



## H.R. 5226: Regulatory Integrity Act of 2016, Rules Committee Print (Walberg, R-MI)

CONTACT: [Rebekah Armstrong](mailto:Rebekah.Armstrong@rsc.house.gov), 202-226-0678

### FLOOR SCHEDULE:

Scheduled for consideration September 14, 2016 under a structured [rule](#) that provides for one hour of debate and makes in order three amendments.

### TOPLINE SUMMARY:

[H.R. 5226](#) would increase transparency in the executive agency regulatory process by requiring agencies to make publically available a list of all pending regulatory action and details regarding consideration, public communication, and effective date.

### COST:

The [Congressional Budget Office](#) (CBO) estimates that enacting H.R. 5226 would not increase net direct spending or on budget deficits in any of the four consecutive 10-year periods beginning in 2027.

### CONSERVATIVE CONCERNS:

- Expand the Size and Scope of the Federal Government? No.
- Encroach into State or Local Authority? No.
- Delegate Any Legislative Authority to the Executive Branch? No.
- Contain Earmarks/Limited Tax Benefits/Limited Tariff Benefits? No.

### DETAILED SUMMARY AND ANALYSIS:

H.R. 5226 would require the head of each executive agency to make publically available, in a searchable format, a list of pending agency regulatory action. The list would include the date when the agency began developing the regulation, its status and estimated date of when it will become final, and a brief description of the action. In addition, a list of the public comments would also be made available. Any public communication issued by the executive agency that addresses the pending agency regulatory action would specify whether the agency is considering alternative regulatory action and whether comments will be accepted. The agency could not solicit support or issue support for the regulatory action. Finally, the agencies would be required to report annually on the public communication activity on pending regulatory actions.

### AMENDMENTS MADE IN ORDER

[Amendment #1](#) (Boustany, R-LA; Loudermilk, R-GA): This amendment would require a regulatory impact analysis or similar cost-benefit analysis, if completed, to be included in the details disclosed by the agency on pending regulatory activity.

**Amendment #2 (Fleming, R-LA)**: This amendment would require a list of agency regulatory actions that are duplicative or overlap with other regulatory action by the agency.

**Amendment #3 (McKinley, R-WV)**: This amendment would prohibit any communication regarding pending regulatory action to be sent through the private email account of an officer or employee of an executive agency.

**COMMITTEE ACTION:**

This bill was introduced by Representative Walberg and referred to the House Committee on Oversight and Government Reform. A [mark-up](#) was held on May 17, 2016, and was reported out by a vote of 22-14.

Read the committee report [here](#).

**ADMINISTRATION POSITION:**

No Statement of Administration Policy is available at this time.

**CONSTITUTIONAL AUTHORITY:**

According to the sponsor, Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, Clause 3 of the Constitution of the United States; the power to regulate commerce among the several states and Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers.

The bill will prevent Executive Agencies from violating the rule and spirit of the Administrative Procedures Act by requiring additional transparency about public communications made by the agencies; most importantly communications made with the intent of artificially promoting support for pending regulatory actions. Congress has the authority to limit regulations by the Executive branch under its Commerce Clause power and it is necessary and proper to introduce legislation to effectively carryout this power.