

1 settlement agreement, consent decree, administrative reso-
2 lution of the claim, or similar arrangement or direct any
3 such payment to a third party.

4 “(b) Notwithstanding any other provision of law, any
5 resolution of any administrative claim, civil action, or
6 other claim brought by the sitting President against the
7 United States through a settlement agreement, consent
8 decree, administrative resolution of the claim, or similar
9 arrangement between the sitting President and the United
10 States, regardless of the date commenced or when the
11 right of action accrued, shall be invalid and non-binding
12 upon the United States, unless—

13 “(1) the President commences a civil action by
14 filing a complaint with a United States district court
15 with appropriate jurisdiction; and

16 “(2) the district court, following a hearing at
17 which evidence is presented by the parties and any
18 amicus curiae appointed by the court, makes a de-
19 termination that—

20 “(A) the parties to the action are adverse;

21 “(B) the action was not brought to force
22 a settlement with the United States;

23 “(C) the United States made a good faith
24 effort to explore available defenses to the claims

1 at issue and has a reasonable legal basis for its
2 decision to settle the action;

3 “(D) the settlement is not collusive and
4 itself a fraud on the court; and

5 “(E) the settlement is in the interest of
6 justice.

7 “(c) This section shall apply to all resolutions entered
8 into between a sitting President and the United States ir-
9 respective of the date the resolution was entered into.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for chapter 161 of title 28, United States Code, is amend-
12 ed by inserting after the item related to section 2414 the
13 following:

“2414a. Compromise settlements between the President and the United
States.”.

