



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Request for Proposals—January 14, 2025 Interagency Communication in Rulemaking

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant(s) to produce a report on how agencies communicate with each other throughout the rulemaking process. The report will support the development of a recommendation for action by federal agencies.

About ACUS

ACUS is an independent federal agency in the executive branch charged with identifying and promoting improvements in the efficiency, adequacy, and fairness of the procedures by which federal agencies conduct administrative processes.

Many of the hundreds of recommendations ACUS has issued since 1968 have resulted in reforms by federal agencies, the President, Congress, and the Judicial Conference of the United States. All are available at acus.gov/recommendations.

Recommendations are issued by the Conference, which consists of a Chair appointed by the President and confirmed by the Senate; ten presidential appointees; 50 senior federal officials designated by the heads of participating agencies; and 40 leading academics, practitioners, and other private-sector experts. Except for the Chair, all members are unpaid.

Recommendations are typically informed by a report prepared by one or more consultants. Consultants also work closely with committees of Conference members and the full Conference membership to develop the recommendations. Previous consultant reports are available at acus.gov/reports.

Project Description

Agencies frequently communicate with each other during the rulemaking process by sharing information in advance of developing rules, providing input on drafted or published rules, or cooperating while pursuing joint rulemaking and other coordinated actions. This communication can occur at the direction of Congress or the President, or even on the initiative of agencies themselves. Interagency communication can be especially important where agencies share related regulatory responsibilities, such as in financial regulation, health policy, taxation, environmental law, and immigration rules. Moreover, where interagency communication takes the form of sharing expertise, introducing multiple perspectives and specialized knowledge can improve the overall quality of decision making.

ACUS is undertaking a project to examine how federal agencies communicate with each other throughout the rulemaking process (especially outside of the formal interagency review process administered by the Office of Information and Regulatory Affairs (OIRA)). The project will address, among other topics:

- When and on what matters agencies should proactively seek input from other agencies;
- How agencies should engage with other agencies;
- How agencies should consider and use input received from other agencies;
- How communications outside the formal interagency review process relate to the OIRA-administered process; and
- What communications agencies should make part of the public docket and administrative record for judicial review.

The project will consist of a report prepared by a consultant(s) and, it is expected, a recommendation adopted by the Conference. Both the report and recommendation will identify best practices for interagency communication that promote accuracy, efficiency, and transparency in the rulemaking process.

Consultant Responsibilities

The consultant(s) will complete a draft report by January 2026. The consultant(s) will work with Conference staff to finalize the draft report, which will be provided to a committee of Conference members and made publicly available on the ACUS website.

During spring 2026, the consultant(s) will work with Conference staff and the committee to develop a proposed recommendation. Committees typically meet two to three times per project; meetings are conducted virtually and typically last about three hours.

The consultant(s) will work with Conference staff to complete a final report by May 2026, which will be provided to the full Conference and made publicly available on the ACUS website. The consultant(s) will also work with Conference staff and the full Conference membership to consider the committee-proposed recommendation at a plenary session of the Conference, likely in June 2026.

The Conference may select a single consultant or assemble a team of consultants depending on the proposals it receives. Consultants will receive between \$8,000 and \$25,000, plus a budget for related expenses, depending on the number of consultants and allocation of responsibilities. The total value of consulting fees for this project will not exceed \$25,000, to be apportioned in accordance with the number of consultants and division of responsibilities.

Submitting a Proposal and Evaluation Criteria

If you are interested in serving as a consultant for the report, send an email to Adam Cline (acline@acus.gov) with the phrase “ACUS Project Proposal” in the subject line. Attach your curriculum vitae to the email, along with a short statement (ideally no more than two pages) that

- Addresses your interest in this study,
- Describes specific topics you would be interested in researching,
- Describes the methodologies you might employ to researching these topics, and
- Identifies any relevant scholarship you have published.

All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on February 16, 2025, in order to be guaranteed consideration by the agency.

Proposals will be evaluated based on quality, clarity, and the proposer’s qualifications. The Conference has a strong preference for consultants who have previously authored scholarly work on administrative procedure, rulemaking, or interagency communication.