

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:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Office of In-
3 formation and Regulatory Affairs (OIRA) in the Of-
4 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.

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

