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(Original Signature of Member)

119TH CONGRESS  
2ND SESSION

# H. R.

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To amend title 5, United States Code, to require consultation by agencies during rulemaking in the case of unique burdens on pene-exclaves.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LARSEN of Washington introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title 5, United States Code, to require consultation by agencies during rulemaking in the case of unique burdens on pene-exclaves.

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 Exclave  
5 Communities are Listened to And their Voices are Exam-  
6 ined Act of 2026” or as the “EXCLAVE Act of 2026”.

1 **SEC. 2. CONSULTATION REGARDING UNIQUE REGULATORY**  
2 **BURDENS ON PENE-EXCLAVES.**

3 Section 553 of title 5, United States Code, is amend-  
4 ed by adding at the end the following:

5 “(f)(1) If the agency determines, prior to the publica-  
6 tion of the general notice under subsection (b) that a pro-  
7 posed rule may impose a unique burden on residents of  
8 a pene-exclave, the agency shall include in such notice a  
9 statement to that effect.

10 “(2) If the agency makes a determination under  
11 paragraph (1), or if, during the public comment period  
12 under subsection (c), the agency receives a comment from  
13 a resident of a pene-exclave alleging that the proposed rule  
14 would impose a unique burden on residents of the pene-  
15 exclave, the agency shall, not later than 30 days after  
16 making such determination or reviewing such comment  
17 (whichever is earlier)—

18 “(A) hold a public meeting, exclusively for resi-  
19 dents of a pene-exclave to submit written data,  
20 views, or arguments pertaining to the unique bur-  
21 den, that is reasonably accessible (including by using  
22 telecommunication equipment to allow remote par-  
23 ticipation) to each of those residents;

24 “(B) provide notice of such meeting (including  
25 the date, time, and location of the meeting) not later  
26 than 30 days prior to such meeting to relevant

1 State, county, Tribal, and local government officials;  
2 and

3 “(C) record all communications received that  
4 pertain to the meeting and record the minutes of  
5 such meeting (including the content of any com-  
6 ments made at such meeting by such residents), and  
7 publish all such records in the Federal Register by  
8 not later than 60 days after such meeting.

9 “(3) In the publication of the final rule, the agency  
10 shall include a response to each comment received or made  
11 at such meeting from a resident of the pene-exclave.

12 “(4) The Administrator of the Office of Information  
13 and Regulatory Affairs of the Office of Management and  
14 Budget shall establish a process for each agency to iden-  
15 tify comments referred to in the matter preceding sub-  
16 paragraph (A) in paragraph (2).

17 “(5) For purposes of this subsection:

18 “(A) The term ‘unique burden’ means, in the  
19 case of an individual who resides in a pene-exclave,  
20 any circumstance resulting from such residence that  
21 hinders such individual’s ability to—

22 “(i) cross the border of the United States;

23 “(ii) access emergency management serv-  
24 ices;

25 “(iii) access veterinary care;

1           “(iv) procure food, health care, or any  
2           other necessity of life; or

3           “(v) conduct any trade or business.

4           “(B) The term ‘pene-exclave’ means any region  
5           of a State or territory of the United States that is  
6           generally accessible by land only by travel through  
7           the territory of a foreign country. For purposes of  
8           this paragraph, any such region that is geographi-  
9           cally contiguous with any other part of the United  
10          States only by reason of impassable terrain may not  
11          be considered to be generally accessible by land.  
12          Such term may not be construed to apply to the en-  
13          tirety of a State or territory.”.

14 **SEC. 3. OMB LIST.**

15          Not later than 90 days after the date of enactment  
16          of this Act, the Director of the Office of Management and  
17          Budget shall establish a list of pene-exclaves in the United  
18          States and the appropriate contact information for the rel-  
19          evant State, Tribal, county, municipal, and local govern-  
20          mental officials. Any organization described in section  
21          501(c)(3) of the Internal Revenue Code of 1986 and ex-  
22          empt from taxation under section 501(a) of such Code,  
23          that is domiciled in the pene-exclave shall be added to such  
24          list on the filing of such a petition.