

Comment from Public Member Jack M. Beermann on Rules on Rulemakings
December 14, 2020

I have a few comments on this recommendation. Some are simple editing suggestions and should be self-explanatory.

Line 16, change the word “not” to “more than”

Line 21, change the word “just” to “only”

Line 49, after “rules” add “on rulemakings” and then on Line 51, delete the parenthetical.

The following suggestions are substantive. In my opinion these matters should be included in the list of possible matters that rules on rulemakings should cover. Number (4) below is moved from number (2) on line 127 because I thought it was in the wrong place. Number (5) below is new because internal government non-comment merits communications would be likely handled differently from external communications.

Before Line 105, add “(3) policies on ex parte contacts” and “(4) handling external merits communications not filed as comments;²⁴” and then

“(5) handling intra-agency, inter-agency and other internal Executive Branch merits communications not filed as comments”, then renumber the remainder of the list and delete the content of number (2) on line 127,

Jack Beermann