

HR 1493

Sunshine for Regulatory Decrees and Settlements Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Apr 11, 2013

Current Status: Placed on the Union Calendar, Calendar No. 170.

Latest Action: Placed on the Union Calendar, Calendar No. 170. (Sep 26, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/1493>

Sponsor

Name: Rep. Collins, Doug [R-GA-9]

Party: Republican • **State:** GA • **Chamber:** House

Cosponsors (31 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Bachus, Spencer [R-AL-6]	R · AL		Apr 11, 2013
Rep. Bentivolio, Kerry L. [R-MI-11]	R · MI		Apr 11, 2013
Rep. Bishop, Rob [R-UT-1]	R · UT		Apr 11, 2013
Rep. Broun, Paul C. [R-GA-10]	R · GA		Apr 11, 2013
Rep. Coble, Howard [R-NC-6]	R · NC		Apr 11, 2013
Rep. Cramer, Kevin [R-ND-At Large]	R · ND		Apr 11, 2013
Rep. Daines, Steve [R-MT-At Large]	R · MT		Apr 11, 2013
Rep. Ellmers, Renee L. [R-NC-2]	R · NC		Apr 11, 2013
Rep. Franks, Trent [R-AZ-8]	R · AZ		Apr 11, 2013
Rep. Gardner, Cory [R-CO-4]	R · CO		Apr 11, 2013
Rep. Gingrey, Phil [R-GA-11]	R · GA		Apr 11, 2013
Rep. Gohmert, Louie [R-TX-1]	R · TX		Apr 11, 2013
Rep. Gowdy, Trey [R-SC-4]	R · SC		Apr 11, 2013
Rep. Graves, Tom [R-GA-14]	R · GA		Apr 11, 2013
Rep. Holding, George [R-NC-13]	R · NC		Apr 11, 2013
Rep. Kingston, Jack [R-GA-1]	R · GA		Apr 11, 2013
Rep. Meadows, Mark [R-NC-11]	R · NC		Apr 11, 2013
Rep. Perry, Scott [R-PA-4]	R · PA		Apr 11, 2013
Rep. Price, Tom [R-GA-6]	R · GA		Apr 11, 2013
Rep. Southerland, Steve II [R-FL-2]	R · FL		Apr 11, 2013
Rep. Stutzman, Marlin A. [R-IN-3]	R · IN		Apr 11, 2013
Rep. Wenstrup, Brad R. [R-OH-2]	R · OH		Apr 11, 2013
Rep. Westmoreland, Lynn A. [R-GA-3]	R · GA		Apr 11, 2013
Rep. Yoho, Ted S. [R-FL-3]	R · FL		Apr 11, 2013
Rep. Farenthold, Blake [R-TX-27]	R · TX		Apr 16, 2013
Rep. Latta, Robert E. [R-OH-5]	R · OH		May 7, 2013
Rep. Rokita, Todd [R-IN-4]	R · IN		May 14, 2013
Rep. Capito, Shelley Moore [R-WV-2]	R · WV		Jun 5, 2013
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Jun 12, 2013
Rep. Nunnelee, Alan [R-MS-1]	R · MS		Jun 27, 2013
Rep. Smith, Jason [R-MO-8]	R · MO		Jul 16, 2013

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Reported by	Jul 10, 2013

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
113 HR 4	Related bill	Nov 13, 2014: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 597.
113 S 714	Identical bill	Apr 11, 2013: Read twice and referred to the Committee on the Judiciary.

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Sunshine for Regulatory Decrees and Settlements Act of 2013 - Defines a "covered civil action" as a civil action seeking to compel agency action and alleging that an agency is unlawfully withholding or unreasonably delaying an agency action relating to a regulatory action that would affect the rights of: (1) private persons other than the person bringing the action; or (2) a state, local, or tribal government. Defines a "covered consent decree" or a "covered settlement agreement" as: (1) a consent decree or settlement agreement entered into a covered civil action, and (2) any other consent decree or settlement agreement that requires agency action relating to a regulatory action that affects the rights of private persons other than the person bringing the action, or a state, local, or tribal government.

Requires an agency against which a covered civil action is brought to publish the notice of intent to sue and the complaint in a readily accessible manner, including by making such notice and complaint available online not later than 15 days after receiving service of such notice or complaint. Requires a court, in considering a motion to intervene in a covered civil action, to presume that the interests of the intervenor would not be adequately represented by the existing parties to the action and to consider the relationship of an intervenor that is a state, local, or tribal government to the defendant in such action.

Requires parties to a covered civil action to participate in mediation or alternative dispute resolution when attempting to settle an action and to include intervenors in such mediation or dispute resolution efforts.

Requires an agency seeking to enter a covered consent decree or settlement agreement to publish in the Federal Register and online, not later than 60 days after such decree or agreement is filed with a court: (1) the decree or agreement; and (2) a statement providing the statutory basis for the covered consent decree or settlement agreement and a description of the terms of such decree or agreement, including whether it provides for attorney fees. Requires such agency to accept public comments on a proposed consent decree or settlement agreement during the 60-day period.

Requires the Attorney General or an agency head, if an agency is litigating a matter independently, to certify to the court that the Attorney General or the agency head approves of: (1) any proposed covered consent decree that includes terms that convert into a nondiscretionary duty a discretionary authority of an agency to propose, promulgate, revise, or amend regulations, commit an agency to expend funds that have not been appropriated and budgeted or to seek a particular appropriation or budget authorization, divest an agency of discretion committed to it by statute or the Constitution, or otherwise afford any relief that the court could not enter under its own authority; or (2) any proposed covered settlement agreement that includes terms that provide a remedy for a failure by the agency to comply with the terms of the agreement other than the revival of the civil action resolved by the agreement, interfere with the authority of an agency to revise, amend, or issue rules, or commit the agency to expend funds that have not been appropriated and budgeted or to exercise in a particular way discretion which was committed to the agency by statute or the Constitution.

Requires a court, in considering a proposed consent decree or settlement agreement, to: (1) presume, subject to rebuttal, that it is proper to allow amicus participation by any person who filed public comments or participated in a public hearing on a covered consent decree or settlement agreement; and (2) allow sufficient time and procedures for agency compliance with the Administrative Procedure Act (APA), other applicable statutes, and any executive orders that govern rulemaking, unless contrary to the public interest.

Requires each agency to submit an annual report to Congress on its covered civil actions and consent decrees or settlement agreements.

Requires a court to grant de novo review of a covered consent decree or settlement agreement if an agency files a motion to modify such decree or agreement on the basis that its terms are no longer fully in the public interest due to the agency's obligations to fulfill other duties or due to changed facts and circumstances.

Makes this Act effective upon enactment and applicable to any covered civil action filed, or any covered consent decree or settlement agreement proposed, on or after the enactment of this Act.

Actions Timeline

- **Sep 26, 2013:** Reported by the Committee on Judiciary. H. Rept. 113-230.
- **Sep 26, 2013:** Placed on the Union Calendar, Calendar No. 170.
- **Jul 24, 2013:** Committee Consideration and Mark-up Session Held.
- **Jul 24, 2013:** Ordered to be Reported by the Yeas and Nays: 17 - 12.
- **Jul 10, 2013:** Subcommittee Consideration and Mark-up Session Held.
- **Jul 10, 2013:** Forwarded by Subcommittee to Full Committee by Voice Vote .
- **Jun 5, 2013:** Subcommittee Hearings Held.
- **Apr 30, 2013:** Referred to the Subcommittee on Regulatory Reform, Commercial And Antitrust Law.
- **Apr 11, 2013:** Introduced in House
- **Apr 11, 2013:** Referred to the House Committee on the Judiciary.