



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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Comment on *Improving Notice of Regulatory Changes* April 21, 2022

Paragraph 23 of the current draft reads: “Agencies should share information with each other about their experiences and practices for improving notice of [significant] regulatory changes. To help carry out this Recommendation, the Conference’s Office of the Chairman should provide, as authorized by § 594(2), for the ‘interchange among administrative agencies of information potentially useful in improving’ agency notice strategies.”

The Committee should reevaluate whether this paragraph (especially its second sentence) should be included.

Its language is not customarily included in recommendations that address agency practices—which is to say in the vast majority of ACUS recommendations.

I am especially concerned about the inclusion of the second sentence of Paragraph 23. Its selective inclusion in recommendations may create the misimpression that the Office of the Chairman will facilitate the “interchange of information” in furtherance of some recommendations but not others. In fact, the Office of the Chairman endeavors to provide for such interchange with respect to all recommendation directed to agencies. It does so through, among other things, its Interagency Roundtable and, in the case of adjudicative matters, its Council on Federal Agency Adjudication.

I would distinguish recommendations that ask the Office of the Chairman to undertake some specific activity in furtherance of their objectives. A recent example is Recommendation 2021-9’s request that the Office of the Chairman “promulgate model rules” governing the conduct of representatives in agency adjudications.

Thank you for considering the views of the Office of the Chairman.