

Comment from Public Member Jonathan R. Siegel on *Clarifying Statutory Access to Judicial Review of Agency Action*
June 29, 2021

Someone (Peter Strauss?) pointed out that not every rule has to be published in the *Federal Register*. To deal with this point, I would change the second sentence of paragraph 2 of the recommendation to read: “Where the event is the promulgation, amendment, or repeal of a rule, and must be published in the *Federal Register*, Congress should provide that the event date is the date of the publication in the *Federal Register*.”

Peter Strauss also pointed out (if I’m remembering correctly) that the term “order” is defined in the APA to apply only to adjudicatory orders. I don’t recall what part of the recommendation this affected, but the only part that I see that uses the term “order” is paragraph 4(g). That paragraph could be adjusted by changing “issued the order” to “took the action”. That would address the limited definition of “order.”