First Movers: Agendas and Inequality in the Administrative State

Book Prospectus

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Overview

Federal regulations affect nearly every area of American social and economic life, from access to continuous healthcare coverage to student loan repayment plans to employment classification in the gig economy. As analytic capacity in the US Congress has declined, American policymaking authority has increasingly shifted to the executive branch (Baumgartner and Jones 2009). By some accounts, more than 90 percent of US law is of agency origin (see Warren 2020) and scholars increasingly contend that citizens' primary connections to government occur not at the ballot box, but at the hands of the administrative state (March and Simon 1958; Redford 1969; Carpenter 2001; Michener 2018; Moffitt 2014; Soss et al. 2007). And yet, little American politics scholarship is centered on administrative politics. This neglect "leaves the most important political outcomes – the impact of policies on citizens – understudied" (Carpenter 2001, p. 11).

One of the most significant gaps in this literature concerns the development of the administrative policy agenda: the process through which federal agencies decide what, when, and how to regulate. This process represents a shrouded but highly consequential stage of American policymaking. Federal agencies are routinely delegated broad authority by Congress, possess substantial discretion over their policy agendas, and have limited resources to pursue all policy initiatives warranted by their mandates (Coglianese and Walters 2016). Further, agencies' "pre-proposal" decisions are often near-final, with few changes occurring during notice and comment rulemaking (see Yackee 2012) and – unlike later stages of the regulatory process – no standardized guidelines structure early rulemaking. These realities underscore the significance of the administrative agenda and the factors that shape it.

But despite its importance, scholars and elected officials have limited knowledge of this policymaking stage. As Naughton et al. write, there remains "remarkably little empirical exploration regarding the development of [...] agency's preliminary policy initiatives" (Naughton et al. 2009, p. 259) and in a 2006 hearing before the US House of Representatives' Subcommittee on Commercial and Administrative Law, Chairman Chris Cannon (R-UT) decried, "critical decisions regarding proposed rules are often made in the months and perhaps even years before rules are published. Surprisingly, little is known

about how agencies actually develop these rules." Indeed, by our estimation, fewer than five peer-reviewed articles published in political science, public policy, and public administration journals have addressed this subject in the current century. (Yackee 2019).

First Movers responds to this knowledge gap by offering the first comprehensive study of the administrative policy agenda and the sources that shape it. Drawing on an original survey of senior appointed and career civil servants, new data documenting more than a quarter of a million entries on the *Unified Agenda* between 1995 and 2025, and elite interviews with dozens of senior agency officials, we probe the key sources shaping agencies' policy planning. Joining interdisciplinary scholarship from political science, policy studies, public administration, and administrative law, we theorize that agencies' statutory designs, operational features, policy environments, and political contexts intersect to shape the influence of public, private, and government actors over the administrative agenda. *First Movers* offers the first systematic insights about this hard-to-observe stage of American policymaking.

Expected Contributions

Over the past seventeen months, the federal workforce has shrunk by more than 10 percent, with nearly 350,000 civil servants departing their roles. These reductions by the Trump Administration represent the largest decline in civilian federal employment since World War II and correspond to a loss of approximately one in eight government workers. Hundreds of opinion pieces, editorial articles, and podcasts express mounting concern about declining bureaucratic capacity and its consequences. *First Movers* is an important contribution to this public discourse, offering novel insights about how political leaders, civil servants, and stakeholder advocates shape administrative priorities over time and in crisis.

First Movers is also poised to make valuable intellectual contributions to a broad interdisciplinary scholarship. Due to the absence of public data documenting agencies' preliminary policy planning, little empirical research examines administrative agenda-setting. We respond to this challenge by introducing a new measure of agenda-setting influence drawn from an original survey assessing senior regulators' perceptions of the sources that shape their agencies' policy planning. We complement this measure with a new dataset documenting the modern *Unified Agenda* – the culmination of the administrative agenda-setting process – comprising more than 250,000 entries over 35 years, alongside semi-structured in-depth interviews with senior agency officials. By combining survey evidence, a novel administrative dataset, and qualitative interviews, *First Movers* will offer the most comprehensive empirical portrait to date of the administrative agenda in American politics. Thus, we expect it will be a highly anticipated release.

This work will be in close conversation with canonical and new research on administrative politics. It responds to foundational research on political control and bureaucratic discretion by Daniel Carpenter's *The Forging of Bureaucratic Autonomy* (Princeton, 2001); John Huber and Charles Shipan's *Deliberate Discretion?* (Cambridge, 2002); and Sean Gailmard and John Patty's *Learning While Governing* (Chicago, 2013). It is in direct conversation with Marissa Martino Golden's *What Motivates Bureaucrats?* (Columbia, 2000), in its study of bureaucratic autonomy; Susan Moffitt's *Making Policy Public* (Cambridge, 2013), in its emphasis on participatory bureaucracy; and Rachel Potter's *Bending the Rules* (Chicago, 2019), in its focus on the internal politics of rulemaking.

Target Market and Likely Audience

This book's interdisciplinary orientation will situate its relevance across audiences. *First Movers* will be of strong interest to scholars and students of American politics, public policy, public administration, and administrative law. Accordingly, it will be of use in graduate, advanced undergraduate, and legal coursework on topics of American political institutions, public policy processes, agenda setting, executive politics, bureaucratic governance, civic engagement, and administrative procedure. To facilitate this book's relevance to future administrative reform efforts, it is designed to be accessible to practitioner audiences. Technical and advanced statistical details are discussed largely in appendixes and discussions of findings in the main text focus on high-level takeaways, examples, and applications. We integrate anecdotes from elite interviews throughout the text to situate our theoretical argument and underscore the practical relevance of our findings.

Chapter Outline

Chapter 1: A Blind Spot. The American policymaking landscape has changed remarkably over the last thirty years. In the wake of the Republican Revolution, congressional capacity has atrophied. The modern Congress passes fewer – and less detailed – laws, leaving the bulk of federal policymaking to the executive branch. Legal scholarship suggests that more than 90 percent of US law is now of agency, rather than legislative, origin, much of which draws from agencies' discretionary authority. But how do agencies decide which issues to regulate and what rules to issue? These agenda-setting decisions occur during "pre-proposal" rulemaking, a crucial yet understudied stage of the American policy process. This opening chapter describes the importance of administrative rulemaking, the dearth of scholarship on *early* rulemaking, and the profound consequences of this limited attention on scholarly understanding of political accountability and public voice in American politics. This chapter introduces the book's central argument that the administrative policy agenda represents a locus of political bargaining and negotiation among

elites, agency officials, private stakeholders, and grassroots interests. The chapter concludes with an outline of the book's structure.

Chapter 2: The Regulatory Process. Rulemaking, often erroneously perceived as an apolitical procedural process, is among the most consequential and complex stages of American policymaking. In this chapter, we historicize the development of the regulatory process in American federal politics. We detail the expansion of the administrative state and the history of administrative rulemaking, from the enactment of the Federal Register Act to the creation of the White House Office of Information and Regulatory Affairs to the demise of Chevron deference. We conclude with a detailed review of the modern regulatory process, emphasizing the role played by "first movers" – those who shape rulemaking well before a Notice of Proposed Rulemaking (NPRM) is issued.

Chapter 3: Measuring the Unmeasurable. Agencies' pre-proposal deliberations are highly shrouded; no public data or records document this phase of the regulatory process. In this chapter, we describe the impact of this absence of data on prior scholarship and detail our three-part solution: an original survey, the *Survey on the Future of Government Service* (SFGS), fielded to senior appointed and career civil servants asking about regulators' perceptions of the sources that shape their policy planning – enabling us to generate systematic insights about how agencies' policy agendas are developed; a novel administrative dataset, the *Administrative Agendas Dataset*, documenting agencies' entries on the Unified Agenda over time (1995-2025) – allowing us to trace the administrative agenda's responsiveness to key events, such as crisis and presidential transition; and in-depth elite interviews with senior agency officials – offering a window into underlying mechanisms and context for our quantitative findings. We conclude by previewing these data.

Chapter 4: Principal-Agent Politics. Agencies' agendas are subject to significant pressures from within government. The president, Congress, political appointees, and career civil servants routinely jockey for control over agency operations. In this chapter, we argue that partisan disagreement, policymaking complexity, and agency design intersect to govern the incentives and capacities of government officials to shape the administrative agenda. Using data from the SFGS, we demonstrate that intense partisan disagreement over agency direction increases the influence of agency heads and decreases the influence of career staff, particularly when agencies are ideologically misalinged with the president; insulating mechanisms reduce the influence of external political principals; and when civil servants possess expertise and that expertise is particularly valuable for effective policymaking, civil servants are more influential while agency principals are less so. This analysis indicates that standard theories of political control of the bureaucracy extend to early rulemaking – an important contribution to broader scholarship.

Chapter 5: Ex Parte Lobbying and Unequal Voice. The majority of American lobbying targets a federal agency. In policy planning, this activity represents an acute source of normative concern due to the potential for unfettered "insider" influence. In this chapter, we argue that although interest groups have strong incentives to shape the administrative agenda, their influence is conditional on variation in their lobbying resources and the extent to which agencies may value those resources across operational, policy, and political contexts. We demonstrate that while regulated parties wield the greatest external influence over the administrative agenda, public interest groups are highly influential in skilled agencies and agencies that regulate complex policy domains. These dual findings suggest that while private interests enjoy a strong lobbying advantage, public interest groups have unique capacity to aid early policymaking in uncertain environments.

Chapter 6: The Grassroots Effect: Responsiveness to Citizen Petitions. Everyday citizens can, and do, seek to raise issues before federal agencies – typically through rulemaking petitions. Using data from the SFGS, this chapter evaluates agencies' responsiveness to these public petitions. We demonstrate that citizen petitions represent a remarkably consistent source of agenda-setting influence, particularly among regulatory agencies. Drawing on case studies of the Nuclear Regulatory Commission (NRC) and the Fish and Wildlife Service (FWS), we suggest that citizen petitions – if coupled with standardized best practices – offer a mechanism for addressing participatory imbalances in early rulemaking.

Chapter 7: Agenda-Setting in Time. By nature, agenda-setting involves decisions and nondecisions. In this final empirical chapter, we trace the size and scope of the administrative policy agenda, using our *Administrative Agendas Dataset*. We discuss trends in the expansion and contraction of the regulatory agenda over time and evaluate its responsiveness to periods of presidential transition, social upheaval, economic turmoil, and bureaucratic retrenchment. This chapter offers the first systematic empirical description of the administrative policy agenda in time, and in crisis.

Chapter 8: Rebuilding, Reform, and Agenda Democracy. In this concluding chapter, we offer a framework for reform in the new era of administrative politics. Our work suggests that while elements of administrative agenda-setting operate as expected – with elected officials and their surrogates playing a dominant role – the lack of procedural safeguards for stakeholder engagement in early rulemaking has striking representational effects. As the federal government's administrative apparatus reaches a crisis point, we conclude by discussing the likely consequences of these changes for regulatory planning and prescribing recommendations for reducing barriers to broad and meaningful public participation in early rulemaking.

Author Biographies

Maraam A. Dwidar (Ph.D., The University of Texas at Austin, 2020) is an Assistant Professor of Government at Georgetown University. Her research focuses on inequality and representation in administrative governance. Her work has been published in the *American Political Science Review*, the *Policy Studies Journal*, *Presidential Studies Quarterly*, *Politics, Groups, and Identities*, *Interest Groups & Advocacy*, and other outlets. She is the author of *Power to the Partners: Organizational Coalitions in Social Justice Advocacy* (University of Chicago Press, 2025). Her work has been reviewed and featured by a wide range of scholarly and public-facing outlets, including *Choice*, *Convergence Magazine*, *Kirkus Reviews*, *Interest Groups & Advocacy*, *New Books Network Podcast*, *The San Francisco Book Review*, *The Science of Politics Podcast*, *Stanford Social Innovation Review*, *The Washington Post*, and *Wonk Week* – a leading conference for public affairs and advocacy professionals. Prior to entering academia, she worked for the Brookings Institution and the California Civic Engagement Project.

Mark D. Richardson (Ph.D., Vanderbilt University, 2017) is an Assistant Professor of Government at Georgetown University. His research interests include the U.S. presidency, executive branch politics, regulation, and public administration. His research has appeared in the *Journal of Politics*, *Public Administration Review*, *Presidential Studies Quarterly*, and the *Journal of Public Policy*. His work has been covered by *The Washington Post*, the *Federal Times*, and featured on the *The Science of Politics* podcast. Prior to entering academia, he worked for the Federal Reserve System, the Tennessee Department of Financial Institutions, and the US Government Accountability Office.

References

Frank R. Baumgartner and Bryan D. Jones. *Agendas and Instability in American Politics*. University of Chicago Press, 2009.

Daniel P. Carpenter. *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovations in the Executive Agencies, 1862-1928*. Princeton University Press, 2001.

Cary Coglianese and Daniel E. Walters. Agenda-setting in the Regulatory State: Theory and Evidence. *Administrative Law Review*, 68(1):865–888, 2016.

James G. March and Herbert A. Simon. *Organizations*. Wiley-Blackwell, 1958.

Jamila Michener. *Fragmented Democracy: Medicaid, Federalism, and Unequal Politics*. Cambridge University Press, 2018.

Susan L. Moffitt. *Making Policy Public: Participatory Bureaucracy in American Democracy*. Cambridge University Press, 2014.

Keith Naughton, Celeste Schmid, Susan Webb Yackee, and Xueyong Zhan. Understanding Commenter Influence During Agency Rule Development. *Journal of Policy Analysis and Management*, 28(2):258–277, 2009.

Emmette S. Redford. *Democracy in the Administrative State*. Oxford University Press, Oxford, UK, 1969.

Joe Soss, Sanford F. Schram, and Bryn Mawr. A Public Transformed? Welfare Reform as Policy Feedback. *The American Political Science Review*, 101(1):111–127, 2007.

Kenneth F. Warren. *Administrative Law in the Political System: Law, Politics, and Regulatory Policy*. Routledge, 2020.

Susan Webb Yackee. The Politics of Ex Parte Lobbying: Pre-Proposal Agenda Building and Blocking During Agency Rulemaking. *Journal of Public Administration Research and Theory*, 22(2):373–393, 2012.

Susan Webb Yackee. The Politics of Rulemaking in the United States. *Annual Review of Political Science*, 22(1):37–55, 2019.