

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 712

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## AN ACT

To impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sunshine for Regula-  
3 tions and Regulatory Decrees and Settlements Act of  
4 2016”.

5 **SEC. 2. TABLE OF CONTENTS.**

6 The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.

TITLE I—SUNSHINE FOR REGULATORY DECREES AND  
SETTLEMENTS

- Sec. 101. Short title.
- Sec. 102. Definitions.
- Sec. 103. Consent decree and settlement reform.
- Sec. 104. Motions to modify consent decrees.
- Sec. 105. Effective date.

TITLE II—ALL ECONOMIC REGULATIONS ARE TRANSPARENT

- Sec. 201. Short title.
- Sec. 202. Office of information and regulatory affairs publication of informa-  
tion relating to rules.

TITLE III—PROVIDING ACCOUNTABILITY THROUGH  
TRANSPARENCY

- Sec. 301. Short title.
- Sec. 302. Requirement to post a 100 word summary to regulations.gov.

7 **TITLE I—SUNSHINE FOR REGU-**  
8 **LATORY DECREES AND SET-**  
9 **TLEMENTS**

10 **SEC. 101. SHORT TITLE.**

11 This title may be cited as the “Sunshine for Regula-  
12 tions and Regulatory Decrees and Settlements Act of  
13 2016”.

14 **SEC. 102. DEFINITIONS.**

15 In this title—

1           (1) the terms “agency” and “agency action”  
2           have the meanings given those terms under section  
3           551 of title 5, United States Code;

4           (2) the term “covered civil action” means a civil  
5           action—

6                     (A) seeking to compel agency action;

7                     (B) alleging that the agency is unlawfully  
8                     withholding or unreasonably delaying an agency  
9                     action relating to a regulatory action that would  
10                    affect the rights of—

11                             (i) private persons other than the per-  
12                             son bringing the action; or

13                             (ii) a State, local, or tribal govern-  
14                             ment; and

15                    (C) brought under—

16                             (i) chapter 7 of title 5, United States  
17                             Code; or

18                             (ii) any other statute authorizing such  
19                             an action;

20           (3) the term “covered consent decree” means—

21                     (A) a consent decree entered into in a cov-  
22                     ered civil action; and

23                     (B) any other consent decree that requires  
24                     agency action relating to a regulatory action  
25                     that affects the rights of—

1 (i) private persons other than the per-  
2 son bringing the action; or

3 (ii) a State, local, or tribal govern-  
4 ment;

5 (4) the term “covered consent decree or settle-  
6 ment agreement” means a covered consent decree  
7 and a covered settlement agreement; and

8 (5) the term “covered settlement agreement”  
9 means—

10 (A) a settlement agreement entered into in  
11 a covered civil action; and

12 (B) any other settlement agreement that  
13 requires agency action relating to a regulatory  
14 action that affects the rights of—

15 (i) private persons other than the per-  
16 son bringing the action; or

17 (ii) a State, local, or tribal govern-  
18 ment.

19 **SEC. 103. CONSENT DECREE AND SETTLEMENT REFORM.**

20 (a) PLEADINGS AND PRELIMINARY MATTERS.—

21 (1) IN GENERAL.—In any covered civil action,  
22 the agency against which the covered civil action is  
23 brought shall publish the notice of intent to sue and  
24 the complaint in a readily accessible manner, includ-  
25 ing by making the notice of intent to sue and the

1 complaint available online not later than 15 days  
2 after receiving service of the notice of intent to sue  
3 or complaint, respectively.

4 (2) ENTRY OF A COVERED CONSENT DECREE  
5 OR SETTLEMENT AGREEMENT.—A party may not  
6 make a motion for entry of a covered consent decree  
7 or to dismiss a civil action pursuant to a covered set-  
8 tlement agreement until after the end of proceedings  
9 in accordance with paragraph (1) and subpara-  
10 graphs (A) and (B) of paragraph (2) of subsection  
11 (d) or subsection (d)(3)(A), whichever is later.

12 (b) INTERVENTION.—

13 (1) REBUTTABLE PRESUMPTION.—In consid-  
14 ering a motion to intervene in a covered civil action  
15 or a civil action in which a covered consent decree  
16 or settlement agreement has been proposed that is  
17 filed by a person who alleges that the agency action  
18 in dispute would affect the person, the court shall  
19 presume, subject to rebuttal, that the interests of  
20 the person would not be represented adequately by  
21 the existing parties to the action.

22 (2) STATE, LOCAL, AND TRIBAL GOVERN-  
23 MENTS.—In considering a motion to intervene in a  
24 covered civil action or a civil action in which a cov-  
25 ered consent decree or settlement agreement has

1       been proposed that is filed by a State, local, or tribal  
2       government, the court shall take due account of  
3       whether the movant—

4               (A) administers jointly with an agency that  
5       is a defendant in the action the statutory provi-  
6       sions that give rise to the regulatory action to  
7       which the action relates; or

8               (B) administers an authority under State,  
9       local, or tribal law that would be preempted by  
10       the regulatory action to which the action re-  
11       lates.

12       (c) SETTLEMENT NEGOTIATIONS.—Efforts to settle  
13 a covered civil action or otherwise reach an agreement on  
14 a covered consent decree or settlement agreement shall—

15               (1) be conducted pursuant to the mediation or  
16       alternative dispute resolution program of the court  
17       or by a district judge other than the presiding judge,  
18       magistrate judge, or special master, as determined  
19       appropriate by the presiding judge; and

20               (2) include any party that intervenes in the ac-  
21       tion.

22       (d) PUBLICATION OF AND COMMENT ON COVERED  
23 CONSENT DECREES OR SETTLEMENT AGREEMENTS.—

24               (1) IN GENERAL.—Not later than 60 days be-  
25       fore the date on which a covered consent decree or

1 settlement agreement is filed with a court, the agen-  
2 cy seeking to enter the covered consent decree or  
3 settlement agreement shall publish in the Federal  
4 Register and online—

5 (A) the proposed covered consent decree or  
6 settlement agreement; and

7 (B) a statement providing—

8 (i) the statutory basis for the covered  
9 consent decree or settlement agreement;  
10 and

11 (ii) a description of the terms of the  
12 covered consent decree or settlement agree-  
13 ment, including whether it provides for the  
14 award of attorneys' fees or costs and, if so,  
15 the basis for including the award.

16 (2) PUBLIC COMMENT.—

17 (A) IN GENERAL.—An agency seeking to  
18 enter a covered consent decree or settlement  
19 agreement shall accept public comment during  
20 the period described in paragraph (1) on any  
21 issue relating to the matters alleged in the com-  
22 plaint in the applicable civil action or addressed  
23 or affected by the proposed covered consent de-  
24 cree or settlement agreement.

1 (B) RESPONSE TO COMMENTS.—An agency  
2 shall respond to any comment received under  
3 subparagraph (A).

4 (C) SUBMISSIONS TO COURT.—When mov-  
5 ing that the court enter a proposed covered con-  
6 sent decree or settlement agreement or for dis-  
7 missal pursuant to a proposed covered consent  
8 decree or settlement agreement, an agency  
9 shall—

10 (i) inform the court of the statutory  
11 basis for the proposed covered consent de-  
12 cree or settlement agreement and its  
13 terms;

14 (ii) submit to the court a summary of  
15 the comments received under subparagraph  
16 (A) and the response of the agency to the  
17 comments;

18 (iii) submit to the court a certified  
19 index of the administrative record of the  
20 notice and comment proceeding; and

21 (iv) make the administrative record  
22 described in clause (iii) fully accessible to  
23 the court.

24 (D) INCLUSION IN RECORD.—The court  
25 shall include in the court record for a civil ac-



1           tion the certified index of the administrative  
2           record submitted by an agency under subpara-  
3           graph (C)(iii) and any documents listed in the  
4           index which any party or amicus curiae appear-  
5           ing before the court in the action submits to the  
6           court.

7           (3) PUBLIC HEARINGS PERMITTED.—

8                 (A) IN GENERAL.—After providing notice  
9           in the Federal Register and online, an agency  
10          may hold a public hearing regarding whether to  
11          enter into a proposed covered consent decree or  
12          settlement agreement.

13                (B) RECORD.—If an agency holds a public  
14          hearing under subparagraph (A)—

15                   (i) the agency shall—

16                         (I) submit to the court a sum-  
17                         mary of the proceedings;

18                         (II) submit to the court a cer-  
19                         tified index of the hearing record; and

20                         (III) provide access to the hear-  
21                         ing record to the court; and

22                   (ii) the full hearing record shall be in-  
23          cluded in the court record.

24           (4) MANDATORY DEADLINES.—If a proposed  
25          covered consent decree or settlement agreement re-

1       quires an agency action by a date certain, the agen-  
2       cy shall, when moving for entry of the covered con-  
3       sent decree or settlement agreement or dismissal  
4       based on the covered consent decree or settlement  
5       agreement, inform the court of—

6               (A) any required regulatory action the  
7               agency has not taken that the covered consent  
8               decree or settlement agreement does not ad-  
9               dress;

10              (B) how the covered consent decree or set-  
11              tlement agreement, if approved, would affect  
12              the discharge of the duties described in sub-  
13              paragraph (A); and

14              (C) why the effects of the covered consent  
15              decree or settlement agreement on the manner  
16              in which the agency discharges its duties is in  
17              the public interest.

18       (e) SUBMISSION BY THE GOVERNMENT.—

19              (1) IN GENERAL.—For any proposed covered  
20              consent decree or settlement agreement that con-  
21              tains a term described in paragraph (2), the Attor-  
22              ney General or, if the matter is being litigated inde-  
23              pendently by an agency, the head of the agency shall  
24              submit to the court a certification that the Attorney  
25              General or head of the agency approves the proposed

1 covered consent decree or settlement agreement. The  
2 Attorney General or head of the agency shall person-  
3 ally sign any certification submitted under this para-  
4 graph.

5 (2) TERMS.—A term described in this para-  
6 graph is—

7 (A) in the case of a covered consent decree,  
8 a term that—

9 (i) converts into a nondiscretionary  
10 duty a discretionary authority of an agency  
11 to propose, promulgate, revise, or amend  
12 regulations;

13 (ii) commits an agency to expend  
14 funds that have not been appropriated and  
15 that have not been budgeted for the regu-  
16 latory action in question;

17 (iii) commits an agency to seek a par-  
18 ticular appropriation or budget authoriza-  
19 tion;

20 (iv) divests an agency of discretion  
21 committed to the agency by statute or the  
22 Constitution of the United States, without  
23 regard to whether the discretion was  
24 granted to respond to changing cir-  
25 cumstances, to make policy or managerial

1 choices, or to protect the rights of third  
2 parties; or

3 (v) otherwise affords relief that the  
4 court could not enter under its own au-  
5 thority upon a final judgment in the civil  
6 action; or

7 (B) in the case of a covered settlement  
8 agreement, a term—

9 (i) that provides a remedy for a fail-  
10 ure by the agency to comply with the  
11 terms of the covered settlement agreement  
12 other than the revival of the civil action re-  
13 solved by the covered settlement agree-  
14 ment; and

15 (ii) that—

16 (I) interferes with the authority  
17 of an agency to revise, amend, or  
18 issue rules under the procedures set  
19 forth in chapter 5 of title 5, United  
20 States Code, or any other statute or  
21 Executive order prescribing rule-  
22 making procedures for a rulemaking  
23 that is the subject of the covered set-  
24 tlement agreement;

1 (II) commits the agency to ex-  
2 pend funds that have not been appro-  
3 priated and that have not been budg-  
4 eted for the regulatory action in ques-  
5 tion; or

6 (III) for such a covered settle-  
7 ment agreement that commits the  
8 agency to exercise in a particular way  
9 discretion which was committed to the  
10 agency by statute or the Constitution  
11 of the United States to respond to  
12 changing circumstances, to make pol-  
13 icy or managerial choices, or to pro-  
14 tect the rights of third parties.

15 (f) REVIEW BY COURT.—

16 (1) AMICUS.—A court considering a proposed  
17 covered consent decree or settlement agreement shall  
18 presume, subject to rebuttal, that it is proper to  
19 allow amicus participation relating to the covered  
20 consent decree or settlement agreement by any per-  
21 son who filed public comments or participated in a  
22 public hearing on the covered consent decree or set-  
23 tlement agreement under paragraph (2) or (3) of  
24 subsection (d).

25 (2) REVIEW OF DEADLINES.—

1 (A) PROPOSED COVERED CONSENT DE-  
2 CREES.—For a proposed covered consent de-  
3 cree, a court shall not approve the covered con-  
4 sent decree unless the proposed covered consent  
5 decree allows sufficient time and incorporates  
6 adequate procedures for the agency to comply  
7 with chapter 5 of title 5, United States Code,  
8 and other applicable statutes that govern rule-  
9 making and, unless contrary to the public inter-  
10 est, the provisions of any Executive order that  
11 governs rulemaking.

12 (B) PROPOSED COVERED SETTLEMENT  
13 AGREEMENTS.—For a proposed covered settle-  
14 ment agreement, a court shall ensure that the  
15 covered settlement agreement allows sufficient  
16 time and incorporates adequate procedures for  
17 the agency to comply with chapter 5 of title 5,  
18 United States Code, and other applicable stat-  
19 utes that govern rulemaking and, unless con-  
20 trary to the public interest, the provisions of  
21 any Executive order that governs rulemaking.

22 (g) ANNUAL REPORTS.—Each agency shall submit to  
23 Congress an annual report that, for the year covered by  
24 the report, includes—

1           (1) the number, identity, and content of covered  
2           civil actions brought against and covered consent de-  
3           crees or settlement agreements entered against or  
4           into by the agency; and

5           (2) a description of the statutory basis for—

6                   (A) each covered consent decree or settle-  
7                   ment agreement entered against or into by the  
8                   agency; and

9                   (B) any award of attorneys fees or costs in  
10                  a civil action resolved by a covered consent de-  
11                  cree or settlement agreement entered against or  
12                  into by the agency.

13 **SEC. 104. MOTIONS TO MODIFY CONSENT DECREES.**

14           If an agency moves a court to modify a covered con-  
15           sent decree or settlement agreement and the basis of the  
16           motion is that the terms of the covered consent decree or  
17           settlement agreement are no longer fully in the public in-  
18           terest due to the obligations of the agency to fulfill other  
19           duties or due to changed facts and circumstances, the  
20           court shall review the motion and the covered consent de-  
21           cree or settlement agreement de novo.

22 **SEC. 105. EFFECTIVE DATE.**

23           This title shall apply to—

24                   (1) any covered civil action filed on or after the  
25                   date of enactment of this Act; and

1           (2) any covered consent decree or settlement  
 2           agreement proposed to a court on or after the date  
 3           of enactment of this Act.

4   **TITLE II—ALL ECONOMIC REGU-**  
 5   **LATIONS ARE TRANSPARENT**

6   **SEC. 201. SHORT TITLE.**

7           This title may be cited as the “All Economic Regula-  
 8           tions are Transparent Act of 2016” or the “ALERT Act  
 9           of 2016”.

10 **SEC. 202. OFFICE OF INFORMATION AND REGULATORY AF-**

11                           **FAIRS PUBLICATION OF INFORMATION RE-**

12                           **LATING TO RULES.**

13           (a) AMENDMENT.—Title 5, United States Code, is  
 14           amended by inserting after chapter 6 the following new  
 15           chapter:

16 **“CHAPTER 6A—OFFICE OF INFORMATION**

17                   **AND REGULATORY AFFAIRS PUBLICA-**

18                   **TION OF INFORMATION RELATING TO**

19                   **RULES**

“651. Agency monthly submission to Office of Information and Regulatory Af-  
 fairs.

“652. Office of Information and Regulatory Affairs publications.

“653. Requirement for rules to appear in agency-specific monthly publication.

“654. Definitions.

20 **“§ 651. Agency monthly submission to Office of Infor-**

21                           **mation and Regulatory Affairs**

22           “On a monthly basis, the head of each agency shall  
 23           submit to the Administrator of the Office of Information



1 and Regulatory Affairs (referred to in this chapter as the  
2 ‘Administrator’), in such a manner as the Administrator  
3 may reasonably require, the following information:

4 “(1) For each rule that the agency expects to  
5 propose or finalize during the 12-month period fol-  
6 lowing the month covered by the monthly submis-  
7 sion:

8 “(A) A summary of the nature of the rule,  
9 including the regulation identifier number and  
10 the docket number for the rule.

11 “(B) The objectives of and legal basis for  
12 the issuance of the rule, including—

13 “(i) any statutory or judicial deadline;  
14 and

15 “(ii) whether the legal basis restricts  
16 or precludes the agency from conducting  
17 an analysis of the costs or benefits of the  
18 rule during the rule making, and if not,  
19 whether the agency plans to conduct an  
20 analysis of the costs or benefits of the rule  
21 during the rule making.

22 “(C) Whether the agency plans to claim an  
23 exemption from the requirements of section 553  
24 pursuant to section 553(b)(B).

1           “(D) The stage of the rule making as of  
2 the date of submission.

3           “(E) Whether the rule is subject to review  
4 under section 610.

5           “(2) For any rule that the agency expects to fi-  
6 nalize during the 12-month period following the  
7 month covered by the monthly submission and for  
8 which the agency has issued a general notice of pro-  
9 posed rule making—

10           “(A) an approximate schedule for com-  
11 pleting action on the rule;

12           “(B) an estimate of whether the rule will  
13 cost—

14           “(i) less than \$50,000,000;

15           “(ii) \$50,000,000 or more but less  
16 than \$100,000,000;

17           “(iii) \$100,000,000 or more but less  
18 than \$500,000,000;

19           “(iv) \$500,000,000 or more but less  
20 than \$1,000,000,000;

21           “(v) \$1,000,000,000 or more but less  
22 than \$5,000,000,000;

23           “(vi) \$5,000,000,000 or more but less  
24 than \$10,000,000,000; or

25           “(vii) \$10,000,000,000 or more; and

1           “(C) any estimate of the economic effects  
2           of the rule, including the imposition of un-  
3           funded mandates and any estimate of the net  
4           effect that the rule will have on the number of  
5           jobs in the United States, that was considered  
6           in drafting the rule, or, if no such estimate is  
7           available, a statement affirming that no infor-  
8           mation on the economic effects, including the  
9           effect on the number of jobs, of the rule has  
10          been considered.

11   **“§ 652. Office of Information and Regulatory Affairs**  
12                           **publications**

13           “(a) AGENCY-SPECIFIC INFORMATION PUBLISHED  
14   MONTHLY.—Not later than 30 days after the submission  
15   of information pursuant to section 651, the Administrator  
16   shall make such information publicly available on the  
17   Internet.

18           “(b) CUMULATIVE ASSESSMENT OF AGENCY RULE  
19   MAKING PUBLISHED ANNUALLY.—

20           “(1) PUBLICATION IN THE FEDERAL REG-  
21   ISTER.—Not later than October 1 of each year, the  
22   Administrator shall publish, in the Federal Register,  
23   the following, with respect to the previous year:

1           “(A) The information that the Adminis-  
2           trator received from the head of each agency  
3           under section 651.

4           “(B) The number of rules and a list of  
5           each such rule—

6                   “(i) that was proposed by each agen-  
7                   cy, including, for each such rule, an indica-  
8                   tion of whether the issuing agency con-  
9                   ducted an analysis of the costs or benefits  
10                  of the rule; and

11                  “(ii) that was finalized by each agen-  
12                  cy, including for each such rule an indica-  
13                  tion of whether—

14                          “(I) the issuing agency conducted  
15                          an analysis of the costs or benefits of  
16                          the rule;

17                          “(II) the agency claimed an ex-  
18                          emption from the procedures under  
19                          section 553 pursuant to section  
20                          553(b)(B); and

21                          “(III) the rule was issued pursu-  
22                          ant to a statutory mandate or the rule  
23                          making is committed to agency discre-  
24                          tion by law.

1           “(C) The number of agency actions and a  
2 list of each such action taken by each agency  
3 that—

4                   “(i) repealed a rule;

5                   “(ii) reduced the scope of a rule;

6                   “(iii) reduced the cost of a rule; or

7                   “(iv) accelerated the expiration date  
8 of a rule.

9           “(D) The total cost (without reducing the  
10 cost by any offsetting benefits) of all rules pro-  
11 posed or finalized, the total cost of any un-  
12 funded mandates imposed by all such rules, and  
13 the number of rules for which an estimate of  
14 the cost of the rule was not available.

15           “(2) PUBLICATION ON THE INTERNET.—Not  
16 later than October 1 of each year, the Administrator  
17 shall make publicly available on the Internet the fol-  
18 lowing:

19                   “(A) The analysis of the costs or benefits,  
20 if conducted, for each proposed rule or final  
21 rule issued by an agency for the previous year.

22                   “(B) The docket number and regulation  
23 identifier number for each proposed or final  
24 rule issued by an agency for the previous year.

1           “(C) The number of rules and a list of  
2 each such rule reviewed by the Director of the  
3 Office of Management and Budget for the pre-  
4 vious year, and the authority under which each  
5 such review was conducted.

6           “(D) The number of rules and a list of  
7 each such rule for which the head of an agency  
8 completed a review under section 610 for the  
9 previous year.

10           “(E) The number of rules and a list of  
11 each such rule submitted to the Comptroller  
12 General under section 801.

13           “(F) The number of rules and a list of  
14 each such rule for which a resolution of dis-  
15 approval was introduced in either the House of  
16 Representatives or the Senate under section  
17 802.

18 **“§ 653. Requirement for rules to appear in agency-**  
19 **specific monthly publication**

20           “(a) IN GENERAL.—Subject to subsection (b), a rule  
21 may not take effect until the information required to be  
22 made publicly available on the Internet regarding such  
23 rule pursuant to section 652(a) has been so available for  
24 not less than 6 months.

1       “(b) EXCEPTIONS.—The requirement of subsection  
2 (a) shall not apply in the case of a rule—

3               “(1) for which the agency issuing the rule  
4 claims an exception under section 553(b)(B); or

5               “(2) which the President determines by Execu-  
6 tive order should take effect because the rule is—

7                       “(A) necessary because of an imminent  
8 threat to health or safety or other emergency;

9                       “(B) necessary for the enforcement of  
10 criminal laws;

11                      “(C) necessary for national security; or

12                      “(D) issued pursuant to any statute imple-  
13 menting an international trade agreement.

14 **“§ 654. Definitions**

15       “‘In this chapter, the terms ‘agency’, ‘agency action’,  
16 ‘rule’, and ‘rule making’ have the meanings given those  
17 terms in section 551, and the term ‘unfunded mandate’  
18 has the meaning given the term ‘Federal mandate’ in sec-  
19 tion 421(6) of the Congressional Budget Act of 1974 (2  
20 U.S.C. 658(6)).’”.

21       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
22 The table of chapters for part I of title 5, United States  
23 Code, is amended by inserting after the item relating to  
24 chapter 5 the following:

“6. The Analysis of Regulatory Functions .....	601
“6A. Office of Information and Regulatory Affairs Publication of In- formation Relating to Rules .....	651”.

1 (c) EFFECTIVE DATES.—

2 (1) AGENCY MONTHLY SUBMISSION TO THE OF-  
3 FICE OF INFORMATION AND REGULATORY AF-  
4 FAIRS.—The first submission required pursuant to  
5 section 651 of title 5, United States Code, as added  
6 by subsection (a), shall be submitted not later than  
7 30 days after the date of the enactment of this Act,  
8 and monthly thereafter.

9 (2) CUMULATIVE ASSESSMENT OF AGENCY  
10 RULE MAKING.—

11 (A) IN GENERAL.—Subsection (b) of sec-  
12 tion 652 of title 5, United States Code, as  
13 added by subsection (a), shall take effect on the  
14 date that is 60 days after the date of the enact-  
15 ment of this Act.

16 (B) DEADLINE.—The first requirement to  
17 publish or make available, as the case may be,  
18 under subsection (b) of section 652 of title 5,  
19 United States Code, as added by subsection (a),  
20 shall be the first October 1 after the effective  
21 date of such subsection.

22 (C) FIRST PUBLICATION.—The require-  
23 ment under section 652(b)(2)(A) of title 5,  
24 United States Code, as added by subsection (a),  
25 shall include for the first publication, any anal-



1           ysis of the costs or benefits conducted for a  
2           proposed or final rule, for the 10 years before  
3           the date of the enactment of this Act.

4           (3) REQUIREMENT FOR RULES TO APPEAR IN  
5           AGENCY-SPECIFIC MONTHLY PUBLICATION.—Section  
6           653 of title 5, United States Code, as added by sub-  
7           section (a), shall take effect on the date that is 8  
8           months after the date of the enactment of this Act.

9           **TITLE           III—PROVIDING           AC-**  
10           **COUNTABILITY           THROUGH**  
11           **TRANSPARENCY**

12           **SEC. 301. SHORT TITLE.**

13           This title may be cited as the “Providing Account-  
14           ability Through Transparency Act of 2016”.

15           **SEC. 302. REQUIREMENT TO POST A 100 WORD SUMMARY**  
16           **TO REGULATIONS.GOV.**

17           Section 553(b) of title 5, United States Code, is  
18           amended—

19           (1) in paragraph (2) by striking “; and” and in-  
20           serting “;”;

21           (2) in paragraph (3), by striking the period at  
22           the end and inserting “; and”; and

23           (3) by inserting after paragraph (3) the fol-  
24           lowing:

1           “(4) the internet address of a summary of not  
2           more than 100 words in length of the proposed rule,  
3           in plain language, that shall be posted on the inter-  
4           net website under section 206(d) of the E-Govern-  
5           ment Act of 2002 (44 U.S.C. 3501 note) (commonly  
6           known as regulations.gov);”.

          Passed the House of Representatives January 7,  
2016.

Attest:

*Clerk.*



114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# H. R. 712

## AN ACT

To impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes.