

119TH CONGRESS
1ST SESSION

H. R. 418

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 15, 2025

Mr. CLINE (for himself, Mr. GOLDEN of Maine, Ms. HAGEMAN, Mr. ELLZEY, Mr. CRENSHAW, Mr. BRECHEEN, Mr. FITZGERALD, and Mr. GREEN of Tennessee) 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-

graph (3), any rule promulgated under section 553 of title 5, United States Code, shall be issued and signed by an individual appointed by the President, by and with the advice and consent of the Senate.

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

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

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

(B) submits to the Administrator a notification disclosing the reasons for the exemption; and

(C) publishes such notification, consistent with public safety, security, and privacy interests, in the Federal Register.

(b) OVERSIGHT.—

(1) AGENCY COMPLIANCE.—The head of each agency shall ensure that the issuance of any agency rule promulgated under section 553 of title 5,

1 United States Code, adheres to the requirements of
2 this section.

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

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

12 (d) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Office of In-
15 formation and Regulatory Affairs (OIRA) in the Of-
16 fice of Management and Budget (OMB).

17 (2) AGENCY.—The term “agency” has the
18 meaning given that term under section 551 of title
19 5, United States Code.

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

1 (4) SENIOR APPOINTEE.—The term “senior ap-
2 pointee” means an individual appointed by the
3 President, or performing the functions and duties of
4 an office that requires appointment by the Presi-
5 dent, or a non-career member of the Senior Execu-
6 tive Service (or equivalent agency system).

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