

118TH CONGRESS
1ST SESSION

H. R. 357

To require the head of an agency to issue and sign any rule issued by that agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 13, 2023

Mr. CLINE (for himself, Mr. GOLDEN of Maine, Mr. PERRY, Mrs. MILLER of Illinois, Mr. GREEN of Tennessee, and Mr. OGLES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To require the head of an agency to issue and sign any rule issued by that agency, 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 “Ensuring Account-
5 ability in Agency Rulemaking Act”.

6 **SEC. 2. RULEMAKING REQUIREMENTS.**

7 (a) APPROVAL REQUIRED.—

8 (1) RULES PROMULGATED BY SENATE CON-
9 FIRMED APPOINTEE.—Except as provided in para-
10 graph (3), any rule promulgated under section 553

1 of title 5, United States Code, shall be issued and
2 signed by an individual appointed by the President,
3 by and with the advice and consent of the Senate.

4 (2) INITIATION OF RULEMAKING AND REGU-
5 LATORY AGENDA.—Except as provided in paragraph
6 (3), any rule initiated under section 553 of title 5,
7 United States Code, shall be initiated by a senior
8 appointee.

9 (3) EXCEPTION.—Paragraph (1) or (2) does
10 not apply if the head of an agency—

11 (A) determines, on a nondelegable basis,
12 that compliance with the relevant paragraph
13 would impede public safety or security;

14 (B) submits to the Administrator a notifi-
15 cation disclosing the reasons for the exemption;
16 and

17 (C) publishes such notification, consistent
18 with public safety, security, and privacy inter-
19 ests, in the Federal Register.

20 (b) OVERSIGHT.—

21 (1) AGENCY COMPLIANCE.—The head of each
22 agency shall ensure that the issuance of any agency
23 rule promulgated under section 553 of title 5,
24 United States Code, adheres to the requirements of
25 this section.

1 (2) OIRA GUIDANCE AND COMPLIANCE.—The
2 Administrator shall provide guidance on the imple-
3 mentation of and shall monitor agency compliance
4 with this section.

5 (c) RULES OF CONSTRUCTION.—This section may
6 not be construed to impair or otherwise affect the func-
7 tions of the Director of the Office of Management and
8 Budget relating to budgetary, administrative, or legislative
9 proposals.

10 (d) DEFINITIONS.—In this section:

11 (1) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of the Office of In-
13 formation and Regulatory Affairs in the Office of
14 Management and Budget.

15 (2) AGENCY.—The term “agency” has the
16 meaning given that term under section 551 of title
17 5, United States Code.

18 (3) RULE.—The term “rule” has the meaning
19 given that term in section 551 of title 5, United
20 States Code, and does not include any rule of agency
21 organization, procedure, or practice that does not
22 substantially affect the rights or obligations of non-
23 agency parties.

24 (4) SENIOR APPOINTEE.—The term “senior ap-
25 pointee” means an individual appointed by the

1 President, or performing the functions and duties of
2 an office that requires appointment by the Presi-
3 dent, or a non-career member of the Senior Execu-
4 tive Service (or equivalent agency system).

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