

# 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

**Thomas O. McGarity**



## **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

*Reviving Rationality* Michael A. Livermore, Richard L. Revesz, 2020-11-02 *Reviving Rationality* explains how Donald Trump destabilized the decades long bipartisan consensus that federal agencies must base their decisions on evidence expertise and analysis Under the Trump administration inconvenient evidence has been ignored experts have been sidelined and analysis has been used to obscure facts rather than inform the public The results have included haphazard and incoherent policy social division defeats in court a demoralized federal workforce and a loss of faith in government's ability to respond to the pressing problems facing American society The hard work of rebuilding a rational regulatory system will fall to future administrations

*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

**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

**Bureaucracy and Democracy: Accountability and Performance 3E** William T Gormley, Steven J Balla, 2013 Given the influence and impact of public bureaucracies in policy implementation and the accountability they owe to the American public their performance must be assessed in a systematic manner With this new edition the authors revisit their four key perspective bounded rationality principal agent theory interest group mobilization and network theory to help students develop an analytic framework for comprehensively evaluating bureaucratic performance

*The Palgrave Handbook of Public Administration and Management in Europe* Edoardo Ongaro, Sandra Van Thiel, 2017-11-27 This Handbook offers a systematic review of state of the art knowledge on public administration in Europe Covering the theoretical epistemological and practical aspects of the field it focuses on how public administration operates and is studied in European countries In sixty three chapters written by leading scholars this Handbook considers the uniqueness of the European situation through an interdisciplinary and comparative lens focusing on the administrative diversity which results from the multiplicity of countries languages schools of thought and streams of investigation across Europe It addresses issues such as multi level administration and governance intensive cross country cooperation in administrative reform policy and public accountability under different systems It also considers the issue of welfare service delivery at a time of major economic and societal challenges as well as understudied emerging issues like Islamic Public Administration and the dynamics of public sector negotiations With contributions from key experts in Public Administration and Public Management this cutting edge Handbook offers a significant contribution to the field of comparative public administration policy and management

*Handbook on the Politics of Regulation* David Levi-Faur, 2011-01-01 Political science has leap frogged law economics and sociology to become the dominant discipline contributing to regulatory studies David Levi Faur s volume taps the rich veins of regulatory scholarship that have made this the case It brings together the talented new network of politics scholars intrigued by the importance of the changing nature of state and non state regulation Their fresh insights complement important new work by established stars of the field Definitely a book to have on your shelf when in search of exciting theoretical approaches to politics John Braithwaite Australian National University Regulation in its manifold forms is the central process of contemporary governance as it seeks to blend the dynamism of market economies with responsiveness to political and normative demands for health safety environmental protection and fairness Understanding regulation s varieties vulnerabilities and virtues has become a significant focus of academic research and theory This volume provides an extraordinary survey of research in that field a survey remarkable in its comprehensiveness outstanding in the quality of the contributions by leading regulatory scholars from different nations and

academic disciplines Robert A Kagan University of California Berkeley US An authoritative collection by a range of contributors with outstanding reputations in the field Michael Moran WJM Mackenzie Professor of Government This is an extraordinarily useful one stop shop for a wide range of traditions and approaches to the political aspects of regulation David Levi Faur has assembled a fine collection that by reporting on the state of the art also shows the way ahead for a discipline that has to capture and explain dramatic changes in real world regulatory philosophies and policies Claudio Radaelli University of Exeter UK This is an unusually impressive edited volume Its contributors include the leading academic experts on government regulation from around the world Its several clearly written and informative essays address the most important topics issues and debates that have engaged students of regulatory politics I strongly recommend this volume to anyone interested in understanding the breadth and depth of contemporary scholarship on the political dimensions of regulation David Vogel University of California Berkeley US This unique Handbook offers the most up to date and comprehensive state of the art reviews of the politics of regulation It presents and discusses the core theories and concepts of regulation in response to the rise of the regulatory state and regulatory capitalism and in the context of the golden age of regulation Its ten sections include forty nine chapters covering issues as diverse and varied as theories of regulation historical perspectives on regulation regulation of old and new media risk regulation enforcement and compliance better regulation civil regulation European regulatory governance and global regulation As a whole it provides an essential point of reference for all those working on the political social and economic aspects of regulation This comprehensive resource will be of immense value to scholars and policymakers in numerous fields and disciplines including political science public policy and administration international relations regulation international law business and politics European studies regional studies and development studies

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

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**S. 803, E-government Act of 2001** United States. Congress. Senate. Committee on Governmental Affairs, 2002

**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     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

**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     *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 Generals 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 and Administrative Constitutionalism** Elizabeth Fisher,2007-07-30 Over the last decade the regulatory evaluation of environmental and public health risks has been one of the most legally

controversial areas of contemporary government activity Much of that debate has been understood as a conflict between those promoting scientific approaches to risk evaluation and those promoting democratic approaches This characterization of disputes has ignored the central roles of public administration and law in technological risk evaluation This is problematic because as shown in this book legal disputes over risk evaluation are disputes over administrative constitutionalism in that they are disputes over what role law should play in constituting and limiting the power of administrative risk regulators This is shown by five case studies taken from five different legal cultures an analysis of the bifurcated role of the Southwood Working Party in the UK BSE crisis the development of doctrines in relation to judicial review of risk evaluation in the US in the 1970s the interpretation of the precautionary principle by environmental courts and generalist tribunals carrying out merits review in Australia the interpretation of the WTO Sanitary and Phytosanitary Agreement as part of the WTO dispute settlement process and the interpretation of the precautionary principle in the EU context A strong argument is thus made for re orienting the focus of scholarship in this area      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      *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 *Annual Report* Administrative Conference of the United States,1994

**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

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