



Rulemaking

**Future of Voting Systems
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U.S. Access Board

- Independent Federal agency
- Promulgate guidelines and standards for accessible design
- Provide technical assistance and training
- Provide enforcement limited to the Architectural Barriers Act



Examples of Current Board Rulemaking Projects

- Information and Communications Technology
- Medical Diagnostic Equipment
- Passenger Vessels
- Outdoor developed areas
- Public Rights-of-Way
- Rail vehicles



Typical Rulemaking Process (1)

- Statutory authority
- Preparation of proposed rule (NPRM) – includes preamble and text
- Regulatory impact analysis (RIA)
- 1st OMB review (up to 90 days)
- Publish NPRM in Federal Register & [regulations.gov](https://www.regulations.gov)



Typical Rulemaking Process (2)

- Public comments (normally 30-120 days)
- Prepare final rule based on review of comments
- Amend RIA as needed
- 2nd OMB review
- Publish final rule in Federal Register



Other Possible Steps

- Form an advisory committee
- Form regulatory negotiation committee
- Hold public hearings during public comment period
- Publish an ANPRM -- with OMB review, public comments and hearings
- Publish a SNPRM -- with OMB review, public comments and hearings
- Publish technical assistance to accompany text



Guiding Values

- **Open process**
- **Inclusive process**
- **Harmonization with other standards**
- **Goal: enforceable consensus standards**



Sometimes a 2-tiered process for implementation of an enforceable rule

- WCAG > AB 508 Standards
- AB Section 508 Standards > FAR
- AB ADA Guidelines > DOJ ADA Standards
- AB 255 Guidelines > FCC rule



Rulemaking Requirements

- Multiple executive orders, OMB Bulletins, statutes and other actions may apply
- Examples include:
 - OMB Circular A-119
 - Federal Advisory Committee Act
 - E.O.12866, Regulatory Planning and Review
- See DOT document:
<http://www.dot.gov/regulations/rulemaking-requirements-1>



Lessons Learned

- Rulemaking advance planning, includes:
 - Summary of actions to be taken with timeline
 - Budgetary and staffing resources
 - Other related federal rulemaking coordination
 - Harmonization with other standards/guidelines
 - Research needs
 - Regulatory assessment plan
 - Past policy decisions
- Consider future updates in portions



Resources

- A Guide to the Rulemaking Process
 - https://www.federalregister.gov/uploads/2011/01/the_rulemaking_process.pdf
- Cornell e-Rulemaking Initiative (Regulation Room)
<http://www.lawschool.cornell.edu/ceri/>
- Reg map featured by OMB and developed by ICF with assistance from GSA
 - <http://www.reginfo.gov/public/reginfo/Regmap/index.jsp>



How to Reach the U.S. Access Board

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