



## *ACUS Facts*

### *What We Do*

The Administrative Conference of the United States (ACUS) is an independent federal agency dedicated to improving the administrative process through consensus-driven applied research, providing nonpartisan expert advice and recommendations for improvement of federal agency procedures.

### *Who We Are*

Our membership is composed of innovative federal officials and experts with diverse views and backgrounds from both the private sector and academia. The membership of the Conference, also known as the Assembly, includes the Chairman, the Council, members from approximately 50 federal executive departments and agencies and independent regulatory boards and commissions, and 40 members of the public representing diverse views and backgrounds.

### *How We Do It*

ACUS is committed to promoting effective public participation and efficiency in the rulemaking process by leveraging interactive technologies, encouraging open communication with the public, and making improvements to the regulatory process by reducing unnecessary litigation, improving the use of science, and improving the use of applicable laws.

Learn more about our research projects, our team, and how we are working together to make government work better at [www.acus.gov](http://www.acus.gov).

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## *Selected ACUS Recommendations on Comments in e-Rulemaking*

**Recommendation 2011-1, *Legal Considerations in e-Rulemaking*** provides guidance on issues that have arisen in light of the change from paper to electronic rulemaking procedures. It recommends that agencies (1) consider using content analysis software to reduce the need for agency staff to spend time reading identical or nearly identical comments; (2) provide timely, online access to all studies and reports upon which they rely; (3) implement appropriate procedures for the handling of confidential, trade secret, or other protected information; (4) consider the potential need to revise Privacy Act notices and recordkeeping schedules to accommodate e-Rulemaking; and (5) replace paper files with electronic records in the rulemaking docket and in the record for appellate review.

**Recommendation 2011-2, *Rulemaking Comments***, encourages agencies (1) to provide public guidance on how to submit effective comments; (2) to leave comment periods open for sufficient periods, generally at least 60 days for significant regulatory actions and 30 days for other rulemakings; (3) to post comments received online within a specified period after submission; (4) to announce policies for anonymous and late-filed comments; and (5) to consider when reply and supplemental comment periods are useful.

**Recommendation 2011-8, *Agency Innovations in e-Rulemaking*** addresses how Federal agency rulemaking can be improved by better use of Internet-based technologies. The recommendation proposes ways agencies can make rulemaking information, including open dockets, comment policies, and materials from completed rulemakings, more accessible electronically. The recommendation also addresses the issue of improving e-rulemaking participation by those who have historically faced barriers to access, including non-English speakers, users of low-bandwidth Internet connections, and individuals with disabilities.