



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

MATTHEW LEE WIENER
Acting Chairman
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January 6, 2022

The Honorable Dick Durbin
Chair
Committee on the Judiciary
United States Senate
Washington, DC 20515

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20515

Dear Chair Durbin and Ranking Member Grassley:

On October 1, 2021, I transmitted to the Committee Recommendation 2021-5, *Clarifying Statutory Access to Judicial Review of Agency Action*, 86 Fed. Reg. 53262 (Sept. 27, 2021), of the Administrative Conference of the United States, which was adopted by the Conference's Assembly at its 75th plenary session under the authority of the Administrative Conference Act, 5 U.S.C. § 591 *et seq.*

The Recommendation identifies the “various ways in which some” judicial review statutes “create unnecessary obstacles to judicial review or overly complicate the process of judicial review,” and recommends that Congress eliminate them by enacting a general judicial review statute that would “promote efficiency and fairness and . . . reduce unnecessary litigation.”* Paragraph 4 sets forth the particulars of the recommended statute.

In Paragraph 5, the Conference asks its Office of the Chairman “to prepare and submit to Congress a proposed general review statute for consideration that would provide for the statutory changes in Paragraph 4.”

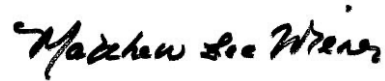
I am pleased to transmit the proposed statute. As you will see, the Office of the Chairman recommends that it be enacted as an amendment to Title 28 of the *U.S. Code*.

* The Act authorizes the Conference to make recommendations to Congress to improve the judicial review of agency action “to the end that private rights may be fully protected and regulatory activities and other Federal responsibilities may be carried out expeditiously in the public interest; . . . to reduce unnecessary litigation in the regulatory process; [and] . . . to improve the effectiveness of laws applicable to the regulatory process.” 5 U.S.C. § 591.

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We stand ready to assist the Committee in its consideration of the proposed statute. If your staff have any questions or requests, please ask them to contact Todd Rubin, Attorney Advisor and Counsel for Congressional Affairs, at trubin@acus.gov.

Sincerely yours,

A handwritten signature in black ink that reads "Matthew Lee Wiener". The signature is written in a cursive, slightly slanted style.

Matthew Lee Wiener

cc: Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights:
The Honorable Sheldon Whitehouse (Chair)
The Honorable John Kennedy (Ranking Member)

Committee on Homeland Security and Governmental Affairs:
The Honorable Gary C. Peters (Chairman)
The Honorable Rob Portman (Ranking Member)