

Comment from Senior Fellow Alan Morrison on Regulatory Enforcement Manuals
December 1, 2022

First paragraph, lines 2-9 are one sentence. I suggest breaking it up using (a) etc for each group of thoughts, following each group by a semi-colon.

Line 15 - on the binding effect of manuals on the agency, is the correct word “should” or “do”? Same point for line 60 (page 3).

Line 39: Consider adding after “manual” “or at least the non-exempt portions of the manual”.

Line 61: I do not know what the phrase “and that the public should not necessarily rely upon the manual” means. Perhaps it is not necessary and may provide more confusion than illumination.

Line 65: Should the public also report conduct that is inconsistent with the manual also?

Line 70: I think you mean violations of law (not the manual). If so, I would insert “of law” after violations.

Lines 87-88: Does this mean that ACUS does not recommend that anything else that agencies produce besides manuals should be “clear, logical, and comprehensive”? Perhaps all that is needed is a reminder to include a table of contents and an index, if that.

Line 111: It would be clearer (and probably more correct grammatically) if you inserted “that” before “reflect.”

Lines 112-13: I do not think that the harm from disclosure is that described in these two lines. I am not sure it is needed at all since there are two good reasons/concerns in lines 111-12.