

MEMORANDUM

October 30, 2017

TO: Gisselle Bourns
ACUS Committee on Judicial
Review

FROM: Betty Jo Christian

RE: **Comment Related to Tomorrow's Meeting**

In re-reading the current draft in preparation for tomorrow's meeting, I was struck by the fact that the draft is now using the term "policy statement" as a general term referring to all types of guidance documents. This is confusing to someone, such as myself, who practices before an agency that regularly uses the label "Policy Statement" to refer to a very specific type of guidance document that sets forth the agency's position on a particular issue that it expects to arise in the near future (typically as a result of the agency's change of position on a regulatory matter committed to agency discretion.) To avoid confusion, I suggest that we find a different term to use for our generic description of the type of document we are addressing in our recommendation.