Amendment in the Nature of a Substitute to H.R. 357 Offered by M .

Strike all that follows after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the "Ensuring Account-3 ability in Agency Rulemaking Act".

4 SEC. 2. RULEMAKING REQUIREMENTS.

5 (a) APPROVAL REQUIRED.—

6	(1) Rules promulgated by senate con-
7	FIRMED APPOINTEE.—Except as provided in para-
8	graph (3) , any rule promulgated under section 553
9	of title 5, United States Code, shall be issued and
10	signed by an individual appointed by the President,
11	by and with the advice and consent of the Senate.
12	(2) INITIATION OF RULEMAKING AND REGU-
13	LATORY AGENDA.—Except as provided in paragraph
14	(3), any rule initiated under section 553 of title 5,
15	United States Code, shall be initiated by a senior
16	appointee.
17	(3) EXCEPTION — Paragraph (1) or (2) does

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

2

1	(A) determines, on a nondelegable basis,
2	that compliance with the relevant paragraph
3	would impede public safety or security;
4	(B) submits to the Administrator a notifi-
5	cation disclosing the reasons for the exemption;
6	and
7	(C) publishes such notification, consistent
8	with public safety, security, and privacy inter-
9	ests, in the Federal Register.
10	(b) Oversight.—
11	(1) AGENCY COMPLIANCE.—The head of each
12	agency shall ensure that the issuance of any agency
13	rule promulgated under section 553 of title 5,
14	United States Code, adheres to the requirements of
15	this section.
16	(2) OIRA GUIDANCE AND COMPLIANCE.—The
17	Administrator shall provide guidance on the imple-
18	mentation of and shall monitor agency compliance
19	with this section.
20	(c) RULES OF CONSTRUCTION.—This section may
21	not be construed to impair or otherwise affect the func-
22	tions of the Director of the Office of Management and
23	Budget relating to budgetary, administrative, or legislative
24	proposals.
25	(d) DEFINITIONS.—In this section:

3

(1) ADMINISTRATOR.—The term "Adminis trator" means the Administrator of the Office of In formation and Regulatory Affairs (OIRA) in the Of fice of Management and Budget (OMB).

5 (2) AGENCY.—The term "agency" has the
6 meaning given that term under section 551 of title
7 5, United States Code.

8 (3) RULE.—The term "rule" has the meaning 9 given that term in section 551 of title 5, United 10 States Code, and does not include any rule of agency 11 organization, procedure, or practice that does not 12 substantially affect the rights or obligations of non-13 agency parties.

(4) SENIOR APPOINTEE.—The term "senior appointee" means an individual appointed by the
President, or performing the functions and duties of
an office that requires appointment by the President, or a non-career member of the Senior Executive Service (or equivalent agency system).

\times