

119TH CONGRESS
2D SESSION

H. R. 9435

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2026

Mr. LARSEN of Washington (for himself and Mr. STAUBER) introduced the following bill; which was referred to the Committee on the Judiciary

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”.

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

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

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

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

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

20 “(B) provide notice of such meeting (including
21 the date, time, and location of the meeting) not later
22 than 30 days prior to such meeting to relevant
23 State, county, Tribal, and local government officials;
24 and

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

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

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

15 “(5) For purposes of this subsection:

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

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

21 “(ii) access emergency management serv-
22 ices;

23 “(iii) access veterinary care;

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

1 “(v) conduct any trade or business.

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

12 **SEC. 3. OMB LIST.**

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

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