**Course Information**

The George Washington University  
Department of Political Science  
Political Science 3192W.10  
Politics of Regulation  
Spring 2018  
410 Monroe Hall of Government  
Thursday 11:10 a.m.-1 p.m.

**Instructor Information**

Steven J. Balla  
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Office Hours: Tuesday 11:30 a.m.-1:00 p.m. and by appointment  
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Steven J. Balla received his B.A. in government and economics from Franklin and Marshall College and his M.A. and Ph.D. in political science from Duke University. He studies public participation in policymaking in China and the United States. Click here, here, and here for examples of his recent research. He has served as a consultant to the U.S. federal government, as well as a Fulbright Scholar at Peking University in Beijing and Nankai University in Tianjin. He is currently working on a project on mass comment campaigns in American policymaking and a book on the Internet and political reform in China.

**Course Description**

Regulation is one of the most common and important ways in which public policy is made in the United States. Just ask President Obama, whose administration relied heavily on regulation as a policymaking tool in the aftermath of the Republican takeover of Congress. Or ask President Trump, whose administration is in the midst of "deconstructing the administrative state." Despite its centrality, regulation is perhaps the least well understood means of making policy in the United States. With this disjunction in mind, the central aims of this course are to develop a store of research-based knowledge about regulation and to experience regulation first hand as it is practiced.
On the research end, we will consider a variety of theoretical and empirical issues, including the process through which regulation is made, how this process has changed over time, the role of the public in shaping regulation, the impact of technology on the making of regulation, and the place of regulation in the Obama and Trump administrations. Experientially, we will take part in regulatory proceedings by submitting comments on agency proposals, attending meetings, interviewing participants from inside and outside government, and interacting with prominent guests who visit our classroom.

**Learning Objectives**

Regulation is an indispensable component of the American political system. It is therefore important for political science majors to receive a basic introduction to the regulatory process and the issues surrounding this process. By the end of the course, students will develop the knowledge and skills to achieve two primary goals: (1) Students will be able to critically evaluate academic and applied research on regulation. (2) Students will be able to participate in the regulatory process through a variety of channels.

**Course Readings**

The course readings are available via Blackboard.

**Course Organization**

1. Overview: The course is designed as a seminar. My role is to provide an introduction to and overview of the material, formulate questions for discussion, and moderate class sessions. The success of our sessions depends in large part on the quantity and quality of student attendance and participation, which will be factored into course grades.

2. Students are expected to spend a minimum of 100 minutes of out-of-class work for every 50 minutes of direct instruction. There are about 2 hours of direct instruction and a minimum of 4 hours of independent learning or 6 hours per week.

3. Class attendance: Students who attend every class will receive a grade of 100 for class attendance. Students who miss one class will receive a grade of 95. Students who miss two classes will receive a grade of 85. Students who miss three classes will receive a grade of 75. Students who miss four classes will receive a grade of 65. Students who miss five or more classes will receive a grade of 55.
4. Reaction papers: Each student is required to write a paper that reacts to the readings for the week two times during the semester, critically examining the strengths and limitations of the readings individually and collectively in addressing the questions for the week. Reaction papers should be four to six double-spaced pages in length. Paper writers must circulate their work to the rest of the class at least 24 hours prior to the start of the session, with the expectation that students will read the reaction papers as part of their session preparation. Paper writers will help facilitate our sessions, by sharing their insights into the week's readings and questions. For the first reaction paper, each student must submit a draft to Professor Balla by noon on the Monday prior to the paper's due date. The student must then revise the draft in response to the feedback Professor Balla provides.

5. Hands-on reports: Students must submit two five-page reports on current regulatory proceedings. For the first report, due on March 1, students must select a regulation that has been proposed by an agency and submit a comment on this proposal. For the second report, due on April 26, students must either (a) identify a regulatory session that is open to the public and attend that session in person or (b) interview an agency official or individual from outside of an agency who has been involved in the regulatory process.

6. Oral presentation: Students must present and answer questions on the draft version of one of their hands-on reports in class on either February 22 or April 19. They must then revise their draft in response to the instructor and peer feedback they receive before turning in the final version.

7. Essay examination: Students must complete a take-home examination that will cover the course material from the entire semester. This examination will due at the time when the final examination is scheduled to begin. (Note that there is no in-class examination during the final examination period.)

8. Grading scale: A/95, A-/91, B+/88, B/85, B-/81, C+/78, C/75, C-/71, D+/68, D/65, D-/61, F/55.

9. Late Policy: Any assignment not submitted on time is subject to a letter grade penalty for each day, including Saturday and Sunday, that it is late (i.e., A becomes a B, A- becomes a B-, etc.). A day is defined as beginning at the time an assignment is due. In other words, any assignment turned in within 24 hours of the deadline will be considered 1 day late, any assignment turned in between 24 and 48 hours after the deadline will be considered 2 days late, and so on.

**Course Requirements**

1. Class attendance and participation: 10%
2. Reaction papers: 15% each
3. Hands-on reports: 15% each
4. Oral presentation: 10%
5. Essay examination: 20%

**University Policy on Observance of Religious Holidays**

In accordance with University policy, students should notify faculty during the first week of the semester of their intention to be absent from class on their day(s) of religious observance. For details and policy, see: students.gwu.edu/accommodations-religious-holidays.

**Academic Integrity Code**

Academic dishonesty is defined as cheating of any kind, including misrepresenting one's own work, taking credit for the work of others without crediting them and without appropriate authorization, and the fabrication of information. For details and complete code, see: studentconduct.gwu.edu/code-academic-integrity.

**Safety and Security**

In the case of an emergency, if at all possible, the class should shelter in place. If the building that the class is in is affected, follow the evacuation procedures for the building. After evacuation, seek shelter at a predetermined rendezvous location.

**Support for Students Outside the Classroom**

*Disability Support Services (DSS)*

Any student who may need an accommodation based on the potential impact of a disability should contact the Disability Support Services office at 202-994-8250 in the Rome Hall, Suite 102, to establish eligibility and to coordinate reasonable accommodations. For additional information see: disabilitysupport.gwu.edu/.

*Mental Health Services 202-994-5300*

The University's Mental Health Services offers 24/7 assistance and referral to address students' personal, social, career, and study skills problems. Services for students include: crisis and emergency mental health consultations confidential assessment, counseling services (individual and small group), and referrals. For additional information see: counselingcenter.gwu.edu/.
Session 1—January 18

Introduction to and overview of the course

What is regulation and the rulemaking process? What impacts do regulation and the rulemaking process have on our everyday lives, in ways both big and small? What do we know (and, perhaps more importantly, not know) about regulation and the rulemaking process? Has there been a breakdown in regulation and the rulemaking process?

Session 2—January 25

The greatest invention of modern government?

What is the process (or, more accurately, the processes) through which regulations are developed? What is the Administrative Procedure Act, and why is it important as a basis for understanding the rulemaking process? What is the Federal Register? What are the strengths and weaknesses of regulation in addressing society's most pressing difficulties?

Susan E. Dudley and Jerry Brito, Regulation: A Primer, 2nd edition

Session 3—February 1

The ossification of rulemaking

Has regulation and the rulemaking process ossified in recent decades? What roles have Congress, the White House, the courts, and agencies themselves played in any ossification that might have occurred?


Richard J. Pierce, Jr., “Rulemaking Ossification Is Real: A Response to Testing the Ossification Thesis”

Session 4—February 8

OIRA regulatory review
What is the Office of Information and Regulatory Affairs? What are the rationales behind OIRA regulatory review, and why has the process been controversial over the decades? To what extent does OIRA regulatory review, and regulatory analysis in general, exacerbate or alleviate any ossification in the rulemaking process that might have occurred?

Jim Tozzi, “OIRA’s Formative Years: The Historical Record of Centralized Regulatory Review Preceding OIRA’s Founding”


Cass R. Sunstein, “The Office of Information and Regulatory Affairs: Myths and Realities”

Session 5—February 15

Executive action during the Obama administration

To what extent, and with what effect, did President Obama use regulation and executive orders to make policy? Is the experience of the Obama administration typical with respect to the conditions under which unilateral action on the part of the president occur?


Alexander Bolton and Sharece Thrower, “Legislative Capacity and Executive Unilateralism”

Binyamin Appelbaum and Michael D. Shear, “Once Skeptical of Executive Power, Obama Has Come to Embrace It”

Session 6—February 22

Oral presentations

What are the key elements of the notice of proposed rulemaking you are submitting a comment on? What are the main substantive points of the comment itself? What kinds of feedback are offered on your comment, hands-on report, and oral presentation by your fellow classmates?

Session 7—March 1

Midnight regulations
What are midnight regulations? What are the motivations behind the issuing of midnight regulations? What are the potential problems associated with midnight regulations? Are there differences across Republican and Democratic administrations in the issuing of midnight regulations? What are the strengths and weaknesses of the Congressional Review Act (CRA) as a means of constraining presidential discretion in the issuing of midnight regulations? Why has the use of the CRA been so different under the President Trump than under previous administrations? How is the CRA likely to be used going forward?

Jack M. Beermann, “Midnight Rules: A Reform Agenda”


Sofie E. Miller and Daniel R. Perez, “The Final Countdown: Projecting Midnight Regulations”

**Session 8—March 8**

Regulatory reform in the Trump administration

What is regulatory reform? What were the intentions and legacies of earlier efforts at regulatory reform, such as during the Reagan administration? What are the various dimensions of regulatory reform during the Trump administration?


Stuart Shapiro and Deanna Moran, “The Checkered History of Regulatory Reform Since the APA”

Marcus Peacock, “Implementing a Two-for-One Regulatory Requirement in the U.S.”

**Session 9—March 22**

Do public comments matter?

Do comments submitted in response to notices of proposed rulemaking affect agency regulations? Is the identity of the participant or content of the submission associated with the impact of the comment? Do, for example, comments submitted by business interests carry more weight than comments submitted by advocates for health, safety, and the environment?
E. Donald Elliott, “Re-Inventing Rulemaking”


Susan Webb Yackee, “Sweet-Talking the Fourth Branch: The Influence of Interest Group Comments on Federal Agency Rulemaking”

Session 10—March 29

Alternatives to public commenting

What are ways other than the notice and comment process through which agencies can solicit (or avoid altogether) public input on proposed regulations? How do agencies decide whether to pursue notice and comment rulemaking or an alternative approach to developing regulations? What are the advantages and disadvantages of alternative approaches to soliciting public input on proposed regulations?


Cheryl Blake and Reeve T. Bull, “Negotiated Rulemaking”

Session 11—April 12

Does the Internet change everything?

In what ways does the Internet have the potential to change regulatory proceedings and outcomes? Are these changes likely to be modest or transformational? Does the evidence that has thus far been generated confirm or confound widely held expectations?

Argive, “Improving Regulations.gov: A Perspective from Silicon Valley”


Cynthia Farina R. Farina, Mary J. Newhart, and Josiah Heidt, “Rulemaking vs. Democracy: Judging and Nudging Public Participation That Counts”

Session 12—April 19
Oral presentations

What regulatory session did you attend? Who was the agency official or individual from outside of an agency you interviewed? What did you learn about regulation and the rulemaking process from your observation or discussion? What kinds of feedback are offered on your research, hands-on report, and oral presentation by your fellow classmates?

Session 13—April 26

Regulation around the world

What is the state of regulation in various countries around the world? What is the European Union's Better Regulation initiative, and is it working? What is the rulemaking process, in particular public participation, like in developing countries such as Brazil and China?

European Commission, “Better Regulation: Delivering Stronger Results for a Stronger Union”

Juliana Bonacorsi de Palma, “Inequalities in Public Participation and the Role of Public Administration: The Brazilian Case”

Steven J. Balla, “Is Consultation the ‘New Normal?’: Online Policymaking and Governance Reform in China”