

Whereas Calvin G. Moret contributed oral histories to the collection of the National WWII Museum;

Whereas, on June 29, 2013, the Urban League of Greater New Orleans presented Calvin G. Moret with the Whitney M. Young Legacy Award;

Whereas, in 2014, Calvin G. Moret became the fifth honorary member of the Black Pilots of America; and

Whereas Calvin G. Moret was a distinguished speaker for the National WWII Museum at major exhibits, including the "Fighting for the Right to Fight: African American Experiences in World War II" exhibit; Now, therefore, be it

Resolved, That the Senate—

(1) honors the life of Calvin G. Moret, who was dedicated to serving the community and recording the experiences of the members of the Tuskegee Airmen;

(2) recognizes the lasting contributions made by Calvin G. Moret to World War II educational programming and the National WWII Museum; and

(3) requests that the Secretary of the Senate prepare an official copy of this resolution for presentation to the family of Calvin G. Moret.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2667. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 36, to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes; which was ordered to lie on the table.

SA 2668. Mr. LANKFORD (for Mr. VITTER) proposed an amendment to the bill S. 1109, to require adequate information regarding the tax treatment of payments under settlement agreements entered into by Federal agencies, and for other purposes.

TEXT OF AMENDMENTS

SA 2667. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 36, to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . ADDITIONAL FUNDING FOR THE PREGNANCY ASSISTANCE FUND.

(a) FINDINGS.—Congress finds the following:

(1) In 2011, 730,322 legal induced abortions were reported to the Centers for Disease Control and Prevention.

(2) Forty-nine percent of all pregnancies in America are unintended. Excluding miscarriages, 42 percent of unintended pregnancies end in abortion.

(3) Of those unintended pregnancies ending in abortion, 50 percent of the women have incomes below 200 percent of the poverty level.

(4) The pregnancy assistance fund is an initiative to support women facing unplanned pregnancies, new parents and their children by providing for health care needs, supportive services and helpful prenatal information and postnatal services.

(b) ADDITIONAL FUNDING.—Section 10214 of Public Law 111-148 (42 U.S.C. 18204) is amended by adding at the end the following: "In addition to amounts authorized to be appropriated in the previous sentence, there are authorized to be appropriated, and there are appropriated from funds not otherwise obligated, to carry out section 10210, an addi-

tional \$25,000,000 for each of fiscal years 2016 through 2019, and an additional \$50,000,000 for each of fiscal years 2020 through 2024."

SA 2668. Mr. LANKFORD (for Mr. VITTER) proposed an amendment to the bill S. 1109, to require adequate information regarding the tax treatment of payments under settlement agreements entered into by Federal agencies, and for other purposes; as follows:

On page 2, strike lines 11 through 20 and insert the following:

"(1) the term 'covered settlement agreement' means a settlement agreement (including a consent decree)—

"(A) that is entered into by an Executive agency; and

"(B)(i) that—

"(I) relates to an alleged violation of Federal civil or criminal law; and

"(II) requires the payment of a total of not less than \$1,000,000 by 1 or more non-Federal persons; or

"(ii) that—

"(I) relates to the rule making process of the Executive agency or an alleged failure by the Executive agency to engage in a rule making process; and

"(II) requires the payment of a total of not less than \$200,000 in attorney fees, costs, or expenses by the Executive agency or entity within the Federal Government to a non-Federal person;

On page 2, line 23, strike "and".

On page 2, line 26, strike the period and insert "; and".

On page 2, after line 26, insert the following:

"(4) the term 'rule making' has the meaning given that term under section 551(5).

On page 4, line 3, strike "and".

On page 4, between lines 16 and 17, insert the following:

"(VII) a description of where amounts collected under the covered settlement agreement will be deposited, including, if applicable, the deposit of such amounts in an account available for use for 1 or more programs of the Federal Government; and

On page 7, line 25, insert "or that entered into a settlement agreement that involves regulatory action or regulatory changes" after "covered settlement agreement".

On page 8, line 11, strike "and".

On page 8, line 15, strike the period and insert a semicolon.

On page 8, between lines 15 and 16, insert the following:

"(D) the total amount of attorney fees, costs, and expenses paid to non-Federal persons under settlement agreements (including consent decrees) of the Executive agency during that fiscal year; and

"(E) the number of settlement agreements (including consent decrees) between the Executive agency and non-Federal persons that involve regulatory action or regulatory changes, including the promulgation of new rules, during that fiscal year.

On page 8, strike line 25 and all that follows through page 9, line 20.

On page 9, line 21, strike "(c)" and insert "(b)".

TRUTH IN SETTLEMENTS ACT OF 2015

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 140, S. 1109.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1109) to require adequate information regarding the tax treatment of payments under settlement agreements entered into by Federal agencies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LANKFORD. I ask unanimous consent that the Vitter amendment be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2668) was agreed to, as follows:

(Purpose: To apply the disclosure requirements to settlements between agencies and private entities and require information regarding the use of funds collected under settlement agreements)

On page 2, strike lines 11 through 20 and insert the following:

"(1) the term 'covered settlement agreement' means a settlement agreement (including a consent decree)—

"(A) that is entered into by an Executive agency; and

"(B)(i) that—

"(I) relates to an alleged violation of Federal civil or criminal law; and

"(II) requires the payment of a total of not less than \$1,000,000 by 1 or more non-Federal persons; or

"(ii) that—

"(I) relates to the rule making process of the Executive agency or an alleged failure by the Executive agency to engage in a rule making process; and

"(II) requires the payment of a total of not less than \$200,000 in attorney fees, costs, or expenses by the Executive agency or entity within the Federal Government to a non-Federal person;

On page 2, line 23, strike "and".

On page 2, line 26, strike the period and insert "; and".

On page 2, after line 26, insert the following:

"(4) the term 'rule making' has the meaning given that term under section 551(5).

On page 4, line 3, strike "and".

On page 4, between lines 16 and 17, insert the following:

"(VII) a description of where amounts collected under the covered settlement agreement will be deposited, including, if applicable, the deposit of such amounts in an account available for use for 1 or more programs of the Federal Government; and

On page 7, line 25, insert "or that entered into a settlement agreement that involves regulatory action or regulatory changes" after "covered settlement agreement".

On page 8, line 11, strike "and".

On page 8, line 15, strike the period and insert a semicolon.

On page 8, between lines 15 and 16, insert the following:

"(D) the total amount of attorney fees, costs, and expenses paid to non-Federal persons under settlement agreements (including consent decrees) of the Executive agency during that fiscal year; and

"(E) the number of settlement agreements (including consent decrees) between the Executive agency and non-Federal persons that involve regulatory action or regulatory changes, including the promulgation of new rules, during that fiscal year.

On page 8, strike line 25 and all that follows through page 9, line 20.

On page 9, line 21, strike "(c)" and insert "(b)".

The bill (S. 1109), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Truth in Settlements Act of 2015”.

SEC. 2. INFORMATION REGARDING SETTLEMENT AGREEMENTS ENTERED INTO BY FEDERAL AGENCIES.

(a) REQUIREMENTS FOR SETTLEMENT AGREEMENTS.—

(1) IN GENERAL.—Chapter 3 of title 5, United States Code, is amended by adding at the end the following:

“§ 307. Information regarding settlement agreements

“(a) DEFINITIONS.—In this section—
“(1) the term ‘covered settlement agreement’ means a settlement agreement (including a consent decree)—

“(A) that is entered into by an Executive agency; and

“(B)(i) that—

“(I) relates to an alleged violation of Federal civil or criminal law; and

“(II) requires the payment of a total of not less than \$1,000,000 by 1 or more non-Federal persons; or

“(ii) that—

“(I) relates to the rule making process of the Executive agency or an alleged failure by the Executive agency to engage in a rule making process; and

“(II) requires the payment of a total of not less than \$200,000 in attorney fees, costs, or expenses by the Executive agency or entity within the Federal Government to a non-Federal person;

“(2) the term ‘entity within the Federal Government’ includes an officer or employee of the Federal Government acting in an official capacity;

“(3) the term ‘non-Federal person’ means a person that is not an entity within the Federal Government; and

“(4) the term ‘rule making’ has the meaning given that term under section 551(5).

“(b) INFORMATION TO BE POSTED ONLINE.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the head of each Executive agency shall make publicly available in a searchable format in a prominent location on the Web site of the Executive agency—

“(i) a list of each covered settlement agreement entered into by the Executive agency, which shall include, for each covered settlement agreement—

“(I) the date on which the parties entered into the covered settlement agreement;

“(II) the names of the parties that settled claims under the covered settlement agreement;

“(III) a description of the claims each party settled under the covered settlement agreement;

“(IV) the amount each party settling a claim under the covered settlement agreement is obligated to pay under the settlement agreement;

“(V) the total amount the settling parties are obligated to pay under the settlement agreement;

“(VI) for each settling party—

“(aa) the amount, if any, the settling party is obligated to pay that is expressly specified under the covered settlement agreement as a civil or criminal penalty or fine; and

“(bb) the amount, if any, that is expressly specified under the covered settlement agreement as not deductible for purposes of the Internal Revenue Code of 1986; and

“(VII) a description of where amounts collected under the covered settlement agreement will be deposited, including, if applicable, the deposit of such amounts in an account available for use for 1 or more programs of the Federal Government; and

“(ii) a copy of each covered settlement agreement entered into by the Executive agency.

“(B) CONFIDENTIALITY PROVISIONS.—The requirement to disclose information or a copy of a covered settlement agreement under subparagraph (A) shall apply to the extent that the information or copy (or portion thereof) is not subject to a confidentiality provision that prohibits disclosure of the information or copy (or portion thereof).

“(2) PERIOD.—The head of each Executive agency shall ensure that—

“(A) information regarding a covered settlement agreement is publicly available on the list described in paragraph (1)(A)(i) for a period of not less than 5 years, beginning on the date of the covered settlement agreement; and

“(B) a copy of a covered settlement agreement made available under paragraph (1)(A)(ii) is publicly available—

“(i) for a period of not less than 1 year, beginning on the date of the covered settlement agreement; or

“(ii) for a covered settlement agreement under which a non-Federal person is required to pay not less than \$50,000,000, for a period of not less than 5 years, beginning on the date of the covered settlement agreement.

“(c) PUBLIC STATEMENT.—If the head of an Executive agency determines that a confidentiality provision in a covered settlement agreement, or the sealing of a covered settlement agreement, is required to protect the public interest of the United States, the head of the Executive agency shall issue a public statement stating why such action is required to protect the public interest of the United States, which shall explain—

“(1) what interests confidentiality protects; and

“(2) why the interests protected by confidentiality outweigh the public’s interest in knowing about the conduct of the Federal Government and the expenditure of Federal resources.

“(d) REQUIREMENTS FOR WRITTEN PUBLIC STATEMENTS.—Any written public statement issued by an Executive agency that refers to an amount to be paid by a non-Federal person under a covered settlement agreement shall—

“(1) specify which portion, if any, of the amount to be paid under the covered settlement agreement by a non-Federal person—

“(A) is expressly specified under the covered settlement agreement as a civil or criminal penalty or fine to be paid for a violation of Federal law; or

“(B) is expressly specified under the covered settlement agreement as not deductible for purposes of the Internal Revenue Code of 1986;

“(2) if no portion of the amount to be paid under the covered settlement agreement by a non-Federal person is expressly specified under the covered settlement agreement as a civil or criminal penalty or fine, include a statement specifying that is the case; and

“(3) describe in detail—

“(A) any actions the non-Federal person shall take under the covered settlement agreement in lieu of payment to the Federal Government or a State or local government; and

“(B) any payments or compensation the non-Federal person shall make to other non-Federal persons under the covered settlement agreement.

“(e) CONFIDENTIALITY.—The requirement to disclose information under subsection (d)

shall apply to the extent that the information to be disclosed (or portion thereof) is not subject to a confidentiality provision that prohibits disclosure of the information (or portion thereof).

“(f) REPORTING.—

“(1) IN GENERAL.—Not later than January 15 of each year, the head of an Executive agency that entered into a covered settlement agreement or that entered into a settlement agreement that involves regulatory action or regulatory changes during the previous fiscal year shall submit to each committee of Congress with jurisdiction over the activities of the Executive agency a report indicating—

“(A) how many covered settlement agreements the Executive agency entered into during that fiscal year;

“(B) how many covered settlement agreements the Executive agency entered into during that fiscal year that had any terms or conditions that are required to be kept confidential;

“(C) how many covered settlement agreements the Executive agency entered into during that fiscal year for which all terms and conditions are required to be kept confidential;

“(D) the total amount of attorney fees, costs, and expenses paid to non-Federal persons under settlement agreements (including consent decrees) of the Executive agency during that fiscal year; and

“(E) the number of settlement agreements (including consent decrees) between the Executive agency and non-Federal persons that involve regulatory action or regulatory changes, including the promulgation of new rules, during that fiscal year.

“(2) AVAILABILITY OF REPORTS.—The head of an Executive agency that is required to submit a report under paragraph (1) shall make the report publicly available in a searchable format in a prominent location on the Web site of the Executive agency.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding at the end the following:

“307. Information regarding settlement agreements.”.

(b) REVIEW OF CONFIDENTIALITY OF SETTLEMENT AGREEMENTS.—Not later than 6 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report regarding how Executive agencies (as defined under section 105 of title 5, United States Code) determine whether the terms of a settlement agreement or the existence of a settlement agreement will be treated as confidential, which shall include recommendations, if any, for legislative or administrative action to increase the transparency of Government settlements while continuing to protect the legitimate interests that confidentiality provisions serve.

MANDATORY PRICE REPORTING ACT OF 2015

Mr. LANKFORD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 231, H.R. 2051.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2051) to amend the Agricultural Marketing Act of 1946 to extend the livestock mandatory price reporting requirements, and for other purposes. There being no objection, the Senate proceeded to consider the bill, which had been reported from