

FEDERAL RULEMAKING PROCESS

- Regulations (rules) are the means by which agencies use to implement & further define requirements from enacted statutes.
- Agencies receive their general authority to propose/issue rules under their jurisdiction from laws passed by Congress.

Basic Rulemaking Process*:

Congress Passes Statute

STEP ONE

Agency creates draft proposed rule.

STEP THREE

The Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget reviews the draft proposed rule.**

STEP TWO

Draft proposed rule is reviewed/approved by agency.



A notice of proposed rulemaking is published in the Federal Register as required by the Administrative Procedures Act (APA).

At least a 30 day public comment period is opened.

STEP FIVE

STEP SEVEN

Agency approves final draft of the rule within agency.

STEP SIX

Agency reviews comments/drafts final rule.

STEP EIGHT

Draft final rule is reviewed & approved by OIRA.**

STEP NINE

Final rule is published in the Federal Register.

^{**}OIRA is an office under the Office of Management and Budget that only reviews "significant" rules that pose economic effects or raise important policy issues.



Rule implemented.

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^{*}Maeve Carey (2013), "The Federal Rulemaking Process: An Overview," Congressional Research Service.