

Comment from Senior Fellow Richard J. Pierce, Jr. on *Contractors in Rulemaking*
March 23, 2022

I think it would provide useful context for the report and recommendation if the preamble included reference to the fact that the report and recommendations come primarily from a contractor for an agency (ACUS) that relies primarily on contractors to provide the reports and recommendations that it makes to agencies. It would also provide useful context to acknowledge in the preamble that most of the comments that have the greatest influence on agencies-- comments that are rich in data and analysis--are prepared by contractors who are retained by the regulated firms and associations of regulated firms that file the comments.

Those two explicit acknowledgments would help readers recognize that contracting out functions is ubiquitous both in government and in the private sector. Without them, readers may be tempted to believe that there is something uniquely strange or inappropriate about the contracting out of functions by agencies that conduct notice and comment rulemakings

Dick Pierce