

# The Informal Rulemaking Process – Basic



## COURSE OUTLINE: 4-HOUR COURSE

- What is informal rulemaking?
- How does it compare to the other processes for Government decision making?
- What is a rule?
- What are the legal requirements for the informal rulemaking process?
  - » The Administrative Procedure Act.
    - Requirements.
    - Exceptions.
    - Discretionary extra steps.
  - » Other statutes.
  - » Executive orders.
  - » Presidential, White House, U.S. Office of Management and Budget (OMB), and agency documents.
- How does the process work?
  - » Identifying the problem and the need to address it.
  - » Identifying and analyzing the alternatives.
  - » Considering the legal authority and requirements.
  - » Making the decision.
- What is the role of OMB/White House and SBA/Advocacy?
- What is the role of the Congress?
- What is the role of the courts?
- What are the agency's responsibilities after a rule is issued?
  - » Implementation of rules.
    - Interpretations and policy statements.
    - Compliance and enforcement.
  - » Retrospective reviews of existing rules.
- What are the trends and issues to watch?
- What are some good resources/websites?