

Comment from Senior Fellow Ronald M. Levin on *Clarifying Statutory Access to Judicial Review of Agency Action*  
April 22, 2021

I can speak to the issue of time limit statutes raised by Andy and Jeff if it is raised during one of these intervals. In case it is raised in between, here are my thoughts in brief.

I do think the Sourcebook should address these statutes and their interpretation. I have made suggestions to Jon Siegel, and I assume something of the kind will be incorporated into the Sourcebook in due course.

But I doubt that the present recommendation can deal effectively with this subject. We already have a recommendation directly in point, namely Rec. 82-7 as quoted in Jeff's memo. I don't think this 40-year-old recommendation has to be treated as sacrosanct today. But if we are to revisit it, we should do so on the basis of a full study, not on the fly during final deliberations on this recommendation. The policy issues are deep and divisive; they go far beyond the kind of clarifying tweaks that the current draft contemplates on other issues.

I am not sure that a new study is warranted. We would undoubtedly wind up with a mushy compromise, which might not outshine the 1982 mushy compromise. But whether we will take up that task should be a question for another day.

Ron