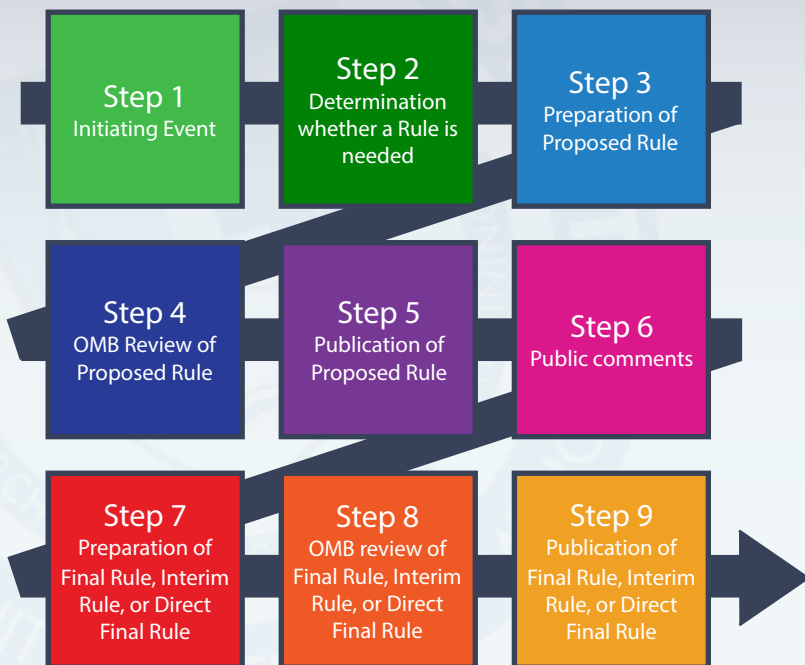




CICA, the FAR, and the Federal Rulemaking Process

COURSE DESCRIPTION

This course provides participants with the knowledge, skills, and tools to be more involved in the Federal Rulemaking process. This involvement is intended to increase the knowledge of the Federal Acquisition Regulation (FAR), lead to more consensuses between acquisition team members, and improve the federal acquisition team effectiveness.



Rules go through an established creation process to provide an opportunity for stakeholders to express agreement, concerns, suggestions, and to participate in the rulemaking process. The process can lead to the issuance of a new rule, an amendment to an existing rule, or the repeal of an existing rule.

Step 1

Initiating Events

Multiple possibilities can serve as an initiating event for the rulemaking process, including: agency initiatives, required reviews, statutory mandates, lawsuits, recommendations, petitions, or OMB initiated.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap1.jsp>

Step 2

Determination Whether a Rule is Needed

After the initiating event, the FAR Councils review the implications of the specific event to determine if action is required to maintain compliance. If action is necessary, the determination of proposing a new rule, amend an existing rule, or repeal an existing rule is made.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap2.jsp>

<http://www.archives.gov/federal-register/laws/administrative-procedure/>

Step 3

Preparation of Proposed Rule

Once the determination that a new rule or change to an existing rule is necessary, the rule language is drafted by a designee, appointed group, or collaboration across agencies.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap3.jsp>

<http://www.archives.gov/federal-register/laws/administrative-procedure>

Step 4

OMB Review of Proposed Rule

Next the draft language of the proposed rule, if determined to be “significant,” is reviewed by the Office of Management and Budget (OMB) under the authority of Executive Order 12866 to ensure the language and format is accurate, conveys the intended meaning, and is consistent with other rules.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap4.jsp>

<http://www.reginfo.gov/public/jsp/EO/eoDashboard.jsp>

Step 5

Publication of Proposed Rule

The Freedom of Information Act (FOIA) requires agencies to publish in the Federal Register proposed rules meeting a variety of criteria.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap5.jsp>

Step 6

Public Comments

Executive Order 12866 establishes a standard 60 day comment period for proposed rule changes. Comments at this step of the process typically focus on implementation of the proposed changes.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap6.jsp>

Step 7

Preparation of Final Rule, Interm Rule, or Direct Final Rule

The Final Rule includes any of the modifications to the proposed rule. There are two special types of final rules, interim final rule and direct final rule.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap7.jsp>

Step 8

OMB Review of Final Rule, Interim Final Rule, or Direct Final Rule

Similar to Step 4, for “significant” rulemaking actions require a final review of OMB under Executive Order 12866.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap8.jsp>

<http://www.reginfo.gov/public/jsp/EO/eoDashboard.jsp>

Step 9

Publication of Final Rule, Interim Rule, or Direct Final Rule

An agency must submit most final rules, interim final rules, and direct final rules, along with supporting information, to both houses of Congress and the General Accounting Office before they can take effect. Major rules are subject to a delayed effective date (with certain exceptions). Action by Congress and the President could have an impact on the rule.

<http://www.reginfo.gov/public/reginfo/Regmap/regmap9.jsp>

ADDITIONAL NOTES



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