

**Congress of the United States**  
**House of Representatives**

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**Opening Statement**  
**Ranking Member Elijah E. Cummings**

**H.R.1004, Regulatory Integrity Act of 2017**

**February 14, 2017**

I agree that more transparency is needed in the regulatory process. That is not what this bill is really about, however, and I oppose it.

This bill is aimed at what its sponsors believe agencies should not disclose and will lead to less openness in the agency rulemaking process. Specifically, this bill would prohibit federal agencies from making any public communications about a pending agency regulatory action that could be interpreted as “propaganda,” seeking “publicity,” or direct advocacy.

It is hard to imagine that an agency could say anything about a pending rule that would not fall into the broad and ambiguous categories of improper advocacy, publicity, or propaganda.

The Coalition for Sensible Safeguards, an organization comprised of 150 consumer, labor, and good government groups, concluded about this bill, and I quote:

“The stark absence of any clear bright-lines in the legislation delineating what is and what is not prohibited public communications is sure to have a chilling effect on agencies, with the predictable result that agencies will be less willing to share crucial information with the public and that the public will be less informed about government activities.”

For example, just yesterday, the Department of Energy posted an entry on its blog titled “Top 10 Things You Didn’t Know About Wind Power.” The post claimed that, and I quote: “wind represents a major opportunity to provide power to highly populated coastal cities”, “wind energy is affordable”, and that “by 2050, the United States has the potential to create 600,000 jobs, save consumers \$149 billion, and save 260 billion gallons of water by continuing to increase the amount of wind energy that powers our homes, schools and businesses.”

Under this bill, the Department of Energy’s blog entry likely would have been blocked from providing these statements to the public as they could be interpreted as improper advocacy, propaganda, or publicity. In short, this bill would have a chilling effect on agency communications and leave the public less informed.