

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Special Committee To Review the Government in the Sunshine Act

ACTION: Notice of public meeting; location announcement.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice was published on August 8, 1995 (60 FR 40342) of a notice of public hearing to be convened by the Special Committee to Review the Government in the Sunshine Act of the Administrative Conference of the United States. This notice announces the location of the hearing.

DATES: Tuesday, September 12, 1995, 9:00 am.

LOCATION: Occupational Safety and Health Review Commission Hearing Room, 1120 20th Street, NW., South Lobby, 9th Floor, Washington, DC.

FOR FURTHER INFORMATION: Jeffrey S. Lubbers, mm Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC 20037. Telephone: (202) 254-7020.

SUPPLEMENTARY INFORMATION: The Special Committee to Review the Government in the Sunshine Act will hold a public hearing on September 12 to hear testimony on the operation of the Act.

See 60 FR 40342 (August 8, 1995) or more information about the scope of the public hearing and how to participate.

Dated: August 15, 1995.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 95-20559 Filed 8-17-95; 8:45 am]

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Adoption of Recommendations

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: The Administrative Conference of the United States (ACUS) adopted five recommendations at its Fifty-Second Plenary Session. The recommendations concern: (1) Review of Existing Agency Regulations; (2) Streamlined Processes for Noncontroversial and Expedited Rulemaking; (3) Resolution of Government Contract Bid Protest Disputes; (4) Alternative Dispute Resolution Confidentiality and the Freedom of Information Act; and (5) Use of Mediation under the Americans with Disabilities Act.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Lubbers, 202-254 7020.

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States was established by the Administrative Conference Act, 5 U.S.C. 591-596. The Conference studies the efficiency, adequacy, and fairness of the administrative procedures used by federal agencies in carrying out administrative programs, and makes recommendations for improvements to the agencies, collectively or individually, and to the President, Congress, and the Judicial Conference of the United States (5 U.S.C. 594(1)). At its Fifty-Second Plenary Session, held June 15-16, 1995, the Assembly of the Administrative Conference of the United States adopted five recommendations.

Recommendation 95-3, "Review of Existing Agency Rules," proposes that agencies develop processes for systematically reviewing their rules. Such processes should be designed by and tailored to the individual agencies. Agencies should set priorities for rule review, and provide for public input into the priority-setting process. The petition for rulemaking process should be strengthened to ensure adequate agency response, but should not be allowed to dominate an agency's agenda. Agencies should devote adequate attention and resources to the task of reviewing their existing rules.

Recommendation 95-4, "Procedures for Noncontroversial and Expedited

Rulemaking," endorses two rulemaking procedures that can expedite rules in appropriate cases. Direct final rulemaking is appropriate where a rule is expected to generate no significant adverse comment, and allows an agency to avoid publishing both a proposed and final rule. The Recommendation also proposes that agencies using interim final rulemaking should always provide for post-promulgation comment, and should always respond to the comments and make any necessary modifications. Such post-promulgation procedures should be used in all rules where prepromulgation comment is excused under the "good-cause" exemption of 5 U.S.C. 553(b)(3)(B) as "impracticable" or "contrary to the public interest."

Recommendation 95-5, "Government Contract Bid Protests," proposes reexamination of the current jurisdictional arrangements for hearing the protests of disappointed seekers of government contracts. The recommendation urges that jurisdiction over bid protests, now available in four different forums (including the General Accounting Office, the General Services Board of Contract Appeals (for contracts involving information technology), the federal district courts, and the Court of Federal Claims) be streamlined by providing that all protests be heard initially in an administrative forum, with judicial review available exclusively in the U.S. Court of Appeals for the Federal Circuit. Should Congress not wish to consider exclusive appellate-level jurisdiction, the Conference alternatively proposes eliminating district court jurisdiction in favor of consolidated jurisdiction in the Court of Federal Claims. In addition, Recommendation 95-5 urges Congress to mandate empirical testing of the effect of the bid protest process to analyze the costs and benefits of that process and to determine whether it has improved the quality or reduced the cost of public procurement; the recommendation suggests several different approaches to such a study, among them a pilot study under which an agency or agencies would be permitted to conduct some or all procurement free of protest controls for a period of years, with the results to be compared to procurement conducted under protest controls.

Recommendation 95-6, "ADR Confidentiality and the Freedom of