The George Washington University
Trachtenberg School of Public Policy and Public Administration

PPPA 6056: Regulatory Comment Clinic

Spring 2015, Tuesdays 6:10 – 8:00 PM
805 21st St, MPA 601Z

Professor: Susan E. Dudley
805 21st Street NW, Room 612
Washington, D.C. 20052
202-994-7543, sdudley@gwu.edu
Office hours Tuesdays 4-6 PM, and by appointment

Summary: Regulation is one of the most important mechanisms by which the federal government sets policy. In this course, students engage in the federal regulatory process, analyzing an active regulation and filing public comments (from a public interest perspective) with a federal agency.


Other assigned readings will be made available on Blackboard.

Students will also read – in their selected area of interest – agency regulatory proposals and supporting material, and public comments filed with agencies.

Learning objectives:

- **Understand** how regulations are developed.
- **Explore** how regulation can serve the public interest, and how to determine when a regulatory proposal might not.
- **Gather information** from government and other sources to evaluate a specific regulatory proposal in your area of interest.
- **File comments** from the perspective of the public interest on an active regulatory proposal.
- **Effectively present** your findings succinctly in a mock administrative hearing.
- **Draft a short newspaper commentary (op ed)** that communicates your analysis to the general public.
Course format:

- **Practical lectures** on the regulatory development process and regulatory analysis.
- **Guest lectures** from faculty and practitioners involved in setting regulatory policy.
- **Workshops** on effectively communicating legal, economic, and policy ideas through different media.
- **Mock hearings** where students will present their arguments regarding their selected regulation.
- Students will **work individually or in teams** to prepare comments on current regulatory proposals to file on the public record.
- Students will individually author an **op ed** based on their analysis.

Grading:

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Memo</td>
<td>10%</td>
</tr>
<tr>
<td>Comment outline</td>
<td>10%</td>
</tr>
<tr>
<td>Mock hearing</td>
<td>15%</td>
</tr>
<tr>
<td>Op ed</td>
<td>15%</td>
</tr>
<tr>
<td>Public interest comment</td>
<td>50%</td>
</tr>
</tbody>
</table>

**Attendance policy:** It is important that you attend all classes, arrive on time, and read the assigned material before class so that you may contribute your insights to the class discussion and learn from the insights of other students. If you must miss a class, please send me an email in advance of the class to let me know that you will be absent. Attendance as such will not be graded but it is unlikely that you will do well in the graded assignments without regular attendance in class.
# Class Schedule & Assignments

## 1. Introduction: What is regulation, and why do we do it?
- Regulation: A Primer, Ch. 1-2

## 1/13

## 2. The Regulatory Process: How is the sausage made?
- Regulation: A Primer, Ch. 3-5

## 1/20

## 3. Administrative Law Overview (Guest, Don King, MD, JD)
- Elena Kagan, “Presidential Administration,” 114 Harv. L. Rev. 2245 2000-2001 (Blackboard) (You may focus on Section V “Enhancing Presidential Administration Through Legal Rules,” though the entire article is interesting and relevant for anyone interested in regulation.)
- Randolph J. May, “Happy 30th Anniversary, Chevron!” The Hill. August 2013. (Blackboard)
- **Begin to look for your regulation** (We’ll spend part of this class and next navigating resources to identify the rules you’ll select for comment):
  - [www.OpenRegs.com](http://www.OpenRegs.com)
  - [http://www.whitehouse.gov/omb/inforeg/index.html](http://www.whitehouse.gov/omb/inforeg/index.html)

## 1/27

## 4. Competitive Markets & Regulation
- Regulation: A Primer, Ch. 6-7
- Michael Munger, *Analyzing Policy*, pp. 54-72 (Blackboard)

## 2/03

## 5. Regulatory Analysis I: Need for Regulation & Alternatives
- Regulation: A Primer, Ch. 8
- OIRA *Regulatory Impact Analysis FAQs* (2011)
- OMB *Circular A-4, “Regulatory Analysis”* (through section C)

## 2/10
MEMO DUE 2/17

6. Regulatory Analysis II: Benefit-Cost Analysis
   - OMB Circular A-4, “Regulatory Analysis” (Sections D-G)

*Classes 7-9 will focus on specific categories of regulation, depending on class interests and regulations chosen. The following dates/topics are tentative. Start reading the editorial pages of your favorite newspaper and bring in op eds on regulation to share in class.*

7. Issues in Safety & Environmental Regulation
   - Huber, *Gatekeepers and Exorcists*

8. Economic Regulation & Competition (An Independent Agency Perspective) (Guest: Maureen Ohlhausen)
   - Maureen Ohlhausen, *The Procrustean Problem with Prescriptive Regulation*
   - All readings on Blackboard

9. Issues in Food & Health Care Regulation (Possible Guest)
   - Readings may be assigned

10. Workshop – Writing public filings
    - *Regulation: A Primer*, Ch. 9
    - Come with questions about your comment and be prepared to discuss your RIA

**COMMENT OUTLINE DUE 3/24**

11. Legislators’ Perspective (Guests)
    - Legislative staff from both houses
    - Peruse pending regulatory reform legislation on the RegulatoryStudies.gwu.edu website
<table>
<thead>
<tr>
<th>12. Workshop – Working with the media (Guest: Amber Palmer-Halma, TSPPPA Director of Communications)</th>
<th>4/07</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Read the newspapers for op eds and articles on regulation</td>
<td></td>
</tr>
<tr>
<td>TESTIMONY DUE</td>
<td>4/10</td>
</tr>
<tr>
<td>13. Mock hearing</td>
<td>4/14</td>
</tr>
<tr>
<td>14. Mock hearing &amp; Course wrap up</td>
<td>4/21</td>
</tr>
<tr>
<td>OP ED AND COMMENT DUE</td>
<td>5/08</td>
</tr>
</tbody>
</table>
APPENDIX: TRACHTENBERG SCHOOL CLASS POLICIES

1. Incompletes: A student must consult with the instructor to obtain a grade of I (incomplete) no later than the last day of classes in a semester. At that time, the student and instructor will both sign the CCAS contract for incompletes and submit a copy to the School Director.

Please consult the TSPPPA Student Handbook or visit http://www.gwu.edu/~ccas/faculty/files/Incomplete_poli0.pdf for the complete CCAS policy on incompletes.

2. Submission of Written Work Products Outside of the Classroom: It is the responsibility of the student to ensure that an instructor receives each written assignment. Students can submit written work electronically only with the express permission of the instructor.

3. Submission of Written Work Products after Due Date: Policy on Late Work: All work must be turned in by the assigned due date in order to receive full credit for that assignment, unless an exception is expressly made by the instructor.

4. Academic Honesty: All examinations, papers, and other graded work products and assignments are to be completed in conformance with the George Washington University Code of Academic Integrity. (see http://www.gwu.edu/~ntegrity/code.html)

Note especially the definition of plagiarism: “intentionally representing the words, ideas, or sequence of ideas of another as one’s own in any academic exercise; failure to attribute any of the following: quotations, paraphrases, or borrowed information.”

5. Changing Grades After Completion of Course: No changes can be made in grades after the conclusion of the semester, other than in cases of clerical error.

6. The Syllabus: This syllabus is a guide to the course for the student. Sound educational practice requires flexibility and the instructor may therefore, at her/his discretion, revise content and requirements during the semester.

7. Accommodation for Students with Disabilities: In order to receive accommodations on the basis of disability, a student must give notice and provide proper documentation to the Office of Disability Support Services, Rome Hall 102, 202-994-8250. Accommodations will be made based upon the recommendations of the DSS Office.

8. University Counseling Center: The University Counseling Center (UCC), 202-994-5300, 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

http://gwired.gwu.edu/counsel/CounselingServices/AcademicSupportServices