THE RECORD

Report Questions Executive Order on Reg Reform

The Congressional Research Service of the Library of Congress issued a report June 15 (see Legal Times, Feb. 23, 1991, p. 15) that the President's executive order on regulating the rulemaking process in the federal agencies has been undone.

In a report entitled "The President's Order on Rulemaking: The Record," the Congressional Research Service concluded that the order was "a significant step in the right direction," but that the President's order has been "largely undone" by the actions of the agencies.

The President's order, issued in March, was intended to ensure that rulemaking is more transparent and accountable. It required agencies to publish a notice in the Federal Register before issuing a final rule, and to provide a rationale for any changes in the rule.

However, the agencies have largely ignored the President's order. The report notes that several agencies have failed to comply with the order, and that some have even reversed their previous efforts to improve rulemaking.

The report also calls for greater oversight of the rulemaking process by Congress. It recommends that Congress establish a new committee to oversee rulemaking, and that it pass legislation requiring agencies to comply with the President's order.

The report concludes that the President's order on rulemaking is "likely to be ineffective" unless Congress takes stronger action to ensure that it is followed.

Legal Times of Washington
A serious question is raised whether the purpose and effect of the executive order is to establish substantive control over the process of informal rulemaking.