

Comment from Public Member Jack M. Beermann on *Statement of Principles for the Disclosure of Federal Administrative Materials*
June 9, 2022

This is an excellent report; my comments are all meant to be constructive and largely formal, not substantive.

In a few instances in which the document calls for disclosure to the public on the legal effect of agency information etc., you might consider adding a reference to “in plain language”. I know there is one such reference in one of the examples, but there may be additional places where it would be appropriate.

Page 3, Section 1.a: Do you mean “i.e.” or “e.g.”? I ask because I would add “general statements of policy” and “interpretative rules” to the list and I think I would use “e.g.” as in the other paragraphs. I think it helps to use the language of APA section 553.

Page 4. 3.d., I was not sure what you mean by “linked to one another.” Are you saying that every docket needs to be linked to every other docket? This needs explanation unless it would be obvious to the people involved.

P. 4 6.b. Again, I would add “general statements of policy” and “interpretative rules.”

P. 9. 13.c. There’s a typo, the word “an” should be deleted.

P.9. This could be added to the illustration or stated as a separate suggestion: You might consider suggesting that agencies not simply remove inoperative documents from their websites as a method of indicating that they are inoperative, for the following reason, which might be spelled out in the illustration: “Affected parties may have obtained an agency document such as a guidance document, interpretative rule or general statement of policy from a source other than the agency’s website, and thus disappearance from the website might not be adequate to inform the public that the document has become inoperative.”

That’s all.