



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

December 18, 2025
(Senate)

STATEMENT OF ADMINISTRATION POLICY

S.J. Res. 82 – Providing for Congressional Disapproval of the Rule Submitted by the Office of the Secretary of the Department of Health and Human Services Relating to “Policy on Adhering to the Text of the Administrative Procedure Act”

(Sen. King, I-ME, and 37 cosponsors)

The Administration opposes passage of S.J. Res. 82. The Administrative Procedure Act (APA) is a critical cornerstone of administrative law, which establishes procedures for the issuance of rules and regulations. Under the APA, agencies are generally required to publish a notice of proposed rulemaking in the Federal Register to give interested persons an opportunity to participate in the rulemaking through the submission of written views and to subsequently publish a final rule accompanied by a statement of the rule's basis and purpose. However, the APA also contains key exemptions from these requirements, including for “matter(s) relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.” In addition, unless otherwise required by statute, the notice and comment requirements do not apply when an agency “for good cause” finds that notice and comment procedures are “impracticable, unnecessary, or contrary to the public interest.”

Through these exemptions, the APA has long acknowledged the importance to agencies of being able to flexibly and efficiently implement regulatory changes to their policies relating to public property, loans, grants, benefits and contracts and to act expeditiously in appropriate circumstances. Since 1971, the Department of Health and Human Services (HHS) had a policy —the so-called “Richardson Waiver”— that used to ignore these exceptions that forced HHS agencies to use public notice-and-comment for grants, loans, benefits, and contracts and in cases where the “good cause” exception would apply. HHS has rescinded this policy and returned to compliance with the text and intent of the APA to enable it and its subagencies to make timely changes to improve the administrability of its responsibilities. HHS and the Administration remain committed to the principles of transparency and to following the law and providing the public with the opportunity to comment, as set forth in the APA. S.J. Res. 82 would unreasonably constrain the authority of the Executive Branch to administer the APA.

If S.J. Res. 82 were presented to the President, his advisors would recommend that he veto it.

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