

Question 1: Does reasonably available mean that the material should be available a) for free and b) to anyone online? Does this create a digital divide by excluding people without internet access?

Answer 1: All laws and regulations should be available to the public for free and in a multitude of formats, especially online. If only one format can be distributed, than online should be the preferable format since the intended audience that will make use of this material will presumably already have access to the internet.

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Question 2: Does class of persons affected need to be defined? If so, how should it be defined?

Answer 2: Class of persons need not be defined. The body of work, comprised of rules, regulations, and other such standards should be available to all persons.

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Question 3: Should agencies bear the cost of making the material available for free online?

Answer 3: Tax dollars should be appropriated to the digitization of the public record on rules, regulations, and standards in question.

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Question 4: How would this impact agencies budget and infrastructure, for example?

Answer 4: Agency budgets should be increased to the full extent that the body of works in question need to be uploaded and maintained in an easy-to-navigate archive for public use.

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Question 5: How would OFR review of proposed rules for IBR impact agency rulemaking and policy, given the additional time and possibility of denial of an IBR approval request at the final rule stage of the rulemaking.

Answer 5: OFR should analyze how other federal agencies compile data and meta-data, say in the national archives of the Congressional Library, U.S. Copyright Office, or the U.S. Patents and Trademark Office. The data structure should, of course, befit the needs of this particular body of work.

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Question 6: Should OFR have the authority to deny IBR approval requests if the material is not available online for free?

Answer 6: If the institution that determines which body of works may or may not be considered a part of the body to be a governing law, rule, regulation, or standard is not the OFR, then the OFR should not have the authority to deny IBR approval requests. More simply put, if a body already exists that compiles the body of rules, regulations, and standards in the U.S. for this particular body of work in question, then it should continue to do so.

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Question 7: The administrative conference of the United States recently issued a Recommendation on IBR. In light of this recommendation, should we update our guidance on this topic instead of amending our regulations?

Answer 7: No comment

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Question 8: Given that the petition raises policy rather than procedural issues, would the Office of Management and Budget be better placed to determine reasonable availability?

Answer 8: The current body in charge of upholding the status quo, in which people are being charged to access information on the laws, regulations, rules, and standards in this country, should ultimately be the agency to deal with this matter.

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Question 9: How would an extended IBR review period at both the proposed rule and final rule stages impact agencies?

Answer 9: Obviously, this would require more time and resources on the agency's behalf, but I leave that up to the management and experienced reviewers to determine the best balance between efficiency and fair-review processes.

-Andrew Hearst