

GOV 370L: Policy Formation and Implementation

Spring 2020

TTH 9:30-11:00am, RLP 0.128

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Course Description

This course examines the policy making process in the American context with an emphasis on the institutions involved in the formation and implementation of public policy. We will begin with the traditional model of the policy process in which policy progresses through stages from issue emergence to policy evaluation and compare that model to the reality of how policy is made in Washington, DC. Next we will consider the role of institutions in policy formation, with a particular emphasis on Congress and administrative agencies. Finally, we will examine policy implementation and evaluation, or what happens after a bill becomes a law, including the rulemaking process and congressional and judicial oversight. The course will draw heavily on real world examples and case studies in addition to readings from academic texts and journal articles. By the end of the course, students should have a greater understanding of how policy is created in the United States and how the realities of this process compare to the rules and norms of policymaking.

Course Requirements and Grading

Your grade in this course will be based on five components as follows:

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|--|-----|
| Exam #1 (2/20) | 25% |
| Exam #2 (4/16) | 25% |
| Briefing Memo (due March 12) | 15% |
| Policy Analysis (due May 8) | 25% |
| Participation and in-class assignments | 10% |

Exams

There will be two in-class examinations that will draw from material covered in readings, lectures, and class discussions. Both will be non-cumulative exams that consist of multiple choice and short answer questions.

Papers

You will also be required to write two papers for the class analyzing the development of a federal policy implemented in the last twelve years. The first assignment is a 2-3 page briefing memo identifying your chosen policy including an objective summary of the policy and the arguments made for and against it when it was under consideration. This policy will be further explored in an 8-10 page paper, in which you will consider how the policy was shaped by the institutional rules and norms of the policy process. Additional details about both assignments will be provided in class. Papers should be double spaced, using 12 point font and submitted via Canvas.

Late Assignments

All assignments are due by the start of the class on the date specified. Assignments submitted after the due date will be penalized with a 10 percentage point deduction for every day that it is late. If you are struggling to complete an assignment for any reason, please reach out to me before the due date so I can help.

Participation

Participation in class discussions and activities will constitute 10% of your grade. Attendance is not required, but it is expected and frequent absences will negatively impact your participation grade.

Grading Scale

In allocating grades, the following scale will be used with final grades rounded up to the next percentage point:

| | |
|----|--------|
| A | ≥ 93% |
| A- | 90-92% |
| B+ | 87-89% |
| B | 83-86% |
| B- | 80-82% |
| C+ | 77-79% |
| C | 73-76% |
| C- | 70-72% |
| D+ | 67-69% |
| D | 63-66% |
| D- | 60-62% |
| F | < 60% |

If you wish to dispute your grade on an assignment, you must submit a request in writing within one week of receiving the grade that details the reason(s) you think your grade should be changed.

Required Texts

- Walter J. Oleszek, Mark J. Oleszek, Elizabeth Rybicki, and Bill Heniff Jr. *Congressional Procedures and the Policy Process*. CQ Press, Thousand Oaks, CA, 10th edition, 2016
- George E. Shambaugh IV and Paul E. Weinstein Jr. *The Art of Policymaking: Tools, Techniques, and Processes in the Modern Executive Branch*. CQ Press, Thousand Oaks, CA, 2nd edition, 2016

In addition to the required texts, various news and journal articles will be assigned as listed in the course outline. These readings will be made available via Canvas.

Students are also expected to regularly follow political news via a national newspaper or journal of your choosing as current events will play heavily into our classroom discussions. Suggested sources include: *The Hill*, *New York Times*, *Politico*, *Reuters*, *Washington Post*, or *Wall Street Journal*. I advise subscribing to the daily political digest email for your preferred source.

Administrative Issues

Academic Dishonesty

All violations of university academic conduct guidelines, including plagiarism, will be referred to the Dean of Students and will result in a zero on the assignment or exam in question. Plagiarism is the use of others' ideas or work without credit and/or presenting derivative work as one's own. This includes, but is not limited to, cutting and pasting from someone else's work or an internet source, failing to identify exact quotes, failing to cite a source for information that is only available from that source, failing to cite a source for an idea or argument you borrowed from that source, and turning in work that is not your own.

Disability Accommodations

Students with disabilities may request appropriate academic accommodations from the Division of Diversity and Community Engagement, Services for Students with Disabilities (512-471-6259, <http://www.utexas.edu/diversity/ddce/ssd/>).

Religious Holidays

By UT Austin policy, you must notify me of your pending absence at least fourteen days prior to the date of observance of a religious holy day. If you must miss a class, an examination, a work assignment, or a project in order to observe a religious holy day, I will give you an opportunity to complete the missed work within a reasonable time after the absence.

Emergency Evacuation Policy

Occupants of buildings on the University of Texas at Austin campus are required to evacuate buildings when a fire alarm is activated. Familiarize yourself with all exit doors of each classroom and building you may occupy. Remember that the nearest exit door may not be the one you used when entering the building. Students requiring assistance in evacuation shall inform their instructor in writing during the first week of class. Information regarding emergency evacuation routes and emergency procedures can be found at: utexas.edu/emergency.

Course Outline

One of the features of this class is that we will spend a significant amount of time discussing real-world examples of the policy process in action. As a result, this is an approximate schedule that is subject to change depending on how quickly we move through the material and how frequently we get diverted by current events.

January 21: Introduction and Course Overview

January 23: Policymaking in Action: The 2008 Financial Crisis

Part I: What is Policymaking?

January 28: Stages of the Policy Process

- Thomas A. Birkland (2016), “Elements of the Policy Making System” from *An Introduction to the Policy Process*
- Shambaugh and Weinstein, Chapter 1

January 30: History and Structure of Policy Making

- Lucie Cerna. The nature of policy change and implementation. Technical report, Organization for Economic Cooperation and Development, 2013

February 4: Federalism

- Cheyenne Polimedio and Elena Souris, Why Federalism is Hard *Vox.com*, February 27, 2018
- Marguerite Reardon, FCC Chairman Ajit Pai Argues a Patchwork of State Regs is Bad for Business *Cnet.com*, October 21, 2019

February 6: Regulatory Policy

- Charles E. Davis and Robert J. Duffy. King Coal vs. Reclamation: Federal Regulation of Mountaintop Removal Mining in Appalachia. *Administration and Society*, 41(6):674–692, 2009

February 11: Distributive Policy

- Frances E. Lee. Senate Representation and Coalition Building in Distributive Politics. *American Political Science Review*, 94(1):59–72, 2000

February 13: Redistributive Policy

- Shambaugh and Weinstein, Chapter 12

February 18: Policymaking in Action: Taxes

- James M. Verdier. The President, Congress, and Tax Reform: Patterns over Three Decades. *The ANNALS of the American Academy of Political and Social Science*, 499(1):114–123, 1988

February 20: Exam #1**Part II: Institutions****February 25: Congress and Policy Making**

- Oleszek et al., Chapter 1

February 27: The Budget Process

- Oleszek et al., Chapter 2
- Shambaugh and Weinstein, Chapter 7

March 3: The Legislative Process

- Oleszek et al., Chapter 5

March 5: The Legislative Process

- Oleszek et al., Chapter 7

March 10: The Legislative Process

- Oleszek et al., Chapter 8

March 12: Policymaking in Action: Health Care

- Barbara Sinclair. Partisan Polarization and Congressional Policy Making. In Jeffery A. Jenkins and Eric M. Patashnik, editors, *Congress and Policy Making in the 21st Century*, chapter 3, pages 48–72. Cambridge University Press, New York, NY, 2016

March 16-21: Spring Break**March 24: Executive Policymaking**

- Shambaugh and Weinstein, Chapters 2 and 3

March 26: Executive Policymaking

- Shambaugh and Weinstein, Chapter 8

March 31: Executive Policymaking

- Kenneth R. Mayer and Kevin Price. Unilateral Presidential Powers: Significant Executive Orders, 1949-99. *Presidential Studies Quarterly*, 32(2):367–386, 2002
- Executive Order No. 13765. 3 C.F.R. page 8351, Jan 20 2017

April 2: Federal Bureaucracy

- Shambaugh and Weinstein, Chapter 4
- Maeve P. Carey. The Federal Rulemaking Process: An Overview. Technical Report RL32240, Congressional Research Service, 2013

April 7: Federal Bureaucracy

- McNollgast. The Political Origins of the Administrative Procedure Act. *Journal of Law, Economics, and Organization*, 15(1):180–217, 1999

April 9: Legislative-Executive Relations

- Shambaugh and Weinstein, Chapter 9

April 14: Legislative-Executive Relations

- Kathleen Bawn. Political Control Versus Expertise: Congressional Choices about Administrative Procedures. *American Political Science Review*, 89(1):62–73, 1995

April 16: Exam #2

Part III: Oversight and Evaluation

April 21: Judicial Oversight

- Antonin Scalia. Judicial Deference to Administrative Interpretations of Law. *Duke Law Journal*, 1989(3):511–521, 1989

April 23: Judicial Oversight

- Michael A. Bailey and Forrest Maltzman. Does Legal Doctrine Matter? Unpacking Law and Policy Preferences on the U.S. Supreme Court. *American Political Science Review*, 102(3):369–384, 2008

April 28: Congressional Oversight

- Oleszek et al., Chapter 9

April 30: Congressional Oversight

- Mathew D. McCubbins and Thomas Schwartz. Congressional Oversight Overlooked: Police Patrols versus Fire Alarms. *American Journal of Political Science*, 28(1):165–179, 1984

May 5: Executive Oversight

- Shambaugh and Weinstein, Chapter 5

May 7: Executive Oversight

- Curtis W. Copeland. Federal Rulemaking: The Role of the Office of Information and Regulatory Affairs. Technical Report RL32397, Congressional Research Service, 2009