AMENDMENT TO H.R. 5063, AS REPORTED
OFFERED BY M_ . ____________

Page 3, strike line 6 and all that follows through line 25, and insert the following:

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

(a) IN GENERAL.—Chapter 190 of title 28, United
   States Code, is amended by adding at the end the fol-
   lowing:

“(a) LIMITATION ON REQUIRED DONATIONS.—An
   official or agent of the Government may not enter into
   or enforce any settlement agreement on behalf of the
   United States, directing or providing for a payment to any
   person or entity other than the United States, other
   than—

“(1) a payment that provides restitution for or
   otherwise directly remedies actual harm (including
   to the environment) directly and proximately caused
   by the party making the payment, or constitutes
payment for services rendered in connection with the case; or

“(2) a payment pursuant to section 3663 of title 18, United States Code.

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

“(c) APPLICABILITY.—Subsections (a) and (b) apply only in the case of a settlement agreement concluded on or after the date of enactment of this section.

“(d) DEFINITION.—The term ‘settlement agreement’ means a settlement agreement resolving a civil action or potential civil action, a plea agreement, a deferred prosecution agreement, or a non-prosecution agreement.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 190 of title 28, United States Code, is amended by inserting after the item pertaining to section 5001 the following:

“5002. Limitation on payments made pursuant to settlement agreements to which the United States is a party.”.