

S 1109

Truth in Settlements Act of 2015

Congress: 114 (2015–2017, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Apr 28, 2015

Current Status: Placed on the Union Calendar, Calendar No. 476.

Latest Action: Placed on the Union Calendar, Calendar No. 476. (Jun 9, 2016)

Official Text: <https://www.congress.gov/bill/114th-congress/senate-bill/1109>

Sponsor

Name: Sen. Warren, Elizabeth [D-MA]

Party: Democratic • **State:** MA • **Chamber:** Senate

Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Lankford, James [R-OK]	R · OK		Apr 28, 2015
Sen. Baldwin, Tammy [D-WI]	D · WI		May 7, 2015

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Reported By	Jul 7, 2015
Oversight and Government Reform Committee	House	Reported By	Jun 9, 2016

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
114 HR 2648	Identical bill	Jun 4, 2015: Referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

(This measure has not been amended since it was passed by the Senate on September 21, 2015. The summary of that version is repeated here.)

Truth in Settlements Act of 2015

Sets forth new requirements for the public disclosure of any covered settlement agreement entered into by a federal executive agency.

(Sec. 2) Defines "covered settlement agreement" as a settlement agreement (including a consent decree) that: (1) is entered into by an executive agency, relates to an alleged violation of federal civil or criminal law, and requires the payment of not less than \$1 million by one or more non-federal persons (entities not within the federal government); or (2) relates to the rulemaking process or an alleged failure of an executive agency to engage in such process and requires the payment of not less than \$200,000 in attorney fees, costs, or expenses by an executive agency to a non-federal person.

Requires agency heads to make publicly available on the agency website a copy of each covered settlement agreement entered into by the agency and a list for each agreement, which shall include:

- the names of the parties to the settlement agreement and the date of such agreement;
- a description of the claims that were settled under the agreement;
- the amount each party to the agreement is obligated to pay under the terms of the agreement and the total amounts required to be paid;
- for each settling party, the amount the settling party is obligated to pay that has been expressly specified as a civil or criminal penalty or fine and any amount expressly specified as not deductible for tax purposes; and
- a description of where amounts collected under the agreement will be deposited.

Requires each agency to ensure that: (1) such information remains publicly available for not less than 5 years beginning on the date of the agreement, and (2) a copy of a covered settlement agreement remains publicly available for not less than 1 year beginning on such date or for not less than 5 years in the case of an agreement under which a non-federal person is required to pay at least \$50 million.

Exempts the provisions of a covered settlement agreement that are subject to a confidentiality agreement from disclosure. Directs an agency to issue a public statement explaining any determination that confidentiality of an agreement is required to protect U.S. interests.

Requires agencies to submit an annual report indicating:

- how many covered settlement agreements the agency entered into during the previous fiscal year;
- how many of such agreements had terms or conditions that were required to be kept confidential;
- the total amount of attorney fees, costs, and expenses paid to non-federal persons under such agreements; and
- the number of such agreements between the agency and non-federal persons that involved regulatory action or regulatory changes during that fiscal year.

Directs the Comptroller General to report to Congress on how agencies determine whether the terms or existence of a settlement agreement will be treated as confidential.

Actions Timeline

- **Jun 9, 2016:** Reported by the Committee on Oversight and Government Reform. H. Rept. 114-613.
- **Jun 9, 2016:** Placed on the Union Calendar, Calendar No. 476.
- **Mar 1, 2016:** Committee Consideration and Mark-up Session Held.
- **Mar 1, 2016:** Ordered to be Reported by Unanimous Consent.
- **Sep 22, 2015:** Message on Senate action sent to the House.
- **Sep 22, 2015:** Received in the House.
- **Sep 22, 2015:** Referred to the House Committee on Oversight and Government Reform.
- **Sep 21, 2015:** Measure laid before Senate by unanimous consent. (consideration: CR S6851-6852)
- **Sep 21, 2015:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.(text: CR S6852)
- **Sep 21, 2015:** Passed Senate with amendments by Unanimous Consent. (text: CR S6852)
- **Jul 7, 2015:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Johnson without amendment. With written report No. 114-76.
- **Jul 7, 2015:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 140.
- **May 6, 2015:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported without amendment favorably.
- **Apr 28, 2015:** Introduced in Senate
- **Apr 28, 2015:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Sponsor introductory remarks on measure: CR S2476-2477)

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