

Union Calendar No. 3

115TH CONGRESS
1ST SESSION

H. R. 1004

[Report No. 115–15]

To amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2017

Mr. WALBERG (for himself, Mr. CARTER of Georgia, Mr. MEADOWS, Mr. NEWHOUSE, Mr. GOSAR, and Mr. FARENTHOLD) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

FEBRUARY 21, 2017

Additional sponsors: Mr. SESSIONS, Mr. MITCHELL, and Mr. PETERSON

FEBRUARY 21, 2017

Committed to the Committee of the Whole House on the State of the Union
and ordered to be printed

A BILL

To amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, 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. SHORT TITLE.**

4 This Act may be cited as the “Regulatory Integrity
5 Act of 2017”.

6 **SEC. 2. PUBLICATION OF INFORMATION RELATING TO**
7 **PENDING REGULATORY ACTIONS.**

8 (a) AMENDMENT.—Chapter 3 of title 5, United
9 States Code, is amended by inserting after section 306 the
10 following new section:

11 **“§ 307. Information regarding pending agency regu-**
12 **latory action**

13 “(a) DEFINITIONS.—In this section:

14 “(1) AGENCY REGULATORY ACTION.—The term
15 ‘agency regulatory action’ means guidance, policy
16 statement, directive, rule making, or adjudication
17 issued by an Executive agency.

18 “(2) PUBLIC COMMUNICATION.—The term
19 ‘public communication’—

20 “(A) means any method (including written,
21 oral, or electronic) of disseminating information
22 to the public, including an agency statement
23 (written or verbal), blog, video, audio recording,
24 or other social media message; and

1 “(B) does not include a notice published in
2 the Federal Register pursuant to section 553 or
3 any requirement to publish pursuant to this
4 section.

5 “(3) RULE MAKING.—The term ‘rule making’
6 has the meaning given that term under section 551.

7 “(b) INFORMATION TO BE POSTED ONLINE.—

8 “(1) REQUIREMENT.—The head of each Execu-
9 tive agency shall make publicly available in a search-
10 able format in a prominent location either on the
11 website of the Executive agency or in the rule mak-
12 ing docket on Regulations.gov the following informa-
13 tion:

14 “(A) PENDING AGENCY REGULATORY AC-
15 TION.—A list of each pending agency regulatory
16 action and with regard to each such action—

17 “(i) the date on which the Executive
18 agency first began to develop or consider
19 the agency regulatory action;

20 “(ii) the status of the agency regu-
21 latory action;

22 “(iii) an estimate of the date of upon
23 which the agency regulatory action will be
24 final and in effect; and

1 “(iv) a brief description of the agency
2 regulatory action.

3 “(B) PUBLIC COMMUNICATION.—For each
4 pending agency regulatory action, a list of each
5 public communication about the pending agency
6 regulatory action issued by the Executive agen-
7 cy and with regard to each such communica-
8 tion—

9 “(i) the date of the communication;

10 “(ii) the intended audience of the
11 communication;

12 “(iii) the method of communication;

13 and

14 “(iv) a copy of the original commu-
15 nication.

16 “(2) PERIOD.—The head of each Executive
17 agency shall publish the information required under
18 paragraph (1)(A) not later than 24 hours after a
19 public communication relating to a pending agency
20 regulatory action is issued and shall maintain the
21 public availability of such information not less than
22 5 years after the date on which the pending agency
23 regulatory action is finalized.

24 “(c) REQUIREMENTS FOR PUBLIC COMMUNICA-
25 TIONS.—

1 “(1) IN GENERAL.—Any public communication
2 issued by an Executive agency that refers to a pend-
3 ing agency regulatory action—

4 “(A) shall specify whether the Executive
5 agency is considering alternatives;

6 “(B) shall specify whether the Executive
7 agency is accepting or will be accepting com-
8 ments; and

9 “(C) shall expressly disclose that the Exec-
10 utive agency is the source of the information to
11 the intended recipients.

12 “(2) RESTRICTION.—Any public communication
13 issued by an Executive agency that refers to a pend-
14 ing agency regulatory action, other than an impar-
15 tial communication that requests comment on or
16 provides information regarding the pending agency
17 regulatory action, may not—

18 “(A) directly advocate, in support of or
19 against the pending agency regulatory action,
20 for the submission of information to form part
21 of the record of review for the pending agency
22 regulatory action;

23 “(B) appeal to the public, or solicit a third
24 party, to undertake advocacy in support of or

1 against the pending agency regulatory action;
2 or

3 “(C) be directly or indirectly for publicity
4 or propaganda purposes within the United
5 States unless otherwise authorized by law.

6 “(d) REPORTING.—

7 “(1) IN GENERAL.—Not later than January 15
8 of each year, the head of an Executive agency that
9 communicated about a pending agency regulatory
10 action during the previous fiscal year shall submit to
11 each committee of Congress with jurisdiction over
12 the activities of the Executive agency a report indi-
13 cating—

14 “(A) the number pending agency regu-
15 latory actions the Executive agency issued pub-
16 lic communications about during that fiscal
17 year;

18 “(B) the average number of public commu-
19 nications issued by the Executive agency for
20 each pending agency regulatory action during
21 that fiscal year;

22 “(C) the 5 pending agency regulatory ac-
23 tions with the highest number of public commu-
24 nications issued by the Executive agency in that
25 fiscal year; and

1 “(D) a copy of each public communication
2 for the pending agency regulatory actions iden-
3 tified in subparagraph (C).

4 “(2) AVAILABILITY OF REPORTS.—The head of
5 an Executive agency that is required to submit a re-
6 port under paragraph (1) shall make the report pub-
7 licly available in a searchable format in a prominent
8 location on the website of the Executive agency.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENT.—
10 The table of sections for chapter 3 of title 5, United States
11 Code, is amended by adding after the item relating to sec-
12 tion 306 the following new item:

 “307. Information regarding pending agency regulatory action.”.

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