

119TH CONGRESS
1ST SESSION

S. 3180

To amend chapter 111 of title 28, United States Code, to increase transparency and oversight of third-party funding by foreign persons, to prohibit third-party funding by foreign states and sovereign wealth funds, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2025

Mr. KENNEDY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 111 of title 28, United States Code, to increase transparency and oversight of third-party funding by foreign persons, to prohibit third-party funding by foreign states and sovereign wealth funds, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Our Courts
5 from Foreign Manipulation Act of 2025”.

1 **SEC. 2. TRANSPARENCY AND LIMITATIONS ON FOREIGN**
 2 **THIRD-PARTY LITIGATION FUNDING.**

3 (a) IN GENERAL.—Chapter 111 of title 28, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 1660. Transparency and limitations on foreign**
 7 **third-party litigation funding**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘foreign person’—

10 “(A) means any person or entity that is
 11 not a United States person, as defined in sec-
 12 tion 101 of the Foreign Intelligence Surveil-
 13 lance Act of 1978 (50 U.S.C. 1801); and

14 “(B) does not include a foreign state or a
 15 sovereign wealth fund;

16 “(2) the term ‘foreign state’ has the meaning
 17 given that term in section 1603; and

18 “(3) the term ‘sovereign wealth fund’ means an
 19 investment fund owned or controlled by—

20 “(A) a foreign state, an agency or instru-
 21 mentality of a foreign state (as defined in sec-
 22 tion 1603); or

23 “(B)(i) an entity, a majority of whose
 24 shares or other ownership interest is owned or
 25 controlled by an investment fund owned or con-
 26 trolled by a foreign state, or by an agency or

1 instrumentality of a foreign state (as defined in
2 section 1603); or

3 “(ii) any subsidiary of an entity described
4 in clause (i).

5 “(b) DISCLOSURE OF THIRD-PARTY LITIGATION
6 FUNDING AND FOREIGN SOURCE CERTIFICATION BY
7 FOREIGN PERSONS, FOREIGN STATES, AND SOVEREIGN
8 WEALTH FUNDS.—

9 “(1) IN GENERAL.—In any civil action, each
10 party or the counsel of record for the party shall—

11 “(A) disclose in writing to the court, to all
12 other named parties to the civil action, to the
13 Attorney General, and to the Principal Deputy
14 Assistant Attorney General for National Secu-
15 rity—

16 “(i) the name, the address, and, if ap-
17 plicable, the citizenship or the country of
18 incorporation or registration of any foreign
19 person, foreign state, or sovereign wealth
20 fund, other than the named parties or
21 counsel of record, that has a right to re-
22 ceive any payment that is contingent in
23 any respect on the outcome of the civil ac-
24 tion by settlement, judgment, or otherwise;

1 “(ii) the name, the address, and, if
2 applicable, the citizenship or the country of
3 incorporation or registration of any foreign
4 person, foreign state, or sovereign wealth
5 fund, other than the named parties or
6 counsel of record, that has a right to re-
7 ceive any payment that is contingent in
8 any respect on the outcome of any matter
9 within a portfolio that includes the civil ac-
10 tion and involves the same counsel of
11 record or affiliated counsel; and

12 “(iii) if the party or the counsel of
13 record for the party submits a certification
14 described in subparagraph (C)(i), the
15 name, the address, and, if applicable, the
16 citizenship or the country of incorporation
17 or registration of the foreign person, for-
18 eign state, or sovereign wealth fund that is
19 the source of the money;

20 “(B) produce to the court, to all other
21 named parties to the civil action, to the Attor-
22 ney General, and to the Principal Deputy As-
23 sistant Attorney General for National Security,
24 except as otherwise stipulated or ordered by the
25 court, a copy of any agreement creating a con-

1 tingent right described in subparagraph (A);
2 and

3 “(C) for a civil action involving an agree-
4 ment creating a right to receive any payment by
5 anyone, other than the named parties or coun-
6 sel of record, that is contingent in any respect
7 on the outcome of the civil action by settlement,
8 judgment, or otherwise, or on the outcome of
9 any matter within a portfolio that includes the
10 civil action and involves the same counsel or af-
11 filiated counsel, submit to the court a certifi-
12 cation that—

13 “(i) the money that has been or will
14 be used to satisfy any term of the agree-
15 ment has been or will be directly or indi-
16 rectly sourced, in whole or in part, from a
17 foreign person, foreign state, or sovereign
18 wealth fund, including the monetary
19 amounts that have been or will be used to
20 satisfy the agreement; or

21 “(ii) that the disclosure and certifi-
22 cation criteria set forth in subparagraph
23 (A)(iii) and clause (i) of this subparagraph
24 do not apply to the civil action.

25 “(2) TIMING.—

1 “(A) IN GENERAL.—The disclosure and
2 certification required by paragraph (1) shall be
3 made not later than the later of—

4 “(i) 30 days after execution of any
5 agreement described in paragraph (1); or

6 “(ii) the date on which the civil action
7 is filed.

8 “(B) PARTIES SERVED OR JOINED
9 LATER.—A party that enters into an agreement
10 described in paragraph (1) that is first served
11 or joined after the date on which the civil action
12 is filed shall make the disclosure and certifi-
13 cation required by paragraph (1) not later than
14 30 days after being served or joined, unless a
15 different time is set by stipulation or court
16 order.

17 “(3) FOREIGN SOURCE DISCLOSURE AND CER-
18 TIFICATION FORMAT.—

19 “(A) IN GENERAL.—A disclosure required
20 under paragraph (1)(A) and a certification re-
21 quired under paragraph (1)(C) shall—

22 “(i) be made in the form of a declara-
23 tion under penalty of perjury pursuant to
24 section 1746 and shall be made to the best
25 knowledge, information, and belief of the

1 declarant formed after reasonable inquiry;
2 and

3 “(ii) be provided to all other named
4 parties to the civil action, to the Attorney
5 General, and to the Principal Deputy As-
6 sistant Attorney General for National Se-
7 curity by the party or counsel of record for
8 the party making the disclosure and cer-
9 tification, except as otherwise stipulated or
10 ordered by the court.

11 “(B) SUPPLEMENTATION AND CORREC-
12 TION.—Not later than 30 days after the date
13 on which a party or counsel of record for the
14 party knew or should have known that the dis-
15 closure required under paragraph (1)(A) or a
16 certification required under paragraph (1)(C) is
17 incomplete or inaccurate in any material re-
18 spect, the party or counsel of record shall sup-
19 plement or correct the disclosure or certifi-
20 cation.

21 “(c) PROHIBITION ON THIRD-PARTY FUNDING LITI-
22 GATION BY FOREIGN STATES AND SOVEREIGN WEALTH
23 FUNDS.—

24 “(1) IN GENERAL.—It shall be unlawful for any
25 party to, or counsel of record in a civil action to,

1 enter into an agreement creating a right for anyone,
2 other than the named parties or counsel of record,
3 to receive any payment that is contingent in any re-
4 spect on the outcome of a civil action, or any matter
5 within a portfolio that includes the civil action, and
6 involves the same counsel of record or affiliated
7 counsel, the terms of which are to be satisfied by
8 money that has been or will be directly or indirectly
9 sourced, in whole or in part, from a foreign state or
10 a sovereign wealth fund.

11 “(2) ENFORCEMENT.—Any agreement entered
12 in violation of paragraph (1) shall be null and void.

13 “(d) FAILURE TO DISCLOSE, TO SUPPLEMENT;
14 SANCTIONS.—A disclosure, production, or certification
15 under subsection (b) is deemed to be information required
16 by rule 26(a) of the Federal Rules of Civil Procedure and
17 subject to the sanctions provisions of rule 37 of the Fed-
18 eral Rules of Civil Procedure.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—
20 The table of sections chapter 111 of title 28, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

“1660. Transparency and limitations on foreign third-party litigation funding.”.

23 **SEC. 3. REPORT TO CONGRESS.**

24 Not later than 1 year after the date of enactment
25 of this Act, and annually thereafter, the Attorney General

1 shall submit to the Committee on the Judiciary of the Sen-
2 ate and the Committee on the Judiciary of the House of
3 Representatives a report on the activities involving foreign
4 third-party litigation funding in Federal courts, including,
5 if applicable—

6 (1) the identities of foreign third-party litiga-
7 tion funders in Federal courts, including names, ad-
8 dresses, and citizenship or country of incorporation
9 or registration;

10 (2) the identities of foreign persons, foreign
11 states, or sovereign wealth funds (as such terms are
12 defined in section 1660 of title 28, United States
13 Code, as added by section 2 of this Act) that have
14 been the sources of money for third-party litigation
15 funding in Federal courts;

16 (3) the judicial districts in which foreign third-
17 party litigation funding has occurred;

18 (4) an estimate of the total amount of foreign-
19 sourced money used for third-party litigation fund-
20 ing in Federal courts, including an estimate of the
21 amount of such money sourced from each country;
22 and

23 (5) a summary of the subject matters of the
24 civil actions in Federal courts for which foreign

1 sourced money has been used for third-party litiga-
2 tion funding.

3 **SEC. 4. APPLICABILITY.**

4 The amendments made by this Act shall apply to any
5 civil action pending on or commenced on or after the date
6 of enactment of this Act.

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