



# Trends in Federal Rulemaking

Remarks on the 75<sup>th</sup> Anniversary of the Federal Register

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Chairman

Administrative Conference of the United States



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

“ACUS is a public-private partnership designed to make government work better.”

President Barack Obama

July 8, 2010

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# Our Mandate

Arrange for federal agencies, assisted by outside experts, cooperatively [to] study mutual problems, exchange information, and develop recommendations for action [so that] private rights may be fully protected and federal responsibilities may be carried out expeditiously in the public interest (1964)

Added in 2004 -

- Promote public participation and efficiency in rulemaking and with regard to rulemaking, adjudication, licensing, and investigation:
- Reduce unnecessary litigation
- Improve the use of science
- Improve the effectiveness of applicable laws

See 5 U.S.C. 591



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# Selected recommendations on rulemaking 1968-1995

- 68-5 engage the poor in rulemakings that affect them
- 74-4 pre-enforcement review of informal rules
- 76-3 provide second public comment cycle when issues are complex or data conflict
- 76-5 obtain public comment on interpretive rules and policy statements of general applicability
- 82-5 develop procedures to negotiate rules
- 93-4 improve the environment for rulemaking
- 95-4 expedite issuance of noncontroversial rules



# Next Steps

## e-Rulemaking - Promoting Public Participation and Efficiency

A public forum co-sponsored by the Administrative Conference of the United States and the Brookings Institution

November 30, 2010, 9:30 AM – noon, Falk Auditorium, the Brookings Institution



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