

# REINVENTING RATIONALITY

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THE ROLE  
OF REGULATORY ANALYSIS IN  
THE FEDERAL BUREAUCRACY

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THOMAS O. MCGARITY

# Reinventing Rationality The Role Of Regulatory Analysis In The Federal Bureaucracy

**Harold J Krent**



## **Reinventing Rationality The Role Of Regulatory Analysis In The Federal Bureaucracy:**

Reinventing Rationality Thomas O. McGarity, 1991-05-31 In this book Professor McGarity reveals the complex and problematic relationship between the regulatory reform movements initiated in the early 1970s and the United States federal bureaucracy Examining both the theory and application of regulatory reform under the Reagan administration the author succeeds in offering both a relevant analysis and critique of regulatory reform and its implementation through bureaucratic channels Using several case studies from the early Reagan years this book describes the clash of regulatory cultures resulting from the President's attempt to incorporate regulatory analysis into the bureaucratic decision making process Yet while McGarity recognizes the limitations of regulatory analysis he concludes with suggestions for enhancing its effectiveness This book could be used not only as a textbook for political science and government courses but also for graduate applications in public policy and public administration

**A Guide to Federal Agency Rulemaking** Jeffrey S. Lubbers, 2006 A concise but thorough resource the guide provides a time saving reference for the latest case law and the most recent legislation affecting rulemaking

**Regulatory Impact Analysis Best Practices in OECD Countries** OECD, 1997-12-01 This is the first report to look across the OECD membership at how regulatory impact analysis is actually designed and carried out

**Harvard Law Review: Volume 129, Number 2 - December 2015** Harvard Law Review, 2015-12-10 The December 2015 issue Number 2 features these contents Article Intra Agency Coordination by Jennifer Nou Book Review Body Banking from the Bench to the Bedside by Natalie Ram Note A Prison Is a Prison Is a Prison Mandatory Immigration Detention and the Sixth Amendment Right to Counsel Note Bundled Systems and Better Law Against the Leflar Method of Resolving Conflicts of Law The issue also includes In Memoriam essays honoring the legacy of Professor Daniel J Meltzer with contributions by Judge David J Barron Richard H Fallon Jr Vicki C Jackson Robert S Taylor Justice Elena Kagan David F Levi Martha Minow and Donald B Verrilli Jr In addition student commentary analyzes Recent Cases on retroactive application of Dodd Frank whether the first to file rule of the False Claims Act is jurisdictional ancillary jurisdiction to expunge a criminal conviction and First Amendment issues raised by a court ordered apology Student comments on Recent Legislation discuss state laws prohibiting local units from creating protected classes and state laws prohibiting local units from regulating fracking Further a student comment analyzes a Recent Adjudication in the EEOC defining discrimination on grounds of sexual orientation as protected sexual discrimination Finally the issue includes several comments on Recent Publications The Harvard Law Review is offered in a quality digital edition featuring active Contents linked footnotes active URLs legible tables and proper ebook and Bluebook formatting The Review is a student run organization whose primary purpose is to publish a journal of legal scholarship It comes out monthly from November through June and has roughly 2500 pages per volume Student editors make all editorial and organizational decisions This is the second issue of academic year 2015 2016

*The Oxford Handbook of American Bureaucracy* Robert F. Durant, 2012-08-02

One of the major dilemmas facing the administrative state in the United States today is discerning how best to harness for public purposes the dynamism of markets the passion and commitment of nonprofit and volunteer organizations and the public interest oriented expertise of the career civil service Researchers across a variety of disciplines fields and subfields have independently investigated aspects of the formidable challenges choices and opportunities this dilemma poses for governance democratic constitutionalism and theory building This literature is vast affords multiple and conflicting perspectives is methodologically diverse and is fragmented The Oxford Handbook of American Bureaucracy affords readers an uncommon overview and integration of this eclectic body of knowledge as adduced by many of its most respected researchers Each of the chapters identifies major issues and trends critically takes stock of the state of knowledge and ponders where future research is most promising Unprecedented in scope methodological diversity scholarly viewpoint and substantive integration this volume is invaluable for assessing where the study of American bureaucracy stands at the end of the first decade of the 21st century and where leading scholars think it should go in the future The Oxford Handbooks of American Politics are a set of reference books offering authoritative and engaging critical overviews of the state of scholarship on American politics Each volume focuses on a particular aspect of the field The project is under the General Editorship of George C Edwards III and distinguished specialists in their respective fields edit each volume The Handbooks aim not just to report on the discipline but also to shape it as scholars critically assess the scholarship on a topic and propose directions in which it needs to move The series is an indispensable reference for anyone working in American politics General Editor for The Oxford Handbooks of American Politics George C Edwards III     *The Oxford Handbook of the U.S. Constitution* Mark V. Tushnet, Mark A. Graber, Sanford Levinson, 2015 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today     *Understanding Regulation* Robert Baldwin, Martin Cave, Martin Lodge, 2012 An introduction to the practical and theoretical issues that are central to the study of regulation which a particular focus on contested areas and how they are dealt with     Interim Report on the Administrative Law, Process and Procedure Project for the 21st Century United States. Congress. House. Committee on the Judiciary. Subcommittee on Commercial and Administrative Law, 2007

**Toward Safer Food** Sandra Professor Hoffmann, Michael R. Professor Taylor, 2010-09-30 In 1998 a National Academy of Sciences panel called for an integrated risk based food safety system This goal is widely embraced but there has been little advance in thinking about how to integrate knowledge about food safety risks into a system wide risk analysis framework

Such a framework is the essential scientific basis for better priority setting and resource allocation to improve food safety Sandra Hoffmann and Michael Taylor bring together leading scientists risk analysts and economists as well as experienced regulators and policy analysts to better define the priority setting problem and focus on the scientific and intellectual resources available to construct a risk analysis framework for improving food safety Toward Safer Food provides a common starting point for discussions about how to construct this framework The book includes a multi disciplinary introduction to the existing data research and methodological and conceptual approaches on which a system wide risk analysis framework must draw It also recognizes that efforts to improve food safety will be influenced by the current institutional context and provides an overview of the ways in which food safety law and administration affect priority setting Hoffman and Taylor intend their book to be accessible to people from a wide variety of backgrounds At the same time they retain the core conceptual sophistication needed to understand the challenges that are inherent in improving food safety The editors hope that this book will help the U S move beyond a call for an integrated risk based system toward its actual construction

**Regulation, Enforcement and Governance in Environmental Law** Richard Macrory Hon KC, 2014-10-09 Regulation Enforcement and Governance in Environmental Law is an updated edition of Richard Macrory s most influential writings Spanning his entire career these are all works which have helped shape contemporary environmental law and policy The book includes the full text of his 2006 Cabinet Office Review on Regulatory Sanctions new chapters on the Climate Change Act 2008 the Environment Tribunal and analysis of recent leading cases The book is divided into five thematic sections Regulatory reform Institutional Reform and Change the Dynamics of Environmental Law the Courts and the Environment and Europe and the Environment Reviews of the first edition This book is surely destined to become a must read for anyone academic practitioner or student interested in the development of regulation enforcement and environmental governance P Bishop IUCN Academy of Environmental Law Journal An excellent reference work on environmental law an extremely important and valuable edition to the environmental lawyer s bookshelf C Abbot Journal of Environmental Law It is a rare to find a volume which consumes one s attention for 765 pages and rarer still that such a blockbuster be a law book This book is not solely for environmental enthusiasts it should be essential reading for anyone concerned with the institutional reform transparency and accountability in the UK and EU C MacKenzie Cambridge Law Journal

**The Oxford Handbook of Regulation** Robert Baldwin, Martin Cave, Martin Lodge, 2012-07-19 Regulation is often thought of as an activity that restricts behaviour and prevents the occurrence of certain undesirable activities but the influence of regulation can also be enabling or facilitative as when a market could potentially be chaotic if uncontrolled This Handbook provides a clear and authoritative discussion of the major trends and issues in regulation over the last thirty years together with an outline of prospective developments It brings together contributions from leading scholars from a range of disciplines and countries Each chapter offers a broad overview of key current issues and provides an analysis of different perspectives on those issues Experiences

in different jurisdictions and insights from various disciplines are drawn upon and particular attention is paid to the challenges that are encountered when specific approaches are applied in practice Contributors develop their own distinctive arguments relating to the central issues in regulation and apply scholarly rigour and clear writing to matters of high policy relevance The essays are original accessible and agenda setting and the Handbook will be essential reading both to students and researchers and to with regulatory and regulated professionals

**International Handbook on Privatization** David Parker, David S. Saal, 2003-01-01 Privatization has dominated industrial restructuring programs since the 1980s and continues to do so This authoritative and accessible Handbook considers all aspects of this key issue including the theory of privatization privatization in transition developed and developing economies as well the economic regulation of privatized industries

*The Preemption War* Thomas O. McGarity, 2008-12-02 Most people are unaware of a quiet war that has been raging in the courts federal regulatory agencies and Congress a war over federal agency preemption of state common law claims This text offers scholars and policymakers a full analysis of the legal and policy issues under debate

**Administrative Competence** Elizabeth Fisher, Sidney A. Shapiro, 2020-10-15 This book by two of the world's leading administrative law scholars reimagines administrative law as the law of public administration by making its competence the focus of administrative law Grounded in extensive interdisciplinary historical and doctrinal analysis Fisher and Shapiro show why understanding both the capacity and authority of expert public administration is crucial to ensure the legitimacy and accountability of the administrative state To address the current precarious state of administrative law they support a new study of the administrative process by an Attorney General's Committee on Administrative Procedure leading to a revised Administrative Procedure Act APA This book is a must read for anyone interested in administrative law and its reform

**The Presidency and the Political System** Michael Nelson, 2018-03-08 Written by top notch presidency scholars and carefully edited into a text reader format The Presidency and the Political System Eleventh Edition showcases a collection of original essays focused on a range of topics institutions and issues relevant to understanding the American presidency Author Michael Nelson rigorously edits each contribution to present students with a set of analytical yet accessible chapters and contextual headnotes introducing each essay You will read about different approaches to studying the presidency the elements of presidential power presidential selection presidents and politics and presidents and government New to the Eleventh Edition A new chapter focused on the Trump administration Chapter 10 discusses major shifts represented by the new administration especially in regards to the president's relationship with the media New coverage of Obama's second term enables you to compare and contrast Obama's two presidential terms as well as better understand how the similarities and differences of Obama's approach compared to his predecessors Revised time tested essays reflect current scholarship that explores the themes of modern presidential power and effectiveness

**Risk Regulation at Risk** Sidney Shapiro, Robert Glicksman, 2002-09-25 In the 1960s and 1970s Congress enacted a vast body of legislation to protect the

environment and individual health and safety Collectively this legislation is known as risk regulation because it addresses the risk of harm that technology creates for individuals and the environment In the last two decades this legislation has come under increasing attack by critics who employ utilitarian philosophy and cost benefit analysis The defenders of this body of risk regulation by contrast have lacked a similar unifying theory In this book the authors propose that the American tradition of philosophical pragmatism fills this vacuum They argue that pragmatism offers a better method for conceiving of and implementing risk regulation than the economic paradigm favored by its critics While pragmatism offers a methodology in support of risk regulation as it was originally conceived it also offers a perspective from which this legislation can be held up to critical appraisal The authors employ pragmatism to support risk regulation but pragmatism also leads them to agree with some of the criticisms against it and even to level new criticisms of their own In the end the authors reject the picture painted by risk regulation s critics of widely excessive and irrational regulation but the pragmatic perspective also leads them to propose a number of recommendations for useful reforms to risk regulation

**Environmental Law** Peter S. Menell, 2019-01-15 This title was first published in 2002 Since the importance of environmental governance was realised in the late 1960s and early 1970s this vibrant area of law has witnessed much change Assembling insightful essays from a number of key contributors *Environmental Law* takes stock of developments to date and outlines the challenges for the future

*Presidential Powers* Harold J Krent, 2005-02-01 Framed in Article II of the Constitution presidential powers are dictated today by judicial as well as historical precedent To understand the ways the president wields power as well as how this power is kept in check by other branches of government Harold J Krent presents three overlapping determinants of the president s role under the Constitution the need for presidential initiative in administering the law and providing foreign policy leadership the importance of maintaining congressional control over policymaking and the imperative to ensure that the president be accountable to the public Krent s examination is sweeping ranging from the president s ability to appoint and remove executive branch officials to the president s role in proposing and implementing treaties and the power to conduct war to the extent the president can refuse to turn over information in response to congressional and judicial requests Finally Krent addresses the history and purposes of presidential pardons By drawing on historic and contemporary presidential actions to illustrate his points Krent reminds us that the president is both an exalted leader with the regalia of power and an American who is and should be accountable to fellow citizens important considerations as we elect and assess our presidents

**Harvard Law Review** Harvard Law Review, 2013-05-03 The Harvard Law Review is offered in a digital edition featuring active Contents linked notes and proper ebook formatting The contents of Issue 7 include a Symposium on privacy and several contributions from leading legal scholars Article Agency Self Insulation Under Presidential Review by Jennifer Nou Commentary The Office of Information and Regulatory Affairs Myths and Realities by Cass R Sunstein SYMPOSIUM PRIVACY AND TECHNOLOGY Introduction Privacy Self Management and the Consent Dilemma by Daniel J Solove What Privacy Is For

by Julie E Cohen *The Dangers of Surveillance* by Neil M Richards *The EU U S Privacy Collision A Turn to Institutions and Procedures* by Paul M Schwartz *Toward a Positive Theory of Privacy Law* by Lior Jacob Strahilevitz Book Review Does the Past Matter On the Origins of Human Rights by Philip Alston A student Note explores Enabling Television Competition in a Converged Market In addition extensive student analyses of Recent Cases discuss such subjects as First Amendment implications of falsely wearing military uniforms First Amendment implications of public employment job duties justiciability of claims that Scientologists violated trafficking laws habeas corpus law and ineffective assistance of counsel claims Finally the issue includes several summaries of Recent Publications The Harvard Law Review is a student run organization whose primary purpose is to publish a journal of legal scholarship The Review comes out monthly from November through June and has roughly 2000 pages per volume The organization is formally independent of the Harvard Law School Student editors make all editorial and organizational decisions This issue of the Review is May 2013 the 7th issue of academic year 2012 2013 Volume 126      *Handbook of Regulatory Impact Assessment* Claire A. Dunlop, Claudio M. Radaelli, 2016-04-29 Regulatory impact assessment RIA is the main instrument used by governments and regulators to appraise the likely effects of their policy proposals This pioneering Handbook provides a comparative and comprehensive account of this tool situating it in the relevant theoretical traditions and scrutinizing its use across countries policy sectors and policy instruments Comprising six parts university researchers international consultants and practitioners working in international organizations examine regulatory impact assessment from many perspectives which include research traditions in the social sciences implementation regulatory indicators and effects tools and dimensions such as courts and gender sectoral case studies including environment enterprise and international development international diffusion in the European Union EU Americas Asia and developing countries appraisal training and education With its wealth of detail and lessons to be learned the Handbook of Regulatory Impact Assessment will undoubtedly be of great value to practitioners and scholars working in governance political science and socio legal studies



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