

**Administrative Conference Committee on Regulation  
Rulemaking Comments Project, Meeting April 25, 2011  
Comment Submitted by Joseph P. Whalen**

I hope that ACUS is aware of DHS' propensity to "hide comments". ICE is especially bad about this. DHS as a Department has suffered embarrassment of late due to the Associated Press' coverage on its problems with political hacks slowing FOIA and deliberately withholding certain emails from the FOIA officer that were later released by some more honest employees.

A case in point is:

OMB Control No: 1653-0019	ICR Reference No: 201102-1653-001
Status: Received in OIRA	Previous ICR Reference No: <a href="#">201001-1653-001</a>
Agency/Subagency: DHS/USICE	Agency Tracking No:
Title: Emergency Federal Law Enforcement Assistance	
Type of Information Collection: Extension without change of a currently approved collection	
Type of Review Request: Regular	Date Submitted to OIRA: 03/04/2011

Above found at: [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201102-1653-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201102-1653-001)

This information collection is only one current example of ICE's duplicity. I submitted the attached comment in response to their 30 day notice. ICE changed its supporting statement A and simply did not acknowledge ANY comments being received for the 30 day notice but did specifically state that they did not get any for the 60 day comment. They did not post the comment that I submitted at [www.regulations.gov](http://www.regulations.gov) or at [www.reginfo.gov](http://www.reginfo.gov) on the above webpage if you follow the link to the supporting docs, there is a place to post comments. It is blank and a search of [www.regulations.gov](http://www.regulations.gov) yields no comments either. (No comments posted since 2009---IS THAT EVEN A POSSIBILITY?).

USCIS on the other hand has only just started to "hide" comments. They had been fairly regularly posting on [www.regulations.gov](http://www.regulations.gov) but have begun to hide the more embarrassing comments on [www.reginfo.gov](http://www.reginfo.gov) instead. USCIS has also gotten VERY slow at posting comments lately. Compare the USCIS handling of:

AGENCY: DHS-USCIS	OMB CONTROL NUMBER: <a href="#">1615-0091</a>
RECEIVED DATE: 03/16/2011	ICR REFERENCE NUMBER: <a href="#">201103-1615-008</a>
TITLE: Application for Replacement Naturalization/Citizenship Document	

They hid this embarrassing comment on this much lesser known website. I submitted a comment on December 23, 2010, for the 60 day comment period and then they published the 30 day Notice on March 3, 2011 and said that they got no comments. I resubmitted my comment by forwarding my previous submission and they then posted the comment on [www.reginfo.gov](http://www.reginfo.gov) and addressed it in a new supporting statement A posted on March 8, 2011.

Various other agencies are still unknown quantities. FNS, USSC, NASA, and more are still

living in the stone-age in rulemaking and like to use snail-mail. Many agencies need help getting their acts together. Your work should be welcomed by many that are floundering, and feared by the duplicitous.

Best wishes in this initiative!

I have not bothered to confront ICE about its duplicity.

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