

Comment from Alan Morrison
December 4, 2017

I was surprised to see that the discussion about whether an agency has the authority to treat different parties (regulated or beneficiaries) differently was not up front because the question jumped out at me when I started to read the draft. When the differences were based on before and after, there is no problem, but there may be in other situations. I have nothing specific in mind and it may require only a sentence at the outset, but I would not leave this to later as the draft now does.

Page 8: the discussion (lines 150-153) suggests that federal agencies do not issue rules for drivers that might create opportunities for experimentation with different rules. But agencies do set speed limits in national parks and on military bases among other places.

Page 12, line 221: I would add "other exemptions and "good cause" since those exemptions for government contracts and benefits etc might also be possible places to do these experiments.