Bibliography 1968–1995

- 1. **Ablard, Charles D.** Some Comparisons Between the Council on Tribunals and the Administrative Conference of the United States. 24 Am. J. Comp. L. 73 (1976).
- 2. **Ablard, Charles D.** The Structure of Tribunals and the Appointment of Their Members in Great Britain. 2 HASTINGS INT'L & COMP. L. REV. 333 (1979).
- 3. Adams, Arvil V., & Jose R. Figueroa. Expediting Settlement of Employee Grievances in the Federal Sector: An Evaluation of the MSPB's Appeals Arbitration Procedure. (Washington, D.C.: U.S. Gov't. Printing Office, 1985).
- 4. Administrative Conference of the U.S. (Office of the Chairman). Administrative Conference Report on ABA Proposals to Amend the Administrative Procedure Act (May 24, 1973). 25 ADMIN. L. REV. 425 (1973).
 - Statement 2. Statement of the Administrative Conference on the ABA Proposals to Amend the Administrative Procedure Act. 5 Transp. L.J. 219 (1973). 3 ACUS 53 and 62 (1974). 1972–73 ACUS Ann. Rep. 49. 38 Fed. Reg. 16,841 (June 27, 1973), amended at 39 Fed. Reg. 23,045 (June 26, 1974).
 - Statement 3. Statement of the Administrative Conference on ABA Resolution No. 1 Proposing to Amend the Definition of "Rule" in the Administrative Procedure Act. 3 ACUS 59 (1974). 1973–74 ACUS ANN. REP. 61. 39 Fed. Reg. 4849 (Feb. 7, 1974).
- 5. Administrative Conference of the U.S. (Office of the Chairman). Agency Arbitration: Constitutional and Statutory Issues. Studies in Administrative Law and Procedure, 88-1. (Washington, D.C.: U.S. Gov't Printing Office, 1988).
- 6. Administrative Conference of the U.S. (Office of the Chairman). Building Consensus in Agency Rulemaking: Implementing the Negotiated Rulemaking Act. Report of the Administrative Confer-

ence of the United States on Agency Implementation of the Negotiated Rulemaking Act (1995).

- 7. Administrative Conference of the U.S. (Office of the Chairman). Colloquium on Regulatory Design in Theory and Practice. 1982–1985. Volumes 1–3. Washington, D.C.: U.S. Gov't Printing Office, 1983–1985.
- 8. Administrative Conference of the U.S. (Office of the Chairman). Directory of Administrative Hearing Facilities. 2d ed., Washington, D.C.: U.S. Gov't Printing Office, 1984. [1st ed. published in 1981].
- 9. Administrative Conference of the U.S. (Office of the Chairman). Drafting Federal Grant Statutes. [Prepared] by Malcolm S. Mason. Studies in Administrative Law and Procedure, 90-1. Washington, D.C.: U.S. Gov't Printing Office, 1990.
- 10. Administrative Conference of the U.S. (Office of the Chairman). Federal Administrative Law Judge Hearings: Statistical Report. 1975 ed., (Washington, D.C.: U.S. Gov't Printing Office, 1977.) 1976–1978 ed., Washington, D.C.: U.S. Gov't Printing Office, 1980.
- 11. Administrative Conference of the U.S. (Office of the Chairman). Federal Administrative Procedure Sourcebook: Statutes and Related Materials. 2d ed. (Washington, D.C.: U.S. Gov't Printing Office, 1992). [1st ed. published in 1985].
- 12. Administrative Conference of the U.S. (Office of the Chairman). Federal Agency Use of ADR: A Roundtable for General Counsels. Washington, D.C.: ACUS, 1992.
- 13. Administrative Conference of the U.S. (Office of the Chairman). Federal User Fees: Proceedings of a Symposium. Thomas D. Hopkins ed. Washington, D.C.: U.S. Gov't Printing Office, 1988. [Sponsored by ACUS and held at the National Press Club, Washington, D.C., May 3, 1988].
- 14. Administrative Conference of the U.S. (Office of the Chairman). From Conflict to Cooperation: Alternative Dispute Resolution. A presentation of ACUS in partnership with FMCS [Federal Mediation and Conciliation Service]. Dec. 1993. Videotape.

- 15. Administrative Conference of the U.S. (Office of the Chairman). A Guide to Federal Agency Rulemaking. 2d ed. Prepared by Benjamin W. Mintz & Nancy G. Miller. (Washington, D.C.: U.S. Gov't Printing Office, 1991). [1st ed. published in 1983].
- 16. Administrative Conference of the U.S. (Office of the Chairman). Implementing the ADR Act: Guidance for Agency Dispute Resolution Specialists. Washington, D.C.: ACUS, 1992.
- 17. Administrative Conference of the U.S. (Office of the Chairman). Increasing the Effectiveness of Offices of General Counsel: Recommendations to the National Performance Review. Prepared by an inter-agency task force chaired by ACUS. Letter report, October 17, 1995.
- 18. Administrative Conference of the U.S. (Office of the Chairman). Inspectors General: An Institution in Need of Reform? Transcript, March 3, 1993. Washington, DC: U.S. Gov't Printing Office, 1993. [ACUS colloquy series].
- 19. Administrative Conference of the U.S. (Office of the Chairman). An Introduction to ADR and the Roster of Neutrals. Resource Papers in Administrative Law. Washington, D.C.: U.S. Gov't Printing Office, 1989.
- 20. Administrative Conference of the U.S. (Office of the Chairman). Legislative Veto of Agency Rules After *INS v. Chadha*: Twenty-Seventh Plenary Session Discussion on December 15, 1983. (Washington, D.C.: U.S. Gov't Printing Office, 1984). *Partial contents*: L. Harold Levinson, *Congressional Oversight of Agency Rulemaking: Options Available After* Chadha. Appendix B.
- 21. Administrative Conference of the U.S. (Office of the Chairman). Manual for Administrative Law Judges. 3d ed., 1993. Prepared by Morell E. Mullins. Washington, D.C.: U.S. Gov't Printing Office, 1994; 2001 Internet ed. prepared by Morell E. Mullins, http://biotech.law.lsu.edu/cases/adlaw/malj.pdf. [1st ed., 1974, and 2d rev. ed., 1982, prepared by Merritt Ruhlen].
- 22. Administrative Conference of the U.S. (Office of the Chairman). Mediation: a Primer for Federal Agencies. Prepared by Thomas R. Colosi and Christopher B. Colosi. Resource Papers in Administrative Law. (Washington, D.C.: U.S. Gov't Printing Office,

- 1993). Also published in Spanish as: La Mediación: Cartilla Para Agencias Gubernamentales. Documentos Recursos en Derecho Administrativo. (Washington, D.C.: U.S. Gov't Printing Office, 1993).
- 23. Administrative Conference of the U.S. (Office of the Chairman). Model Adjudication Rules. Prepared by the Model Adjudication Rules Working Group. Michael P. Cox, Reporter. (Washington, D.C.: ACUS, 1993). *See also* Cox, Michael P. The Model Adjudication Rules (MARs). 11 T.M. COOLEY L. REV. 75 (1994).
- 24. Administrative Conference of the U.S. (Office of the Chairman). Model Rules for Implementation of the Equal Access to Justice Act in Agency Proceedings. 1 C.F.R. § 315.101 (1995). *Reprinted in*: Administrative law. 5–31 3d Series. Deskbook. (Bethesda, MD: Pike & Fischer).
- 25. Administrative Conference of the U.S. (Office of the Chairman). Multi-Member Independent Regulatory Agencies: A Preliminary Survey of Their Organization. Rev. ed. (Washington, D.C.: U.S. Gov't Printing Office, 1992). [Originally published in 1989].
- 26. Administrative Conference of the U.S. (Office of the Chairman). Negotiated Rulemaking Sourcebook. Prepared by David M. Pritzker & Deborah S. Dalton. Updated ed. (Washington, D.C.: U.S. Gov't Printing Office, 1995). [1st ed. published in 1990].
- 27. Administrative Conference of the U.S. (Office of the Chairman). The Ombudsman: A Primer for Federal Agencies. Prepared by David R. Anderson & Larry B. Hill. Resource Papers in Administrative Law. (Washington, D.C.: U.S. Gov't Printing Office, 1991).
- 28. Administrative Conference of the U.S. (Office of the Chairman). Sourcebook: Federal Agency Use of Alternative Means of Dispute Resolution. Prepared by Marguerite S. Millhauser & Charles Pou, Jr. (Washington, D.C.: U.S. Gov't Printing Office, 1987).
- 29. Administrative Conference of the U.S. (Office of the Chairman). Sourcebook on Government Ethics for Presidential Appointees. Prepared with the support of the General Services Administration. Washington, D.C.: ACUS, 1988. *Partial contents*: Robert N. Roberts. A Guide to Federal Ethics Laws for Presidential Appointees. *Infra* no. 319; Proceedings of a Working Conference on Ethics in Government, March 1, 1988; G. Calvin Mackenzie. Presidential

dential Transitions and the Ethics in Government Act of 1978; Thomas D. Morgan. Revision of Federal Financial Disclosure Requirements; Deanne C. Siemer. Enforcement of the Federal Ethics Laws as Applied to Executive Branch Personnel.

- 30. Administrative Conference of the U.S. (Office of the Chairman). Toward Improved Agency Dispute Resolution: Implementing the ADR Act. Report of the Administrative Conference of the United States on Agency Implementation of the Administrative Dispute Resolution Act. February 1995. Washington, D.C.: ACUS, 1995. 3 vols.
- 31. Administrative Conference of the U.S. & Federal Mediation and Conciliation Service. Mediation of Equal Employment Opportunity Disputes at the Federal Aviation Administration: Pilot Program Design. Prepared for the Department of Transportation and the Federal Aviation Administration. Unpublished paper, July 28, 1994.
- 32. **ACUS Dispute Systems Design Working Group.** Dispute Systems Design Handbook. Unpublished paper, Feb. 25, 1994. *Contents*: Dispute systems design pre-design organization checklist. June 1993; Operational aspects of designing dispute resolution systems. Feb. 1994; Performance indicators for ADR program evaluation. Nov. 1993.
- 33. **ACUS Dispute Systems Design Working Group.** Evaluating ADR Programs: A Handbook for Federal Agencies. Unpublished paper, Mar. 1995.
- 34. **ACUS Special Committee on the Future of ACUS.** Report of the Special Committee on the Future of ACUS. (Washington, DC: ACUS, 1992).
- 35. **ACUS Special Committee to Review the Government in the Sunshine Act.** Reform of the Government in the Sunshine Act. (Unpublished report, Oct. 10, 1995). [Includes transcript of public hearing held September 12, 1995]. *Reprinted in* Randolph May, Recent Development: Reforming the Sunshine Act. 49 ADMIN. L. REV. 415 (1997).
- 36. **Aman, Alfred C., Jr.** Implementing the Bank Holding Company Act: the Adjudicatory Procedures and Informal Bargaining Processes of the Federal Reserve Board. 1988 ACUS 189. *See* also:

Alfred C. Aman Jr., Bargaining for Justice: An Examination of the Use and Limits of Conditions by the Federal Reserve Board. 74 Iowa L. Rev. 837 (1989).

Recommendation 88-3. The Federal Reserve Board's Handling of Applications Under the Bank Holding Company Act. 1 C.F.R. § 305.88-3 (1993). 53 Feg. Reg. 26,028 (July 11, 1988).

37. **Aman, Alfred C., Jr.** Institutionalizing the Energy Crisis: Some Structural And Procedural Lessons. 1980 ACUS 205. 65 CORNELL L. Rev. 491 (1980).

Recommendation 80-2. Enforcement of Petroleum Price Regulations. 1 C.F.R. § 305.80-2 (1984). 45 Fed. Reg. 46,774 (July 11, 1980).

- 38. American Bar Association Committee on Government Standards. Keeping Faith: Government Ethics and Government Ethics Regulation. Cynthia Farina, Reporter. 45 Admin. L. Rev. 287 (1993).
- 39. American Bar Association Section of Administrative Law & Regulatory Practice Program. The Administrative Conference of the U.S.—Where Do We Go From Here? 8 T.M. Cooley L. Rev. 147 (1991). [Dialogue at the 1990 annual meeting of the ABA].
- 40. **Anderson, David R., & Diane M. Stockton.** Ombudsmen in Federal Agencies: The Theory and the Practice. 1990 ACUS 105. *See also*: Federal Ombudsmen: An Underused Resource, 5 ADMIN. L.J. 275 (1991).

Recommendation 90-2. The Ombudsman in Federal Agencies. 1 C.F.R. § 305.90-2 (1993). 55 Fed. Reg. 34,211 (Aug. 22, 1990).

41. **Anderson, Frederick R.** Negotiation and Informal Agency Action: The Case of Superfund. 1984 ACUS 263. *Reprinted in:* 1985 DUKE L.J. 261.

Recommendation 84-4. Negotiated Cleanup of Hazardous Waste Sites Under CERCLA. 49 Fed. Reg. 29,942 (July 25, 1984), as amended at 57 Fed. Reg. 61,769 (Dec. 29, 1992). [This recommendation was substantially implemented by

EPA memorandum and by the Superfund Amendments and Reauthorization Act of 1986].

42. **Anthony, Robert A.** Interpretive Rules, Policy Statements, Guidances, Manuals and the Like:Should Agencies Use Them to Bind the Public? 1992 ACUS 73. *Reprinted as:* Interpretive Rules, Policy Statements, Guidances, Manuals, and the Like—Should Federal Agencies Use Them to Bind the Public. 41 DUKE L.J. 1311 (1992). *See also:* "Interpretive" Rules, "Legislative" Rules and "Spurious Rules: Lifting the Smog, 8 ADMIN. L.J. AM. U. 1 (1994).

Recommendation 92-2. Agency Policy Statements. 1 C.F.R. § 305.92-2 (1993). 57 Fed. Reg. 30,103 (July 8, 1992).

- 43. **Anthony, Robert A.** Towards Simplicity and Rationality in Comparative Broadcast Licensing Proceedings. 24 STAN. L. REV. 1 (1971).
- 44. **Anthony, Robert A.** Which Agency Interpretations Should Bind Citizens and the Courts? 1989 ACUS 369. *Reprinted in:* 7 YALE J. ON REG. 1 (1990). *See also*: Which Agency Interpretations Should Get Judicial Deference?—A Preliminary Inquiry. 40 Admin. L. Rev. 121 (1988).

Recommendation 89-5. Achieving Judicial Acceptance of Agency Statutory Interpretations. 1 C.F.R. § 305.89-5 (1993). 54 Fed. Reg. 28,972 (July 10, 1989).

45. **Anthony, Robert A., & James E. Byrne.** International Trade Commission Release of Confidential Information under Protective Orders in Antidumping and Countervailing Duty Proceedings. 1984 ACUS 573. *See also*: Safeguarding Confidential Information in ITC Injury Proceedings: Proposals to Reduce the Risks of Disclosure.17 Law & Pol'y Int'l Bus. 1 (1985).

Recommendation 84-6: Disclosure of Confidential Information Under Protective Order in International Trade Commission Proceedings. 1 C.F.R. § 305.84-6 (1992). 49 Fed. Reg. 49,838 (Dec. 24, 1984).

46. **Aronowitz, Dennis S.** Report of the Committee on Claims Adjudication in Support of Recommendation No. 22. 1 ACUS 665 (1971).

Recommendation 70-5 [Originally Recommendation No. 22]. Practices and Procedures Under the Renegotiation Act of 1951. 1 ACUS 43 (1971). 1970-71 ACUS ANN. REP. 49. [The Renegotiation Act has expired. *See* Pub. L. No. 95-431, 92 Stat. 1043 (1978).]

- 47. **Asimow, Michael.** Advice to the Public from Federal Administrative Agencies. (New York: Matthew Bender, 1973).
- 48. **Asimow, Michael.** Civil Penalties for Inaccurate and Delinquent Tax Returns. 23 UCLA L. Rev. 637 (1976). *See also*: Civil penalties, at 619 *in*: Davenport, Charles. Administrative Procedures of the Internal Revenue Service. *Infra* no. 132.

Recommendation 75-7. Internal Revenue Service Procedures: Civil Penalties. 41 Fed. Reg. 3984 (Jan. 27, 1976).

49. **Asimow, Michael.** Interim-Final Rules. 1994-1995 ACUS 477.

Recommendation 95-4. Procedures for Noncontroversial and Expedited Rulemaking. 60 Fed. Reg. 43,110 (Aug. 18, 1995).

50. **Asimow, Michael.** Interpretive Rules of General Applicability and Statements of General Policy. 4 ACUS 615 (1979). *Reprinted as* Public Participation in the Adoption of Interpretive Rules and Policy Statements *in* 75 Mich. L. Rev. 520 (1977).

Recommendation 76-5. Interpretive Rules of General Applicability and Statements of General Policy. 1 C.F.R. § 305.76-5 (1993). 41 Fed. Reg. 56,769 (Dec. 30, 1976).

- 51. **Asimow, Michael.** When the Curtain Falls: Separation of Functions in the Federal Administrative Agencies. 1981ACUS 141. *Reprinted in* 81 COLUM. L. REV. 759 (1981).
- 52. **Baram, Michael S.** Cost-Benefit Analysis: An Inadequate Basis for Health, Safety, and Environmental Regulatory Decision-making. 1979 ACUS 377. *Reprinted in* 8 Ecology L.Q. 473 (1980). *See also*: Regulation of Health, Safety and Environmental Quality and the Use of Cost-Benefit Analysis. Washington, D.C.: ACUS (1979).

Recommendation 79-4. Public Disclosure Concerning the Use of Cost-Benefit and Similar Analyses in Regulation. 1

C.F.R. § 305.79-4 (1992). 44 Fed. Reg. 38,826 (July 3, 1979), as amended at 44 Fed. Reg. 47,755 (Aug. 15, 1979).

53. **Baram, Michael S.** Risk Communication as a Regulatory Alternative for Protecting Health, Safety and the Environment. 1990 ACUS 207.

Recommendation 90-3. Use of Risk Communication by Regulatory Agencies in Protecting Health, Safety and the Environment. 1 C.F.R. § 305.90-3 (1993). 55 Fed. Reg. 34,212 (Aug. 22, 1990).

54. **Baxter, Lawrence G.** Life in the Administrative Track: Administrative Adjudication of Claims Against Savings Institution Receiverships. 1988 ACUS 409. *Reprinted in* 1988 DUKE L.J. 422.

Recommendation 88-8. Resolution of Claims Against Savings Receiverships. 1 C.F.R. § 305.88-8 (1993). 53 Fed Reg. 39,587 (Oct. 11, 1988), as amended at 57 Fed. Reg. 61,769 (Dec. 29, 1992). [The issues addressed in this recommendation were resolved by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, Pub. L. No. 101-73, 103 Stat. 183 (1989)].

55. **Baxter, Lawrence G.** Review of PCA Decisions. 1993 ACUS 109. *See also*: Administrative and Judicial Review of Prompt Corrective Action Decisions by The Federal Banking Regulators. 7 ADMIN. L.J. Am. U. 505 (1994).

Recommendation 93-2. Administrative and Judicial Review of Prompt Corrective Action Decisions by the Federal Banking Regulators. 58 Fed. Reg. 45,410 (Aug. 30, 1993).

56. **Bednar, Richard J.** Government Contracting Officers Should Make Greater Use of ADR Techniques in Resolving Contract Disputes. 1989 ACUS 149.

Recommendation 89-2. Contracting Officers' Management of Disputes. 1 C.F.R. § 305.89-2 (1993). 54 Fed Reg. 28,967 (July 10, 1989).

57. **Bennett, Robert W.** Broadcast Coverage of Administrative Proceedings. 2 ACUS 625 (1973). *Reprinted in* 67 NW. U. L. Rev. 528 (1972).

Recommendation 72-1 [Originally Recommendation no. 32]. Broadcast of Agency Proceedings. 1 C.F.R. § 305.72-1 (1993). 38 Fed. Reg. 19,791 (July 23, 1973).

- 58. **Berg, Richard K.** Administrative Conference of the United States: Report on the Seventh Plenary Session. 25 ADMIN. L. REV. 61 (1973). [Held June 8–9, 1972].
- 59. **Berg, Richard K.** Conflict-of-Interest Requirements for Members of Federal Advisory Committees. 1989 ACUS 205. *Reprinted as* Conflict of Interest Requirements for Members: The interaction between FACA, 18 U.S.C. §§ 201-219, and the Federal Personnel Statutes and Regulations *in* 37 FeD. BAR News & J. 396 (1990).

Recommendation 89-3. Conflict-of-Interest Requirements for Federal Advisory Committees. 1 C.F.R. § 305.89-3 (1993). 54 Fed. Reg. 28,969 (July 10, 1989).

- 60. **Berg, Richard K.** Insulation of Decision-Making at the Department of Transportation. *In* 2 U.S. Department of Transportation. CAB Sunset Seminar: Future Administration of the International Aviation Functions of the CAB: Proceedings of a Seminar Held at the National Academy of Sciences 111. Washington, D.C.: U.S. Gov't Printing Office, 1983.
- 61. **Berg, Richard K.** Legal and Structural Obstacles to the Use of Alternative Dispute Resolution for Claims for and against the Federal Government. Jan. 1988. *In* Administrative Conference of the U.S. (Office of the Chairman). Agency Arbitration. *Supra* no. 5.
- 62. **Berg, Richard K.** Re-examining Policy Procedures: The Choice Between Rulemaking and Adjudication. 38 ADMIN. L. REV. 149 (1986).
- 63. **Berg, Richard K.** Explanatory Memorandum in Support of Recommendation 74-1: Subpena Powers in Formal Agency Proceedings. 3 ACUS 408 (1975).

Recommendation 74-1. Subpena Power in Formal Rulemaking and Formal Adjudication. 1 C.F.R. § 305.74-1 (1993). 39 Fed. Reg. 23,041 (June 26, 1974).

- 64. **Berg, Richard K., & Stephen H. Klitzman.** An Interpretive Guide to the Government in the Sunshine Act. Washington, D.C.: U.S. Gov't Printing Office, 1978. *Reprinted in Jacob A. Stein, et al., Administrative Law, at App. 7G.* New York: Matthew Bender.
- 65. **Bermann, George A.** Administrative Handling of Monetary Claims: Tort Claims at the Agency Level. 1984 ACUS 639. *Revised and reprinted as* Federal Tort Claims at the Agency Level: The FTCA Administrative Process *in* 35 CASE W. Res. L. Rev. 509 (1984-85).

Recommendation 84-7. Administrative Settlement of Tort and Other Monetary Claims Against the Government. 1 C.F.R. § 305.84-7 (1995). 49 Fed. Reg. 49,840 (Dec. 24, 1984).

66. **Bermann, George A.** Regulatory Cooperation with Counterpart Agencies Abroad: The FAA's Aircraft Certification Experience. 1991 ACUS 63. *Reprinted in* 24 Law & Pol'y Int'l Bus. 669 (1993).

Recommendation 91-1. Federal Agency Cooperation with Foreign Government Regulators. 1 C.F.R. § 305.91-1 (1992). 56 Fed. Reg. 33,842 (July 24, 1991).

- 67. **Bermann, George A.** Regulatory Cooperation between the European Commission and U.S. Administrative Agencies. (Unpublished report, Oct. 1995). *Reprinted at* 9 ADMIN. L.J Am. U. 933 (1996).
- 68. **Bernard, Phyllis E.** Adjudicating Medicare Hospital Payment Disputes: Isn't There a Better Way? Unpublished draft report, Sept. 14, 1995. *Reprinted as* Empowering the Provider: A Better Way to Resolve Medicare Hospital Payment Disputes *in* 49 ADMIN L. REV. 269 (1997).
- 69. **Beytagh, Francis X., Jr.** Judicial Review in Selective Service Cases: Lessons from Vietnam. 2 ACUS 965 (1973). *Reprinted as* Judicial Review in Selective Service Cases—Lessons from Vietnam *in* 48 Notre dame L. Rev. 1164 (1973).

Recommendation 72-7. Preinduction Review of Selective Service Classification Orders and Related Procedural Matters. 2 ACUS 70 (1973). 1972–73 ACUS ANN. REP. 36.

70. **Bloch, Frank S.** Report and Recommendations on the Social Security Administration's Appeals Process. 1990 ACUS 307.

Recommendation 90-4. Social Security Disability Program Appeals Process: Supplementary Recommendation. 1 C.F.R. § 305.90-4 (1993). 55 Fed. Reg. 34,213 (Aug. 22, 1990).

71. **Bloch, Frank S.** The Use of Medical Personnel in Social Security Disability Determinations. *Published as* Disability Determination: The Administrative Process and the Role of Medical Personnel. Studies in Social Welfare Policies and Programs, No. 13. (Westport, CT: Greenwood Press, 1992).

Recommendation 89-10. Improved Use of Medical Personnel in Social Security Disability Determinations. 1 C.F.R. § 305.89-10 (1993). 54 Fed. Reg. 53,496 (Dec. 29, 1989), corrected at 55 Fed. Reg. 1665 (Jan. 18, 1990).

72. **Bonfield, Arthur E.** Military and Foreign Affairs Function Rule-making Under the APA. 3 ACUS 226 (1975). *Reprinted in* 71 MICH. L. REV. 221 (1972).

Recommendation 73-5. Elimination of the "Military or Foreign Affairs function" Exemption From APA Rulemaking Requirements. 1 C.F.R. § 305.73-5 (1993). 39 Fed. Reg. 4847 (Feb. 7, 1974).

73. **Bonfield, Arthur E.** Report of the Committee on Rulemaking in Support of Recommendation No. 16. 1 ACUS 306 (1971). *See also*: Public Participation in Federal Rulemaking Relating to Public Property, Loans, Grants, Benefits, or Contracts, 118 U. PA. L. REV. 540 (1970).

Recommendation 69-8 [Originally Recommendation No. 16]. Elimination of Certain Exemptions From the APA Rulemaking Requirements. 1 C.F.R. § 305.69-8 (1993). 38 Fed. Reg. 19,784 (July 23, 1973).

74. **Bonfield, Arthur E.** Report of the Committee on Rulemaking in Support of Recommendation No. 5. 1 ACUS 79 (1971). *Reprinted as* Representation for the Poor in Federal Rulemaking *in* 67 MICH. L. REV. 511 (1969).

Recommendation 68-5 [Originally Recommendation no. 5]. Representation of the Poor in Agency Rulemaking of Direct Consequence to Them. 1 C.F.R. § 305.68-5 (1993). 38 Fed. Reg. 19,782 (July 23, 1973).

- 75. **Bonfield, Arthur E.** Some Tentative Thoughts on Public Participation in the Making of Interpretive Rules and General Statements on Policy Under the A.P.A. 23 ADMIN. L. REV. 101 (1971).
- 76. **Bonine, John E.** Public-Interest Fee Waivers under the Freedom of Information Act. 1981 ACUS 19. *Reprinted at* 1981 DUKE L.J. 213.

Recommendation 81-1. Procedures for Assessing and Collecting Freedom of Information Act Fees. 1 C.F.R. § 305.81-1 (1988). 46 Fed. Reg. 62,805 (Dec. 29, 1981). [This recommendation has been largely implemented by Freedom of Information Reform Act of 1986, Pub. L. No. 99-570 § 1801, 100 Stat. 3207-48.

- 77. **Botein, Michael.** Primary Jurisdiction: The Need for Better Court/Agency Interaction. 29 RUTGERS L. REV. 867 (1976).
- 78. **Bowers, Michael W.** The Expansion of User Fees to Finance Government Programs: An Area to Watch. 34 FED. B. NEWS & J. 21 (1987).
- 79. **Bowers, Michael W.** A Review of the Development of Law on Informal Rulemaking Procedure: Report to the Committee on Rulemaking. 1982. [Unpublished].
 - Statement 7. Views of the Administrative Conference on Proposals Pending in Congress to Amend the Informal Rulemaking Provisions of the Administrative Procedure Act. 1 C.F.R. § 310.7 (1993). 47 Fed. Reg. 30,715 (July 15, 1982)
- 80. **Boyer, Barry B.** Alternatives to Administrative Trial-Type Hearings for Resolving Complex Scientific, Economic, and Social Issues. 71 Mich. L. Rev. 111 (1972).
- 81. **Boyer, Barry B.** Expense-Reimbursing Public Participants in Administrative Rulemaking: The Federal Trade Commission Experience. 1979 ACUS 437. *Reprinted as* Funding Public Participation in

Agency Proceedings: The Federal Trade Commission Experience *in* 70 GEO. L.J. 51 (1981).

Recommendation 79-5. Hybrid Rulemaking Procedures of the Federal Trade Commission—Administration of the Program to Reimburse Participants' Expenses. 1 C.F.R. § 305.79-5 (1988). 45 Fed. Reg. 2307 (Jan. 11, 1980).

82. **Boyer, Barry B.** Phase II Report on the Trade Regulation Rulemaking Procedures of the Federal Trade Commission. 1980 ACUS 33. *See also*: Compensating Public Participants in Administrative Rulemaking: The Federal Trade Commission Experience (Part 2). 1980 ACUS 165.

Recommendation 80-1. Trade Regulation Rulemaking Under the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act. 1 C.F.R. § 305.80-1 (1988). 45 Fed. Reg. 46,772 (July 11, 1980).

83. **Boyer, Barry B.** A Report to the Administrative Conference of the U.S. by the Special Project for the Study of Rulemaking Procedures under the Magnuson-Moss Warranty: Federal Trade Commission Act. May 1979. *Published as* Executive Summary of Barry B. Boyer Report: Trade Regulation Rulemaking Procedures of the Federal Trade Commission. 1979 ACUS 41. *See also*: Bliss C. Cartwright & Barry B. Boyer, *Mobilizing Friends and Foes in Administrative Proceedings*, 6 LAW & POL'Y 451 (1984).

Recommendation 79-1. Hybrid Rulemaking Procedures of the Federal Trade Commission. 1 C.F.R. § 305.79-1 (1988). 44 Fed. Reg. 38,817 (July 3, 1979).

84. **Boyer, Barry B., & Errol Meidinger.** Privatizing Regulatory Enforcement: A Preliminary Assessment of Citizen Suits Under Federal Environmental Laws. 1985 ACUS 365. *Revised and reprinted in* 34 Buffalo L. Rev. 833 (1986).

Recommendation 85-3. Coordination of Public and Private Enforcement of Environmental Laws. 1 C.F.R. § 305.85-3 (1993). 50 Fed. Reg. 28,366 (July 12, 1985).

85. **Breger, Marshall J.** The Administrative Conference of the United States: A Quarter Century Perspective. 53 U. PITT L. REV. 813 (1992).

- 86. **Breger, Marshall J.** The Administrative Procedure Act After Forty Years. 33 Feb. B. News & J. 297 (1986).
- 87. **Breger, Marshall J.** The APA: An Administrative Conference Perspective. 72 VA. L. REV. 337 (1986).
- 88. **Breger, Marshall J.** Amendments to Procedure Act Encourage Agencies to Use ADR. Nat'l L.J., Mar. 4, 1991, at 22.
- 89. **Breger, Marshall J.** Another View of Administrative Rulemaking in the 1990s. The Champion, Nov. 1991, at 27.
- 90. **Breger, Marshall. J.** Comments on Bernard Schwartz' Essay. 5 Admin. L.J. 347 (1991). [Commenting on Bernard Schwartz, Recent Administrative Law Issues and Trends, 3 Admin. L.J. 543 (1990)].
- 91. **Breger, Marshall J.** Alternative Dispute Resolution: Good for the Government?: Bad for the Private Bar? 6 Admin. L.J. Am. U. 53 (1992). [Comments at the Third Annual Robert C. Byrd Conference on the Administrative Process, held June 21, 1991].
- 92. **Breger, Marshall J.** A Conservative's Comments on Edley and Sunstein. 1991 DUKE L.J. 671. [Commenting on two articles published in the same issue: Christopher Edley, Jr., The Governance Crisis, Legal Theory, and Political Ideology, 1991 DUKE L.J. 561, and Cass R. Sunstein, Administrative Substance, 1991 DUKE L.J. 607].
- 93. **Breger, Marshall J.** Defining Administrative Law. 60 GEO. WASH. L. REV. 268 (1991). [Reviewing Peter L. Strauss, An Introduction to Administrative Justice in the United States, (Durham, N.C.: Carolina Academic Press 1989)].
- 94. **Breger, Marshall J.** Lawyers Must Lead the Way. NAT'L L.J., Nov. 18, 1991, at 15.
- 95. **Breger, Marshall J.** Pro Bono Representation and the Government Lawyer. 6 Wash. Law., Nov./Dec. 1991, at 19.
- 96. **Breger, Marshall J.** "Races to Courthouse" Exasperate Judges, Waste Litigants' Time. LEGAL TIMES, July 20, 1987, at 17.
- 97. **Breger, Marshall J.** Realizing the Potential of Arbitration in Federal Agency Dispute Resolution. 43 ARB. J., June 1991, at 35.

- 98. **Breger, Marshall J.** Thoughts on Accountability and the Administrative Process. 39 ADMIN. L. REV. 399 (1987).
- 99. **Broderick, Albert.** Justice in the Books or Justice in Action—An Institutional Approach to Involuntary Hospitalization for Mental Illness. 20 Cath. U. L. Rev. 547 (1971).
- 100. **Bruff, Harold H.** The Constitutionality of Arbitration in Federal Programs. 1987 ACUS 533. *Reprinted at App.* 33C *in Jacob A. Stein, et al. Administrative Law. New York: Matthew Bender. See also: Public Programs Private Deciders: The Constitutionality of Arbitration in Federal Programs, 67 Tex. L. Rev. 441 (1989), <i>reprinted in Administrative Conference of the U.S.* (Office of the Chairman), Agency Arbitration: Constitutional and Statutory Issues 7 (Studies in Administrative Law and Procedure, 88-1), Washington, D.C.: U.S. Gov't Printing Office, 1988.

Recommendation 87-5. Arbitration in Federal Programs. 1 C.F.R. § 305.87-5 (1993). 52 Fed. Reg. 23,635 (June 24, 1987).

101. **Bruff, Harold H.** Presidential Exemption from Mandatory Retirement of Members of the Independent Regulatory Commissions. 4 ACUS 395 (1979). *Reprinted in* 1976 DUKE L.J. 249.

Recommendation 76-1. Exception From Mandatory Retirement for Certain Presidential Appointees. 41 Fed. Reg. 29,653 (July 19, 1976) and 41 Fed. Reg. 30,319 (July 23, 1976). [Note: This recommendation has become moot as a result of Age Discrimination in Employment Act Amendments of 1978 Pub. L. No. 95-256, § 5, 92 Stat. 189, 191.].

102. **Bruff, Harold H.** Presidential Management of Agency Rulemaking. 1988 ACUS 527. *Reprinted in* 57 GEO. WASH. L. REV. 533 (1989).

Recommendation 88-9. Presidential Review of Agency Rulemaking. 1 C.F.R. § 305.88-9 (1993). 54 Fed. Reg. 5207 (Feb. 2, 1989).

103. **Bruff, Harold H.** Specialized Courts in Administrative Law. 1991 ACUS 863. *Reprinted in* 43 ADMIN. L. REV. 329 (1991).

Recommendation 91-9. Specialized Review of Administrative Action. 56 Fed. Reg. 67,143 (Dec. 30, 1991).

104. **Cappalli, Richard B.** Model for Case Management: The Grant Appeals Board. 1986 ACUS 663.

Recommendation 86-7. Case Management as a Tool for Improving Agency Adjudication. 1 C.F.R. § 305.86-7 (1993). 51 Fed. Reg. 46,989 (Dec. 30, 1986).

105. **Cardozo, Michael H.** Federal Advisory Committee Act in Operation. 1980 ACUS 313. 33 ADMIN. L. REV. 1 (1981).

Recommendation 80-3. Interpretation and Implementation of the Federal Advisory Committee Act. 1 C.F.R. § 305.80-3 (1993). 45 Fed. Reg. 46,775 (July 11, 1980).

- 106. Carrow, Milton M., & J. Daniel Nyhart, eds. Law and Science in Collaboration: Resolving Regulatory Issues of Science and Technology. (Lexington, MA: D.C. Heath, 1983).
- 107. **Cass, Ronald A.** Agency Review of Administrative Law Judges' Decisions. 1983 ACUS 115. *See also*: Allocation of Authority within Bureaucracies: Empirical Evidence and Normative Analysis. 66 B.U. L. Rev. 1 (1986).

Recommendation 83-3. Agency Structures for Review of Decisions of Presiding Officers Under the Administrative Procedure Act. 1 C.F.R. § 305.83-3 (1993). 48 Fed. Reg. 57,461 (Dec. 30, 1983).

- 108. **Cass, Ronald A.** The Discretionary Function Exception to the Federal Tort Claims Act. 1987 ACUS 1503.
- 109. **Chambers, Reid P.** Conflicts of Interest in the Administration of Federal Trust Responsibility. 2 ACUS 659 (1973).

Recommendation 72-2 [Originally Recommendation no. 33]. Conflict-of-Interest Problems in Dealing with Natural Resources of Indian Tribes. 2 ACUS 57 (1972). 1971-72 ACUS ANN. REP. 79.

110. **Chambers, Reid P., & Monroe E. Price.** Regulating Sovereignty: Secretarial Discretion and the Leasing of Indian Lands. 26 STAN. L. Rev. 1061 (1974).

111. **Clagett, Brice McAdoo.** Informal Action, Adjudication, Rule Making: Some Recent Developments in Federal Administrative Law. 2 ACUS 175 (1973). 1971 DUKE L.J. 51.

Recommendation 71-3 [Originally Recommendation no. 25]. Articulation of Agency Policies. 1 C.F.R. § 305.71-3 (1993). 38 Fed. Reg. 19,788 (July 23, 1973).

- 112. **Council of Independent Regulatory Agencies.** Regulatory Relief at the Independent Regulatory Agencies. Washington, D.C.: Administrative Conference of the U.S., Office of the Chairman. November 1982.
- 113. **Cox, Michael P.** The Feasibility and Practicability of Establishing a Center of State Administrative Law. 39 ADMIN. L. REV. 205 (1987).
- 114. **Cox, Michael P.** Regulation of Attorneys Practicing before Federal Agencies. 1982 ACUS 491 (Vol. 2). 34 Case W. Res. L. Rev. 173 (1984).

Statement 8. Statement of the Administrative Conference on Discipline of Attorneys Practicing Before Federal Agencies. 1 C.F.R. § 310.8 (1993). 47 Fed. Reg. 58,210 (Dec. 30, 1982).

- 115. **Cramton, Roger C.** Causes and Cures of Administrative Delay. 58 A.B.A. J. 937 (1972).
- 116. **Cramton, Roger C.** A Comment on Trial-Type Hearings in Nuclear Power Plant Siting. 58 VA. L. Rev. 585 (1972).
- 117. **Cramton, Roger C.** A Federal Ombudsman. 1972 DUKE L.J. 1.
- 118. **Cramton, Roger C.** Elimination of Jurisdictional Amount Requirement in Judicial Review. Report of the Committee on Judicial Review in Support of Recommendation No. 7. 1 ACUS 170 (1971). *Revision*: Nonstatutory Review of Federal Administrative Action: The Need for Statutory Reform of Sovereign Immunity, Subject Matter Jurisdiction, and Parties Defendant. 68 MICH. L. REV. 387, 436 (1970).

Recommendation 68-7 [Originally Recommendation no. 7]. Elimination of Jurisdictional Amount Requirement in Judi-

cial Review. 1 ACUS 22 (1971). 1969 ACUS Ann. Rep. 39. [Note: This recommendation has been implemented by Pub. L. No. 94-574, 90 Stat. 2721 (1976)].

119. **Cramton, Roger C.** The Need for Reform of the Law of Parties Defendant in Nonstatutory Review of Federal Administrative Action. Report of the Committee on Judicial Review in Support of Recommendation No. 18. 1 ACUS 417 (1971). *Revision*: Nonstatutory Review of Federal Administrative Action: The Need for Statutory Reform of Sovereign Immunity, Subject Matter Jurisdiction, and Parties Defendant. 68 MICH. L. REV. 387, 449 (1970).

Recommendation 70-1 [Originally Recommendation no. 18]. Parties Defendant. 1 ACUS 32 (1971). [Note: This recommendation has been implemented by Pub. L. No. 94-574, 90 Stat. 2721 (1976)].

120. **Cramton, Roger C.** Statutory Reform of the Sovereign Immunity Doctrine. Report of the Committee on Judicial Review in Support of Recommendation No. 9. 1 ACUS 191 (1971). *Revision*: Nonstatutory Review of Federal Administrative Action: The Need for Statutory Reform of Sovereign Immunity, Subject Matter Jurisdiction, and Parties Defendant. 68 MICH. L. REV. 387, 396 (1970).

Recommendation 69-1 [Originally Recommendation no. 9]. Statutory Reform of the Sovereign Immunity Doctrine. 1 ACUS 23 (1971). [Note: This recommendation has been implemented by Pub. L. No. 94-574].

- 121. **Cramton, Roger C.** A Title Change for Federal Hearing Examiners? "A Rose by Any Other NameFalse" 40 Geo. Wash. L. Rev. 918 (1972).
- 122. **Cramton, Roger C.** The Why, Where, and How of Broadened Public Participation in the Administrative Process.2 ACUS 422 (1973). 60 GEO. LJ. 525 (1972).

Recommendation 71-6 [Originally Recommendation no. 28]. Public Participation in Administrative Hearings. 1 C.F.R. § 305.71-6 (1993). 38 Fed. Reg. 19,789 (July 23, 1973).

123. **Cramton, Roger C., & Richard K. Berg.** Enforcing the National Environmental Policy Act in Federal Agencies. PRAC. LAW., May 1972, at 72.

- 124. **Cramton, Roger C., & Richard K. Berg.** On Leading a Horse to Water: NEPA and the Federal Bureaucracy. 71 Mich. L. Rev. 511 (1973).
- 125. **Cramton, Roger C., and Barry B. Boyer.** Citizens Suits in the Environmental Field: Peril or Promise? 2 Ecology L.Q. 407 (1972). *Reprinted as* Citizens Suits in the Environmental Field—Peril or Promise? *in* 25 Admin. L. Rev. 147 (1973).
- 126. **Croley, Steven P.** Practical Guidance on the Applicability of the Federal Advisory Committee Act: A Report for the Department of Labor. (Washington, D.C.: ACUS, 1995). *Reprinted as* Practical Guidance on the Applicability of the Federal Advisory Committee Act *in* 10 ADMIN. L.J. Am. U. 111 (1996).
- 127. **Croley, Steven P. & William F. Funk.** The Federal Advisory Committee Act and Good Government. Draft report, Sept. 15, 1995. *Later published in* 14 YALE J. ON REG. 451 (1997).
- 128. Crowell, Eldon H., & Charles Pou, Jr. Appealing Government Contract Decisions: Reducing the Cost and Delay of Procurement Litigation. 1987 ACUS 1139. 49 MD. L. REV. 183 (1990).

Recommendation 87-11. Alternatives for Resolving Government Contract Disputes. 1 C.F.R. § 305.87-11 (1993). 52 Fed. Reg. 49,148 (Dec. 30, 1987).

129. **Currie, David P.** Judicial Review under the Clean Air Act and Federal Water Pollution Control Act. 4 ACUS 555 (1979). *See also*: Judicial Review under Federal Pollution Laws. 62 Iowa L. Rev. 1221 (1977).

Recommendation 76-4. Judicial Review Under the Clean Air Act and Federal Water Pollution Control Act. 1 C.F.R. § 305.76-4 (1988). 41 Fed. Reg. 56,767 (Dec. 30, 1976).

130. **Currie, David P., & Frank I. Goodman.** Judicial Review of Federal Administrative Action: Quest for the Optimum Forum. 4 ACUS 197 (1979). 75 COLUM. L. REV. 1 (1975).

Recommendation 75-3. The Choice of Forum for Judicial Review of Administrative Action. 1 C.F.R. § 305.75-3 (1993). 40 Fed. Reg. 27,926 (July 2, 1975).

- 131. **Daniel, Johnnie.** Assessment of the Mediation Program of the U.S. District Court for the District of Columbia. (ACUS, April 1995).
- 132. **Davenport, Charles.** Report on Administrative Procedures of the Internal Revenue Service. S. Doc. 94-266. (1975). *See also*: Summary of Report in Support of Recommendations 75-10: Administrative Procedures of the Internal Revenue Service. 4 ACUS 317 (1979). *See also* IRS Taxpayer Service Program: Hearings Before the Subcomm. on Oversight of the H. Comm. on Ways and Means. 95th Cong. 272 (1978) (Summary and Recommendations on Administrative Procedures of the Internal Revenue Service prepared for the Administrative Conference).

Recommendation 75-5. The Audit and Settlement Processes. 41 Fed. Reg. 3982 (Jan. 27, 1976).

Recommendation 75-6. Collection of Delinquent Taxes. 41 Fed. Reg. 3982 (Jan. 27, 1976).

Recommendation 75-7. Civil Penalties. 41 Fed. Reg. 3984 (Jan. 27, 1976).

Recommendation 75-8. Tax Return Confidentiality. 41 Fed. Reg. 3985 (Jan. 27, 1976) as amended at 41 Fed. Reg. 29,655 (July 19, 1976).

Recommendation 75-9. Taxpayer Services and Complaints. 41 Fed. Reg. 3986 (Jan. 27, 1976).

Recommendation 75-10. The IRS Summons Power. 41 Fed. Reg. 3987 (Jan. 27, 1976).

- 133. **Davis, Frederick.** Judicial Review of Rulemaking: New Patterns and New Problems. 1981 Duke L.J. 279 (1981).
- 134. **DeLong, James V.** Benzene Exposes Workers to Unresolved Issues. Legal Times, Sept. 8, 1980, at 40.
- 135. **DeLong, James V.** Informal Rulemaking and the Integration of Law and Policy. 65 VA. L. Rev. 257 (1979).

- 136. **DeLong, James V.** Models of Regulation. 80 Mich. L. Rev. 885 (1982). [Reviewing The Politics of Regulation (James Q. Wilson ed., 1980)].
- 137. **DeLong, James V.** The Role, if any, of Economic Analysis in Antitrust Litigation. 12 SW. U. L. Rev. 298 (1981).
- 138. **Diver, Colin S.** Agency Articulation of Policy. 1983 ACUS 387. *Also*: The Optimal Precision of Administrative Rules. 93 YALE L.J. 65 (1983).
 - Statement 9. Statement on Guidelines for Choosing the Appropriate Level of Agency Policy Articulation. 1 C.F.R. § 310.9 (1993). 48 Fed. Red. 31,181 (July 7, 1983).
- 139. **Diver, Colin S.** The Assessment and Mitigation of Civil Money Penalties by Federal Administrative Agencies. 1979 ACUS 203. *Abridged*: 79 COLUM. L. REV. 1435 (1979).
 - Recommendation 79-3. Agency Assessment and Mitigation of Civil Money Penalties. 1 C.F.R. § 305.79-3 (1993). 44 Fed. Red. 38,824 (July 3, 1979).
- 140. **Dixon, Robert G., Jr.** Social Security Disability and Mass Justice: A Problem in Welfare Adjudication. (New York: Praeger Publishers, 1973).
- 141. **Dixon, Robert G., Jr.** The Welfare State and Mass Justice: A Warning from the Social Security Disability Program. 1972 DUKE L.J. 681.
- 142. **Edles, Gary J.** The Administrative Conference: Entering a Third Decade of Practical Scholarship. 41 Admin. L. Rev. 399 (1989).
- 143. **Edles, Gary J.** Has *Steelworkers* Burst *Chevron's* Bubble? Some Practical Implications of Judicial Deference. 10 Rev. Litig. 695 (1991).
- 144. **Edles, Gary J.** In Defense of a Micro Agency: A Look at the Administrative Conference of the United States. The Pub. L. Winter 1995, at 18.

- 145. **Edles, Gary J., & Michael Bowers.** Are They More Virtuous Today? Focus on Government Ethics. 37 Fed. Bar News & J. 378 (1990).
- 146. **Ellis, Emory N., Jr.** Report in Support of Discretionary Review of Decisions of Presiding Officers. 1 ACUS 155 (1971).

Recommendation 68-6 [Originally Recommendation no. 6]. Delegation of Final Decisional Authority Subject to Discretionary Review by the Agency. 1 C.F.R. § 305.68-6 (1993). 38 Fed. Reg. 19,783 (July 23, 1973).

- 147. Estreicher, Samuel, & Richard L. Revesz. Nonacquiescence by Federal Administrative Agencies. 98 Yale L.J. 679 (1989).
- 148. **Fallon, Richard H., Jr.** Imposing Civil Money Penalties for Violations of Federal Aviation Regulations: Implementing a Fair and Effective System. 1990 ACUS 43. *Also*: Enforcing Aviation Safety Regulations: A Case for the Split-Enforcement Model of Agency Adjudication. 4 ADMIN. L.J. Am. U. 389 (1991).

Recommendation 90-1. Civil Money Penalties for Federal Aviation Violations. 1 C.F.R. § 305.90-1 (1993). 55 Fed. Reg. 34,209 (Aug. 22, 1990).

149. **Farrell, Margaret G.** The Social Security Administration's Representative Payee Program: Problems in Administrative Paternalism. 1991 ACUS 263. *Also*: Administrative Paternalism: Social Security's Representative Payment Program and Two Models of Justice. 14 Cardozo L. Rev. 283 (1992). *Also*: Doing Unto Others: A Proposal for Participatory Justice in Social Security's Representative Payment Program. 53 U. Pitt. L. Rev. 883 (1992). *Also*: Improving the Social Security Representative Payee Program—Recommendations of the Administrative Conference of the United States. 16 Mental & Physical Disability L. Rep. 232 (1992).

Recommendation 91-3. The Social Security Representative Payee Program. 1 C.F.R. § 305.91-3 (1993). 56 Fed. Reg. 33,847 (July 24, 1991).

150. **Fenton, Howard N., III.** Decisionmaking by the Foreign-Trade Zones Board and Judicial Review of Board. (Washington, D.C.: ACUS 1994). *Reprinted as* A New Era For Administration and

Judicial Review of Foreign Trade Zones Board Decisions in 4 MINN. J. GLOBAL TRADE 223 (1995).

151. **Fenton, Howard N., III.** Recommendations for Injecting Needed Openness and Due Process Reforms into United States Export Controls Procedures. 1991 ACUS 173. *Also*: Reforming the Procedures of the Export Administration Act: A Call for Openness and Administrative Due Process. 27 Tex. Int'l L.J. 1 (1992).

Recommendation 91-2. Fair Administrative Procedure and Judicial Review in Commerce Department Export Control Proceedings. 1 C.F.R. § 305.91-2 (1993). 56 Fed. Reg. 33,844 (July 24, 1991).

152. **Fidell, Eugene R.** Federal Protection of Private Sector Health and Safety Whistleblowers. 1987 ACUS 219. 2 ADMIN. L.J. Am. U. 1 (1988). 134 CONG. REC. 2341 (1988).

Recommendation 87-2. Federal Protection of Private Sector Health and Safety Whistleblowers. 1 C.F.R. § 305.87-2 (1993). 52 Fed. Reg. 23,631 (June 24, 1987).

153. **Freedman, James O.** Report of the Committee on Agency Organization and Procedure in Support of Intermediate Appellate Boards. 1 ACUS 125 (1971).

Recommendation 68-6. Delegation of Final Decisional Authority Subject to Discretionary Review by the Agency. 1 C.F.R. § 305.68-6 (1993). 38 Fed. Reg. 19,783 (July 23, 1973).

- 154. **Freedman, James O.** Summary Action by Administrative Agencies. 40 U. Chi. L. Rev. 1 (1972).
- 155. **Frye, John H., III.** Survey of Non-ALJ Hearing Programs in the Federal Government. 44 ADMIN. L. REV. 261 (1992).
- 156. **Funk, William F.** Close Enough for Government Work?: Using Informal Procedures for Imposing Administrative Penalties. 1993 ACUS 43. 24 SETON HALL L. REV. 1 (1993).

Recommendation 93-1. Use of APA Formal Procedures in Civil Money Penalty Proceedings. 58 Fed. Reg. 45,409 (Aug. 30, 1993).

- 157. **Funk, William F.** The Paperwork Reduction Act: Paperwork Reduction Meets Administrative Law. 24 HARV. J. ON LEGIS. 1 (1987).
- 158. **Gardner, Warner W.** The Administrative Conference of the United States. Annals Am. Acad. Pol. & Soc. Sci., Mar. 1972, at 36.
- 159. **Gardner, Warner W.** The Procedures by Which Informal Action is Taken. 24 Admin. L. Rev. 155 (1972).
- 160. **Gellhorn, Ernest.** Adverse Publicity by Administrative Agencies. 3 ACUS 67 (1975). 86 HARV. L. REV. 1380 (1973).

Recommendation 73-1. Adverse Agency Publicity. 1 C.F.R. § 305.73-1 (1993). 38 Fed. Reg. 16,839 (June 27, 1973).

161. **Gellhorn, Ernest.** Public Participation in Administrative Proceedings. 2 ACUS 376 (1973). 81 YALE L.J. 359 (1972).

Recommendation 71-6 [Originally Recommendation no. 28]. Public Participation in Administrative Hearings. 1 C.F.R. § 305.71-6 (1993). 38 Fed. Reg. 19,789 (July 23, 1973).

162. **Gellhorn, Ernest, & Harold H. Bruff.** Congressional Control of Administrative Regulation: A Study of Legislative Vetoes. 4 ACUS 679 (1979). 90 HARV. L. REV. 1369 (1977).

Recommendation 77-l: "Legislative Veto of Administrative Regulations." 1 C.F.R. § 305.77-1 (1988). 42 Fed. Reg. 54,251 (Oct. 5, 1977), as amended at 54 Fed. Reg. 6861 (Feb. 15, 1989). [Note: This recommendation has become moot as a result of the U. S. Supreme Court decision, *INS v. Chadha*, 462 U.S. 919 (1983)].

163. **Gellhorn, Ernest, & Paul B. Larsen.** Interlocutory Appeal Procedures in Administrative Hearings. 2 ACUS 81 (1973). 70 MICH. L. REV. 109 (1971).

Recommendation 71-1 [Originally Recommendation no. 23]. Interlocutory Appeal Procedures. 1 C.F.R. § 305.71-1 (1993). 38 Fed. Reg. 19,787 (July 23, 1973).

164. **Gellhorn, Ernest, & William F. Robinson, Jr.** Summary Judgment in Administrative Adjudication: Report of the Committee on Agency Organization and Procedure in Support of Recommendation No. 20. 1 ACUS 545 (1971). 84 HARV. L. REV. 612 (1971).

Recommendation 70-3 [Originally Recommendation no. 20]. Summary Decision in Agency Adjudication. 1 C.F.R. § 305.70-3 (1993). 38 Fed. Reg. 19,785 (July 23, 1973).

165. **Gerhart, Peter M.** Judicial Review of Customs Service Actions. 4 ACUS 751 (1979). 9 Law & Pol'y Int'l Bus. 1101 (1978).

Recommendation 77-2: Judicial Review of Customs Service Actions. 1 C.F.R. § 305.77-2 (1980) 42 Fed. Reg. 54,251 (Oct. 5, 1977).

166. **Giannella, Donald A.** Agency Procedures Implementing the Freedom of Information Act: A Proposal for Uniform Regulations. 2 ACUS 119 (1973). 23 ADMIN. L. REV. 217 (1971).

Recommendation 71-2 [Originally Recommendation no. 24]. Principles and Guidelines for Implementation of the Freedom of Information Act. 2 ACUS 18 (1973). 1970-71 ACUS Ann. Rep. 51. 1 C.F.R. § 305.71-2 (1975). 38 Fed. Reg. 19,787 (July 23, 1973). [Note: This recommendation has been largely implemented by the Freedom of Information Act Amendments of 1974, Pub. L. No. 93-502, 88 Stat. 1561].

- 167. **Gifford, Daniel J.** Remission and Mitigation of Forfeitures in the Justice Department. 1 ACUS 697 (1971).
- 168. **Gilhooley, Margaret.** The Availability of Decisions and Precedents in Agency Adjudications: The Impact of Freedom of Information Act Publication Requirements. 1989 ACUS 545. 3 ADMIN. L.J. Am. U. 53 (1989).

Recommendation 89-8. Agency Practices and Procedures for the Indexing and Public Availability of Adjudicatory Decisions. 1 C.F.R. § 305.89-8 (1993). 54 Fed. Reg. 53,495 (Dec. 29, 1989).

169. **Gilhooley, Margaret.** Standards and Procedures for the Discretionary Distribution of Federal Assistance. 3 ACUS 422 (1975).

Recommendation 74-2. Procedures for Discretionary Distribution of Federal Assistance. 1 C.F.R. § 305.74-2 (1993). 39 Fed. Reg. 23,041 (June 26, 1974). [Note: One separate statement was filed concerning this recommendation].

170. **Gillette, Clayton P., & Thomas D. Hopkins.** Federal Agency Valuations of Human Life. 1988 ACUS 367.

Recommendation 88-7. Valuation of Human Life in Regulatory Decisionmaking. 1 C.F.R. § 305.88-7 (1993). 53 Fed. Reg. 39,586 (Oct. 11, 1988).

171. **Gillette, Clayton P., & Thomas D. Hopkins.** Federal User Fees. 1987 ACUS 451. *Also*: Federal User Fees: A Legal and Economic Analysis. 67 B.U. L. Rev. 795 (1987).

Recommendation 87-4. User Fees. 1 C.F.R. § 305.87-4 (1993). 52 Fed. Reg. 23,634 (June 24, 1987).

172. **Goldschmid, Harvey J.** An Evaluation of the Present and Potential Use of Civil Money Penalties as a Sanction by Federal Administrative Agencies. 2 ACUS 896 (1973).

Recommendation 72-6. Civil Money Penalties as a Sanction. 1 C.F.R. § 305.72-6 (1993). 38 Fed. Reg. 19,792 (July 23, 1973).

173. **Grad, Frank P.** Contractual Indemnification of Government Contractors. 1988 ACUS 103. 4 ADMIN. L.J. Am. U. 433 (1991).

Recommendation 88-2. Federal Government Indemnification of Government Contractors. 1 C.F.R. § 305.88-2 (1993). 53 Fed. Reg. 26,027 (July 11, 1988). 53 Fed. Reg. 39,588 (Oct. 11, 1988).

- 174. **Graham, Heather G.** New Effort Focuses on Role of Contracting Officer in Deciding Disputes. J. Cont. Mgmt., August 1988, at 14.
- 175. **Grassley, Sen. Charles E., & Charles Pou, Jr.** Congress, the Executive Branch, and the Dispute Resolution Process, 1992 J. DISP. RESOL.

- 176. **Griffin, Brian C., & Gary J. Edles**. An Alternate Look at the Administrative Conference's Recommendations on the Administrative Judiciary. Judges J., Fall 1993, at 38.
- 177. **Grunewald, Mark H.** Administrative Mechanisms for Resolving Freedom of Information Act Disputes. 1987 ACUS 1341. 40 ADMIN. L. Rev. 1 (1988). *Also*: Portions *reprinted* at Apps. 7E, 7F *in* Stein, Jacob A., et al. Administrative Law. (New York: Matthew Bender, 1977). *Also*: FOIA: Alternative Dispute Resolution Proposals: Hearings Before a Subcomm. of the H. Comm. on Gov't Operations. 100th Cong. 231446, 44748 (1987) (statement of the Administrative Conference of the United States).
 - Statement 12. Statement on Resolution of Freedom of Information Act Disputes. 1 C.F.R. § 310.12 (1993). 52 Fed. Reg. 23,636 (June 24, 1987).
- 178. **Grunewald, Mark H.** The Freedom of Information Act and Confidentiality under the Administrative Dispute Resolution Act. 1994-1995 ACUS 557. 9 ADMIN. L.J. Am. U. 985 (1996).
 - Recommendation 95-6. ADR Confidentiality and the Freedom of Information Act. 60 Fed. Reg. 43,115 (Aug. 18, 1995).
- 179. **Grunewald, Mark H.** The Labor Board's First Rulemaking: An Experience in Pragmatism. 1991 ACUS 529. *Also*: The NLRB's First Rulemaking: An Exercise in Pragmatism. 1991 DUKE L.J. 274.
 - Recommendation 91-5. Facilitating the Use of Rulemaking by the National Labor Relations Board. 1 C.F.R. § 305.91-5 (1993). 56 Fed. Reg. 33,851 (July 24, 1991).
- 180. **Grunschlag, Dov M.** Administering Federal Programs of Production Adjustment. 49 AGRIC. HIST. 131 (1975).
- 181. **Halloran, Norbert A.** Federal Agency Hearings: A Proposed Caseload Accounting System. (Washington, D.C.: ACUS, 1974).
- 182. **Hamilton, Robert W.** Procedures for the Adoption of Rules of General Applicability: The Need for Procedural Innovation in Administrative Rulemaking. 2 ACUS 834 (1973). 60 CALIF. L. REV. 1276 (1972).

Recommendation 72-5. Procedures for the Adoption of Rules of General Applicability. 1 C.F.R. § 305.72-5 (1993). 38 Fed. Reg. 19,792 (July 23, 1973).

183. **Hamilton, Robert W.** Role of Nongovernmental Standards in the Development of Mandatory Federal Standards Affecting Safety or Health. 1978 ACUS 247. 56 Tex. L. Rev. 1329 (1978).

Recommendation 78-4. Federal Agency Interaction with Private Standard-Setting Organizations in Health and Safety Regulation. 1 C.F.R. § 305.78-4 (1993). 44 Fed. Reg. 1357 (Jan. 5, 1979).

184. **Hamilton, Robert W.** Rulemaking on a Record by the Food and Drug Administration. 2 ACUS 448 (1973). 50 Tex. L. Rev. 1132 (1972).

Recommendation 71-7 [Originally Recommendation no. 29]. Rulemaking on a Record by the Food and Drug Administration. 2 ACUS 42 (1973). 1971-72 ACUS ANN. REP. 66.

185. **Harter, Philip J.** Negotiating Regulations: A Cure for Malaise. 1982 ACUS 301 (Vol. 1). 71 GEO. L.J. 1 (1982).

Recommendation 82-4. Procedures for Negotiating Proposed Regulations. 1 C.F.R. § 305.82-4 (1993). 47 Fed. Reg. . 30,708 (July 15, 1982).

186. **Harter, Philip J.** Neither Cop nor Collection Agent: Encouraging Administrative Settlements by Ensuring Mediator Confidentiality. 1988 ACUS 839. 41 ADMIN. L. REV. 315 (1989).

Recommendation 88-11. Encouraging Settlements by Protecting Mediator Confidentiality. 1 C.F.R. § 305.88-11 (1993). 54 Fed. Reg. 5212 (Feb. 2, 1989).

187. **Harter, Philip J.** Points on a Continuum: Dispute Resolution Procedures and the Administrative Process. 1986 ACUS 165. *Abridged*: 1 ADMIN. L.J. 141 (1987).

Recommendation 86-3. Agencies' Use of Alternate Means of Dispute Resolution. 1 C.F.R. § 305.86-3 (1993). 51 Fed. Reg. 25,643 (July 16, 1986).

188. **Harter, Philip J.** Standards of Conduct for Presidential Transition Workers. 1988 ACUS 77. *Also*: Proposed Standards of Conduct for Presidential Transition Workers. 36 Feb. B. News & J. 130 (1989).

Recommendation 88-1. Presidential Transition Workers' Code of Ethical Conduct. 1 C.F.R. § 305.88-1 (1993). 53 Fed. Reg. 26,026 (July 11, 1988).

- 189. **Harter, Philip J., & George C. Eads.** Policy Instruments, Institutions, and Objectives: An Analytical Framework for Assessing "Alternatives" to Regulation. 37 ADMIN. L. REV. 221 (1985).
- 190. **Healy, Michael P.** An Evaluation of the Fairness and Effectiveness of the Judicial Review Preclusion Provision in the Superfund Statute. Unpublished report, Oct. 1995. Later published as: The Effectiveness and Fairness of Superfund's Judicial Review Preclusion Provision 15 VA. ENVTL. L.J. 271 (1996).
- 191. **Hodges, Ann C.** Dispute Resolution under the Americans with Disabilities Act. 1994-1995 ACUS 581. 9 ADMIN. L.J. Am. U. 1007 (1996).

Recommendation 95-7. Use of Mediation under the Americans with Disabilities Act. 60 Fed. Reg. 43,115 (Aug. 18, 1995).

192. **Hornstein, Donald T.** Regulating Pesticides: FIFRA Registration, Reregistration, Suspension, & Cancellation. 1993 ACUS 441.

Recommendation 93-5. Procedures for Regulation of Pesticides. 59 Fed. Reg. 4675 (Feb. 1, 1994).

193. **Hostetler, Zona Fairbanks.** Nonlawyer Assistance to Individuals in Federal Mass Justice Agencies: The Need for Improved Guidelines. 1986 ACUS 47. 2 ADMIN. L.J. 85 (1988).

Recommendation 86-1. Nonlawyer Assistance and Representation. 1 C.F.R. § 305.86-1 (1993). 51 Fed. Reg. 25,641 (July 16, 1986).

- 194. **ICF, Inc.** The Establishment of a Federal Roster of Specialists in Dispute Resolution: Issues and Options. Unpublished report (1988).
- 195. **Jackson, John H., & William J. Davey.** Reform of the Administrative Procedures Used in U.S. Antidumping and Countervailing Duty Cases. 1991 ACUS 909. 6 ADMIN. L.J. AM. U. 399 (1992).

Recommendation 91-10. Administrative Procedures Used in Antidumping and Countervailing Duty Cases. 1 C.F.R. § 305.91-10 (1993). 56 Fed. Reg. 67,144 (Dec. 30, 1991).

196. **Johnson, George Robert, Jr.** The Split-Enforcement Model: Some Conclusions from the OSHA and MSHA Experiences. 1986 ACUS 293. 39 ADMIN. L. REV. 315 (1987).

Recommendation 86-4. The Split-Enforcement Model for Agency Adjudication. 1 C.F.R. § 305.86-4 (1993). 51 Fed. Reg. 46,986 (Dec. 30, 1986).

197. **Johnson, Phillip E.** Federal Parole Procedures. 2 ACUS 706 (1973). 25 ADMIN L. REV. 459 (1973).

Recommendation 72-3 [Originally Recommendation no. 34]. Procedures of the U.S. Board of Parole. 2 ACUS 58 (1973). 1971-72 ACUS ANN. REP. 80. [Note: This recommendation has been largely implemented by Pub. L. No. 94-233, 90 Stat. 219 (1976) and agency regulation].

198. **Jordan, Ellen R.** The Administrative Procedure Act's "Good Cause" Exemption. 1983 ACUS 49. 36 ADMIN. L. REV. 113 (1984).

Recommendation 83-2. The "Good Cause" Exemption from APA Rulemaking Requirements. 1 C.F.R. § 305.83-2 (1993). 48 Fed. Reg. 31,180 (July 7, 1983).

199. **Joseph, Daniel, & Michelle L. Gilbert.** Breaking the Settlement Ice: The Use of Settlement Judges in Administrative Proceedings. 1988 ACUS 281. 3 ADMIN. L.J. 571 (1989).

Recommendation 88-5. Agency Use of Settlement Judges. 1 C.F.R. § 305.88-5 (1993). 53 Fed. Reg. 26,030 (July 11, 1988).

200. **Jost, Timothy Stoltzfus.** Administrative Law Issues Involving the Medicare Utilization and Quality Control Peer Review Organization (PRO) Program: Analysis and Recommendations. 1989 ACUS 77. 50 Ohio St. L.J. 1 (1989). *Also*: Medicare Peer Review Organizations. 1 Qual. Assurance in Health Care 235 (1989) [British].

Recommendation 89-1. Peer Review and Sanctions in the Medicare Program. 1 C.F.R. § 305.89-1 (1993). 54 Fed. Reg. 28,965 (July 10,1989).

- 201. **Jost, Timothy Stoltzfus.** The Attorney General's Policy on Consent Decrees and Settlement Agreements. Commentary. 39 Admin. L. Rev. 101 (1987). *Abridged*: The Justice Department's Settlement Policy: Is "No Deal" a "Bad Deal"? LITIG., Spring 1987, at 3.
- 202. **Kartalia, David E.** Report of the Office of the Chairman in Support of Recommendation No. 13. 1 ACUS 274 (1971).

Recommendation 69-5 [Originally Recommendation no. 13]. Elimination of Duplicative Hearings in FAA Safety Decertification Cases. 1 ACUS 25 (1971). 1969 ACUS ANN. REP. 42.

- 203. **Katzen, Sally,** et al. Testimony before the House Committee on the Judiciary Subcommittee on Administrative Law and Governmental Relations in support of the reauthorization of the Administrative Conference of the United States, April 21, 1994. 8 ADMIN. L.J. Am. U. 649 (1994). [Testimony by Sally Katzen, Thomas M. Susman, Thomas O. Sargentich, David C. Vladeck, and Alan W. Heifetz].
- 204. **Kerwin, Cornelius, & Laura Langbein.** An Evaluation of Negotiated Rulemaking at the Environmental Protection Agency: Phase I. Unpublished final report, Sept. 1995. For related works, see Laura Langbein & Cornelius M. Kerwin, Implementation, Negotiation and Compliance in Environmental and Safety Regulation. 47 J. Pol. 854 (1985); Laura I. Langbein & Cornelius M. Kerwin, Regulatory Negotiation Versus Conventional Rule Making: Claims, Counterclaims and Empirical Evidence. 10 J. of Pub. Admin. Res. & Theory 599 (2000); Jody Freeman & Laura I. Langbein, Regulatory Negotiation and the Legitimacy Benefit. 9 N.Y.U. Envtl. L.J. 60 (2000).

205. **Kinney, Eleanor D.** The Medicare Appeals System for Coverage and Payment Disputes. 1986 ACUS 339. 1 ADMIN. L.J. 1 (1987).

Recommendation 86-5. Medicare Appeals. 1 C.F.R. § 305.86-5 (1993). 51 Fed. Reg. 46,987 (Dec. 30, 1986).

206. **Kinney, Eleanor D.** National Coverage Policy under the Medicare Program: Problems and Proposals for Change. 1987 ACUS 833. 32 St. Louis U. L.J. 869 (1988).

Recommendation 87-8. National Coverage Determinations Under the Medicare Program. 1 C.F.R. § 305.87-8 (1993). 52 Fed. Reg. 49,144 (Dec. 30, 1987).

207. **Kinney, Eleanor D.** Rule and Policymaking for the Medicaid Program: A Challenge to Federalism. 1990 ACUS 677. 51 Ohio St. L.J. 855 (1990).

Recommendation 90-8. Rulemaking and Policymaking in the Medicaid Program. 1 C.F.R. § 305.90-8 (1993). 55 Fed. Reg. 53,273 (Dec. 28, 1990).

208. **Koch, Charles H., Jr., & David A. Koplow.** The Fourth Bite at the Apple: A Study of the Operation and Utility of the Social Security Administration's Appeals Council. 1987 ACUS 625. 17 FLA. St. U. L. Rev. 199 (1990).

Recommendation 87-7. A New Role for the Social Security Appeals Council. 1 C.F.R. § 305.87-7 (1993). 52 Fed. Reg. 49,143 (Dec. 30, 1987).

209. **Kornhauser, Lewis A., & Richard L. Revesz.** De Minimis Settlements under Superfund. 1992 ACUS 689.

Recommendation 92-9. De Minimis Settlements Under Superfund. 1 C.F.R. § 305.92-9 (1993). 57 Fed. Reg. 61,766 (Dec. 29, 1992).

210. **Kovacic, William E.** The Choice of Forum in Bid Protest Disputes. 1994-1995 ACUS 507. *Also*: Procurement Reform and the Choice of Forum in Bid Protest Disputes. 9 ADMIN. L.J. AM. U. 461 (1995).

Recommendation 95-5. Government Contract Bid Protests. 60 Fed. Reg. 43,113 (Aug. 18, 1995).

- 211. **Kratzke, William P.** Some Recommendations Concerning Tort Liability of Government and its Employees for Torts and Constitutional Torts. Unpublished draft report, Nov. 1993. Later published at 9 Admin. L.J. Am. U. 1105 (1996).
- 212. **Krent, Harold J.** Monitoring the Federal Government's Conduct through Fee Shifting under the Equal Access to Justice Act: An Inconclusive Experiment. 1992 ACUS 331. *Also*: Fee Shifting under the Equal Access to Justice Act—A Qualified Success. 11 YALE L. & POL'Y REV. 458 (1993).

Recommendation 92-5. Streamlining Attorney's Fees Litigation Under the Equal Access to Justice Act. 1 C.F.R. § 305.92-5 (1993). 57 Fed. Reg. 30,108 (July 8, 1992), corrected at 57 Fed. Reg. 32,881 (July 24, 1992).

- 213. **Krent, Harold J., & Nicholas S. Zeppos.** Monitoring Governmental Divestiture of Assets: Regulatory Substitutes for Market Controls. Unpublished report, Oct. 1995. Later published at 52 VAND. L. REV. 1705 (1999).
- 214. **Kress, Jack M., & Carole D. Iannelli.** Administrative Search and Seizure: Whither the Warrant? 31 VILL. L. REV. 705 (1986).
- 215. **Kurzman, Stephen.** Uniform Minimum Procedures for Agencies Administering Grant Programs. 2 ACUS 181 (1973).

Recommendation 71-4 [Originally Recommendation no. 26]. Minimum Procedures for Agencies Administering Discretionary Grant Programs. 1 C.F.R. § 305.71-4 (1988). 38 Fed. Reg. 19,789 (July 23, 1973).

216. **Legomsky, Stephen H.** Forum Choices for the Review of Agency Adjudication: A Study of the Immigration Process. 1985 ACUS 505. 71 IOWA L. REV. 1297 (1986).

Recommendation 85-4. Administrative Review in Immigration Proceedings. 1 C.F.R. § 305.85-4 (1993). 50 Fed. Reg. 52,894 (Dec. 27, 1985).

- 217. **Legomsky, Stephen H.** A Research Agenda for Immigration Law: A Report to the Administrative Conference of the United States. 25 SAN DIEGO L. REV. 227 (1988). 1989 IMMIGR. & NAT'LITY L. REV. 523.
- 218. **Leibowitz, Arnold H.** Civil forfeiture: The Issues and Some Recommendations. 1994-1995 ACUS 175.

Recommendation 94-2. Reforming the Government's Procedure for Civil Forfeiture. 59 Fed. Reg. 44,703 (Aug. 30, 1994).

- 219. **Leibowitz, Arnold H.** Comparative Analysis of Immigration in Key Developed Countries in Relation to Immigration Reform and Control Legislation in the United States. 7 Hum. Rts. L.J. 1 (1986).
- 220. **Leifer, Jacqueline C.** Implementation of the Federal Debt Collection Act of 1982. 1984 ACUS 899.
- 221. **Lerman, Lisa G.** Public Service by Public Servants. 19 HOFSTRA L. REV. 1141 (1991).
- 222. **Lesnick, Howard.** Grievance Procedures in Federal Prisons: Practices and Proposals. 123 U. Pa. L. Rev. 1 (1974).
- 223. **Levin, Ronald M.** An Introduction to Direct Final Rulemaking. 1994-1995 ACUS 443. 64 GEO. WASH. L. REV. 1 (1995).

Recommendation 95-4. Procedures for Noncontroversial and Expedited Rulemaking. 60 Fed. Reg. 43,110 (Aug. 18, 1995).

224. **Levin, Ronald M.** Judicial review and the Bumpers Amendment. 1979 ACUS 565. *See also in*: Current Issues in Regulatory Reform. 264 (M.L. Rosenberg & B.B. McGovern, eds. Washington, D.C.: Fed. Bar Ass'n 1980).

Recommendation 79-6. Elimination of the Presumption of Validity of Agency Rules and Regulations in Judicial Review, as Exemplified by the Bumpers Amendment. 1 C.F.R. § 305.79-6 (1988). 45 Fed. Reg. 2308 (Jan. 11, 1980).

Recommendation 81-2. Current Versions of the Bumpers Amendment. 1 C.F.R. § 305.81-2 (1988). 46 Fed. Reg. 62,806

- (Dec. 29, 1981). [Note: Legislation opposed by the Conference in this recommendation was not enacted by Congress.]
- 225. **Levinson, L. Harold.** The Central Panel System: A Framework that Separates ALJs from Administrative Agencies. 65 Judicature 236 (1981).
- 226. **Levinson, L. Harold.** Congressional Oversight of Agency Rulemaking: Options Available after *Chadha*. At App. B *in*: Administrative Conference of the U.S., Office of the Chairman. Legislative Veto of Agency Rules after *INS v. Chadha. Supra* no. 20. *Drawn on an earlier report adapted as*: Harold L. Levinson. Legislative and Executive Veto of Rules of Administrative Agencies: Models and Alternatives. *Infra* no. 227.
- 227. **Levinson, L. Harold.** Legislative and Executive Veto of Rules of Administrative Agencies: Models and Alternatives. 24 Wm. & Mary L. Rev. 79 (1982).
- 228. **Lockhart, William J.** The Origin and Use of "Guidelines for the Study of Informal Action in Federal Agencies." 24 Adim. L. Rev. 167 (1972). [Includes Guidelines for the Study of Informal Action in Federal Agencies at 173–203].
- 229. **Lockhart, William J.** Report on Study of No-Action Letters and Related Advisory Processes Administered by the Division of Corporation Finance, Securities and Exchange Commission. 1 ACUS 440 (1971).

Recommendation 70-2 [Originally Recommendation no. 19]. S.E.C. No-Action Letters Under Section 4 of the Securities Act of 1933. 1 ACUS 34 (1971). 1970-71 ACUS Ann. Rep. 40.

- 230. **Lowenfeld, Andreas F.** Binational Dispute Settlement under Chapter 19 of the Canada-United States Free Trade Agreement: An Interim Appraisal. 24 N.Y.U. J. Int'l L. & Pol. 269 (1991).
- 231. **Lubbers, Jeffrey S.** Administrative Law as Seen from the D.C. Circuit: An Interview with Chief Judge Patricia M. Wald. 34 Feb. Bar News & J. 15 (1987).
- 232. **Lubbers, Jeffrey S.** Anatomy of a Regulatory Program: Comment on "Strategic Regulators and the Choice of Rulemaking

- Procedures." Law & Contemp. Probs. Spring 1994, at 161. [Comment on James T. Hamilton & Christopher H. Schroeder. Strategic Regulators and the Choice of Rulemaking Procedures: The Selection of Formal vs. Informal Rules in Regulating Hazardous waste. Law & Contemp. Probs. Spring 1994, at 111.]
- 233. **Lubbers, Jeffrey S.** Better Regulations: The National Performance Review's Regulatory Reform Recommendations. 1994 DUKE L.J. 1165. *Condensed*: The Regulatory Reform Recommendations of the National Performance Review. 6 RISK 153 (1995).
- 234. **Lubbers, Jeffrey S.** The Federal Administrative Judiciary: Establishing an Appropriate System of Performance Evaluation for ALJs. 7 ADMIN. L.J. AM. U. 589 (1994). *Drawn from*: Verkuil, Paul R., et al. The Federal Administrative Judiciary. 1992 ACUS 777. *Infra* no. 385.
- 235. **Lubbers, Jeffrey S.** Federal Administrative Law Judges: A Focus on Our Invisible Judiciary. 33 Admin. L. Rev. 109 (1981).
- 236. **Lubbers, Jeffrey S.** Federal Agency Adjudications: Trying to See the Forest and the Trees. 31 Feb. Bar News & J. 383 (1984).
- 237. **Lubbers, Jeffrey S.** Improving Government Regulations: Guide on Agency Reports under Executive Order 12,044. 43 Fed. Reg. 36,411 (Aug. 16, 1978).
- 238. **Lubbers, Jeffrey S.** Justice Breyer: Purveyor of Common Sense in Many Forums. 8 ADMIN. L.J. Am. U. 775 (1995).
- 239. **Lubbers, Jeffrey S.** Management of Federal Agency Adjudication. *in* Handbook of Regulation and Administrative Law. 287–323 (David H. Rosenbloom & Richard D. Schwartz eds. New York: Marcel Dekker 1994).
- 240. **Lubbers, Jeffrey S.** Passive restraints and Activist Courts: The Story of Federal Regulation of Auto Safety. 6 ADMIN. L.J. AM. U. 721 (1993). (Reviewing Jerry L. Mashaw & David L. Harfst. The Struggle for Auto Safety. Cambridge, MA: Harvard Univ. Press, (1990)).
- 241. **Lubbers, Jeffrey S.** Risk Regulation at the Federal Level: Administrative Procedure Constraints and Opportunities. 1 RISK 43 (1990).

- 242. **Lubbers, Jeffrey S.** A Unified Corps of ALJs: A Proposal to Test the Idea at the Federal Level. 65 Judicature 266 (1981).
- 243. **Lubbers, Jeffrey S., & Nancy G. Miller.** The Procedural and Practice Rule Exemption from the APA Notice-and-Comment Rulemaking Requirements. 1992 ACUS 59. *Also*: The APA Procedural Rule Exemption: Looking for a Way to Clear the Air. 6 ADMIN. L.J. Am. U. 481 (1992).

Recommendation 92-1. The Procedural and Practice Exemption From the APA Notice-and-Comment Rulemaking Requirements. 1 C.F.R. § 305.92-1 (1993). 57 Fed. Reg. 30,102 (July 8, 1992).

244. **Luneburg, William V.** Contracting by the Federal Government for Legal Services: A Legal and Empirical Analysis. 1987 ACUS 279. 63 NOTRE DAME. L. REV. 399 (1988).

Recommendation 87-3. Agency Hiring of Private Attorneys. 1 C.F.R. § 305.87-3 (1993). 52 Fed. Reg. 23,632 (June 24, 1987).

245. **Luneburg, William V.** The Federal Personnel Complaint, Appeal and Grievance Systems: A Structural Overview and Proposed Revisions. 1989 ACUS 895. 78 Ken. L.J. 1 (1989-90).

Statement 15. Procedures for Resolving Federal Personnel Disputes. 1 C.F.R. § 310.15 (1993). 54 Fed. Reg. 53,498 (Dec. 29, 1989).

246. **Luneburg, William V.** Petitions for Rulemaking: Federal Agency Practice and Recommendations for Improvement. 1986 ACUS 493. *Reprinted* at App. 15B *in* Stein, Jacob A et al. Administrative Law. New York: Matthew Bender. *Also*: Petitioning Federal Agencies for Rulemaking: an Overview of Administrative and Judicial Practice and Some Recommendations for Improvement. 1988 Wis. L. Rev. 1 (1988).

Recommendation 86-6. Petitions for Rulemaking. 1 C.F.R. § 305.86-6 (1993). 51 Fed. Reg. 46,988 (Dec. 30, 1986).

247. Luneburg, William V., David M. Altschuler, & Michael E. Bell. The Office of Juvenile Justice and Delinquency Prevention Formula Grant Program: A Regulatory Approach to Federal Grant-

Making. 1992 ACUS 561. *Also*: The Office of Juvenile Justice and Delinquency Prevention's Formula Grant Program: Insights from Interdisciplinary Research Outside the Well-Trodden Paths of Administrative Law. 45 Admin. L. Rev. 225 (1993).

Recommendation 92-8. Administration of the Office of the Juvenile Justice and Delinquency Prevention's Formula Grant Program. 1 C.F.R. § 305.92-8 (1993). 57 Fed. Reg. 61,765 (Dec. 29, 1992).

- 248. **Macey, Jonathan R., & Geoffrey P. Miller.** Bank Failures, Risk Monitoring, and the Market for Bank Control. 88 Colum. L. Rev. 1153 (1988).
- 249. **Madden, Thomas J.** Certification Requirements under the Contract Disputes Act. 1983 ACUS 23.

Recommendation 83-1. The Certification Requirement in the Contract Disputes Act. 1 C.F.R. § 305.83-1 (1992). 48 Fed. Reg. 31,179 (July 7, 1983). [Note: Congress corrected the problem identified by this recommendation in the Court of Federal Claims Technical and Procedural Improvement Act of 1992, Pub. L. No. 102-572, Title IX].

250. **Madden, Thomas J., & Nicholas W. Allard.** Advice on Official Liability and Immunity. 1982 ACUS 201 (Vol. 2). *Chapter 4 revised*: Thomas J. Madden, Nicholas W. Allard, & David H. Remes. Bedtime for *Bivens*: Substituting the United States as Defendant in Constitutional Tort Suits. 20 HARV. J. ON LEGIS. 469 (1983).

Recommendation 82-6. Federal Officials' Liability for Constitutional Violations. 1 C.F.R. § 305.82-6 (1993). 47 Fed. Reg. 58,208 (Dec. 30, 1982).

251. **Malloy, Michael P.** Adjudication Practices and Procedures of the Federal Bank Regulatory Agencies. 1987 ACUS 1215. *Revised*: Balancing Public Confidence and Confidentiality: Adjudication Practices and Procedures of the Federal Bank Regulatory Agencies. 61 TEMP. L. REV. 723 (1988).

Recommendation 87-12. Adjudication Practices and Procedures of the Federal Bank Regulatory Agencies. 1 C.F.R. § 305.87-12 (1992). 52 Fed. Reg. 49,151 (Dec. 30, 1987). [Note: This recommendation was implemented by the Finan-

- cial Institutions Reform, Recovery and Enforcement Act of 1989, Pub. L. No. 101-73, 101 Stat. 183, and by subsequent agency actions].
- 252. **Malloy, Michael P.** The 12(i)'ed Monster: Administration of the Securities Exchange Act of 1934 by the FederalBank Regulatory Agencies. 19 HOFSTRA L. REV. 269 (1990).
- 253. **Mariner, Wendy K.** Innovation and Challenge: The First Year of the National Vaccine Injury Compensation Program. 1991 ACUS 409.
 - Recommendation 91-4. The National Vaccine Injury Compensation Program. 1 C.F.R. § 305.91-4 (1993). 56 Fed. Reg. 33,850 (July 24, 1991).
- 254. **Martin, David A.** Reforming Asylum Adjudication. 1989 ACUS 233. *Also*: Reforming Asylum Adjudication: On Navigating the Coast of Bohemia. 138 U. Pa. L. Rev. 1247 (1990).
 - Recommendation 89-4. Asylum Adjudication Procedures. 1 C.F.R. § 305.89-4 (1993). 54 Fed. Reg. 28,970 (July 10, 1989).
- 255. **Martin, David A. & Philip Martin.** Coordination of Migrant and Seasonal Farmworker Service Programs. 1992 ACUS 195. *Expanded*: Philip L. Martin & David A. Martin. The Endless Quest: Helping America's Farm Workers. (Boulder, CO: Westview Press, 1994).
 - Recommendation 92-4. Coordination of Migrant and Seasonal Farmworker Service Programs. 1 C.F.R. § 305.92-4 (1993). 57 Fed. Reg. 30,106 (July 8, 1992).
- 256. **Martin, Peter W.** Procedures Used in Forming and Carrying Out Federal-State Agreements under the Supplemental Security Income Program. 1979 ACUS 71.
 - Recommendation 79-2. Disputes Respecting Federal-State Agreements for Administration of the Supplemental Security Income Program. 44 Fed. Reg. 38,823 (July 3, 1979).
- 257. **Mashaw, Jerry L.** Improving the Environment of Agency Rulemaking: An Essay on Management, Games, and Legal Political

Accountability. 1993 ACUS 349. Law & Contemp. Probs. Spring 1994, at 185.

Recommendation 93-4. Improving the Environment for Agency Rulemaking. 59 Fed. Reg. 4670 (Feb. 1, 1994), corrected at 59 Fed. Reg. 8507 (Feb. 22, 1994).

- 258. **Mashaw, Jerry L.** The Management Side of Due Process: Some Theoretical and Litigation Notes on the Assurance of Accuracy, Fairness, and Timeliness in the Adjudication of Social Welfare Claims. 59 CORNELL L. REV. 772 (1974).
- 259. **Mashaw, Jerry L.** Private Enforcement of Public Regulatory Provisions: The "Citizen Suit." 4 Class Action Rep. 29 (1975).
- 260. **Mashaw, Jerry L.** Quality Assurance Systems in the Adjudication of Claims of Entitlement to Benefits or Compensation. 3 ACUS 160 (1975).

Recommendation 73-3. Quality Assurance Systems in the Adjudication of Claims of Entitlement to Benefits or Compensation. 1 C.F.R. § 305.73-3 (1988). 38 Fed. Reg. 16,840 (June 27, 1973).

261. **Mashaw, Jerry L.** Report to the Grants and Benefits Committee on the Social Security Hearings and Appeals Process. 1978 ACUS 81. *Drawn from*: Mashaw, Jerry L., et al. Social Security Hearings and Appeals: A Study of the Social Security Administration Hearing System. (Lexington, MA: Lexington Books, 1978).

Recommendation 78-2. Procedures for Determining Social Security Disability Claims. 1 C.F.R. § 305.78-2 (1993). 43 Fed. Reg. 27,508 (June 26, 1978).

- 262. **Mason, Malcolm S.** Current Trends in Federal Grant Law—Fiscal Year 1976. 35 Fed. Bar J. 163 (1976).
- 263. **Mason, Malcolm S.** Why Can't Grants Statutes be Drafted Better? Assistance Mgmt. J. Spring 1986, at 3.
- 264. **McGarity, Thomas O.** Multi-Party Forum Shopping for Appellate Review of Administrative Action. 1980 ACUS 437. 129 U. Pa. L. Rev. 302 (1980).

Recommendation 80-5. Eliminating or Simplifying the "Race to the Courthouse" in Appeals From Agency Action. 1 C.F.R. § 305.80-5 (1988). 45 Fed. Reg. 84,954 (Dec. 24, 1980). [Note: This recommendation has been implemented by Pub. L. No. 100-236. 101 Stat. 1731 (1988) (codified in 28 U.S.C. § 2112 (2012))].

265. **McGarity, Thomas O.** Peer Review in Awarding Discretionary Grants in the Arts and Sciences. 1993 ACUS 179. *Also*: Peer Review in Awarding Federal Grants in the Arts and Sciences. 9 BERKELEY TECH. L.J. 1 (1994).

Recommendation 93-3. Peer Review in the Award of Discretionary Grants. 58 Fed. Reg. 45,412 (Aug. 30, 1993).

266. **McGarity, Thomas O.** The Role of Regulatory Analysis in Regulatory Decisionmaking. 1985 ACUS 107. *Abridged*: Regulatory Analysis and Regulatory Reform. 65 Tex. L. Rev. 1243 (1987). *Expanded*: Reinventing Rationality: The Role of Regulatory Analysis in the Federal Bureaucracy. (New York: Cambridge Univ. Press, 1991).

Recommendation 85-2. Agency Procedures for Performing Regulatory Analysis of Rules. 1 C.F.R. § 305.85-2 (1993). 50 Fed. Reg. 28,364 (July 12, 1985).

267. **McGarity, Thomas O., & Sidney A. Shapiro.** OSHA Regulation: Regulatory Alternatives and Legislative Reform. 1987 ACUS 999. *Revised*: Shapiro, Sidney A., & Thomas O. McGarity. Reorienting OSHA: Regulatory Alternatives and Legislative Reform. 6 YALE J. ON REG. 1 (1989).

Recommendation 87-1. Priority Setting and Management of Rulemaking by the Occupational Safety and Health Administration. 1 C.F.R. § 305.87-1 (1992). 52 Fed. Reg. 23,629 (June 24, 1987. [Note: Recommendation 87-1 contains advice to OSHA on internal management improvements to its rulemaking process. Recommendation 87-10 addresses broader reforms of OSHA rulemaking].

Recommendation 87-10. Regulation by the Occupational Safety and Health Administration. 1 C.F.R. § 305.87-10 (1993). 52 Fed. Reg. 49,147 (Dec. 30, 1987).

268. **McGarity, Thomas O., & Sidney A. Shapiro.** OSHA Rulemaking Procedures. 1987 ACUS 79.

Recommendation 87-1. Priority Setting and Management of Rulemaking by the Occupational Safety and Health Administration. 1 C.F.R. § 305.87-1 (1992). 52 Fed. Reg. 23,629 (June 24, 1987). [Note: This recommendation contains advice to OSHA on internal management improvements to its rulemaking. Recommendation 87-10 addresses broader reforms of OSHA rulemaking].

- 269. **McGowan, Carl.** The Administrative Conference: Guardian and Guide of the Regulatory Process. 53 GEO. WASH. L. REV. 67 (1985).
- 270. **McGregor, John.** Collection of Delinquent Taxes. H. Comm. on Ways and Means. Administrative procedures of the Internal Revenue Service. 94th Cong. 27 (Comm. Prt. 1976). *Also*: Davenport. Administrative Procedures of the Internal Revenue Service. *Supra* no. 132 at 203.

Recommendation 75-6. Internal Revenue Service Procedures: Collection of Delinquent Taxes. 41 Fed. Reg. 3982 (Jan. 27, 1976).

- 271. **Meidinger, Errol.** Regulatory Federalism under "Partial Preemption" Statutes. Unpublished final draft report, Sept. 1993.
- 272. **Merrill, Richard A.** Federal Regulation of Cancer-Causing Chemicals. 1982 ACUS 21 (Vol. 2). *Also*: CPSC Regulation of Cancer Risks in Consumer Products: 1972-1981. 67 Va. L. Rev. 1261 (1981). *Also*: Richard A. merill & Michael Schewel. FDA Regulation of Environmental Contaminants of Food. 66 Va. L. Rev. 1357 (1980).

Recommendation 82-5. Federal Regulation of Cancer-Causing Chemicals. 1 C.F.R. § 305.82-5 (1993). 47 Fed. Reg. 30,710 (July 15, 1982).

273. **Merrill, Richard A.** Procedures for Adverse Actions against Federal Employees. 2 ACUS 1007 (1973).

Recommendation 72-8. Adverse Actions Against Federal Employees. 2 ACUS 73 (1975). 38 Fed. Reg. 19,793 (July 23, 1973).

274. **Michael, Douglas C.** Federal Agency Use of Audited Self-Regulation as a Regulatory Technique. 1994-1995 ACUS 65. 47 ADMIN. L. REV. 171 (1995).

Recommendation 94-1. The Use of Audited Self-Regulation as a Regulatory Technique. 59 Fed. Reg. 44,701 (Aug. 30, 1994).

- 275. **Michael, Douglas C.** Programs for Decentralized Implementation of Federal Regulations: Audited Self-Regulation, Self-Enforcement. Unpublished paper, Nov. 10, 1994.
- 276. **Michael, Douglas C.** Cooperative Implementation of Federal Regulations. Unpublished draft report, Oct. 1995. Later published at 13 YALE J. ON REG. 535 (1996).
- 277. **Morgan, Thomas D.** Administrative Law: The Regulation of Policy Making. Unpublished working draft, Nov. 1986.
- 278. **Morgan, Thomas D.** Appropriate Limits on Participation by a Former Agency Official in Matters Before an Agency. 1979 ACUS 599. *Also*: Appropriate Limits on Participation by a Former Agency Official in Matters before an Agency. 1980 DUKE L.J. 1.

Recommendation 79-7. Appropriate Restrictions on Participation by a Former Agency Official in Matters Involving the Agency. 1 C.F.R. § 305.79-7 (1992). 45 Fed. Reg. 2309 (Jan. 11, 1980). [Note: This recommendation has become moot as a result of the Ethics Reform Act of 1989, Pub. L. No. 101-194, 103 Stat. 1716].

279. **Morgan, Thomas D.** Public Financial Disclosure by Federal Officials: A Functional Approach. 1989 ACUS 447. 3 GEO. J. LEGAL ETHICS 217 (1989). (Office of the Chairman). Sourcebook on Government Ethics for Presidential Appointees. *Supra* no. 29.

Recommendation 89-6. Public Financial Disclosure by Executive Branch Officials. 1 C.F.R. § 305.89-6 (1992). 54 Fed. Reg. 28,973 (July 10, 1989).

280. **Morgan, Thomas D.** The Regulatory Budget: The Illusion of Rationality in Regulatory Policy Making. Unpublished working draft. Dec. 1987.

281. **Morgan, Thomas D.** Toward a Revised Strategy for Ratemaking. 1978 ACUS 23. 78 U. ILL. L. F. 21 (1978).

Recommendation 78-1. Reduction of Delay in Ratemaking Cases. 43 Fed. Reg. 27,507 (June 26, 1978).

282. **Mullins, Morell E.** The Use of Settlement Judges and Simplified Proceedings in Enforcement Actions before the Occupational Safety & Health Review Commission. 1990 ACUS 495. *Also*: Alternative Dispute Resolution and the Occupational Safety and Health Review Commission: Settlement Judges and Simplified Proceedings. 5 ADMIN. L.J. 555 (1991).

Recommendation 90-6. Use of Simplified Proceedings in Enforcement Actions Before the Occupational Safety and Health Review Commission. 1 C.F.R. § 305.90-6 (1993). 55 Fed. Reg. 53,271 (Dec. 28, 1990).

283. **Murphy, Arthur W.** The National Environmental Policy Act and the Licensing Process: Environmentalist Magna Carta or Agency Coup de Grace? 3 ACUS 363 (1975). 72 COLUM. L. REV. 963 (1972).

Recommendation 73-6. Procedures for Resolution of Environmental Issues in Licensing Proceedings. 1973-1974 ACUS Ann. Rep. 42. 39 Fed. Reg. 4848 (Feb. 7, 1974).

284. **Nafziger, James A.R.** Reviewability of Visa Denials by Consular Officers. 1989 ACUS 587. *Also*: Review of Visa Denials by Consular Officers. 66 WASH. L. REV. 1 (1991).

Recommendation 89-9. Processing and Review of Visa Denials. 1 C.F.R. § 305.89-9 (1993). 54 Fed. Reg. 53,496 (Dec. 29, 1989).

285. **Nathanson, Nathaniel L.** The Administrative Court Proposal. 2 ACUS 198 (1973). 57 VA. L. REV. 996 (1971).

Statement 1. Views of the Administrative Conference on the 'Report on Selected Independent Regulatory Agencies' of the President's Advisory Council on Executive Organization. 2 ACUS 27 (1973). 1970-71 ACUS ANN. REP. 60. 57 VA. L. REV. 927 (1971).

286. **Nathanson, Nathaniel L.** Report to the Select Committee on Ex Parte Communications in Informal Rulemaking Proceedings. 4 ACUS 841 (1979). 30 ADMIN. L. REV. 377 (1978).

Recommendation 77-3. Ex Parte Communications in Informal Rulemaking Proceedings. 1 C.F.R. § 305.77-3 (1993). 42 Fed. Reg. 54,253 (Oct. 5, 1977).

- 287. **National Institute for Dispute Resolution.** Use of Alternative Dispute Resolution to Enhance ESA Implementation. Draft Public Involvement Recommendations. Aug. 25, 1995.
- 288. **Neely, Alfred S., IV.** Statutory Inhibitions to the Application of Principles of Cost/Benefit Analysis in Administrative Decision Making. 1985 ACUS 37. 23 Dug. L. Rev. 489 (1985).

Recommendation 85-1. Legislative Preclusion of Cost/Benefit Analysis. 1 C.F.R. § 305.85-1 (1993). 50 Fed. Reg. 28,363 (July 12, 1985).

289. **North, David S., & Anna Mary Portz.** Decision Factories: The Role of the Regional Processing Facilities in the Alien Legalization Programs. 1989 ACUS 819.

Statement 14. Statement on Mass Decisionmaking Programs: The Alien Legalization Experience. 1 C.F.R. § 310.14 (1992). 54 Fed. Reg. 28,975 (July 10, 1989).

290. **Ogden, Gregory L.** Report on Public Regulation of Siting of Industrial Development Projects. 1984 ACUS 45.

Recommendation 84-1. Public Regulation of Siting of Industrial Development Projects. 1 C.F.R. § 305.84-1 (1993). 49 Fed. Reg. 29,938 (July 25, 1984).

291. **O'Reilly, James T.** Regaining a Confidence: Protection of Business Confidential Data through Reform of the Freedom of Information Act. 1982 ACUS 29 (Vol. 1). 34 ADMIN. L. REV. 263 (1982).

Recommendation 82-1. Exemption (b)(4) of the Freedom of Information Act. 1 C.F.R. § 305.82-1 (1988). 47 Fed. Reg. 30,702 (July 15, 1982). [Note: The President in 1987 issued Executive Order 12600, which requires agencies to follow

procedures similar to those recommended by the Administrative Conference].

292. **Paglin, Max D.** Procedural Implications of Administering Emergency Shortages of Natural Gas. 4 ACUS 871 (1979).

Statement 5. Statement on Procedures to Deal with Emergency Shortages of Natural Gas. 1 C.F.R. § 310.5 (1984). 41 Fed. Reg. 56,770 (1976).

293. **Park, Robert E.** Report of the Committee on Personnel in Support of Adequate Hearing Facilities. 1 ACUS 48 (1971).

Recommendation 68-1 [Originally Recommendation no. 1]. Adequate Hearing Facilities. 1 C.F.R. § 305.68-1 (1988). 38 Fed. Reg. 19,782 (July 23, 1973).

294. **Park, Robert E.** Several Matters in Regard to Examiners and Government Attorneys. 1 ACUS 381 (1971).

Recommendation 69-9 [Originally Recommendation no. 17]. Recruitment and Selection of Hearing Examiners; Continuing Training for Government Attorneys and Hearing Examiners; Creation of a Center for Continuing Legal Education in Government. 1 C.F.R. § 305.69-9 (1988). 38 Fed. Reg. 19,785 (July 23, 1973).

295. **Perritt, Henry H., Jr.** Adjudication of Civil Penalties under the Federal Aviation Act. 1991 ACUS 765.

Recommendation 91-8. Adjudication of Civil Penalties Under the Federal Aviation Act. 1 C.F.R. § 305.91-8 (1993). 56 Fed. Reg. 67,141 (Dec. 30, 1991).

296. **Perritt, Henry H., Jr.** Analysis of Four Negotiated Rulemaking Efforts. 1985 ACUS 637. *Also*: Negotiated Rulemaking Before Federal Agencies: Evaluation of Recommendations by the Administrative Conference of the United States. 74 Geo. L.J. 1625 (1986). *Abridged*: Negotiated Rulemaking in Administrative Law. 38 ADMIN. L. REV. 471 (1986). *Expanded*: Negotiated Rulemaking in Practice. 5 J. POL'Y ANALYSIS & MGMT. 482 (1986). *Partially reprinted*: At App. 15A *in*: Stein, Jacob A., et al. Administrative Law. New York: Matthew Bender.

Recommendation 85-5. Procedures for Negotiating Proposed Regulations. 1 C.F.R. § 305.85-5 (1993). 50 Fed. Reg. 52,895 (Dec. 27, 1985).

297. **Perritt, Henry H., Jr.** Electronic Acquisition and Release of Federal Agency Information. 1988 ACUS 601. 41 Admin. L. Rev. 253 (1989). *Also*: Federal Electronic Information Policy. 63 Temple L. Rev. 201 (1990). *Also*: Electronic Records Management and Archives. 53 U. Pitt. L. Rev. 963 (1992). *Partially reprinted*: At App. 7H *in*: Stein, Jacob A., et al. Administrative Law. New York: Matthew Bender.

Recommendation 88-10. Federal Agency Use of Computers in Acquiring and Releasing Information. 1 C.F.R. § 305.88-10 (1993). 54 Fed. Reg. 5209 (Feb. 2, 1989).

- 298. **Perritt, Henry H., Jr.** Electronic dockets: Use of Information Technology in Rulemaking and Adjudication. Unpublished report, Oct. 19, 1995.
- 299. **Perritt, Henry H., Jr.** Federal Agency Electronic Records Management and Archives. 1990 ACUS 389. *Also*: Electronic Records Management and Archives. 53 U. PITT. L. REV. 963 (1992).

Recommendation 90-5. Federal Agency Electronic Records Management and Archives. 1 C.F.R. § 305.90-5 (1993). 55 Fed. Reg. 53,270 (Dec. 28, 1990).

300. **Pierce, Richard J., Jr.** Regulation, Deregulation, Federalism and Administrative Law: Agency Power to Preempt State Regulation. 1984 ACUS 517. 46 U. PITT. L. REV. 607 (1985).

Recommendation 84-5. Preemption of State Regulation by Federal Agencies. 1 C.F.R. § 305.84-5 (1993). 49 Fed. Reg. 49,838 (Dec. 24, 1984).

301. **Pierce, Richard J., Jr.** Use of the Federal Rules of Evidence in Federal Agency Adjudications. 1986 ACUS 133. 39 ADMIN. L. Rev. 1 (1987). *Reprinted* at App. 22B *in*: Stein, Jacob A., et al. Administrative Law. New York: Matthew Bender.

Recommendation 86-2. Use of Federal Rules of Evidence in Federal Agency Adjudications. 1 C.F.R. § 305.86-2 (1993). 51 Fed. Reg. 25,642 (July 16, 1986).

- 302. **Popkin, William D.** The Effect of Representation in Non-adversary Proceedings—A Study of Three Disability Programs. 62 CORNELL L. Rev. 989 (1977).
- 303. **Pou, Charles, Jr.** The Administrative Conference: An "Auxiliary Precaution" of the American System. 4 Canadian J. Admin. L. & Prac. 57 (1990).
- 304. **Pou, Charles, Jr.** Governmental Uses of Alternative Dispute Resolution. URB., St. & Loc. L. Newls., Winter 1986, at 1.
- 305. **Pou, Charles, Jr.** Book Review. 36 Admin. L. Rev. 209 (1984). [Reviewing: Marvin Schwartz. The Trial of a Social Security Disability Case. (New York: The Social Security Disability Foundation, 1983)].
- 306. **Pou, Charles, Jr., & Charlotte Jones.** Agency Time Limits as a Tool for Reducing Regulatory Delay. 1986 ACUS 835.

Recommendation 86-7. Case Management as a Tool for Improving Agency Adjudication. 1 C.F.R. § 305.86-7 (1993). 51 Fed. Reg. 46,989 (Dec. 30, 1986).

- 307. **Powell, Burnele V.** Administratively Declaring Order: Some Practical Applications of the Administrative Procedure Act's Declaratory Order Process. 64 N.C. L. Rev. 277 (1986).
- 308. **Powell, Burnele V.** Sinners, Supplicants, and Samaritans: Agency Advice Giving in Relation to Section 554(e) of the Administrative Procedure Act. 63 N.C. L. Rev. 339 (1985).
- 309. **Price, Monroe E.** Executive Control of Rulemaking: the Office of Administrative Law in California. Report to the Administrative Conference of the U.S. (Washington, D.C.: U.S. Gov't Printing Office, 1981).
- 310. **Pritzker, David M.** Administrative Conference Roundtable on Reg-Neg. Admin. L. News. Winter 1992, at 1. [Held Oct. 3, 1991].
- 311. **Pritzker, David M.** Negotiation by Consensus: Negotiated Rulemaking in the United States. 1 Com. Disp. Resol. J. 217 (1995) [Australia].

- 312. **Pritzker, David M.** Working Together for Better Regulations. Nat. Resources & Env't. Fall 1990, at 29. *Revised and updated*: At 40-49, *in*: The Environmental Law Manual. Theodore L. Garrett ed. (Chicago: ABA, 1992.) *Second revision and update*: Global Trade Talk. July/Aug. 1994, at 9.
- 313. **Pritzker, David M., & William J. Walsh.** Scientific and Technical Decision-Making in the National Flood Insurance Program of the Federal Insurance Administration. (Washington, D.C.: ACUS, 1977).
- 314. **Rabin, Robert L.** Agency Criminal Referrals in the Federal System: An Empirical Study of Prosecutorial Discretion. 24 STAN. L. REV. 1036 (1972).
- 315. **Rand Institute for Civil Justice.** Evaluating Agency Alternative Dispute Resolution Programs: A User's Guide to Data Collection and Use. [By] Elizabeth Rolph & Erik Moller. (1995).
- 316. **Rich, Malcolm C., & Wayne E. Brucar.** The Central Panel System for Administrative Law Judges: A Survey of Seven States. (Chicago: American Judicature Society, 1983).
- 317. **Riggs, Douglas A., & Elizabeth K. Dorminey.** Federal Agencies' Use of Alternative Means of Dispute Resolution. 1 ADMIN. L.J. 125 (1987).
- 318. **Riskin, Leonard L.** The Farmer-Lender Mediation Program: Implementation by the Farmers Home Administration. 1991 ACUS 687. *Also*: Two Concepts of Mediation in the FmHA's Farmer-Lender Mediation Program. 45 ADMIN. L. REV. 21 (1993).

Recommendation 91-7. Implementation of Farmer-Lender Mediation by the Farmers Home Administration. 1 C.F.R. § 305.91-7 (1993). 56 Fed. Reg. 67,140 (Dec. 30, 1991).

- 319. **Roberts, Robert N.** A Guide to Federal Ethics Laws for Presidential Appointees. *In*: Administrative Conference of the U.S. (Office of the Chairman). Sourcebook on Government Ethics for Presidential Appointees. *Supra* no. 29.
- 320. **Robertson, Reuben B., & Mary Candace Fowler.** Recovering Attorneys' Fees from the Government under the Equal Access to Justice Act. 56 Tul. L. Rev. 903 (1982).

- 321. **Robinson, Glen O.** The Forest Service: A Study in Public Land Management. (Baltimore: John Hopkins Univ. Press, 1975).
- 322. **Robinson, Glen O.** On Reorganizing the Independent Regulatory Agencies. 2 ACUS 218 (1973). 57 VA. L. Rev. 947 (1971).
 - Statement 1. Views of the Administrative Conference on the 'Report on Selected Independent Regulatory Agencies' of the President's Advisory Council on Executive Organization. 2 ACUS 27 (1973). 1970-71 ACUS ANN. REP. 60. 57 VA. L. REV. 927 (1971).
- 323. **Rochvarg, Arnold.** Reforming the Administrative Naturalization Process: Reducing Delays While Increasing Fairness. 9 GEO. IMMIGR. L.J. 397 (1995).
- 324. **Rosenblum, Victor G.** The Administrative Law Judge in the Administrative Process: Interrelations of Case Law with Statutory and Pragmatic Factors in Determining ALJ roles. *Reprinted in*: H. Subcomm. on Soc. Sec. of the H. Comm. on Ways & Means. 94th Cong. Recent Studies Relevant to the Disability Hearings and Appeals Crisis. 171-245 (Comm. Print 1975).
- 325. **Rosenblum, Victor G.** Contexts and Contents of "For Good Cause" as Criterion for Removal of Administrative Law Judges: Legal and Policy Factors. 1984 ACUS 937. 6 W. New Eng. L. Rev. 593 (1984).
- 326. **Rosenblum, Victor G.** Handling Citizen Initiated Complaints: An Introductory Study of Federal Agency Procedures and Practices. 3 ACUS 611 (1975). 26 ADMIN. L. REV. 1 (1974).
- 327. **Rotunda, Ronald D.** Ethical Problems in Federal Agency Hiring of Private Attorneys. 1987 ACUS 409. 1 Geo. J. LEGAL ETHICS 85 (1987).

Recommendation 87-3. Agency Hiring of Private Attorneys. 1 C.F.R. § 305.87-3 (1993). 52 Fed. Reg. 23,632 (June 24, 1987).

328. **Ruttinger, George D.** Acquiring the Services of Neutrals for Alternative Means of Dispute Resolution and Negotiated Rulemaking. 1986 ACUS 863.

Recommendation 86-8. Acquiring the Services of "Neutrals" for Alternative Means of Dispute Resolution. 1 C.F.R. § 305.86-8 (1993). 51 Fed. Reg. 46,990 (Dec. 30, 1986).

329. **Sargentich, Thomas O.** Jurisdictional Debate in Administrative Law: A Comment on Telecommunications Research and Action Center V. FCC. 1988 ACUS 309. *Also*: The Jurisdiction of Federal Courts in Administrative Cases: Developments. 41 ADMIN. L. REV. 201 (1989).

Recommendation 88-6. Judicial Review of Preliminary Challenges to Agency Action. 1 C.F.R. § 305.88-6 (1993). 53 Fed. Reg. 39,585 (Oct. 11, 1988).

- 330. **Scalia, Antonin**. The Hearing Examiner Loan Program. 1971 Duke L.J. 319.
- 331. **Scalia, Antonin, & Frank Goodman.** Procedural Aspects of the Consumer Product Safety Act. 20 UCLA L. Rev. 899 (1973).
- 332. **Schlesinger, Steven R.**, ed. Venue at the Crossroads. (Washington, D.C.: National Legal Center for the Public Interest, 1982). *Reprinted in*: 1982 ACUS 219 (Vol. 1). [Original publication not funded by ACUS]. *Contents*: Sen. Paul Laxalt & Linden H. Kettlewell. A Return to Traditional Considerations for Determining Venue; Nicholas C. Yost. Present Venue Provisions—Flexibility v. Inconvenience; David P. Currie. Venue and the Sagebrush Rebellion.

Recommendation 82-3. Federal Venue Provisions Applicable to Suits Against the Government. 1 C.F.R. § 305.82-3 (1988). 47 Fed. Reg. 30,706 (July 15, 1982). [Note: Legislation opposed by the Conference in this recommendation was not enacted by the Congress].

333. **Schotland, Roy A.** Reexamining the Freedom of Information Act's Exemption [8]. 1994-1995 ACUS 211. *Reprinted as*: Reexamining the Freedom of Information Act's Exemption 8: Does it Give an Unduly "Full Service Exemption for Bank Examination Reports and Related Material? 9 ADMIN. L.J. AM. U. 43 (1995).

Recommendation 95-1. Application and Modification of Exemption 8 of The Freedom of Information Act. 60 Fed. Reg. 13,692 (Mar. 14, 1995).

- 334. **Schuck, Peter H.** When the Exception Becomes the Rule: Regulatory Equity and the Formulation of Energy Policy Through an Exceptions Process. 1983 ACUS 513. 1984 DUKE L.J. 163.
 - Statement 10. Statement on Agency Use of an Exceptions Process to Formulate Policy. 1 C.F.R. § 310.10 (1988). 48 Fed. Reg. 57,464 (Dec. 30, 1983).
- 335. **Schuck, Peter H., & E. Donald Elliott.** To the *Chevron* Station: An Empirical Study of Federal Administrative Law. 1990 ACUS 767. 1990 DUKE L.J. 984. *Also*: Studying Administrative Law: A Methodology for, and Report on, New Empirical Research. 42 ADMIN. L. REV. 519 (1990).
- 336. **Schuck, Peter H., & Theodore Hsien Wang.** Continuity and Change: Patterns of Immigration Litigation in the Courts, 1979-1990. 45 STAN. L. REV. 115 (1992).
- 337. **Schwartz, Teresa M.** The Consumer Product Safety Commission: A Flawed Product of the Consumer Decade. 1982 ACUS 578 (Vol. 2). 51 Geo. Wash. L. Rev. 32 (1982).
- 338. **Schwartz, Teresa M., & Robert S. Adler.** Product Recalls: A Remedy in Need of Repair. 1984 ACUS 135. 34 Case W. Res. L. Rev. 401 (1984).
 - Recommendation 84-2. Procedures for Product Recalls. 1 C.F.R. § 305.84-2 (1993). 49 Fed. Reg. 29,940 (July 25, 1984).
- 339. **Schwartz, Warren F.** The Administration by the Department of the Treasury of the Laws Authorizing the Imposition of Antidumping Duties. 3 ACUS 187 (1975).
 - Recommendation 73-4. Administration of the Antidumping Law by the Department of the Treasury. 39 Fed. Reg. 4846 (Feb. 7, 1974). 1973-74 ACUS ANN. REP. 32–33.
- 340. **Scott, Kenneth E.** The Dual Banking System: A Model of Competition in Regulation. 30 STAN. L. REV. 1 (1977).
- 341. **Scott, Kenneth E.** In Quest of a Reason: The Licensing Decisions of the Federal Banking Agencies. 4 ACUS 83 (1979). 42 U. CHI. L. REV. 235 (1975).

Recommendation 75-1. Licensing Decisions of the Federal Banking Agencies. 1 C.F.R. 305.75-1 (1988). 4 ACUS 19 (1975). 40 Fed. Reg. 27,925 (July 2, 1975).

342. **Shane, Peter F.** Negotiating for Knowledge: Administrative Responses to Congressional Demands for Information. 1990 ACUS 611. 44 ADMIN L. REV. 197 (1992).

Recommendation 90-7. Administrative Responses to Congressional Demands for Sensitive Information. 1 C.F.R. § 305.90-7 (1993). 55 Fed. Reg. 53,272 (Dec. 28, 1990).

343. **Shannon, Brian D.** Debarment and Suspension Revisited: Fewer Eggs in the Basket. 1994-1995 ACUS 305. 44 CATH. L. REV. 363 (1995).

Recommendation 95-2: "Debarment and Suspension From Federal Programs," 60 Fed. Reg. 13,695 (Mar. 14, 1995).

344. **Shapiro, Sidney A.** Agency Review of Existing Regulations. 1994-1995 ACUS 407.

Recommendation 95-3. Review of Existing Agency Regulations. 60 Fed. Reg. 43,109 (Aug. 18, 1995).

345. **Shapiro, Sidney A.** Biotechnology and the Design of Regulation. 1989 ACUS 475. 17 ECOLOGY L.Q. 1 (1990).

Recommendation 89-7. Federal Regulation of Biotechnology. 1 C.F.R. § 305.89-7 (1993). 54 Fed. Reg. 53,494 (Dec. 29, 1989).

346. **Shapiro, Sidney A.** The Dormant Noise Control Act and Options to Abate Noise Pollution: With a Technical Appendix on Noise and its Effects by Alice H. Suter. 1992 ACUS 425.

Recommendation 92-6. Implementation of the Noise Control Act. 1 C.F.R. § 305.92-6 (1993). 57 Fed. Reg. 30,110 (July 8, 1992) corrected at 57 Fed. Reg. 44,791 (Sept. 29, 1992).

347. **Shapiro, Sidney A.** Scientific Issues and the Function of Hearing Procedures: An Evaluation of FDA's Public Board of Inquiry. 1985 ACUS 795. 1986 DUKE L.J. 288.

- Statement 11. Statement on Hearing Procedures for the Resolution of Scientific Issues. 1 C.F.R. § 310.11 (1993). 50 Fed. Reg. 52,896 (Dec. 27, 1985).
- 348. **Shaw, William R.** The Procedures to Ensure Compliance by Federal Facilities with Environmental Quality Standards. 4 ACUS 283 (1979). 5 ENVTL. L. REP. 50,211 (1975).

Recommendation 75-4. Procedures to Ensure Compliance by Federal Facilities with Environmental Quality Standards. 1 C.F.R. § 305.75-4 (1993). 40 Fed. Reg. 27,928 (July 2, 1975).

349. **Shoenberger, Allen E.** State Disability Services' Procedures for Determining and Redetermining Social Security Claims for the Social Security Administration. 1987 ACUS 579.

Recommendation 87-6. State-Level Determinations in Social Security Disability Cases. 1 C.F.R. § 305.87-6 (1993). 52 Fed. Reg. 49,142 (Dec. 30, 1987).

- 350. **Singer, Michael Jay.** Freedom of Information in the United States. Published as: *United States, in* Administrative Secrecy in Developed Countries. 309 (Donald C. Rowat ed., New York: Columbia Univ. Press, 1979).
- 351. **Smith, Loren A.** Foreword. 18 New Eng. L. Rev. 777 (1983). [Foreword to the law review's symposium on administrative law].
- 352. **Smith, Loren A.** Judicial Review of Administrative Decisions. 7 HARV. J.L. & Pub. Pol'y 61 (1984).
- 353. **Smith, Loren A.** Commentary. Judicialization: The Twilight of Administrative Law. 1985 Duke L.J. 427.
- 354. **Smith, Loren A.** A Vision of the Exchange. 27 Wm. & MARY L. Rev. 767 (1986). [Discussion at the 7th Anglo-American Exchange, on the theme of "Judicial Review of Administrative and Regulatory Action"].
- 355. **Smith, Stuart A.** Deferred Taxation of Gains Realized upon Divestiture of Property to Avoid Conflicts of Interest. 1988 ACUS 273. 36 Feb. Bar News & J. 126 (1989).

Recommendation 88-4. Deferred Taxation for Conflict-of-Interest Divestitures. 1 C.F.R. § 305.88-4 (1992). 53 Fed. Reg. 26,029 (July 11, 1988). [Note: This recommendation was implemented by the Ethics Reform Act of 1989, Pub. L. No. 101-194, 103 Stat. 1716].

356. **Smythe, Marianne K.** The Reparations Program at the Commodity Futures Trading Commission: Reducing Formality in Agency Adjudication. 1988 ACUS 873. 2 ADMIN. L.J. 39 (1988).

Statement 13. Statement on Dispute Resolution Procedure in Reparations and Similar Cases. 1 C.F.R. § 310.13 (1993). 53 Fed. Reg. 26, 032 (July 11, 1988).

357. **Sofaer, Abraham D.** The Change-of-Status Adjudication: A Case Study of the Informal Agency Process. 2 ACUS 303 (1973). 1 J. LEGAL STUD. 349 (1972). *Also*: Judicial Control of Informal Discretionary Adjudication and Enforcement. 72 COLUM. L. REV. 1293 (1972).

Recommendation 71-5 [Originally Recommendation no. 27]. Procedures of the Immigration and Naturalization Service in Respect to Change-of-Status Applications. 2 ACUS 32 (1975). 1971-72 ACUS ANN. Rep. 56.

358. **Spritzer, Ralph S.** Uses of the Summary Power to Suspend Rates: An Examination of Federal Regulatory Agency Practices. 2 ACUS 765 (1973). 120 U. Pa. L. Rev. 39 (1971).

Recommendation 72-4 [Originally Recommendation no. 35]. Suspension and Negotiation of Rate Proposals by Federal Regulatory Agencies. 1 C.F.R. § 305.72-4 (1993). 38 Fed. Reg. 19,791 (July 23, 1973).

359. **Stanton, Thomas H.** Administrative and Legal Aspects of Federal Supervision of Safety and Soundness of Government Sponsored Enterprises. 1991 ACUS 589. 5 ADMIN. L.J. 395 (1991). *Also*: Thomas H. Stanton. Increasing the Accountability of Government-Sponsored Enterprises: Next Steps. 51 Pub. ADMIN. Rev. 572 (1991).

Recommendation 91-6. Improving the Supervision of the Safety and Soundness of Government-Sponsored Enterprises. 1 C.F.R. § 305.91-6 (1993). 56 Fed. Reg. 33,852 (July 24, 1991).

- 360. **Steadman, John M.** "Forgive U.S. its Trespasses?": Land Title Disputes with the Sovereign—Present Remedies and Prospective Reform. 1972 DUKE L.J. 15.
- 361. **Steinberg, Ann.** Federal Grant Dispute Resolution. 1982 ACUS 137 (Vol. 1) AND reprinted at Chapter 54 *in*: Stein, Jacob A., et al. Administrative Law. New York: Matthew Bender.

Recommendation 82-2. Resolving Disputes Under Federal Grant Programs. 1 C.F.R. § 305.82-2 (1993). 47 Fed. Reg. 30,704 (July 15, 1982).

362. **Stevenson, Russell B., Jr.** Fees Under the Freedom of Information Act. 1981 ACUS 85.

Recommendation 81-1. Procedures for Assessing and Collecting Freedom of Information Act Fees. 1 C.F.R. § 305.81-1 (1988). 46 Fed. Reg. 62,805 (Dec. 29, 1981). [Note: This recommendation has been implemented by Freedom of Information Reform Act of 1986, Pub, L. No. 99-570 § 1801, 100 Stat. 3207-48].

363. **Stevenson, Russell B., Jr.** Protecting Business Secrets Under the Freedom of Information Act: Managing Exemption 4. 1982 ACUS 81 (Vol. 1). 34 ADMIN. L. REV. 207 (1982).

Recommendation 82-1. Exemption (b)(4) of the Freedom of Information Act. 1 C.F.R. § 305.82-1 (1988). 47 Fed. Reg. 30,702 (July 15, 1982). [Note: The President in 1987 issued Executive Order 12,600, which requires agencies to follow procedures similar to those recommended by ACUS].

364. **Strauss, Peter L.** Disqualifications of Decisional Officials in Rulemaking. 1980 ACUS 375. 80 COLUM. L. REV. 990 (1980).

Recommendation 80-4. Decisional Officials' Participation in Rulemaking Proceedings. 1 C.F.R. § 305.80-4 (1993). 45 Fed. Reg. 46,776 (July 11, 1980).

365. **Strauss, Peter L.** Mining Claims on Public Lands: A Study of Interior Department Procedures. 3 ACUS 451 (1975). 1974 UTAH L. REV. 185 (1974).

- Recommendation 74-3. Procedures of the Department of the Interior with Respect to Mining Claims on Public Lands. 1 C.F.R. § 305.74-3 (1988). 39 Fed. Reg. 23,043 (June 26, 1974)
- 366. **Sullivan, Neil** Independent Adjudication and Occupational Safety and Health Policy: A Test for Administrative Court Theory. 31 ADMIN. L. REV. 177 (1979).
- 367. **Szanton, Peter L.**, ed. Federal Reorganization: What Have We Learned? (Chatham, N.J.: Chatham House, 1981).
- 368. **Thomas, Larry W.** The Courts and the Implementation of the Government in the Sunshine Act. 37 ADMIN. L. REV. 259 (1985).
- 369. **Thomas, Norman C.** Politics, Structure, and Personnel in Administrative Regulation. 2 ACUS 267 (1973). 57 VA. L. REV. 1033 (1971).
 - Statement 1. Views of the Administrative Conference on the 'Report on Selected Independent Regulatory Agencies' of the President's Advisory Council on Executive Organization. 2 ACUS 27 (1973). 1970-71 ACUS ANN. REP. 60. 57 VA. L. REV. 927 (1971).
- 370. **Tobias, Carl W.** Rule 11-Type Sanctions in Administrative Proceedings. Unpublished draft report. Mar. 1995.
- 371. **Tomlinson, Edward A.** Discovery in Agency Adjudication. 1 ACUS 577 (1971). 1971 DUKE L.J. 89.

Recommendation 70-4 [Originally Recommendation no. 21]. Discovery in Agency Adjudication. 1 C.F.R. § 305.70-4 (1988). 38 Fed. Reg. 19,786 (July 23, 1973).

372. **Tomlinson, Edward A.** Modification and Dissolution of Administrative Orders and Injunctions. 2 ACUS 511 (1973). 31 Mp. L. Rev. 312 (1971).

Recommendation 71-8 [Originally Recommendation no. 30]. Modification and Dissolution of Orders and Injunctions. 1 C.F.R. § 305.71-8 (1993). 38 Fed. Reg. 19,790 (July 23, 1973).

373. **Tomlinson, Edward A.** The Experience of Various Agencies with Statutory Time Limits Applicable to Licensing or Clearance Functions and to Rulemaking. 1978 ACUS 119.

Recommendation 78-3. Time Limits on Agency Actions. 1 C.F.R. § 305.78-3 (1993). 43 Fed. Reg. 27,509 (June 26, 1978).

374. **Tomlinson, Edward A.** Strengthening the Informational and Notice-Giving Functions of the Federal Register. 4 ACUS 427 (1979).

Recommendation 76-2. Strengthening the Informational and Notice-Giving Functions of the "Federal Register." 1 C.F.R. § 305.76-2 (1993). 41 Fed. Reg. 29,653 (July 19, 1976).

375. **Tomlinson, Edward A.** Use of the Freedom of Information Act for Discovery Purposes. 1983 ACUS 277. 43 Mp. L. Rev. 119 (1984).

Recommendation 83-4. The Use of the Freedom of Information Act for Discovery Purposes. 1 C.F.R. § 305.83-4 (1993). 48 Fed. Reg. 57,463 (Dec. 30, 1983).

376. **Tomlinson, Edward A., & Jerry L. Mashaw.** The Enforcement of Federal Standards in Grant-in-Aid Programs: Suggestions for Beneficiary Involvement. 2 ACUS 531 (1973). 58 VA. L. Rev. 600 (1972).

Recommendation 71-9 [Originally Recommendation no. 31]. "Enforcement of Standards in Federal Grant-in-Aid Programs. 1 C.F.R. § 305.71-9 (1988). 38 Fed. Reg. 19,790 (July 23, 1973).

- 377. **Vaughns, Katherine L**. Reforming INS Work Authorization Procedures: Establishing Clearer Standards and Developing More Consistent Procedures. Unpublished draft report, Oct. 1995.
- 378. **Verkuil, Paul R.** Congressional Limitations on Judicial Review of Rules. 1982 ACUS 443 (Vol. 2). 57 Tul. L. Rev. 733 (1983).

Recommendation 82-7. Judicial Review of Rules in Enforcement Proceedings. 1 C.F.R. § 305.82-7 (1993). 47 Fed. Reg. 58,208 (Dec. 30,1982).

- 379. **Verkuil, Paul R.** A Critical Guide to the Regulatory Flexibility Act. 1981 ACUS 203. 1982 DUKE L.J. 213.
- 380. **Verkuil, Paul R.** The Emerging Concept of Administrative Procedure. 78 COLUM. L. REV. 258 (1978).
- 381. **Verkuil, Paul R.** Jawboning Administrative Agencies: Ex Parte Contacts by the White House. 1980 ACUS 513. 80 COLUM L. REV. 943 (1980). *Also*: Hearings on S. 344 and S. 1080 Before the S. Comm. on Governmental affairs. 97th Cong. 464 (1982).

Recommendation 80-6. Intragovernmental Communications in Informal Rulemaking Proceedings. 1 C.F.R. § 305.80-6 (1993). 45 Fed. Reg. 86,407 (Dec. 31, 1980).

382. **Verkuil, Paul R.** Judicial Review of Informal Rulemaking. 60 Va. L. Rev. 185 (1974).

Recommendation 74-4. Preenforcement Judicial Review of Rules of General Applicability. 1 C.F.R. § 305.74-4 (1993). 39 Fed. Reg. 23,044 (June 26, 1974).

- 383. **Verkuil, Paul R.** A Study of Immigration Procedures. 1984 ACUS 987. 31 UCLA L. Rev. 1141 (1984).
- 384. **Verkuil, Paul R.** Study of Informal Adjudication Procedures. 43 U. Chi. L. Rev. 739 (1976).
- 385. **Verkuil, Paul R., et al.** The Federal Administrative Judiciary. 1992 ACUS 777. *Also*: Paul R. Verkuil. Reflections upon the Federal Administrative Judiciary. 39 UCLA L. Rev. 1341 (1992). *An extract of this report also published as*: Jeffrey S. Lubbers. The Federal Administrative Judiciary: Establishing an Appropriate System of Performance Evaluation for ALJs. 7 Admin. L.J. Am. U. 589 (1994). *Supra* no. 234.

Recommendation 92-7. The Federal Administrative Judiciary. 1 C.F.R. § 305.92-7 (1993). 57 Fed. Reg. 61,760 (Dec. 29, 1992).

386. **Vetter, Jan.** Affirmative Action in Faculty Employment Under Executive Order 11246. 4 ACUS 147 (1979).

- Recommendation 75-2. Affirmative Action for Equal Opportunity in Nonconstruction Employment. 1 C.F.R. § 305.75-2 (1988). 40 Fed. Reg. 27,926 (July 2, 1975).
- 387. **Vining, G. Joseph**. Direct Judicial Review and the Doctrine of Ripeness in Administrative Law. 69 MICH. L. REV. 1443 (1971).
- 388. **Ware, Leland.** New Weapons for an Old Battle: The Enforcement Provisions of the 1988 Amendments to the Fair Housing Act. 1992 ACUS 145. 7 ADMIN. L.J. Am. U. 59 (1993).

Recommendation 92-3. Enforcement Procedures Under the Fair Housing Act. 1 C.F.R. § 305.92-3 (1993). 57 Fed. Reg. 30,104 (July 8, 1992).

- 389. **Warfield, Wallace.** The Implications of Alternative Dispute Resolution Processes for Decisionmaking in Administrative Disputes. 16 Pepp. L. Rev. S93 (1989).
- 390. **Weaver, Russell L.** Organization of Adjudicative Offices in Executive Departments and Agencies. 1993 ACUS 547. *Also*: Management of ALJ Offices in Executive Departments and Agencies, 47 Admin. L. Rev. 303 (1995) *and* Appellate Review in Executive Departments and Agencies. 48 Admin. L. Rev. 251 (1996).
- 391. **Weiss, Marley.** Federal Regulation of U.S. Agency Employee Testimony and Document Production. Unpublished draft report, Oct. 1995.
- 392. **Welborn, David M.** Governance of Federal Regulatory Agencies. (Knoxville: Univ. of Tenn. Press, 1977).
 - Statement 4. Strengthening Regulatory Agency Management Through Seminars for Agency Officials. 1 C.F.R. § 310.4 (1988). 40 Fed. Reg. 27,928 (July 2, 1975).
- 393. **Welborn, David M., William Lyons, & Larry Thomas.** Implementation and Effects of the Federal Government in the Sunshine Act. 1984 ACUS 199. *Also*: Reprinted without appendices at Appendix 7D *in*: Stein, Jacob A., et al. Administrative Law. New York: Matthew Bender. *Abridged*: The Federal Government in the Sunshine Act and Agency Decision Making. 20 ADMIN. & Soc'y 465 (1989).

Recommendation 84-3. Improvements in the Administration of the Government in the Sunshine Act. 1 C.F.R. § 305.84-3 (1993). 49 Fed. Reg. 29,942 (July 25, 1984).

394. **White, Martin B.** Offset Dispute Procedures under the Debt Collection Act of 1982. 1987 ACUS 939.

Recommendation 87-9. Dispute Procedures in Federal Debt Collection. 1 C.F.R. § 305.87-9 (1993). 52 Fed. Reg. 49,146 (Dec. 30, 1987).

- 395. **Williams, Jerre S.** Fifty Years of the Law of the Federal Administrative Agencies—And Beyond. 29 Feb. Bar J. 267 (1970).
- 396. **Williams, Stephen F.** "Hybrid Rulemaking" Under the Administrative Procedure Act: A Legal and Empirical Analysis. 4 ACUS 499 (1979). 42 U. Chi. L. Rev. 401 (1975).

Recommendation 76-3. Procedures in Addition to Notice and the Opportunity for Comment in Informal Rulemaking. 1 C.F.R. § 305.76-3 (1993). 41 Fed. Reg. 29,654 (July 19, 1976).

- 397. **Willrich, Mason**. Administration of Energy Shortages: Natural Gas and Petroleum. (Cambridge, MA: Ballinger Publishing Co., 1976).
- 398. **Wozencraft, Frank M.** The Administrative Conference of the United States. 24 Bus. Law. 915 (1969).
- 399. **Wright, Ronald F.** Organization of Adjudicative Offices in Executive Departments and Agencies. 1993 ACUS 509.

Statement 16. Right to Consult with Counsel in Agency Investigations. 59 Fed. Reg. 4677 (Feb. 1, 1994).

400. Yaffee, Steven L., & Julia M. Wondolleck. Negotiating Survival: An Assessment of the Potential Use of Alternative Dispute Resolution Techniques for Resolving Conflicts Between Endangered Species and Development. Unpublished report, Sept. 1994. *See also*: Julia M. Wondolleck & Steven L. Yaffee, Making Collaboration Work: Lessons from Innovation in Natural Resources Management. (Washington, DC: Island Press 2000).

401. **Zengerle, Lynda S.** Procedural Deficiencies in Labor Certification of Immigrant Aliens. 3 ACUS 129 (1975).

Recommendation 73-2. Labor Certification of Immigrant Aliens. 38 Fed. Reg. 16,840 (June 27, 1973).

402. **Zimmer, Michael J., & Charles A. Sullivan.** Consent Decree Settlements in Antitrust and Employment Discrimination: Optimizing Public and Private Interests. 1976 Duke L.J. 163.

PUBLISHED TRANSCRIPTS OF MEETINGS

(Arranged by date)

- 403. **ACUS 7th Plenary Session. June 8-9, 1982.** *Transcript*: Berg, Richard K. Administrative Conference of the United States: Report on the Seventh Plenary Session. 25 ADMIN. L. REV. 61 (1973). *Supra* no. 58.
- 404. ACUS Colloquium on Regulatory Design in Theory and Practice. 1982–1985. *Supra* no. 7.
- 405. **ACUS 27th Plenary Session. December 15, 1983.** Legislative Veto of Agency Rules after *INS v. Chadha*: Twenty-Seventh Plenary Session discussion on Dec. 15, 1983. *Supra* no. 20.
- 406. **ABA-ACUS Symposium on Federal Disability Benefit Programs. October 11–12, 1985.** Symposium: Federal Disability Benefit Programs: Report and Recommendations. Washington, D.C.: American Bar Association, 1985. [Symposium cosponsored by ACUS, ABA, ABA Administrative Law Section, ABA Commission on Legal Problems of the Elderly, Case Western Reserve School of Law, and the Cleveland Foundation].
- 407. **ABA-ACUS Symposium on Federal Disability Benefit Programs. October 11–12, 1985.** Briefing memorandum. Prepared by Jerry L. Mashaw. (Washington, D.C.: American Bar Association, 1985). [Symposium cosponsored by ACUS, ABA, Case Western Reserve School of Law, and the Cleveland Foundation].
- 408. The Role of Legislative History in Judicial Interpretation. February 24, 1987. ACUS Colloquy Series. *Transcript*: Conference on Statutory Interpretation: The Role of Legislative History in Judicial Interpretation: A Discussion between Judge Kenneth W. Starr and Judge Abner J. Mikva. 1987 Duke L.J. 371.

- 409. Administrative Conference of the U.S. (Office of the Chairman). June 1, 1987. Improving Dispute Resolution: Options for the Federal Government. 1 ADMIN. L.J. 399 (1987).
- 410. **ABA-ACUS Medicare Procedures Symposium. October 16–17, 1987.** Report and Recommendations. [Co-sponsored by ABA Commission on Legal Problems of the Elderly and ACUS, held in Leesburg, VA].
- 411. **Broadcast Deregulation: The Reagan Years and Beyond. November 4, 1987.** ACUS Colloquy Series. *Transcript*: 40 ADMIN. L. REV. 345 (1988).
- 412. Ethics in Government: Proceedings of a Working Conference. March 1, 1988. *In*: Administrative Conference of the U.S. (Office of the Chairman). Sourcebook on government ethics for Presidential appointees. *Supra* no. 29. *Partial contents*: G. Calvin Mackenzie, *Presidential Transitions and the Ethics in Government Act of 1978, Issues and Options Paper*; Deanne C. Siemer, *Enforcement of Federal Ethics Laws as Applied to Executive Branch personnel, Issues and Options Paper*.
- 413. **Federal User Fees. May 3, 1988.** Proceedings. [A symposium sponsored by ACUS held at the National Press Club, Washington, D.C.]. *Supra* no. 13.
- 414. The U.S., Canada, and Free Trade: New Frontiers in Dispute Resolution. February 10, 1989. [ACUS-sponsored seminar held in Washington, D.C.]. *Published as*: Summary of Proceedings of the Seminar on Dispute Resolution Under the Canada-United States Free Trade Agreement. 26 Stan. J. Int'l L. 153 (1990).
- 415. **Federal Agency Use of ADR: A Roundtable for General Counsels. January 23, 1990.** [Sponsored by ACUS, held at United States Courthouse Arlington, VA]. *Supra* no. 12.
- 416. **Providing Economic Incentives in Environmental Regulations. April 23, 1990.** ACUS Colloquy Series. *Transcript*: Providing Economic Incentives in Environmental Regulation. 8 YALE J. ON REG. 463 (1991). [Speakers: E. Donald Elliott, David G. Hawkins, Richard B. Stewart].
- 417. Globalization of Securities and Financial Market Regulation in the 1990s. June 14, 1990. ACUS colloquy series. *Transcript*:

Globalization of Securities and Financial Mark Regulation in the 1990s. 10 Ann. Rev. Banking L. 345 (1991) [Panelists: Marshall J. Breger, Richard C. Breeden, L. William Seidman, Judge Stanley Sporkin].

- 418. **ACUS 42d Plenary Session. December 19, 1990.** *Transcript*: Forty-Second Session of the Administrative Conference of the United States. 53 U. PITT. L. REV. 857 (1992). [Discussion about the past and future activities of the Conference].
- 419. **The Supreme Court's Administrative Law Docket. September 19, 1991.** ACUS Colloquy Series. *Transcript*: The Supreme Court's Law Docket: Proceedings from the Administrative Conference of the United States. 6 ADMIN. L.J. AM. U. 261 (1992).
 - 420. **Roundtable on Reg-Neg. Oct. 3, 1991.** *Supra* no. 310.
- 421. An Administrative Alternative to Tort Litigation: The Asbestos Claims Crisis. October 31, 1991. ACUS Colloquy Series. *Transcript*: An Administrative Alternative to Tort Litigation to Resolve Asbestos Claims. 13 Cardozo L. Rev. 1817 (1992). *See also*: Brickman, Lester, An Administrative Alternative to Tort Litigation to Resolve Asbestos Claims. Paper, October 1991. *Later published as*: The Asbestos Litigation Crisis: Is There a Need for an Administrative Alternative? 13 Cardozo L. Rev. 1819 (1992).
- 422. The Supreme Court's Administrative Law Docket. September 24, 1992. ACUS Colloquy Series. Transcript: The Supreme Court's 1991-92 Administrative Law Docket: Proceedings from the Administrative Conference of the United States. Partial contents: The Honorable Patricia M. Wald, The Cinematic Supreme Court: 1991-92 Term; Marshall J. Breger, Administrative Law and Labor Law: The Supreme Court's 1991-92 Docket; Thomas O. Sargentich, The Supreme Court's Administrative Law Jurisprudence. Series published and transcript republished in 7 Admin. L.J. Am. U. 237 (1993).
- 423. Administrative Law Issues and the 103d Congress: Basic Principles and New Strategies for Cooperation. January 11, 1993. Sixth Annual Seminar for Congressional Staff. (Washington, DC: ACUS, 1993).
- 424. **Managing Economic Interdependence. January 29, 1993.** Use of U.S. Antitrust Law Abroad is Debated by Panel at Joint Sym-

- posium. Antitrust & Trade Reg. Rep., Feb. 4, 1993, at 123. [An ACUS-cosponsored symposium entitled, "Managing Economic Interdependence"].
- 425. Inspectors General: An Institution in Need of Reform? March 3, 1993. ACUS Colloquy Series. *Supra* no. 18.
- 426. Administrative Law Issues in Health Care Reform. May 9, 1994. Seventh Annual Seminar for Congressional Staff, May 9, 1994. (Washington, D.C., ACUS, 1994). Contents: Sally Katzen, Introduction; Ronald M. Levin, Preventive Medicine; Sallyanne Payton, Medical Rationing and the Allocation of Adjudicatory Responsibility Under Comprehensive Health Care Reform In The 103rd Congress: An Administrative Lawyer's Postmortem; Eleanor D. Kinney, Rule and Policy Making under Health Care Reform; Timothy S. Jost, Administrative Adjudication under Health Care Reform; Jerry L. Mashaw, Drafting Comprehensive Health Care Reform Legislation: "It's the Administrative Law, Stupid." Symposium published as Administrative Law Issues in Comprehensive Health Reform. 47 Admin. L. Rev. 373 (1995).
- 427. **The ADR Breakthrough for Government Contract Disputes. June 8, 1995.** Practitioner's Deskbook. The Administrative Conference of the United States and CPR Institute for Dispute Resolution.
- 428. **Innovative Approaches to Workplace Disputes. June 16, 1995.** Transcript of Plenary Session Forum, 52nd plenary. *See also*: Videotape.

Bibliography 2010–Present

- A1. Administrative Conference of the U.S. (Office of the Chairman). Equal Employment Opportunity Commission: Evaluating the Status and Placement of Adjudicators in the Federal Sector Hearing Program (2014). http://www.acus.gov/report/equal-employment-opportunity-commission-evaluating-status-and-placement-adjudicators-federal.
- A2. Administrative Conference of the U.S. Retrospective Review of Existing Regulations: Workshop Summary (2011). http://www.acus.gov/fact-sheet/retrospective-review-existing-regulations.
- A3. Administrative Conference of the United States (Office of the Chairman). Evaluating Subjective Symptoms in Disability Claims (2015). http://www.acus.gov/publication/evaluating-subjective-symp toms-disability-claims.
- A4. Administrative Conference of the U.S. (Office of the Chairman). SSA Disability Benefits Adjudication Process: Assessing the Impact of the Region I Pilot Program (2013). http://www.acus.gov/report/assessing-impact-region-i-pilot-program.
- A5. Administrative Conference of the U.S. (Office of the Chairman). SSA Disability Benefits Programs: Assessing the Efficacy of the Treating Physician Rule (2013). http://www.acus.gov/report/treating-physician-rule-report-final.
- A6. Administrative Conference of the U.S. (Office of the Chairman). SSA Disability Benefits Programs: The Duty of Candor and Submission of All Evidence (2012). http://www.acus.gov/report/duty-candor-and-submission-all-evidence-final-report.
- A7. Administrative Conference of the U.S. (Office of the Chairman). SSA Representative Payee: Survey of State Guardianship Laws and Court Practices (2014). http://www.acus.gov/report/ssa-representa tive-payee-survey-state-guardianship-laws-and-court-practices.
- A8. **Aldy, Joseph E.** Learning from Experience: An Assessment of the Retrospective Reviews of Agency Rules and the Evidence

for Improving the Design and Implementation of Regulatory Policy (2014). http://www.acus.gov/report/retrospective-review-report.

Recommendation 2014-5. Retrospective Review of Agency Rules. 79 Fed. Reg. 75,114 (Dec. 17, 2014).

A9. **Balla, Steven J.** Public Commenting on Federal Agency Regulations: Research on Current Practices and Recommendations to the Administrative Conference of the United States (2011). http://www.acus.gov/report/rulemaking-comments-report-and-supplemental -research.

Recommendation 2011-2. Rulemaking Comments. 76 Fed. Reg. 48,791 (Aug. 9, 2011).

A10. **Beck, Leland E.** Agency Practices and Judicial Review of Administrative Records in Informal Rulemaking (2013). http://www.acus.gov/report/agency-practices-and-judicial-review-administra tive-records-informal-rulemaking.

Recommendation 2013-4. The Administrative Record in Informal Rulemaking. 78 Fed. Reg. 41,358 (July 10, 2013).

A11. **Beermann, Jack M.** Midnight Rules: A Reform Agenda (2012). http://www.acus.gov/report/revised-draft-midnight-rules-report.

Recommendation 2012-2: Midnight Rules. 77 Fed. Reg. 47,802 (Aug. 10, 2012).

A12. **Benson, Lenni B. & Wheeler, Russell R.** Enhancing Quality and Timeliness in Immigration Removal Adjudication (2012). http://www.acus.gov/report/immigration-removal-adjudication-report.

Recommendation 2012-3. Immigration Removal Adjudication. 77 Fed Reg. 47,804 (Aug. 10, 2012).

A13. **Bremer, Emily S. & Siegel, Jonathan R.** Clearing the Path to Justice: The Need to Reform 28 U.S.C. § 1500. 65 ALA. L. REV. 1 (2013). Original Conference report, http://www.acus.gov/report/sec tion-1500-final-report.

Recommendation 2012-6. Reform of 28 U.S.C. 1500. 78 Fed. Reg. 2939 (Jan. 15, 2013).

A14. **Bremer, Emily S.** Incorporation by Reference in an Open Government Age. 36 HARV. J.L. & PUB. POL'Y 131 (2013). Original Conference report, http://www.acus.gov/publication/incorporation-ref erence-open-government-age.

Recommendation 2011-5. Incorporation by Reference. 77 Fed. Reg. 2257 (Jan. 17, 2012).

- A15. **Bull, Reeve T.** Building a Framework for Governance: Retrospective Review and Rulemaking Petitions. 66 Admin. L. Rev. 265 (2015).
- A16. **Bull, Reeve T.** Developing a Domestic Framework for International Regulatory Cooperation. 78 Law & Contemp. Probs. (forthcoming 2015).
- A17. **Bull, Reeve T.** Far From Eroding Regulatory Protections, TTIP's Cooperative Regime Could Bolster Sound Regulation. BLOOMBERG BNA DAILY REP. FOR EXECUTIVES (July 23, 2014).
- A18. **Bull, Reeve T.** Making the Administrative State "Safe for Democracy": A Theoretical and Practical Analysis of Citizen Participation in Agency Decision Making. 65 ADMIN. L. REV. 611 (2013). http://www.acus.gov/publication/making-administrative-state-safe-democracy-theoretical-and-practical-analysis-citizen.
- A19. **Bull, Reeve T.** The Federal Advisory Committee Act: Issues and Proposed Reforms (2011). http://www.acus.gov/report/reeve-t-bulls-report-faca.

Recommendation 2011-7. The Federal Advisory Committee Act—Issues and Proposed Reforms. 77 Fed. Reg. 2261 (Jan. 17, 2012).

A20. **Bull, Reeve T.** The Government in the Sunshine Act in the 21st Century (2014). http://www.acus.gov/report/final-sunshine-act-report.

Recommendation 2014-2. Government in the Sunshine Act. 79 Fed. Reg. 35,990 (June 25, 2014).

A21. **Center for Legal & Court Technology.** Best Practices for Using Video Teleconferences for Hearings and Related Proceedings

(2014). http://www.acus.gov/report/best-practices-using-video-telecon ferencing-final-report.

Recommendation 2014-7. Best Practices for Using Video Teleconferencing for Hearings. 79 Fed. Reg. 75,119 (Dec. 17, 2014).

A22. **Chen, James Ming.** Inflation-Based Adjustments in Federal Civil Monetary Penalties (2012). http://www.acus.gov/report/inflation-adjustment-act-final-report.

Recommendation 2012-8. Inflation Adjustment Act. 78 Fed. Reg. 2943 (Jan. 15, 2013).

A23. Clark, Kathleen. Ethics, Employees and Contractors: Financial Conflicts of Interest In and Out of Government. 62 ALA L. REV. 961 (2011). Fiduciary-Based Standards for Bailout Contractors: What the Treasury Got Right and Wrong in TARP. 95 MINN. L. REV. 1614 (2011). Original Conference report, http://www.acus.gov/report/kathleen-clarks-final-project-report.

Recommendation 2011-3. Compliance Standards for Government Contractor Employees—Personal Conflicts of Interest and Use of Certain Non-Public Information. 76 Fed. Reg. 48,792 (Aug. 9, 2011).

A24. **Coglianese, Cary.** Enhancing Public Access to Online Rulemaking Information. 2 MICH. J. ENVTL. & ADMIN. L. 1 (2012). Original Conference report, http://www.acus.gov/report/final-agency-innovations-report. *See also* A Truly "Top Task": Rulemaking and Its Accessibility on Agency Websites. 44 ENVTL. L. REP. 10,660 (2014).

Recommendation 2011-8. Agency Innovations in E-Rulemaking. 77 Fed. Reg. 2264 (Jan. 17, 2012).

A25. **Copeland, Curtis W.** Economic Analysis and Independent Regulatory Agencies (2013). http://www.acus.gov/report/economicanalysis-final-report.

Recommendation 2013-2. Benefit-Cost Analysis at Independent Regulatory Agencies. 78 Fed. Reg. 41,355 (July 10, 2013).

- A26. **Copeland, Curtis W.** Length of Rule Reviews by the Office of Information and Regulatory Affairs (2013). http://www.acus.gov/report/oira-review-report.
 - Statement 18. Improving the Timeliness of OIRA Regulatory Review. 78 Fed. Reg. 76,275 (Dec. 17, 2013).
- A27. **Copeland, Curtis W.** Regulatory Analysis Requirements: A Review and Recommendations for Reform (2012). http://www.acus.gov/report/regulatory-analysis-requirements-report-final.
 - Recommendation 2012-1. Regulatory Analysis Requirements. 77 Fed. Reg. 47, 801 (Aug. 10, 2012).
- A28. **Copeland, Curtis W.** The Unified Agenda: Proposals for Reform (Apr. 13, 2015). http://www.acus.gov/report/final-unified-agenda-report.
 - Recommendation 2015-1. Promoting Accuracy and Transparency in the Unified Agenda. 80 Fed. Reg. 36,757 (June 26, 2015).
- A29. **Dooling, Bridget C.E.** Legal Issues in E-Rulemaking. 63 Admin L. Rev. 893 (2011). Original Conference report, http://www.acus.gov/report/legal-issues-e-rulemaking-report.
 - Recommendation 2011-1. Legal Considerations in e-Rule-making. 76 Fed. Reg. 48,789 (Aug. 9, 2011).
- A30. **Fountain, Jane E.** The GPRA Modernization Act of 2010: Examining Constraints To, and Providing Tools For, Cross-Agency Collaboration (2013). http://www.acus.gov/report/gpra-modernization-act-2010-examining-constraints-and-providing-tools-cross-agency-0.
 - Recommendation 2013-7. GPRA Modernization Act of 2010: Examining Constraints To, and Providing Tools For, Cross Agency Collaboration. 78 Fed. Reg. 76,273 (Dec. 17, 2013).
- A31. **Freeman, Jody & Rossi, Jim.** Agency Coordination in Shared Regulatory Space. 125 HARV. L. REV. 1131 (2012). Report prepared for Conference consideration. http://www.acus.gov/report/consultants-report-improving-coordination-related-agency-responsibil ities.

Recommendation 2012-5. Improving Coordination of Related Agency Responsibilities. 77 Fed. Reg. 47,810 (Aug. 10, 2012).

A32. **Grunewald, Mark H.** Reducing FOIA Litigation Through Targeted ADR Strategies (2014). http://www.acus.gov/report/final-reducing-foia-litigation-through-targeted-adr-strategies-report.

Recommendation 2014-1. Resolving FOIA Disputes Through Targeted ADR Strategies. 79 Fed. Reg. 35,988 (June 25, 2014).

A33. **Herz, Michael.** Using Social Media in Rulemaking: Possibilities and Barriers (2013). http://www.acus.gov/report/final-social-media-rulemaking-report.

Recommendation 2013-5. Social Media in Rulemaking. 78 Fed. Reg. 76,269 (Dec. 17, 2013).

- A34. **Krent, Harold J. & Morris, Scott.** Achieving Greater Consistency in Social Security Disability Adjudication: An Empirical Study and Suggested Reforms (2013). http://www.acus.gov/report/achieving-greater-consistency-social-security-disability-adjudication-report-draft.
- A35. Lewis, David E. & Selin, Jennifer L. Sourcebook of United States Executive Agencies (1st ed. 2012). http://www.acus.gov/publication/sourcebook-united-states-executive-agencies.
- A36. **Lubbers, Jeffrey S.** ACUS 2.0 and its Historical Antecedents. ADMIN. & REG. L. NEWS, Spring 2011, at 9.
- A37. **Lubbers, Jeffrey S.** Fail to Comment at Your Own Risk: Does Issue Exhaustion Have a Place in Judicial Review of Rules? (2015). http://www.acus.gov/publication/fail-comment-your-own-risk-does-issue-exhaustion-have-place-judicial-review-rules.

Statement 19. Issue Exhaustion in Preenforcement Judical Review of Administration Rulemaking. 80 Fed. Reg. 60,611 (Oct. 7, 2015).

A38. **Lubbers, Jeffrey S.** Paul Verkuil's Projects for the Administrative Conference of the U.S. 1974–1992. 32 CARDOZO L. REV. 2421 (2011).

A39. **McAllister, Lesley K.** Harnessing Private Regulation. 3 MICH. J. ENVTL. & ADMIN. L. 291 (2014). Original Conference report. Third-Party Programs to Assess Regulatory Compliance (2012). http://www.acus.gov/report/third-party-programs-final-report.

Recommendation 2012-7. Agency Use of Third-Party Programs to Assess Regulatory Compliance. 78 Fed. Reg. 2941 (Jan. 15, 2013).

A40. **McCarthy, Michael T.** International Regulatory Cooperation, 20 Years Later: Updating ACUS Recommendation 91-1 (2011). http://www.acus.gov/report/international-regulatory-cooperation-final-report.

Recommendation 2011-6. International Regulatory Cooperation. 77 Fed. Reg. 2259 (Jan. 17, 2012).

A41. **Olorunnipa, Funmi E.** Agency Use of Video Hearings: Best Practices and Possibilities for Expansion (2011). http://www.acus.gov/report/agency-use-video-hearings-final-report.

Recommendation 2011-4. Agency Use of Video Hearings: Best Practices and Possibilities for Expansion. 76 Fed. Reg. 48,795 (Aug. 9, 2011).

A42. **O'Reilly, James T.** Federal Advisory Committee Act: Inhibiting Effects upon the Utilization of New Media in Collaborative Governance & Agency Policy Formation (2011). http://www.acus.gov/report/oreilly-faca-report.

Recommendation 2011-7. The Federal Advisory Committee Act—Issues and Proposed Reforms. 77 Fed. Reg. 2261 (Jan. 17, 2012).

- A43. **Pou, Charles, Jr.** Federal Conflict Management since 1995 and Options for the Administrative Conference (2011). http://www.acus.gov/report/federal-conflict-management-1995-and-options-administrative-conference.
- A44. **Rosenberg, Morton.** The Critical Need for Effective Congressional Review of Agency Rules: Background and Considerations for Incremental Reform (2012). http://www.acus.gov/report/congressional-review-act-report.

A45. **Schwartz, Jason A. & Revesz, Richard L.** Petitions for Rulemaking (2014). http://www.acus.gov/report/petitions-rulemaking-final-report.

Recommendation 2014-6. Petitions for Rulemaking. 79 Fed. Reg. 75,117 (Dec. 17, 2014).

A46. **Sferra-Bonistalli, Esa L.** *Ex Parte* Communications in Informal Rulemaking (2014). http://www.acus.gov/report/final-ex-partecommunications-report.

Recommendation 2014-4. "Ex Parte" Communications in Informal Rulemaking. 79 Fed. Reg. 35,993 (June 25, 2014).

A47. **Shapiro, Stuart.** The Paperwork Reduction Act: Benefits, Costs and Directions for Reform. 30 Gov't Info. Q. 204 (2013). Report prepared for Conference consideration. http://www.acus.gov/report/final-draft-paperwork-reduction-act-report.

Recommendation 2012-4. Paperwork Reduction Act. 77 Fed. Reg. 47,808 (Aug. 10, 2012).

A48. **Sharkey, Catherine M.** Inside Agency Preemption. 110 MICH. L. REV. 521 (2012). Original Conference report, http://www.acus.gov/report/preemption-report.

Recommendation 2010-1. Agency Procedures for Considering Preemption of State Law. 76 Fed. Reg. 81 (Jan. 3, 2011).

A49. **Stack, Kevin M.** Guidance in the Rulemaking Process: Evaluating Preambles, Regulatory Text, and Freestanding Documents as Vehicles for Regulatory Guidance (2014). http://www.acus.gov/report/final-guidance-rulemaking-process-evaluating-preambles-regulatory-text-and-freestanding.

Recommendation 2014-3. Guidance in the Rulemaking Process. 79 Fed. Reg. 35,992 (June 25, 2014).

A50. **Tatham, Stephanie J.** The Unusual Remedy of Remand without Vacatur (2014). http://www.acus.gov/report/unusual-remedy-remand-without-vacatur-final-report.

Recommendation 2013-6. Remand Without Vacatur. 78 Fed. Reg. 76,272 (Dec. 17, 2013).

- A51. **Verkuil, Paul R.** What the Return of the Administrative Conference of the United States Means for Administrative Law. 1 MICH. J. ENVTL. & ADMIN. L. 17 (2012).
- A52. **Verkuil, Paul R.** An Essay on Due Process and the Endowment Effect. 22 Wm. & Mary Bill Rts. J. 563 (2013).
- A53. **Verkuil, Paul R. & Fountain, Jane E.** The Administrative Conference of the United States: Recommendations to Advance Cross-Agency Collaboration under the GPRA Modernization Act. 74 Pub. Admin. Rev. 10 (2014).
- A54. **Wagner, Wendy.** Science in Regulation: A Study of Agency Decisionmaking Approaches (2013). http://www.acus.gov/report/science-regulation-final-report.

Subject Index

A	Book review, 93
Accountability, 98, 257	British, 1, 2, 354
-	State, 113, 225, 309, 316
Adjudication	Administrative law judges
See also Civil money penalties;	Caseload statistics, 10, 181
Alternative dispute resolution	Discipline, 325, 385
Appeals, 104, 107, 153, 163, 205, 390,	Evaluation, 234, 385
A50	Federal ALJ corps, 242
Banking, 36	Generally, 121, 176, 234, 235, 236, 239,
Benefits, A51	324, 385, A1
Discovery, 371, 375	Hearing facilities, 8, 293
Evidence, 301, A6,	Loan program, 330
Generally, 10, 80, 168, 236, 239, 251,	Manual, 21
306	Non-ALJs, 155, 385
Housing, 388	Organization, 390
Immigration	Review, 107, 390
See also Immigration	Selection, 294, 385
Informal, 36, 111, 159, 228, 356, 357,	State central panel system, 225, 316
380, 384	Administrative Procedure Act (APA)
Mass justice, 260, 288, 289, 302, 406, 407	See Adjudication; Rulemaking
Medicare, 68, 200, 205	Agency advice, 47, 308
Model rules, 23	Declaratory orders, 307, 308
Participation, 122, 161	Exemptions, 72, 73, 198, 243
Separation of functions, 51, 148, 366	Generally, 4, 86, 87, 88
Settlement, 3, 65, 80, 199, 201, 209, 282,	Right to counsel, 399
402	Separation of functions, 51
Simplified proceedings, 282	Sourcebook, 11
Siting, 116	Administrative proceedings
Social Security, 70, 71, 140, 141, 149,	Public participation, 122, 161
258, 261, 349, A4, A34	Administrative search and seizure, 214
Subpena, 63	Adverse actions
Summary action, 164	See Federal employees liability;
Whistleblower cases, 152	Personnel disputes
Administrative Conference of the U.S.	Adverse publicity, 160
(ACUS)	Advice, governmental, 47, 308
Colloquia, 18, 404, 408, 411, 412, 416,	Advisory committees , 59, 105, 127, A19, A42
417, 418	Affirmative action, 386
Generally, 1, 34, 39, 85, 89, 142, 144,	Agency policy statements
158, 176, 203, 269, 303, 398, A36,	See Policy statements; Rulemaking
A38, A52	Agency reorganization
Guides, 15, 16, 32, 64	See Reorganization
History, 85, 398, A36, A38, A52	Aliens , 289, 323, 357, 377, 401
Model rules, 23, 24	See also Immigration
Plenary sessions, 20, 58, 403, 405, 413,	Alternative dispute resolution
418, 428	See also Mediation
Roundtables, 12, 310, 415	ACUS guide, 30
Seminars, 69, 392, 414, 423, 426	ACUS Roundtables, 12, 310, 406
Sourcebooks, 11, 26, 28, 29, A35	ADA, 191
Symposia, 13, 407, 410, 413, 424, 426	ADR Act, 16, 30, 88, 91, 97, 175
Videotape, 14, 428	Arbitration, 3, 5, 61, 97, 100
Administrative court, 285, 366	Claims against the government, 61
See also Specialized courts	Complex cases, 80
Administrative delay	Contract disputes, 56, 91, 128, 427
See Delay Administrative inspections, 214	Disability cases, 191 Endangered Species Act, 400
	Endangered Species Act, 400
Administrative law , 90, 93, 98, 231, 277, 351, 353, 419, A52	Evaluating, 32, 33, 131, 315 FOIA disputes, 177, A32
JJJ, 717, MJ4	1 OIA disputes, 1//, A34

Generally, 7, 12, 16, 28, 97, 187, 304,	Carcinogens, 272
317, 389, 409, 415, A43	Case management, 104, 239, 306
Interbranch disputes, 342	Case Western Reserve School of Law, 403,
International disputes, 230	404 Cocolord accounting 10, 181
Mediator confidentiality, 178, 186	Caseload accounting, 10, 181
Negotiated rulemaking	Center of State Administrative Law, 113 Central panel system, 225, 316
See Negotiated rulemaking	CERCLA
Negotiation, 41	
Neutrals, 19, 194, 328	See Superfund Chevron USA v. NRDC, 143, 335
Ombudsmen, 27, 40 Reparations, 356	See also Deference to agencies
Settlement judges, 199, 282	Citizen complaints, 326
Superfund, 41	Citizen suits, 84, 125, 259
Videotape, 14	See also Enforcement
American Bar Association, 4, 39, 406, 407	Civil Aeronautics Board (CAB), 60, 146
American Bar Association, 4, 59, 400, 407 Americans with Disabilities Act, 191	Civil money penalties , 48, 132, 139, 148, 156,
Antidumping	172, 295, A22
See International trade	See also Enforcement
Antitrust , 137, 402, 424	Claims, 46, 54, 61, 65, 253, 258, 260, 261, 349,
Appeals	365, 421
See Adjudication, Appeals	Clean Air Act, 129
Appointees	Committees, Advisory
See Presidential appointees	See Advisory committees
Arbitration , 3, 5, 61, 97, 100	Commodity Futures Trading Commission
Archives, 299	(CFTC), 356
Asbestos claims, 421	Communication, Risk
Ash Council Report , 285, 322, 369, 395	See Risk communication
Asylum, 254	Communications, Ex parte
Atomic Energy Commission (AEC), 116	See Ex parte communications
Attorneys	Compensation
Discipline, 114	Vaccine injury, 253
Fees, 212, 320	Complaint procedures, 326
Government hiring of private, 244, 327	Confidentiality, 45, 132, 178, 186
Nonlawyer assistance, 193	Conflict of interest
Pro bono representation, 94, 95, 221	See also Ethics in government Advisory committees, 59
Aviation industry	Disqualification, 59, 109, 364
See Federal Aviation Administration	Disqualification, 39, 109, 304 Divestiture, 355
(FAA)	Financial disclosure, 38, 279, A23
В	Former officials, 278
Bank Holding Company Act, 36	Generally, 29, 38, 145
Bank regulation , 36, 54, 55, 248, 251, 252,	Indian trusts, 109
340, 341	Presidential transitions, 29, 188, 412
See also Financial services regulation;	Rulemaking, 364
Regulation	Congressional oversight, 226, 227, 342, 378
FOIA, 333	See also Legislative veto
Benefits, A51	Consent decrees, 201, 402
See also Disability benefits	Consular officers, 284
Bid protests, 210	Consumer Product Safety Commission
Biotechnology, 345	(CPSC), 272, 331, 337, 338
Book reviews , 93, 136, 240, 305	Contract Disputes Act, 56, 249
Breyer, Stephen, 238	Contractors
British administrative law, 1, 2, 354	See Government contracts
Broadcast licensing, 43, 411	Contracts
Broadcasting of proceedings, 57	See Government contracts
Bumpers Amendment, 224	Cooperative regulation, 66, 183, 276
Business information	Coordination of federal programs, 255 Cost-benefit analysis, A25, A27
See Information, Business; Trade secrets	See also Economic analysis
C	Environmental, 52, 134
Canada-U.S. Free Trade Agreement, 230	Preclusion, 288
Camada Casa Free France Agricultum, 250	1 1001031011, 200

D. I. 11. 200	D. I. W. 16. I. I. 142
Rulemaking, 266 Valuation of human life, 170	Dole v. United Steelworkers, 143
Council on Tribunals, 1, 2	${f E}$
Countervailing duties	Economic analysis, 137, A25, A27
See International trade	See also Cost-benefit analysis
Courts, 27, 103, 130, 332	Education
Criminal prosecution, 314	See Training
Customs Service, 165	Electronic dockets, 298
D	See also Technology
	Electronic information, 297, 298, 299, A21,
Debarment of contractors, 343	A24
Debt collection, 220, 394	See also Technology
Declaratory orders, 307, 308	Employees, Federal See Federal employees
Deference to agencies, 143, 335 See also Chevron USA v. NRDC;	Endangered Species Act, 287, 400
Statutory interpretation	Energy policy
Deferred taxation, 355	Generally, 312
Delay , 10, 115, 306, 323, 373	Price regulation, 37
Department of Agriculture, 180, 318, 321	Regulation, 334
Department of Commerce , 150, 151, 195	Shortages, 292, 397
Department of Energy (DOE), 37	Enforcement
Department of Health and Human Services	See also Citizen suits; Civil money
(HHS), 104, 205, 206, 207	penalties; Split enforcement
Department of Housing and Urban	model
Development (HUD), 388	Environmental law, 348
Department of Justice , 137, 167, 201, 247,	Housing, 388
314, 342, 402	Judicial review, 378
Department of Labor , 126, 134, 196, 267, 268, 401	Self-enforcement, 274, 275 Environmental law
Department of State, 284	Asbestos claims, 421
Department of State , 264 Department of the Interior , 109, 110, 365	Citizen suits, 84, 125
Department of the Treasury, 339	Cost-benefit analysis, 52, 288
Department of Transportation , 31, 60, 148	Economic incentives, 416
Deregulation, 60, 411	Federal facilities, 348
See also Regulation	Judicial review, 129, 190
Direct final rulemaking, 223	Licensing, 283
Disability benefits	Negotiated rulemaking, 204
See also Benefits; Social Security	NEPA, 123, 124, 283
Administration (SSA)	Noise pollution, 346
Appeals, 70, 208	Pesticides, 192
Book reviews, 305	Risk communication, 53
Management of, 258 Mass justice, 140, 141, 302	Superfund, 41, 190, 209 Environmental Protection Agency (EPA),
Medical decisionmaking, 71, A4, A6	41, 53, 84, 125, 129, 192, 204, 209, 232, 346,
Representative payees, 149	348
State determination, 349	Equal Access to Justice Act (EAJA), 212,
Symposium, 406, 407	320
Disability benefits claims	Model rules, 24
See Social Security Administration	Equal Employment Opportunity Commission
(SSA)	(EEOC), 386, 402, A1
Disclosure	Equity, Regulatory, 334
Congressional demands, 342	Ethics in government
Financial, 59, 279, 355	See also Conflict of interest; Presidential
Discovery, 371, 375	appointees
Discretion, Prosecutorial	Advisory committees, 59
See Prosecutorial discretion	Cooling off period, 278 Divestiture, 355
Discretionary review, 146 Dispute resolution	Financial disclosure, 279
See Alternative dispute resolution	Former officials, 278
Disqualification , 59, 109, 364	Generally, 38, 145, 327, 412
Divestiture, 213, 355	Presidential transitions, 29, 188, 412

Flood insurance program, 313

Ex parte communications, 15, 79, 286, 381, A46 Executive Branch agencies, A35 See also Regulatory agencies Executive Order 11246, 386 Executive Order 12044, 237 Exemptions See Freedom of Information Act (FOIA); Rulemaking Exhaustion of remedies, 387, A37 Export Administration Act, 151 Export controls, 151 F Fair Housing Act, 388 Farmer-Lender mediation, 318 Farmers Home Administration, 318 Federal advisory committees	Food and Drug Administration (FDA), 53, 184, 272, 338, 347 Foreign affairs exemption (APA), 72 Forest Service, 321 Forfeiture, 167, 218 Forum shopping, 96, 130, 210, 264, 332 Freedom of Information Act (FOIA) See also Informal adjudication Agency adjudicative decisions, 168 Business information, 291, 363 Discovery, 375 Disputes, 177, A32 Electronic information, 297, 299 Exemption "8", 333 Fee waivers, 76, 362 Generally, 166, 178, 350 Ombudsman, 178 Other countries, 350
See Advisory committees	G
Federal Aviation Act, 148, 295 Federal Aviation Administration (FAA), 31, 66, 148, 202, 295 Federal Communications Commission (FCC), 43, 329, 411 Federal Debt Collection Act, 220, 394 Federal Deposit Insurance Corporation (FDIC), 55, 248, 251, 340, 341 Federal employees Liability, 211, 250 See also Government employees Personnel disputes, 3, 27, 31, 245, 273 Retirement, 101 Federal Home Loan Bank Board (FHLBB), 54	Good cause exemption (APA), 198 Government contracts Bid protests, 210 Debarment, 343 Disputes, 56, 128, 174, 210, 249 Indemnification, 173 Legal Services, 244 Renegotiation Board, 46 Rulemaking exemption, 73 Government employees See Federal employees liability Government finance, 78, 213, 413 Government in the Sunshine Act, 35, 64, 368 393, A20
Federal Insurance Administration, 313	Government lawyers
Federal Mediation and Conciliation Service	See Attorneys
(FMCS), 14, 31	Government liability
Federal Power Commission (FPC), 292, 397	See Liability
Federal Register , 374, A14 Incorporation by reference. A14	Government officials, 59, 188, 278, 279
Federal Reserve System, 36, 251, 340, 341	Government sponsored enterprises, 359 Governmental advice, 47, 308
Federal Rules of Evidence, 301	Grants
Federal Savings and Loan Insurance	Debarment, 343
Corporation (FSLIC), 54	Disputes, 104, 361
Federal-State relations , 169, 207, 256, 290, 300, 310, 376, A48	Drafting statutes, 9, 263
Federal Tort Claims Act, 65, 108, 211	Exemption (APA), 73 Formula grants, 247
Federal Trade Commission (FTC), 81, 82, 83,	Generally, 262
137, 364	Peer review, 265
Federal Water Pollution Control Act, 125,	Procedures, 215
129 Fee waivers , 76, 362	Standards, 169, 376
Fees	Grievances, 222, 245 See also Federal employees liability
See User fees	1 7
FIFRA , 192	H
Financial disclosure	Hazardous waste, 41, 209, 232
See Disclosure Financial services regulation, 251, 252, 333,	Health and safety See also Mental health
359, 417	Auto safety, 240
See also Bank regulation; Regulation	Benzene, 134

Carcinogens, 272

Cost-benefit analysis, 52	Sunshine Act, 35, 64, 368, 393
Enforcement, 148, 196	Injunctions, 372
Injury claims, 253	
	Injury claims, 253
Migrant workers, 255	Inspections, 214
OSHA regulation, 53, 134, 267, 268	Inspectors general, 18, 425
Product safety, 331, 358	Interim final rulemaking, 49
Risk communication, 53	Interlocutory appeals, 163
Risk regulation, 241	Internal Revenue Service (IRS), 48, 132, 270,
Standards, 183	355
Whistleblowers, 152	International cooperation, 66, A16, A17, A40
Health Care Financing Administration	International trade
(HCFA), 205, 206, 207, 410, 426,	Customs Service, 165
Health care reform, 407, 410, 426	Disputes, 230
Hearing examiners	Trade regulation, 45, 150, 151, 195, 339,
See Administrative law judges	417, A16, A17
Hearings , 80, 116, 155, A1, A3, A21, A41	International Trade Commission (ITC), 45,
Caseload accounting, 181	150, 195
Duplicative, 202	Interpretation, Statutory
Facilities, 8, 293	See Statutory interpretation
Statistics, 10	Interpretive rulemaking
Videos, A21, A41	See Rulemaking, Interpretive
Housing enforcement, 388	Intragovernmental communication , 77, 381
Human life, Valuation, 170	Investigations, 399
Hybrid rulemaking	
·	J
See Rulemaking	Judges Settlement
I	Judges, Settlement
T	See Settlement judges
Immigration	Judicial review , 55, 118, 130, 132, 133, A37,
See also Aliens	A50
Adjudication, 216, 254, A12	Bid protests, 210
Asylum, 254	Customs Service, 165
Change of status, 357	Enforcement, 133, 378
Comparative, 219	Environmental law, 118
Labor certification, 377, 401	
	Export administration, 151
Legalization, 289	Foreign Trade Zones Board, 150
Litigation, 336	Generally, 352, 353
Procedures, 383	Immigration, 216, 336
Reform, 323	Jurisdiction, 77, 118, 329, A13
Research agenda, 217	Nonacquiesence, 147
Visa denials, 284	Preclusion, 190
Immigration and Naturalization Service	Preenforcement, 382
(INS), 216, 254, 289, 323, 357, 377, 401	
INS v. Chadha, 20, 162, 226, 227	Ripeness, 387
	Rulemaking, 15, 133, 382, A10
Immunity, 250	Selective Service decisions, 69
Indemnification of contractors, 173	Specialized courts, 103, A13
Independent agencies, 25, 112, 392	Statistics, 306, 335, 336
Indian tribes	Statutory interpretation, 44, 143, 224,
See Native Americans	408
Industrial development, 290	Venue, 96, 130, 264, 332
Informal adjudication	Jurisdiction, 77, 329, A13
See also Adjudication, Informal	
Informal rulemaking	Jurisdictional amount, 118
	L
See Rulemaking, Informal	
Information	Labor certification, 377, 401
See also Freedom of Information Act	Land management
(FOIA); Risk communication	Flood Insurance program, 313
Business, 291, 363	Forest Service, 321
Confidential, 45, 291, 363	Mining claims, 365
Electronic, 297, 299	Sovereign immunity, 360
Federal Register, 374	Lawyers
Sensitive, 342	See Attorneys

Logislative drofting 0 262	0
Legislative drafting, 9, 263	U
Legislative history	Occupational Safety and Health
See Statutory interpretation	Administration (OSHA) , 53, 134, 196, 267,
Legislative veto , 20, 162, 226, 227	268
See also Congressional Oversight	Occupational Safety and Health Review
Liability , 211, 250	Commission (OSHRC), 196, 366
Licensing, 373	Settlement judges, 282
Broadcast, 43, 411	Office of Management and Budget (OMB),
NEPA, 283	102, 170, 237, 381
Time limits, 373	Ombudsmen , 27, 40, 117, 177, 326
Time minus, eve	Orders, 372
M	See also Adjudication; Declaratory
Magnuson-Moss Act, 81, 82, 83	orders; Protective orders
Management , 56, 102, 104, 239, 257, 258, 267,	Oversight
268, 297, 299, 306, 321, 390, 392, 400, A30,	See Congressional oversight;
A39, A42, A53, A54	Rulemaking, Presidential oversight
Mass justice, 193, 258, 260, 289, 302	
	P
Mediation , 22, 31, 131, 140, 191, 318	Paperwork Reduction Act, 157, A47
See also Alternative dispute resolution	Parole Board procedures, 197
Mediator confidentiality, 178, 186	Participation
Medicaid, 207	See Public participation
Medical testimony, 71	Parties defendant, 119
Medicare	Peer review, 200, 265
Adjudication, 68, 200, 426	Penalties
Appeals, 205	See Civil money penalties
Coverage determination, 206	Personnel disputes
Symposium, 410	See Federal employees
Mental health, 99	liability
See also Health and safety	Pesticides, 192
Merit Systems Protection Board (MSPB), 3	Petitions
Migrant farmworkers, 255	See Rulemaking, Petitions
	Petroleum regulation, 37, 397
Military affairs exemption (APA), 72	Policy statements , 42, 50, 75, 138
Mining claims, 365	Poor people's counsel, 74
N	Preemption, 271, 300, A48
National Environmental Delies Act (NEDA)	Presidential appointees, 101, 319
National Environmental Policy Act (NEPA), 123, 124, 283	See also Ethics, Transition team
	Presidential oversight
National Labor Relations Board (NLRB),	See Rulemaking, Presidential
147, 179	oversight
National Performance Review (NPR), 17,	Presidential transition team, 29, 188, 412
233	Prison procedures, 222
National Transportation Safety Board,	Private attorneys, government hiring of, 244,
(NTSB), 148, 202, 295	327
Native Americans, 109, 110	Pro bono representation , 94, 95, 221
Negotiated rulemaking	Product recalls, 338
Evaluation, 204, 296,	Procedural rule exemption (APA), 243
Generally, 6, 185, 204, 310-312	Prosecution, Criminal
Neutrals, 328	See Criminal prosecution
Sourcebook, 26	Prosecutorial discretion, 314
Negotiation	Protective orders, 45
See Alternative dispute resolution	Public information
Neutrals , 19, 328	See Information Public lands
No-action letters, 229	Mining claims, 365
Noise Control Act, 346	Public participation , 50, 122, 161, A18, A33
Nonacquiescence, 147	Funding, 81, 82, 74
Notice-and-comment	Interpretive rules, 75
See Rulemaking, Informal	Rulemaking, 73, 74, 81, 82, 83
Nuclear payor plant site bearings 116	Dublicity Adverse 160

R	Representation, 302
Race to the courthouse, 96, 264	At investigations, 399
Ratemaking, 281, 358	Nonlawyer, 193
Delay, 281	Poor people's counsel, 74
Recalls	Pro bono, 95, 221
See Product recalls	Representative payees, 149 Retirement, 101
Receiverships, 54	Retrospective review, 344, A2, A8, A15, A44
Regulation	Review boards , 107, 146, 153, 208, 196
See also Bank regulation; Deregulation; Financial services regulation;	Right to counsel, 399
Regulatory reform	Ripeness , 378, 387
Auto safety, 240	Risk communication, 53
Biotechnology, 345	See also Informal adjudication
Compliance, A39	Risk regulation , 52, 241, 249
CPSC, 272, 331, 337, 338	Rule 11 sanctions, 370
FDA, 53, 184, 272, 338, 347	Rulemaking ACUS Guide, 15
International cooperation, 66	Agency policy statements, 42, 50, 75,
Noise control, 346	138
Pesticides, 192	California, 309
Petroleum, 37, 397 Preemption, 271, 300	Choices, 62, 138, 232
Review of existing regulations, 344, A2,	Cost-benefit analysis, 266
A8, A15, A44	CPSC, 336, 337
Science, A54	Decisional officials, 364
Self-regulation, 274, 275, A39	Direct final, 223
Regulatory agencies, 7	Electronic rulemaking, A24, A29, A33
See also Executive branch agencies	Ex parte communications, 286, 381, A46 Exemptions, 42, 50, 72, 73, 75, 198, 243
Ash Council report, 322, 369, 395	FDA, 184
Management, 392, A25 Organization, 25, 112, 285, 322, A26,	FTC, 81, 82, 83, 364
A35	Formal, 184
Ratemaking, 358	Generally, 15, 62, 79, 89, 182, 257, A15,
Risk communication, 53	A28
Regulatory budget, 280	Guidance, A49
Regulatory cooperation , 66, 67, 183, 276,	Hybrid, 81, 82, 83, 396
A30, A31, A53	Informal, 79, 111, 135, 286, 382, A9,
Regulatory design , 7, 136, 189, 232, 274, 275,	A10, A11, A46, A49 Interim final, 49
276, A8 Regulatory equity, 334	Interpretive, 42, 50, 75
Regulatory Flexibility Act, 379	Judicial review of, 133, 378, 382
Regulatory reform , 79, 136, 271, 274, 275,	Legislative veto, 20, 162, 226, 227
A11	Management, 267, 268
See also Cost-benefit analysis;	Medicaid, 207
Economic analysis; Regulation	NLRB, 179
Exceptions, 334	Nongovernmental standards, 183, A14 OSHA, 267, 268
Generally, 7, 86, 87, 92, 189	Petitions, 246, A45
NPR, 233 OSHA, 267	Presidential oversight, 102, 237, 381,
Regulatory analysis, 266, 379, A27	A26
Regulatory budget, 280	Public participation, 74, A45, A46
Review of existing regulations, 344, A2,	Regulatory Flexibility Act, 379
A8, A15, A44	Regulatory analysis, 266, 379, A28
Risk regulation, 241	Rules of general applicability, 182
Rules of general applicability, 182 Remedies, 387	Social Media, A33, Time limits, 373
Renegotiation Board, 46	Rulemaking, Negotiated
Reorganization , 25, 285, 367, A30, A31	See Negotiated rulemaking, Rules of
Department of Transportation, 60	evidence
Regulatory agencies, 112, 322, 369, 395,	See Federal rules of evidence, Rules,
A26	Interpretive
Reparations, 356	See Rulemaking, Interpretive

S	Summary judgment, 164
Sanctions	Summary procedure, 154, 358
Administrative adjudications, 370	Sunshine Act
Medicare, 200	See Government in the Sunshine Act
Scientific decisionmaking, 80, 106, 253, 313,	Superfund , 41, 190, 209
345, 347, A54	Supplemental Security Income Program, 256
Searches, 214	Supreme Court , 57, 419, 422
Securities and Exchange Commission (SEC),	T
229, 232	Taxation , 48, 132, 270
Securities regulation, 229, 252, 417	Deferred, 355
Seizure, 214	TRAC v. FCC, 329
Selective Service System, 69	Technology
Sensitive information, 342	See also Electronic dockets, Electronic
Separation of functions	information
See Adjudication, Separation of	Social Media, A33, A42
functions	Video Hearings, A21, A41
Settlement	Testimony, Medical, 71
See Adjudication, Settlement	Thrifts
Settlement judges, 199, 282	See Bank regulation
Siting , 116, 290	Time limits , 306, 373
Small businesses, 379	Torts, 65, 108, 211, 250, 379, 421
Social Security Administration (SSA)	Trade regulation , 45, 81, 82, 83, 150, 230, 414
See also Disability benefits	Trade secrets , 45, 291, 363
Appeals, 70, 71, 140, 141, 208, 258, 260,	Trade, International
261, 349, 403, 414, A3, A34	See International trade
Book reviews, 305	Training , 294, 392
Disability symposium, 403, 404 Federal-State relations, 256, 34, A5, A7	Transition team
Medicare	See Presidential transitions
See Medicare	See also Presidential Appointees
Nonacquiescence, 147	Transportation, 60, 148, 202
Representative payees, 149, A5, A7	U
Sovereign immunity , 118, 119, 120, 250, 360	II C 12 70 171
Specialized courts, 103	User fees, 13, 78, 171
See also Administrative Court	V
Split enforcement model, 148, 196	Vaccine injury compensation, 253
See also Enforcement	Valuation, Human life, 170
State administrative law , 113, 225, 309, 316	Venue, 96, 130, 264, 332
State-Federal relations	Veto
See Federal State relations	See Legislative veto
Statistics , 10, 335, 336	Visa denials, 284
Statutory interpretation, 44, 143, 224, 378,	W
405, 408	
See also Deference to agencies	Waivers and exceptions, 334
Subpena power, 63	Whistleblowers, 152

Author Index

Ablard, Charles D., 1-2 Adams, Arvil V., 3 Adler, Robert S., 338 Aldy, Joseph E., A8 Allard, Nicholas W., 250 Altschuler, David M., 247 Aman, Alfred C., Jr., 36-37 Anderson, David R., 27, 40 Anderson, Frederick R., 41 Anthony, Robert A, 42-45 Aronowitz, Dennis S., 46 Asimow, Michael, 47-51 Balla, Steven J., A9 Baram, Michael S., 52-53 Baxter, Lawrence G., 54-55 Beck, Leland, A10 Bednar, Richard J., 56 Beermann, Jack M., A11 Bell, Michael E., 247 Bennett, Robert W., 57 Benson, Lenni B., A12 Berg, Richard K., 58-64, 123-24, 403 Bermann, George A, 65–67 Bernard, Phyllis E., 68 Beytagh, Francis X., Jr., 69 Bloch, Frank S., 70-71 Bonfield, Arthur E., 72-75 Bonine, John E., 76 Botein, Michael, 77 Bowers, Michael W., 78-79, 145 Boyer, Barry B., 80-84, 125 Breeden, Richard C., 417 Breger, Marshall J., 85-98, 417, 422 Bremer, Emily S., A13, A14 Brickman, Lester 421 Broderick, Albert, 99 Brucar, Wayne E., 316 Bruff, Harold H., 100-03, 162 Bull, Reeve T., A15-A20 Byrne, James E., 45 Cappalli, Richard B., 104 Cardozo, Michael H., 105 Carrow, Milton M., 106 Cartwright, Bliss C., 83 Cass, Ronald A, 107-08 Center for Legal & Court Technology, A21 Chambers, Reid P., 109-10 Chen, James Ming, A22 Clagett, Brice McAdoo, 111 Clark, Kathleen, A23 Coglianese, Cary, A24 Colosi, Christopher B., 22 Colosi, Thomas R., 22 Copeland, Curtis W., A25-A28 Cox, Michael P., 23, 113-114 Cramton, Roger C., 115-25

Croley, Stephen P., 126-27

Crowell, Eldon, H., 128 Currie, David P., 129-30, 332 Dalton, Deborah S., 26 Daniel, Johnnie, 131 Davenport, Charles, 132 Davey, William J., 195 Davis, Frederick, 133 DeLong, James V., 134-37 Diver, Colin S., 138-39 Dixon, Robert G., Jr., 140-41 Dooling, Bridget C.E., A29 Dorminey, Elizabeth K., 317 Eads, George C., 189 Edles, Gary J., 14245, 176 Edley, Christopher, Jr., 92 Elliott, E. Donald, 335, 416 Ellis, Emory N., Jr., 146 Estreicher, Samuel, 147 Fallon, Richard H., Jr., 148 Farina, Cynthia, 38 Farrell, Margaret G., 149 Fenton, Howard N., III, 150-51 Fidell, Eugene R., 152 Figueroa, Jose R., 3 Fountain, Jane E., A30, A53 Fowler, Mary Candace, 320 Freedman, James O., 153–54 Freeman, Jody, 204, A31 Frye, John H., III, 155 Funk, William F., 127. 156-57 Gardner, Warner W., 158-59 Gellhorn, Ernest, 160-64 Gerhart, Peter M., 165 Giannella, Donald A, 166 Gifford, Daniel J., 167, 234, 385 Gilbert, Michelle L., 199 Gilhooley, Margaret, 168-69 Gillette, Clayton, P., 170-71 Goldschmid, Harvey 1., 172 Goodman, Frank I., 130, 331 Grad, Frank P., 173 Graham, Heather G., 174 Grassley, Sen. Charles E., 175 Griffin, Brian C., 176 Grunewald, Mark H., 177-79, A32 Grunschlag, Dov M., 180 Halloran, Norbert A., 181 Hamilton, Robert W., 182-84 Harfst, David L., 240 Harter, Philip J., 185-89 Hawkins, David G., 416 Healy, Michael P., 190 Heifetz, Alan W., 203 Herz, Michael, A33 Hill, Larry B., 27 Hodges, Ann C., 191 Hopkins, Thomas D., 13, 170-71

Hornstein, Donald T., 192 Hostetler, Zona Fairbanks, 193 Iannelli, Carole D., 214

Jackson, John H., 195

Johnson, George Robert, Jr., 196

Johnson, Phillip E., 197 Jones, Charlotte, 306 Jordan, Ellen R, 198 Joseph, Daniel, 199

Jost, Timothy Stoltzfus, 200-01, 426

Kartalia, David E., 202 Katzen, Sally, 203, 426 Kerwin, Cornelius, 204 Kettlewell, Linden H., 332 Kinney, Eleanor D., 205–07, 426 Klitzman, Stephen H., 64

Koch, Charles H., Jr., 208, 234, 385

Koplow, David A, 208 Kornhauser, Lewis A, 209 Kovacic, William E., 210 Kratzke, William P., 211 Krent, Harold J., 212–13, A34

Kress, Jack M., 214 Kurzman, Stephen, 215 Langbein, Laura, 204 Larsen, Paul B., 163 Laxalt, Sen. Paul, 332

Legomsky, Stephen H., 216–17 Leibowitz, Arnold H., 218–19 Leifer, Jacqueline C., 220 Lerman, Lisa G., 221 Lesnick, Howard, 222

Levin, Ronald M., 223–24, 426 Levinson, L. Harold, 20, 225–27 Lewis, David E., A35 Lockhart, William J., 228–29 Lowenfeld, Andreas F., 230

Lubbers, Jeffrey S., 231-43, 385, A36-A38

Luneburg, William V., 244-47

Lyons, William, 393
Macey, Jonathan R, 248
Mackenzie, G. Calvin, 29, 412
Madden, Thomas J., 249–50
Malloy, Michael P., 251–52
Mariner, Wendy K., 253
Martin, David A, 254–55
Martin, Peter W., 256
Martin, Philip, 255

Mashaw, Jerry L., 240, 257-261, 376, 407, 426

Mason, Malcolm S., 9, 262–63 McAllister, Lesley K., A39 McCarthy, Michael T., A40 McGarity, Thomas O., 264–68

McGowan, Carl, 269 McGregor, John, 270 Meidinger, Errol, 84, 271 Merrill, Richard A, 272–73 Michael, Douglas C., 274–76 Mikva, Abner J., 408 Miller, Geoffrey P., 248

Miller, Nancy G., 15, 243

Millhauser, Marguerite S., 28 Mintz, Benjamin W., 15

Moller, Erik, 315

Morgan, Thomas D., 29, 277-81

Morris, Scott, A34

Mullins, Morell E., 21, 282 Murphy, Arthur W., 283 Nafziger, James A.R., 284 Nathanson, Nathaniel L., 285–86

Neely, Alfred S., IV, 288 North, David S., 289 Nyhart, J. Daniel, 106 Ogden, Gregory L., 290 Olorunnipa, Funmi E., A41 O'Reilly, James T., 291, A42 Paglin, Max D., 292

Paglin, Max D., 292 Park, Robert E., 293–94 Payton, Sallyanne, 426

Perritt, Henry H., Jr., 295-99

Pierce, Richard J., Jr., 234, 300-01, 385

Popkin, William D., 302 Portz, Anna Mary, 289

Pou, Charles, Jr., 28, 128, 175, 303-06, A43

Powell, Burnele V., 307–08 Price, Monroe E., 110, 309 Pritzker, David M., 26, 310–13 Rabin, Robert L., 314 Remes, David H., 250

Revesz, Richard L., 147, 209, A45

Rich, Malcolm C., 316 Riggs, Douglas A, 317 Riskin, Leonard L., 318 Roberts, Robert N., 29, 319 Robertson, Reuben B., 320 Robinson, Glen O., 321–22 Robinson, William F., Jr., 164 Rochvarg, Arnold, 323 Rolph, Elizabeth, 315 Rosenberg, Morton, A44

Rosenblum, Victor G., 324–26 Rossi, Jim, A31 Rotunda, Ronald D., 327 Ruhlen, Merritt, 21 Ruttinger, George D., 328

Sargentich, Thomas O., 203, 329, 422

Scalia, Antonin, 330–31 Schlesinger, Steven R., 332 Schotland, Roy A., 333 Schuck, Peter H., 334–36 Schwartz, Jason A., A45 Schwartz, Marvin, 305 Schwartz, Teresa M., 337-338 Schwartz, Warren F., 339 Scott, Kenneth E., 340–41 Seidman, L. William, 417 Selin, Jennifer L., A35

Sferra-Bonistalli, Esa L., A46 Shane, Peter N., 342

Shannon, Brian D., 343

Shapiro, Sidney A., 267-68, 344-47

Shapiro, Stuart, A47

Sharkey, Catherine M., A48 Shaw, William R, 348 Shoenberger, Allen E., 349 Siegel, Jonathan R., A13 Siemer, Deanne C., 29, 412 Singer, Michael J., 350 Smith, Loren A., 351-54 Smith, Stuart A., 355 Smythe, Marianne K., 356 Sofaer, Abraham D., 357 Sporkin, Stanley, 417 Spritzer, Ralph S., 358 Stack, Kevin, A49 Stanton, Thomas H., 359 Starr, Kenneth W., 408 Steadman, John M., 360 Steinberg, Ann, 361 Stevenson, Russell B., Jr., 362-63 Stewart, Richard B., 416 Stockton, Diane M., 40 Strauss, Peter L., 93, 364-65 Sullivan, Charles A., 402 Sullivan, Neil, 366 Sunstein, Cass R., 92 Susman, Thomas M., 203 Suter, Alice H., 346 Szanton, Peter L., 367 Tatham, Stephanie J., A50 Thomas, Larry W., 368, 393 Thomas, Norman C., 369

Tobias, Carl W., 370 Tomlinson, Edward A., 371-76 Vaughns, Katherine L., 377 Verkuil, Paul R, 234, 378-385, A51-A53 Vetter, Jan, 386 Vining, G. Joseph, 387 Vladeck, David C., 203 Wagner, Wendy, A54 Wald, Patricia M., 231, 422 Walsh, William J., 313 Wang, Theodore Hsien, 336 Ware, Leland, 388 Warfield, Wallace, 389 Weaver, Russell L., 390 Weiss, Marley, 391 Welborn, David M., 392-93 Wheeler, Russell R., A12 White, Martin B., 394 Williams, Jerre S., 395 Williams, Stephen F., 396 Willrich, Mason, 397 Wondolleck, Julia M., 400 Wozencraft, Frank M., 398 Wright, Ronald F., 399 Yaffee, Steven L. 400 Yost, Nicholas, C., 332 Zengerle, Lynda S., 401 Zeppos, Nicholas S., 213

Zimmer, Michael J., 40