



UPHOLDING STANDARDS OF ACCOUNTABILITY (USA) ACT OF 2024

Led by Sen. Bill Cassidy, M.D. (R-LA)



To reinforce the Supreme Court's *Loper Bright* decision overturning *Chevron* deference, federal agencies must become more accountable to the people's elected representatives. For decades, agencies took advantage of *Chevron* deference to exploit ambiguity in statutes to act well outside the intent of Congress. When issuing rules to implement the laws that Congress passes, federal agencies regularly justify major rules through cost-benefit analyses that turn out to be flawed, with no repercussions. Moreover, too many executive branch nominees are confirmed by the Senate without going through a committee hearing process, depriving Congress of important oversight opportunities. Finally, agencies also commonly flout congressional oversight.

The Upholding Standards of Accountability (USA) Act would impose additional accountability in the agency rulemaking process, require nominees for Senate-confirmed positions to testify before committees of jurisdiction, and require timely and substantive responses to congressional oversight.

KEY PROVISIONS INCLUDE:

- **Requiring Testimony Regarding Major Rules.** This bill would require the head of the federal agency signing each major rule to testify about the rule before committees with jurisdiction over the subject matter of the rule within 30 days of the publication of the rule in the Federal Register.
- **Requiring Testimony for Senate-Confirmed Nominees.** This bill would require that each person nominated to a Senate-confirmed position testify before the committee with jurisdiction over that nomination prior to Senate confirmation. Committee chairs can waive this requirement on a case-by-case basis through a written, public determination (for example: privileged nominees and military promotions).
- **Improving Cost-Benefit Analyses Through Retrospective Review.** This bill would require federal agencies to conduct a retrospective review of their cost-benefit analyses for each major rulemaking within five years after the effective date of the rule, and account for when such analyses end up being off-target. The retrospective review would be submitted as a report to Congress, the Comptroller General, and the Office of Information and Regulatory Affairs (OIRA). This bill would require OIRA to issue an annual report summarizing and assessing all of the agency-submitted reviews, including recommendations to improve future cost-benefit and economic or regulatory impact analyses conducted by agencies.
- **Clarifying the Role of Congress in Informal Rulemaking.** This bill would clarify that federal agencies are permitted to communicate with Congress at all times regarding proposed rules, not just during the notice and comment window. Some agencies have erroneously cited the Administrative Procedure Act (APA) to refuse to communicate with Congress on proposed rules outside of the public comment period. This clarification confirms that such a reading of the APA is incorrect, and that agencies must be accountable to Congress regarding rulemaking.
- **Requiring Timely, Substantive Responses to Congressional Oversight.** This bill would require federal agencies to provide substantive responses to letters sent from committee chairs and/or ranking members, or bipartisan groups of members on committees, within 30 days. Agencies that fail to comply would face penalties:
 - For letters not responded to within 60 days, the agency official to whom the letter was addressed would be required to testify before the relevant committee.
 - For letters not responded to within 90 days (and sent from at least one Senator and one Representative), the salary of the agency official to whom the letter was addressed will be reduced to \$1 until the agency responds to the letter.

For more information or to cosponsor, please contact Barrett Tenbarge (barrett_tenbarge@help.senate.gov), Ben Arquit (ben_arquit@help.senate.gov), or Garrett Buttrey (garrett_buttrey@help.senate.gov) in Sen. Cassidy's office.