

INDEPENDENT REGULATORY AGENCIES

SS.912.CG.3.5 Describe how independent regulatory agencies interact with the three branches of government and with citizens.

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2023 BENCHMARK UPDATES

- Updated from SS.912.C.3.5
 - Changed from “Identify the impact of independent regulatory agencies in the federal bureaucracy.” to “Describe how independent regulatory agencies interact with the three branches of government and with citizens.”
- Depth of Knowledge Changes within Benchmark
 - Changed from “Identify” to “Describe”
- Addition of Benchmark Clarifications
 - Benchmark clarifications are an addition to the 2023-2024 high school civics and government benchmarks. Benchmark clarifications are listed in the lesson summary below.

Essential Teacher Content Background Information

[Teacher Content Notes Not Appropriate For Student Use]

This section addresses the following topics:

1. The Role of Independent Regulatory Agencies in the United States Government
2. Examples of U.S. Government Independent Regulatory Agencies
3. The Advantages and Disadvantages of Delegating Power to Independent Regulatory Agencies

1. The Role of Independent Regulatory Agencies in the United States Government

U.S. government independent regulatory agencies are federal agencies that operate outside of the traditional executive departments (i.e. the Cabinet) and are tasked with carrying out specific responsibilities. Independent regulatory agencies have broad authority to create and enforce regulations (rules) within their designated areas of jurisdiction and play a central role in ensuring compliance with laws, protecting consumer rights, maintaining safety standards, and similar.

Independent regulatory agencies are typically established by Congress through legislation. Through this legislation, Congress grants them specific powers and responsibilities to provide specialized services or implement oversight of specific industries. Most independent regulatory agencies have a bipartisan structure to prevent domination by any one political party. This structure aims to maintain a balanced approach in decision-making.

Unlike executive departments and agencies, which are part of the president's Cabinet and/or are under the direct authority of the president, independent regulatory agencies are created by Congress to operate with a measure of independence from presidential influence. The heads of independent regulatory agencies, often called commissioners, board members, or directors, are typically appointed for fixed terms that extend beyond a presidential term. This ensures continuity within the agency and prevents frequent changes in leadership due to shifts in administrations.

2. Examples of U.S. Government Independent Regulatory Agencies

Examples of U.S. government independent agencies include:

Consumer Product Safety Commission (CPSC)	Protects the public from unreasonable risks of serious injury or death from thousands of types of consumer products.
National Labor Relations Board (NLRB)	Manages employee unions and employee representation on matters such as improving wages and working conditions.
Securities and Exchange Commission (SEC)	Oversees the securities industry and enforces federal securities laws, aiming to protect investors and maintain fair and transparent markets.
Federal Communications Commission (FCC)	Regulates communication technologies and services, including radio, television, internet, and telecommunications.
Federal Election Commission (FEC)	Enforces campaign finance law in United States federal elections.

Federal Trade Commission (FTC)	Investigate and prevent unfair methods of competition in commerce and business.
National Labor Relations Board (NLRB)	Enforces U.S. labor law in relation to collective bargaining and unfair labor practices.

What constitutes as an “independent regulatory agency” is defined by 44 U.S. Code§ 3502. There are 19 of these agencies. These agencies and others like them play vital roles in various aspects of governance, regulation, oversight, and public service delivery in the United States.

3. The Advantages and Disadvantages of Delegating Power to Independent Regulatory Agencies

Delegating power to independent regulatory agencies has both advantages and disadvantages.

Advantages include:

- A. Expertise and Specialization: Independent regulatory agencies often consist of experts in their respective fields. They have the technical knowledge and experience necessary to make informed decisions and regulations that are based on thorough analysis.
- B. Reduced Political Influence: By operating independently from political pressures, these agencies can make decisions that are more focused on the long-term interests of the public and the industry they regulate, rather than short-term political gains.
- C. Consistency and Predictability: Independent agencies offer a level of stability and predictability in regulatory decisions. Their mandates often extend beyond presidential terms, which helps maintain consistent policies even as administrations change.
- D. Public Trust and Credibility: Because independent agencies are less susceptible to political influence, their decisions are often perceived as more objective and credible by the public, industry stakeholders, and other government entities.
- E. Focused Regulation: Independent agencies can dedicate their efforts solely to the industries they regulate, enabling them to develop deep expertise and tailor regulations that suit the unique challenges of those sectors.
- F. Balancing Power: Delegating regulatory power to independent agencies helps maintain a system of checks and balances within the government, preventing any one branch from monopolizing control over critical sectors.

Disadvantages include:

- A. Lack of Democratic Accountability: Independent agencies, while designed to be insulated from politics, can sometimes become too removed from democratic oversight. This can lead to concerns about a lack of accountability to the elected representatives of the people.
- B. Capture by Special Interests: Over time, independent agencies may become susceptible to “regulatory capture”, where industry interests influence agency decisions. This can lead to regulations that benefit industry insiders rather than serving the public interest.
- C. Lack of Coordination: Independent agencies might operate in isolation from each other and from executive departments, leading to potential coordination problems, conflicting policies, or inefficiencies.
- D. Limited Flexibility: The autonomy of independent agencies can sometimes result in rigid regulations that don't adapt well to changing circumstances or emerging technologies.
- E. Bureaucratic Inefficiencies: Like any bureaucratic organization, independent agencies can be prone to inefficiencies, delays, and administrative complexities that could hinder their ability to respond swiftly to challenges.

- F. Lack of Democratic Input: Because these agencies are not directly accountable to elected officials, their decisions might lack the input of the broader public and elected representatives, potentially leading to decisions that don't fully align with the people's preferences.
- G. Resistance to Change: Once an agency establishes a certain regulatory framework, it might be resistant to change, even when new information or circumstances warrant updates to regulations.

Lesson Summary

BENCHMARK		
SS.912.CG.3.5 Describe how independent regulatory agencies interact with the three branches of government and with citizens.		
BENCHMARK CLARIFICATIONS		
<ul style="list-style-type: none">Students will identify independent regulatory agencies (e.g., Federal Communications Commission, Federal Election Commission, National Labor Relations Board) and explain their purpose and effect.Students will describe the advantages and disadvantages of delegating power to independent regulatory agencies.		
FLORIDA CIVIC LITERACY EXAM COMPETENCY CONNECTION		
Competency 2: Understanding of the United States Constitution and its application		
OVERVIEW		
In this lesson, students will explore different independent regulatory agencies and describe their purpose, responsibilities, and role within the government.		
ESSENTIAL QUESTION		
How do independent regulatory agencies interact with government and citizens?		
GOVERNMENT CONTENT VOCABULARY		
<ul style="list-style-type: none">bipartisan, executive branch, independent regulatory agency, regulations, rulemaking, statute		
INSTRUCTIONAL STRATEGIES		
Close reading	Student-led research	Jigsaw
MATERIALS		
<ul style="list-style-type: none">Independent Regulatory Agencies slidesIndependent Regulatory Agencies readingIndependent Regulatory Agencies Presentation activity sheetIndependent Regulatory Agency ListIndependent Regulatory Agencies OrganizerStudent digital devicesPoster board or PowerPointColoring supplies (if choosing poster presentation)		
B.E.S.T. STANDARDS		
The grade in which this lesson is taught will determine the specific B.E.S.T. standards correlation. Thematically, this lesson aligns to:		

- ELA.R.1.3 Perspective and Point of View
- ELA.R.3.1 Paraphrase and Summarize

Suggested Student Activity Sequence & Pace

DAY	ACTIVITY SEQUENCE
DAY 1	<ol style="list-style-type: none"> 1. Project the “Independent Regulatory Agencies” slides and begin class today with an engaging guessing game. 2. First, using slide 1 have students engage in a fun round of guessing how many jelly beans are in the pictured jar. 3. Then, move to slide 2 and have students try to guess how many individuals work for the federal government? Use some of the follow-up statistics and facts in the speaker notes to ask additional questions such as: Which branch of government employees the most individuals? In which area do most employees work? 4. Lead students to an understanding that while we tend to focus on the three branches of the U.S. government, it takes millions of employees to make our government work. 5. Project slide 3 and review the ‘Government of the United States’ flowchart with students. Highlight the three branches at the top but then note all of the departments and agencies that fall underneath. Ask students to identify from an organizational perspective, which branch of government independent agencies fall under? Teacher Note: Cabinet level departments and independent executive agencies are not the same thing. 6. Explain to students that in this lesson, they are going to look closer at these independent executive agencies. 7. Distribute the “Independent Regulatory Agencies” reading. 8. Complete the reading as a class, modeling text marking strategies as you move through the information. 9. At the end of the reading, have students individually answer the questions at the bottom. 10. Either review questions together or collect to use as a formative assessment. 11. Next, divide students into small groups. 12. Explain that with their group, they will research one independent regulatory agency of the U.S. government that they will then be responsible for teaching the class more about. 13. Distribute an “Independent Regulatory Agencies Presentation” activity sheet to each group. Ensure students have access to a digital device. 14. Project the “Independent Regulatory Agency List” and either assign an agency to each group or allow them to choose. Have them record their assigned agency on their activity sheet. 15. Explain to students that they will use internet research to find information on their agency that they will present to the class. The information they are looking for is on their activity sheet. Teacher Note: Encourage students to research using the direct agency website. You could provide them a copy of the linked list. 16. Provide time for groups to research and record information on their activity sheet. 17. While groups work, circulate the room to monitor for engagement and participation, checking in with each group at least once. 18. As groups finish their research, explain that they will now transfer information to a medium of your choice in order to provide a brief presentation on their agency to their classmates. Teacher Note: For the presentation, students could either create a poster on chart paper, or a single powerpoint slide, depending on the technology available and your preferences. There is also a rubric in the answer key section you may present to keep students focused while

	<p>working.</p> <p>19. For the remainder of class, have students work on and finish their presentations.</p>
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DAY 2	<ol style="list-style-type: none"> 1. Begin class by having students return to small groups from the previous day. 2. Give groups time to finish preparing and reviewing their presentations. Ensure they know who in their group will do the speaking. 3. Once all groups are ready, have students return to their individual seats. 4. Distribute an “Independent Regulatory Agencies Organizer” to each student. 5. Explain to students that while each group presents, they will take notes in their organizer. 6. Have groups present while other students listen and fill in information. Encourage groups to repeat information or provide wait time to allow everyone to keep up. 7. Once the last group has presented, allow a few more minutes for students to write down any further information on their organizers. <p>Teacher Note: While this lesson and activities are written in a 2 day sequence, research and presentation times will vary and may go into a third day.</p>
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Government Content Vocabulary

Word/Term	Definition
bipartisan	involving two opposing political parties
executive branch	the branch of government headed by the president; in charge of enforcing laws
independent regulatory agency	agencies that exist outside of the federal executive departments but have been given rulemaking authority by Congress
regulations	rules; requirements/actions/processes enforced by federal law
rulemaking	process used to create regulations
statute	a law enacted at the state level

ADDITIONAL RESOURCES

[Florida Department of Education: Florida Civic Literacy Exam Homepage](#)

Florida Department of Education's Civic Literacy Reading List

- N/A

ANSWER KEYS

Sample Answers: Independent Regulatory Agency reading

Sample Answers: Independent Regulatory Agency Presentation Rubric

SOURCES

Federal employees statistics: <https://www.brookings.edu/articles/public-service-and-the-federal-government/>

Executive branch agencies:

<https://www.whitehouse.gov/about-the-white-house/our-government/the-executive-branch/>

Government chart:

https://blogs.cul.columbia.edu/journalism/files/2014/02/gov_chart-landscape_color_medsmall-300x190.jpg

Independent Regulatory Agency list:

https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=44-USC-496203623-1695366633&term_occur=5&term_src=title:44:chapter:35:subchapter:I:section:3515