## 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:

## 1 SEC. 2. LIMITATION ON DONATIONS MADE PURSUANT TO 2 SETTLEMENT AGREEMENTS TO WHICH THE 3 UNITED STATES IS A PARTY.

4 (a) IN GENERAL.—Chapter 190 of title 28, United 5 States Code, is amended by adding at the end the fol-6 lowing:

"§ 5002. Limitation on donations made pursuant to 7 8 settlement agreements to which the 9 **United States is a party** 

10 "(a) LIMITATION ON REQUIRED DONATIONS.—An official or agent of the Government may not enter into 11 12 or enforce any settlement agreement on behalf of the United States, directing or providing for a payment to any 13 14 person or entity other than the United States, other 15 than-

"(1) a payment that provides restitution for or 16 17 otherwise directly remedies actual harm (including 18 to the environment) directly and proximately caused 19 by the party making the payment, or constitutes  $\mathbf{2}$ 

payment for services rendered in connection with the
 case; or

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

5 "(b) PENALTY.—Any official or agent of the Govern-6 ment who violates subsection (a), shall be subject to the 7 same penalties that would apply in the case of a violation 8 of section 3302 of title 31, United States Code.

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

12 "(d) DEFINITION.—The term 'settlement agreement'
13 means a settlement agreement resolving a civil action or
14 potential civil action, a plea agreement, a deferred pros15 ecution 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.".

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