

Comment from Senior Fellow Daniel R. Levinson on *Improving Notice of Regulatory Changes*
April 7, 2022

Please know that I strongly support the draft recommendation and that I think the underlying report provides sound justification for its adoption by the Conference. The importance of promoting more effective notice of regulatory change is especially urgent for those areas where preexisting regulatory complexity impacting large and diverse populations jeopardizes fairness, transparency, participation, and compliance almost as a matter of course. This would certainly apply with respect to those regulatory areas with which I am most familiar.

Although not precisely on point, I think the 2013 Michigan State University study, “Measuring the Complexity of the Law: The United States Code,” by Katz and Bommarito, captures the challenges of making federal law understandable to a reasonably educated lay audience. Examining, and ranking by their relative complexity, the 50 or so titles of the US Code in terms of language, structure, and interdependence of the law, the authors show that some of the most ubiquitous statutory regimes, i.e., the public health and welfare laws in title 42, are also the most difficult for people to understand. As a former HHS IG, I can testify to the many challenges faced by government officials, health care institutions and providers, and public health care program beneficiaries, in understanding and keeping current with laws and regulations whose impact could not be greater.

I appreciate the invitation to tomorrow’s meeting, but I’m unable to attend a 3 hour session. If there is something more limited that you think I might be helpful with, please let me know. Otherwise, I hope this effort moves forward, and I thank you for all your work in this important area.