

117TH CONGRESS
1ST SESSION

H. R. 2096

To prohibit the non-consensual release of claims by States, municipalities, federally recognized Tribes, or the United States against non-debtors, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To prohibit the non-consensual release of claims by States, municipalities, federally recognized Tribes, or the United States against non-debtors, 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 “Stop shielding Assets
5 from Corporate Known Liability by Eliminating non-debt-
6 or Releases Act” or the “SACKLER Act”.

7 **SEC. 2. NON-DEBTOR RELEASES.**

8 (a) PROHIBITION ON CERTAIN NON-DEBTOR RE-
9 LEASES.—Section 105(b) of title 11, United States Code,

1 is amended by striking “a court may not” and all that
2 follows, and inserting the following: “a court may not—

3 “(1) appoint a receiver in a case under this
4 title; or

5 “(2) except as provided by section 524(g) of
6 this title, enjoin or release a claim against a non-
7 debtor by a State, municipality, federally recognized
8 Tribe, or the United States.”.

9 (b) TEMPORARY STAY ON ACTIONS AGAINST NON-
10 DEBTORS.—Section 105 of title 11, United States Code,
11 is amended by adding at the end the following:

12 “(e) Notwithstanding subsection (b)(2), a court may
13 issue an order staying, for a period not to exceed 90 days,
14 the commencement or continuation, including the issuance
15 or employment of process, of a judicial, administrative, or
16 other action or proceeding by a State, municipality, feder-
17 ally recognized Tribe, or the United States against a non-
18 debtor that was or could have been commenced before the
19 commencement of the case under this title, or to recover
20 a claim against a non-debtor that arose before the com-
21 mencement of the case under this title.”.

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