

117TH CONGRESS
1ST SESSION

S. 2079

To limit donations made pursuant to settlement agreements to which the United States is a party, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 16, 2021

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

A BILL

To limit donations made pursuant to settlement agreements to which the United States is a party, 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 Settlement Slush
5 Funds Act of 2021”.

6 **SEC. 2. LIMITATION ON DONATIONS MADE PURSUANT TO**
7 **SETTLEMENT AGREEMENTS TO WHICH THE**
8 **UNITED STATES IS A PARTY.**

9 (a) DEFINITION.—In this section, the term “settle-
10 ment agreement” means a settlement agreement resolving

1 a civil action or potential civil action, a plea agreement,
2 a deferred prosecution agreement, or a non-prosecution
3 agreement.

4 (b) LIMITATION ON REQUIRED DONATIONS.—An of-
5 ficial or agent of the Federal Government may not enter
6 into or enforce any settlement agreement on behalf of the
7 United States, directing or providing for a payment or
8 loan to any person or entity other than the United States,
9 other than a payment or loan that provides restitution for
10 or otherwise directly remedies actual harm (including to
11 the environment) directly and proximately caused by the
12 party making the payment or loan or constitutes payment
13 for services rendered in connection with the case, or a pay-
14 ment pursuant to section 3663 of title 18, United States
15 Code.

16 (c) PENALTY.—Any official or agent of the Federal
17 Government who violates subsection (b) shall be subject
18 to the same penalties that would apply in the case of a
19 violation of section 3302 of title 31, United States Code.

20 (d) EFFECTIVE DATE.—Subsections (b) and (c) shall
21 apply only to any settlement agreement concluded on or
22 after the date of enactment of this Act.

23 (e) REPORTS ON SETTLEMENT AGREEMENTS.—

24 (1) IN GENERAL.—Beginning at the end of the
25 first fiscal year that begins after the date of enact-

1 ment of this Act, and annually thereafter, the head
2 of each Federal agency shall submit electronically to
3 the Congressional Budget Office a report on each
4 settlement agreement entered into by that agency
5 during that fiscal year that directs or provides for
6 a payment or loan to a person or entity other than
7 the United States that provides restitution for or
8 otherwise directly remedies actual harm (including
9 to the environment) directly and proximately caused
10 by the party making the payment or loan, or con-
11 stitutes payment for services rendered in connection
12 with the case, including the parties to each settle-
13 ment agreement, the source of the settlement funds,
14 and where and how such funds were and will be dis-
15 tributed.

16 (2) PROHIBITION ON ADDITIONAL FUNDING.—
17 No additional funds are authorized to be appro-
18 priated to carry out this subsection.

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