
Autumn 2013
MWF 3-3:55 p.m.
Page Hall 0020

OHIO STATE UNIVERSITY
Department of Political Science
Political Science 4115
Bureaucracy and Public Policy

Professor Wright
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Hours: MW 12:30-2
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This course provides students with an in-depth understanding of how statutes are implemented by the U.S. federal government. A central theme of the course is that, contrary to popular perception, much lawmaking takes place outside the hallways and chambers of Congress and occurs instead in executive agencies of the federal bureaucracy and in the courts. The course examines the often-neglected black box of bureaucratic rulemaking, with a focus on the regulation of tobacco, arsenic in drinking water, fuel economy standards, passive restraints in automobiles, and contraceptives.

REQUIRED BOOKS

Smoking and Politics: Bureaucracy Centered Policymaking by A. Lee Fritschler and Catherine E. Rudder. Prentice-Hall, Sixth Edition (2006).

Sourcebook of United States Executive Agencies by David E. Lewis and Jennifer L. Selin. Administrative Conference of the United States, First Edition, 2012.

COURSE SCHEDULE AND READING ASSIGNMENTS

August	21	Introduction and Overview
	23	The Federal Executive Establishment, <i>Sourcebook of United States Executive Agencies</i> , pp. 1-18
	26	Executive Office of the President, <i>Sourcebook</i> , pp. 19-32
	28	Executive Departments, <i>Sourcebook</i> , pp. 32-46
	30	APSA annual meetings in Chicago—no class
September	2	Labor Day—no class
	4	Independent Agencies, <i>Sourcebook</i> , pp. 46-66
	6	Workshop—Homework I: Analyzing Executive Agencies
	9	The Federal Personnel System, <i>Sourcebook</i> , pp. 66-91
	11	The Creation and Design of Agencies, <i>Sourcebook</i> , pp. 91-134
	13	Workshop –Homework I
	16	The Creation and Design of Agencies (cont.), <i>Sourcebook</i> , pp. 91-134
	18	The Rulemaking Process, pp. 1-27 in <i>Primer on Regulation</i> , Susan Dudley. Homework I due.
	20	Exam
	23	<i>Smoking and Politics</i> , Chapters 1 and 2.
	25	<i>Smoking and Politics</i> , Chapters 3 and 4.
	27	Workshop –Homework II: Review of Agency Rulemaking
	30	<i>Smoking and Politics</i> , Chapters 5 and 6.
October	2	<i>Smoking and Politics</i> , Chapters 7 and 8.
	4	Workshop –Homework II (cont.)
	7	<i>Family Smoking Prevention and Tobacco Control Act</i> , Report of the House Committee on Energy and Commerce, 2009.
	9	<i>Timeline: Family Smoking Prevention and Tobacco Control Act</i> http://www.fda.gov/TobaccoProducts/GuidanceComplianceRegulatoryInformation

		/ucm237052.htm Homework II due.
	11	Workshop –review
	14	Exam
	16	McFeeley, Neil D. 1984. “Notes: Judicial Review of Informal Administrative Rulemaking,” <i>Duke Law Journal</i> , 2: 347-376.
	18	Workshop –Homework III: Case Study of an Agency Guidance
	21	Horwitz, Robert B. 1994. “Judicial Review of Regulatory Decisions: The Changing Criteria,” <i>Political Science Quarterly</i> , 109(1):133-169.
	23	Pierce, Richard J. 1996-1997. <i>Rulemaking and the Administrative Procedure Act</i> , 32 Tulsa L.J. 185. Homework III due.
	25	Workshop –Homework IV: Midnight Rules
	28	The Regulation of Arsenic in Drinking Water
	30	Regulating Automobile Safety—The Case of Passive Restraints
November	1	Workshop –Homework IV (cont.)
	4	Regulating Around Congress: The FCC and the E-Rate. Homework IV due.
	6	<i>Coverage of Certain Preventive Services Under the Affordable Care Act</i> , Final Rule, Health and Human Services, pp. 1-21; <i>Hobby Lobby Stores, Inc. v Kathleen Sebelius</i> , 10 th Circuit Court of Appeals, pp.1 -18.
	8	Workshop –Homework V: Rulemaking Comment
	11	Veteran’s Day—no class
	13	Presentations
	15	Workshop
	18	Exam
	20	Presentations
	22	Presentations
	25	Presentations
	27	Thanksgiving break—no class
	29	Thanksgiving break—no class
December	2	Presentations. Homework V due.

REQUIREMENTS, PROCEDURES, AND GRADING

Course grades will be based on a weighted average of three in-class exams (15 percent each) and five homework exercises (11 percent each).

General procedures. Students are expected to complete all assignments on the dates indicated. Make-up quizzes and exams will be granted only under unusual circumstances (e.g., serious illness, family or personal emergency), and only if I am notified by e-mail or a phone message of the circumstances *before* class. Documentation of circumstances must be provided upon request.

Instances of suspected academic misconduct, especially plagiarism, will be investigated rigorously. Students should review the University’s policy and procedures at http://studentaffairs.osu.edu/pdfs/csc_12-31-07.pdf.

If you have any condition, such as physical, psychiatric/emotional, medical or learning disability, which may make it difficult for you to carry out the work as outlined in this syllabus, or which will require extra time for exams, please notify me as soon as possible, and if appropriate and necessary, the Office for Disability Services. All information and documentation of any such condition is confidential.

Homework I
POLITSC 4115, Bureaucracy and Public Policy
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Using Excel and the data on executive agencies associated with the *Sourcebook of United States Executive Agencies* (Lewis and Selin, 2012), answer the following questions.

1. How many agencies are executive departments, and how many are independent? How many agencies are within the Executive Office of the President?
2. What are the largest and smallest agencies in terms of number of employees?
3. How does the average number of employees compare across executive departments, independent agencies, and agencies within the EOP?
4. How many agencies within executive departments are commissions? What are they? How many commissions are independent agencies? What are they?
5. Define five criteria for comparing the independence of independent agencies and executive departments. Be sure to explain your reasoning for each of the five criteria. Compare independent agencies and executive departments on each of the five.

Homework Assignment II

Identify a proposed rule in an open rulemaking (i.e., the comment period is open) that is of substantive interest to you. Read through the proposed rule and write a 3-5 page, double-spaced report on the rule that includes the following:

1. A brief description of the agency proposing the rule—the type of agency and where it located in the federal executive establishment.
2. The docket number and RIN of the rulemaking.
3. The legal authority for the rulemaking.
4. A summary of the proposed rule.
5. A brief description of the basic interests for and against the rule and their issues of concern, as gleaned from comments.

Homework Assignment III

Read the case of *Douglas Nickell Gayle Nickell v. Beau View of Biloxi Robert Patrick Frances Patrick Big Confederate Dogs*, United States Court of Appeals, Fifth Circuit, March 28, 2011.

Write a two-page, double-spaced summary of the case. Use the following questions to guide your summary.

1. Who, or what, is Beau View?
2. Who are the plaintiffs? Who is the defendant?
3. What are facts of the case?
4. What is the main question in the case?
5. How is HUD's guidance relevant?
6. What is the ISLA, and how is it relevant?
7. What did the court find and why? Who won? Who lost?

Here is a link to the ISLA: <http://www.law.cornell.edu/uscode/text/15/chapter-42>

Homework Assignment IV

Read the following:

- (1) Go to <http://www.findlaw.com/casecode/courts/> and find the case of *Kennecott Utah Copper Corp. v. Department of Interior* (D.C. Cir., 1996). Read the Background (I) and Analysis (II.A.1 and II.A.2) sections of the opinion.
- (2) Go to <http://www.gpo.gov/fdsys/> and read Section 1503 of the Federal Register Act (44 U.S.C., Chapter 15, Section 1503) within the United States Code.
- (3) Go to <http://www.gpo.gov/fdsys/> and read the regulations promulgated by the Office of the Federal Register under authority of 44 U.S.C. §1503 in the Code of Federal Regulations. The relevant parts are Title 1, Chapter 1, Subchapter E, Part 17, Subpart A, Section 17.1 and Chapter 1, Subchapter E, Part 17, Subpart B, Section 17.2.

Write a two-page, double-spaced summary of this case. What were the major events and issues in the case? What rule from the Department of Interior is at issue? Why did Kennecott sue the Department of the Interior? What was the legal basis for the suit? What did the D.C. Circuit decide? Was it legal for the Clinton Administration to withdraw the DOI rule? Why?

Homework Assignment V

File a comment on the rulemaking chosen for analysis in Homework II. Your comment should be at least two but no more than three pages, double-spaced.

In the introductory paragraph, identify your interest in the rule (e.g., you are a university student with a strong interest in the policy area of the rulemaking), summarize and demonstrate your knowledge of the issues before the agency, and state your general position. In subsequent paragraphs, go into detail about how and why you would like to see the proposed rule modified, or why the proposed rule is appropriate as it stands. Make your comment as authoritative as possible (e.g., refer to existing research and data, legal precedents, or relevant political factors).