



Press Release

Examining Federal Agencies' Use of Interim Final Rules

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The Trump Administration has recently finalized three controversial regulations as interim final rules (IFRs), bypassing the normal notice-and-comment process and rushing the rule through. By law, IFRs are intended to be temporary and followed by a finalized, permanent version of the rule, but AAF's Director of Regulatory Policy Dan Bosch finds that their use differs substantially from their design: 61 percent of significant IFRs since November 1993 have remained in place, indicating agencies view IFRs as a way to shortcut the traditional rulemaking process.

An excerpt:

Recent IFRs highlight how the practice, intended for use in emergencies, can be subverted as a way to shortcut the regulatory process. Research into nearly 30 years of significant IFRs shows that most IFRs are never made permanent, and instead remain as technically interim. Because of a lack of incentives for agencies to make IFRs permanent, Congress would need to increase its oversight on IFR usage and consider a legislative fix.

[Read the research.](#)