

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 5063) TO LIMIT DONATIONS MADE PURSUANT TO SETTLEMENT AGREEMENTS TO WHICH THE UNITED STATES IS A PARTY, AND FOR OTHER PURPOSES

SEPTEMBER 6, 2016.—Referred to the House Calendar and ordered to be printed

Mr. COLLINS of Georgia, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 843]

The Committee on Rules, having had under consideration House Resolution 843, by a record vote of 9 to 2, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 5063, the Stop Settlement Slush Funds Act of 2016, under a structured rule. The resolution waives all points of order against consideration of the bill. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution makes in order as original text for the purpose of amendment the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill and provides that it shall be considered as read. The resolution waives all points of order against that amendment in the nature of a substitute. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. The resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendment in the nature of a substitute made in order as original text, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 205

Motion by Ms. Foxx to report the rule. Adopted: 9–2

Majority Members	Vote	Minority Members	Vote
Ms. Foxx	Yea	Ms. Slaughter
Mr. Cole	Yea	Mr. McGovern	Nay
Mr. Woodall	Yea	Mr. Hastings of Florida	Nay
Mr. Burgess	Yea	Mr. Polis
Mr. Stivers	Yea		
Mr. Collins	Yea		
Mr. Byrne	Yea		
Mr. Newhouse	Yea		
Mr. Sessions, Chairman	Yea		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Conyers (MI), Johnson, Hank (GA), Meeks (NY): Exempts from the bill any settlement pertaining to discrimination based on race, religion, national origin, or any other protected category. (10 minutes)

2. Cicilline (RI): Exempts settlement agreements that strengthen the personal privacy of Americans from the blanket prohibition in this legislation. (10 minutes)

3. Jackson Lee (TX): Exempts settlement agreements that pertain to providing restitution for a State. (10 minutes)

4. Jackson Lee (TX): Exempts settlement agreements that resolves a civil action or potential civil action in relation to sexual harassment, violence, or discrimination in the work place. (10 minutes)

5. Gosar (AZ): Caps settlement payments for attorney fees provided in relation to environmental cases at \$125 per hour. (10 minutes)

6. Price, Tom (GA): Requires the head of each Federal agency to electronically submit a report to the Congressional Budget Office on each settlement agreement entered into pursuant to this bill. (10 minutes)

7. Price, Tom (GA): Requires each agency's Inspector General to report annually to the House and Senate Committees on the Budget, the Judiciary, and Appropriations on any settlement agreement

entered into by an during the previous year that are in violation of section 2. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 11, insert after “settlement agreement” the following: “(other than an excepted settlement agreement)”.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term “excepted settlement agreement” means a settlement agreement that resolves a civil action or potential civil action in relation to discrimination based on race, religion, national origin, or any other protected category.

(2) The term “settlement agreement”

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 11, insert after “settlement agreement” the following: “(other than an excepted settlement agreement)”.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term “excepted settlement agreement” means a settlement agreement that pertains to the protection of the privacy of Americans.

(2) The term “settlement agreement”

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 11, insert after “settlement agreement” the following: “(other than an excepted settlement agreement)”.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term “excepted settlement agreement” means a settlement agreement that pertains to providing restitution for a State.

(2) The term “settlement agreement”

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 3, line 11, insert after “settlement agreement” the following: “(other than an excepted settlement agreement)”.

Page 4, strike line 1, and insert the following:

(d) DEFINITIONS.—In this Act:

(1) The term “excepted settlement agreement” means a settlement agreement that resolves a civil action or potential civil action in relation to sexual harassment, violence, or discrimination in the workplace.

(2) The term “settlement agreement”

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE GOSAR OF ARIZONA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of the bill the following:

(e) SPECIAL RULE FOR ATTORNEY FEES IN ENVIRONMENTAL CASES.—In the case of a settlement agreement which is permissible under subsection (a), and which directs or provides for payment for services rendered in connection with a case relating to the environment, the settlement agreement may not provide for payment of attorney fees in excess of \$125 per hour.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of the bill the following:

(e) REPORTS ON SETTLEMENT AGREEMENTS.—

(1) IN GENERAL.—Beginning at the end of the first fiscal year that begins after the date of the enactment of this Act, and annually thereafter, the head of each Federal agency shall submit electronically to the Congressional Budget Office a report on each settlement agreement entered into by that agency during that fiscal year that directs or provides for a payment to a person or entity other than the United States 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, including the parties to each settlement agreement, the source of the settlement funds, and where and how such funds were and will be distributed.

(2) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this subsection.

(3) SUNSET.—This subsection shall cease to be effective on the date that is 7 years after the date of the enactment of this Act.

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PRICE OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Add at the end of the bill the following:

(e) ANNUAL AUDIT REQUIREMENT.—

(1) IN GENERAL.—Beginning at the end of the first fiscal year that begins after the date of the enactment of this Act, and annually thereafter, the Inspector General of each Federal agency shall submit a report to the Committees on the Judiciary, on the Budget and on Appropriations of the House of Representatives and the Senate, on any settlement agreement entered into in violation of this section by that agency.

(2) PROHIBITION ON ADDITIONAL FUNDING.—No additional funds are authorized to be appropriated to carry out this subsection.