

Comment from Public Member Kristin E. Hickman on *Clarifying Statutory Access to Judicial Review of Agency Action*
June 16, 2021

Add to the end of line 45:

Direct, interim-final, and temporary rulemaking, in which an agency seeks and addresses comments after publishing rules in the Federal Register, may raise unique issues with respect to the timing of judicial review. Recommendations 2 and 4(b) provide that Congress should extend the time for seeking judicial review in these contexts.

At the end of Line 124 (Recommendation 2):

Where an agency issues a direct, interim-final, or temporary rule with an opportunity to comment after the rule has been published in the Federal Register, Congress should extend the time for seeking review by the length of the period up to and including the effective date of the rule.

At the end of Line 141 (Recommendation 4(b)):

To address situations in which an agency issues a direct, interim-final, or temporary rule with an opportunity to comment after the rule has been published in the Federal Register, the time for seeking review should be extended by the length of the period up to and including the effective date of the rule.