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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 28, United States Code, to prohibit Presidents and Vice Presidents from receiving damages payments from the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. RASKIN (for himself and Mr. MIN) introduced the following bill; which was referred to the Committee on _____

A BILL

To amend title 28, United States Code, to prohibit Presidents and Vice Presidents from receiving damages payments from the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SETTLEMENT PAYMENTS.**

4 (a) IN GENERAL.—Chapter 161 of title 28, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

1 **“§ 2417. Rules for payments to current and former**
2 **Presidents and Vice Presidents**

3 “(a) DEFINITIONS.—In this section, the term ‘cov-
4 ered individual’ means—

5 “(1) the President;

6 “(2) the Vice President;

7 “(3) a former President if the former Vice
8 President of the former President is President;

9 “(4) the spouse or dependent child of an indi-
10 vidual described in paragraphs (1) through (3); and

11 “(5) a trust (or a trustee acting on behalf of a
12 trust) or any other legal vehicle or entity established,
13 or serving, for the benefit of, or owned or controlled
14 by, an individual described in paragraphs (1)
15 through (4).

16 “(b) BAN ON COVERED INDIVIDUALS OBTAINING
17 SETTLEMENT PAYMENTS FROM THE UNITED STATES.—
18 Notwithstanding any other provision of law, no covered
19 individual may—

20 “(1) recover or agree to recover damages, reim-
21 bursement, payment of attorney’s fees, or any other
22 payment, whether monetary or in kind, from the
23 United States related to any administrative claim,
24 civil action, or other claim against the United States
25 through a settlement agreement, consent decree, ad-

1 ministrative resolution of the claim, or similar ar-
2 rangement; or

3 “(2) direct any payment described in paragraph
4 (1) to be made to a third party.

5 “(c) BAN ON FILING ADMINISTRATIVE CLAIMS
6 SEEKING DAMAGES.—No covered individual may file an
7 administrative claim against the United States seeking to
8 recover damages, reimbursement, payment of attorney’s
9 fees, or any other payment, whether monetary or in kind,
10 from the United States.

11 “(d) ADMINISTRATIVE PROCESSING AND MAKING OF
12 PAYMENTS.—No department or agency of the United
13 States may administratively process or fulfill a claim for
14 damages, reimbursement, payment of attorney’s fees, or
15 any other payment, whether monetary or in kind, filed by
16 or on behalf of a covered individual, through a settlement
17 agreement, consent decree, administrative resolution of
18 the claim, or similar arrangement.

19 “(e) GUARDRAILS FOR LAWSUITS SEEKING DAM-
20 AGES.—Notwithstanding any other provision of law, a
21 court—

22 “(1) may not award any damages other than
23 actual or compensatory damages to a covered indi-
24 vidual in a civil action against the United States
25 under any other provision of law; and

1 “(2) may award actual or compensatory dam-
2 ages to a covered individual in a civil action against
3 the United States under any other provision of law
4 only if—

5 “(A) the covered individual agrees to the
6 court appointment of an independent counsel,
7 removable only by the court for cause, to rep-
8 resent the agency defending against the claim
9 of the covered individual;

10 “(B) the court appoints an independent
11 counsel under subparagraph (A); and

12 “(C) subject to the continued supervision
13 of the court, any agency involved in the litiga-
14 tion cooperates with the independent counsel
15 appointed under subparagraph (A), including
16 by facilitating access to documents and employ-
17 ees necessary to complete the work of the inde-
18 pendent counsel.

19 “(f) **TRANSPARENCY REQUIREMENT.**—In any action
20 brought under subsection (e), the court shall make public
21 and free of charge, via an online, publicly accessible, and
22 user-friendly method all filings and proceedings in an ac-
23 tion described in subsection (e), including through making
24 the audio of each session conducted by the court during

1 the proceedings available online contemporaneously with
2 the session.

3 “(g) GUARDRAILS FOR FORMER COVERED INDIVID-
4 UALS.—After a President or Vice President leaves office,
5 that former President or Vice President or other former
6 covered individual described in paragraphs (3) through (5)
7 of subsection (a) may file an administrative claim or suit
8 against the United States and the United States may ad-
9 judicate or settle such claim or suit, if—

10 “(1) the agency or department against which
11 the claim or suit is filed appoints an expert, career
12 employee who can only be removed for good cause to
13 lead any review and adjudication of the claim during
14 any administrative or settlement process;

15 “(2) no executive branch employee or official
16 appointed by a covered individual participates in any
17 capacity in reviewing, litigating against, or adjudi-
18 cating the claim or settlement;

19 “(3) for any agreement to make a payment
20 from the United States to a former covered indi-
21 vidual, the terms of the agreement are published in
22 the Federal Register not later than 7 days after the
23 date on which the agreement is entered;

24 “(4) for any payment from the United States to
25 a former covered individual, the amount, date, and

1 form of payment is published in the Federal Reg-
2 ister not later than 7 days after the date on which
3 the payment is made; and

4 “(5) the agency or department against which
5 the claim or suit is filed submits to the appropriate
6 congressional committees of the Senate and the
7 House of Representatives a copy of—

8 “(A) the claim or suit prior to assessing
9 the claim or suit; and

10 “(B) any resulting approval or denial of
11 the claim or settlement concurrently with notifi-
12 cation to the claimant.

13 “(h) PENALTIES.—

14 “(1) IN GENERAL.—A covered individual who
15 willfully violates subsection (b) or knowingly violates
16 subsection (c) shall be subject to disgorgement of
17 the payment, civil penalties of not more than the
18 greater of \$1,000,000 or an amount that is equal to
19 the aggregate amount of any payment or payments,
20 imprisonment for not more than 5 years, or any
21 combination thereof.

22 “(2) OFFICERS AND EMPLOYEES.—Any indi-
23 vidual who willfully causes a department of agency
24 to violate subsection (d) shall be subject to civil pen-

1 alties of not more than \$50,000, imprisonment for
2 not more than 6 months, or both.

3 “(i) LIMITATIONS.—

4 “(1) STATUTE OF LIMITATIONS FOR ENFORCE-
5 MENT OF THIS ACT.—No person shall be prosecuted,
6 tried, or punished, or made subject to civil monetary
7 penalties, for a violation of this section, unless the
8 indictment is found or the information is instituted
9 within 10 years after such offense shall have been
10 committed.

11 “(2) TOLLING OF STATUTE OF LIMITATIONS
12 FOR UNDERLYING CLAIMS.—The limitations period
13 for any claim a covered individual seeks to bring
14 against the United States shall be tolled during the
15 period beginning on the date on which the individual
16 becomes a covered individual and ending on the day
17 after the date on which the term in office of the cov-
18 ered individual expires.

19 “(j) APPLICABILITY.—This section shall apply to any
20 request for, processing of a request for, or recovery of
21 damages, reimbursement, payment of attorney’s fees, or
22 other payment, whether monetary or in kind, occurring
23 after the date of enactment of this section, regardless of
24 when the related claim or cause of action arose.”.

1 (b) TECHNICAL AND CONFORMING AMENDMENT.—

2 The table of sections for chapter 161 of title 28, United

3 States Code, is amended by adding at the end the fol-

4 lowing:

“2417. Rules for payments to current and former Presidents and Vice Presi-
dents.”.