

Comment from Senior Fellow Paul D. Kamenar on *Clarifying Statutory Access to Judicial Review of Agency Action*
April 22, 2021

At the last meeting there was not enough time to address my comment of December 3 that you had circulated about whether this Recommendation should recommend to Congress that a general statutory provision also clarify filing procedures for those cases of judicial review where no statute provides for one.

I think it is apparent now that this Recommendation will not, but perhaps a disclaimer to that effect might be added in the Preamble along the following lines might be considered. I am indifferent either way.

Suggested language to add to footnote 5 in the Preamble:

The APA provides for a right of judicial review of agency action by aggrieved parties in courts of competent jurisdiction when there is no statutory provision either expressly granting or precluding judicial review. This Recommendation does not address when, where, and how such actions may be filed.

Thank you!

Paul