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Julianne Ross Davis

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Ross Davis, Julianne, "Reauthorization: S. 2724 (1990): Correspondence 02" (1990). *Reauthorization: S. 2724 (1990)*. Paper 22.
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NATIONAL
ENDOWMENT
FOR
THE ARTS

WASHINGTON
D.C. 20506



A Federal agency advised by the
National Council on the Arts

October 2, 1990

Senator Claiborne Pell
Chairman, Subcommittee on Education,
Arts & Humanities
648 Dirksen
Washington, D.C. 20510

Dear Senator Pell:

I am writing in response to your request that the Endowment outline a procedure for implementing regulations to comport with section (i)(1) of the National Foundation on the Arts and Humanities Act of 1965, as the Act would be amended by section 107 of S.2724. The regulations would be implemented in accordance with 5 U.S.C. section 551 et seq. and 44 U.S.C. Chapter 15 (the Federal Register Act). We are currently considering the following process.

1. In order to maximize public input into the development of the regulations, the Endowment would place an Advanced Notice of Proposed Rulemaking (ANPRM) in the Federal Register. The Endowment would do this as early as possible. The ANPRM would describe the statutory provision which the regulations implement, and would seek public comment on regulatory priorities given statutory language and related state laws.
2. Public comments received in response to the ANPRM would provide the Endowment with examples of how the proposed rules may impact the public. Such comments would enhance the regulatory drafting process by making the rules more responsive to public concerns.
3. The Endowment might consider holding public hearings to solicit additional comments.
4. After the proposed rules are drafted, the Endowment would then publish them in the Federal Register for public comment. These comments would assist in the drafting of final rules.
5. The Endowment would publish final rules in the Federal Register.

As you know, the proposed legislation will present a number of complex and difficult issues to be resolved in the rule-making process. We are confident that substantial public input will help us develop the best possible rules.

I hope this answers your questions. If not, please do not hesitate to call me at 682-5418.

Very truly yours,

Julianne Ross Davis

Julianne Ross Davis
General Counsel