the defendant to demonstrate that
an ongoing criminal proceeding would pose an undue bur-
den on the defendant’s ability to fulfill the duties of the
defendant’s office.”.

Page 9, strike line 8 and all that follows through
line 12, and insert the following:

(c) RULE OF CONSTRUCTION.—An exercise of discre-
tion pursuant to this section shall not be construed to pre-
clude the indictment or prosecution of a President or Vice
President, during such President’s or Vice President’s ten-
ure in office, for violations of the criminal laws of the
United States.