Following the terrorist attacks on the World Trade Center and the Pentagon on September 11, 2001, homeland security became a top priority for the executive branch and the federal bureaucracy. President George W. Bush responded by tightening airline security and launching his War on Terror. Over the next eight years, the public’s attention drifted away from terrorism prevention as the country became mired in two wars, was struck by natural disasters such as Hurricane Katrina, and plunged into the worst recession since the Great Depression.

On Christmas day 2009, however, the U.S. government’s responsibility to prevent terrorist attacks was thrust back to the forefront. Twenty-three-year-old Nigerian national Umar Farouk Abdulmutallab, who had ties to al-Qaeda’s branch in Yemen, attempted but failed to ignite explosives concealed in his underwear as Northwest Airlines Flight 253 prepared to land in Detroit, Michigan. Although no one except Abdulmutallab was injured in the incident, the nation was rattled and looked to its government, specifically President Barack Obama, to explain how such an incident could have happened and to take actions that would prevent anything similar from happening in the future.

It was soon revealed that Abdulmutallab’s father had warned the U.S. Embassy in Nigeria about his son’s extremism. But, Abdulmutallab
was not placed on the no-fly list. Homeland Security Advisor John O. Brennan had received reports of a possible attack on the United States from al-Qaeda in Yemen, but the young Nigerian was able to pass through airport security and board the Northwest plane in Amsterdam, the Netherlands.

President Obama and his intelligence agencies came under heavy fire from critics for a lack of communication and preparation, and the public wanted to know which bureaucrats to blame. The president, however, said the intelligence failures resulted from systemic problems and added, “I’m less interested in passing out blame... than correcting the mistakes.”

To discover exactly what went wrong, the president met with the chiefs of the sixteen U.S. intelligence agencies on January 5, 2010, in the White House situation room. In the meeting, President Obama dressed down the officials, telling them, “We dodged a bullet but just barely. It was averted by brave individuals, not because the system worked.” Obama’s words struck a chord with many of the officials in attendance. Almost immediately after the meeting, measures were taken to reduce the risk of similar terrorist attacks. For example, passengers to the United States embarking from fourteen high-risk countries must now go through enhanced screening. President Obama also pledged an additional $1 billion for improving airport security across the nation.

What Should I Know About . . .
After reading this chapter, you should be able to:

- **9.1** Trace the growth and development of the federal bureaucracy, p. 298.
- **9.2** Describe modern bureaucrats, and outline the structure of the modern bureaucracy, p. 302.
- **9.3** Determine how the bureaucracy makes policy, p. 312.
- **9.4** Evaluate controls designed to make agencies more accountable, p. 314.
The federal bureaucracy, or the thousands of federal government agencies and institutions that implement and administer federal laws and programs, frequently is called the “fourth branch of government.” Critics often charge that the bureaucracy is too large, too powerful, and too unaccountable to the people or even to elected officials. Many politicians, elected officials, and voters complain that the federal bureaucracy is too wasteful. However, few critics discuss the fact that laws and policies also are implemented by state and local bureaucracies and bureaucrats whose numbers are proportionately far larger, and often far less accountable, than those working for the federal government.

Many Americans are uncomfortable with the large role of the federal government in policy making. Nevertheless, recent studies show that most users of federal agencies rate quite favorably the agencies and the services they receive. Most of those polled drew sharp distinctions between particular agencies and the government as a whole. For example, only 20 percent of Americans in one poll expressed positive views toward federal agencies, whereas 61 percent of respondents were satisfied with the agencies with which they have dealt.3

Harold D. Lasswell once defined political science as the “study of who gets what, when, and how.”4 It is by studying the bureaucracy that those questions can perhaps best be answered. To help you to understand the role of the bureaucracy, this chapter explores the following issues:

- First, we will examine the roots of the federal bureaucracy.
- Second, we will explore the key characteristics of the modern bureaucracy, including bureaucrats and the formal organization of the bureaucracy.
- Third, we will investigate how the bureaucracy works and its role in making policy.
- Finally, we will discuss the controls intended to make agencies more accountable.

ROOTS OF the Federal Bureaucracy

9.1 ... Trace the growth and development of the federal bureaucracy.

In 1789, only three executive departments existed under the Articles of Confederation: Foreign Affairs, War, and Treasury, which President George Washington inherited as his Cabinet. The head of each department was called its secretary, and Foreign Affairs was renamed the Department of State. To provide the president with legal advice, Congress also created the office of attorney general. From the beginning, individuals appointed as Cabinet secretaries (as well as the attorney general) were subject to approval by the U.S. Senate, but they could be removed from office by the president alone. Even the first Congress realized how important it was that a president be surrounded by those in whom he had complete confidence and trust.

From 1816 to 1861, the size of the federal executive branch and the bureaucracy grew as increased demands were made on existing departments and new departments were created. The Post Office, for example, which Article I constitutionally authorized Congress to create, was forced to expand to meet the needs of a growing and westward-expanding population. President Andrew Jackson removed the Post Office from the jurisdiction of the Department of the Treasury in 1829 and promoted the postmaster general to Cabinet rank.
The Post Office quickly became a major source of jobs President Jackson could fill by presidential appointment, as every small town and village in the United States had its own postmaster. In commenting on Jackson’s wide use of political positions to reward friends and loyalists, one fellow Jacksonian Democrat commented: “to the victors belong the spoils.” From that statement came the term spoils system, which describes an executive’s ability to fire public-office holders of the defeated political party and replace them with party loyalists. The spoils system was a form of patronage: jobs, grants, or other special favors given as rewards to friends and political allies for their support.

The Civil War and the Growth of Government

As discussed in chapter 3, the Civil War (1861–1865) permanently changed the nature of the federal bureaucracy. As the nation geared up for war, thousands of additional employees were added to existing departments. The Civil War also spawned the need for new government agencies. A series of poor harvests and distribution problems led President Abraham Lincoln (who understood that well-fed troops are necessary to conduct a war) to create the Department of Agriculture in 1862, although it was not given full Cabinet-level status until more than twenty years later.

The Pension Office was established in 1866 to pay benefits to the thousands of Union veterans who had fought in the war (more than 127,000 veterans initially were eligible for benefits). Justice, headed by the attorney general, was made a Cabinet department in 1870, and other departments were added through 1900. Agriculture became a full-fledged department in 1889 and began to play an important role in informing farmers about the latest developments in soil conservation, livestock breeding, and planting.

From the Spoils System to the Merit System

By the time James A. Garfield, a former distinguished Civil War officer, was elected president in 1880, many reformers were calling for changes in the patronage system. Garfield’s immediate predecessor, Rutherford B. Hayes, had favored the idea of the replacement of the spoils system with a merit system, a system of employment based on qualifications, test scores, and ability, rather than loyalty. Congress, however, failed to pass the legislation he proposed. Possibly because potential job seekers wanted to secure positions before Congress had the opportunity to act on an overhauled civil service system, thousands pressed Garfield for positions. This siege prompted Garfield to record in his diary: “My day is frittered away with the personal seeking of people when it ought to be given to the great problems which concern the whole country.” Garfield resolved to reform the civil service, but his life was cut short by the bullets of an assassin who, ironically, was a frustrated job seeker.

Public reaction to Garfield’s death and increasing criticism of the spoils system prompted Congress to pass the Civil Service Reform Act in 1883, more commonly known as the Pendleton Act. It established a merit system of federal employment on the basis of open, competitive exams and created a bipartisan three-member Civil Service Commission, which operated until 1978. Initially, only about 10 percent of
Regulating Commerce

As the nation grew, so did the bureaucracy. (To learn more, about the growth of the bureaucracy see Analyzing Visuals: Federal Employees in the Executive Branch.) In the wake of the tremendous growth of big business (especially railroads), widespread price fixing, and other unfair business practices that occurred after the Civil War, Congress created the Interstate Commerce Commission (ICC) in 1887. In creating the ICC, Congress was reacting to public outcries over the exorbitant rates charged by railroad companies for hauling freight. It became the first independent regulatory commission, an entity outside a major executive department. Independent regulatory commissions such as the ICC are created by Congress and generally are concerned with particular aspects of the economy. Commission members are appointed by the president and hold their jobs for fixed terms, but they cannot be removed by the president unless they fail to uphold their oaths of office. The creation of the ICC also marked a shift in the focus of the bureaucracy from service to regulation. Its creation gave the government—in the shape of the bureaucracy—vast powers over individual and property rights.

When Theodore Roosevelt, a progressive Republican, became president in 1901, the movement toward governmental regulation of the economic sphere was strengthened. The size of the bureaucracy was further increased when, in 1903, Roosevelt asked Congress to establish a Department of Commerce and Labor to oversee employer–employee relations. At the turn of the twentieth century, many workers toiled long hours for low wages in substandard conditions. Many employers refused to recognize the rights of workers to join unions, and many businesses had grown so large and powerful that they could force workers to accept substandard conditions and wages. Progressives wanted new government regulations to cure some of the ills suffered by workers and to control the power of increasingly monopolistic corporations.

In 1913, when it became clear that one agency could not represent the interests of both employers and employees, President Woodrow Wilson divided the Department of Commerce and Labor, creating two separate departments. One year later, Congress created the Federal Trade Commission (FTC) to protect small businesses and the public from unfair competition, especially from big business.

As discussed in chapter 3, the ratification of the Sixteenth Amendment to the Constitution in 1913 also affected the size and growth potential of government. It gave Congress the authority to implement a federal income tax to supplement the national treasury and provided a huge infusion of funds to support new federal agencies, services, and programs.
The World Wars and the Growth of Government

The economy appeared to boom as U.S. involvement in World War I caused an increase in manufacturing, but ominous events were just over the horizon. Farmers were in trouble after a series of bad harvests, the nation experienced a severe slump in agricultural prices, the construction industry went into decline, and, throughout the 1920s, bank failures became common. After stock prices crashed in 1929, the nation plunged into the Great Depression. To combat the resultant high unemployment and weak financial markets, President Franklin D. Roosevelt created hundreds of new government agencies to

ANALYZING VISUALS

Federal Employees in the Executive Branch

This line graph tracks the number of federal employees in the executive branch of the U.S. government from the eighteenth to the twenty-first century. Review the figure, and then answer the questions.

- Between which years did the number of federal employees increase the most rapidly? What do you think were the principal reasons for the increase?
- Between which years did the number of federal employees decrease the most rapidly? What do you think were the principal reasons for the decrease?
- What might explain the modest declines in the number of federal employees after 1970 and after 1990?
- In the next five years, would you expect the number of federal employees to increase, decrease, or stay the same? Why? What sorts of factors might influence the number of federal employment positions in the future?

regulate business practices and various aspects of the national economy. Roosevelt believed that a national economic depression called for national intervention. Thus, the president proposed, and the Congress enacted, far-ranging economic legislation. The desperate mood of the nation supported these moves, as most Americans began to reconsider their ideas about the proper role of government and the provision of governmental services. Formerly, most Americans had believed in a hands-off approach; now they considered it the federal government’s job to get the economy going and get Americans back to work.

As the nation struggled to recover from the Great Depression, the United States was forced into World War II on December 7, 1941, when Japan attacked U.S. ships at Pearl Harbor, Hawaii. The war immediately affected the economy: healthy, eligible men went to war, and women went to work at factories or in other jobs to replace the men. Factories operated around the clock to produce the armaments, material, and clothes necessary to equip, shelter, and dress an army.

During World War II, the federal government also continued to grow tremendously to meet the needs of a nation at war. Tax rates were increased to support the war, and they never again fell to prewar levels. After the war, this infusion of new monies and veterans’ demands for services led to a variety of new programs and a much bigger government. The G.I. (Government Issue) Bill, for example, provided college loans for returning veterans and reduced mortgage rates to allow them to buy homes. The national government’s involvement in these programs not only affected more people but also led to its greater involvement in more regulation. Homes bought with Veterans Housing Authority loans, for example, had to meet certain specifications. With these programs, Americans became increasingly accustomed to the national government’s role in entirely new areas such as affordable middle-class housing and scholarships that allowed lower- and middle-class men who fought in World War II their first opportunities for higher education.

Within two decades after World War II, the civil rights movement and President Lyndon B. Johnson’s Great Society program produced additional growth in the bureaucracy. The Equal Employment Opportunity Commission (EEOC) was created in 1965 by the Civil Rights Act of 1964. The Departments of Housing and Urban Development (HUD) and Transportation were created in 1965 and 1966, respectively. These expansions of the bureaucracy corresponded to increases in the president’s power and his ability to persuade Congress that new commissions and departments would be an effective way to solve pressing social problems.

The Modern Bureaucracy

9.2 . . . Describe modern bureaucrats, and outline the structure of the modern bureaucracy.

The national government differs from private business in numerous ways. Governments exist for the public good, not to make money. Businesses are driven by a profit motive; government leaders, but not bureaucrats, are driven by reelection. Businesses earn their money from customers; the national government raises revenue from taxpayers. Another difference between a bureaucracy and a business is that it is difficult to determine to
whom bureaucracies are responsible. Is it the president? Congress? The people?

The different natures of government and business have a tremendous impact on the way the bureaucracy operates. Because all of the incentive in government “is in the direction of not making mistakes,” public employees view risks and rewards very differently from their private-sector counterparts. There is little reason for government employees to take risks or go beyond their assigned job tasks. In contrast, private employers are far more likely to reward ambition. The key to the modern bureaucracy is to understand who bureaucrats are, how the bureaucracy is organized, how organization and personnel affect each other, and how bureaucrats act within the political process. It also is important to understand that government cannot be run entirely like a business. An understanding of these facts and factors can help in the search for ways to motivate positive change in the bureaucracy.

Who Are Bureaucrats?

Federal bureaucrats are career government employees who work in the Cabinet-level departments and independent agencies that comprise more than 2,000 bureaus, divisions, branches, offices, services, and other subunits of the federal government. There are more than 2.7 million federal workers. Over one-quarter of all civilian employees work in the U.S. Postal Service, as illustrated in Figure 9.1. Small percentages work as legislative and judicial staff. The remaining federal civilian workers are spread out among the various executive departments and agencies throughout the United States. Most of these federal employees are paid according to what is called the “General Schedule” (GS). They advance within fifteen GS grades (as well as steps within those grades), moving into higher GS levels and salaries as their careers progress.

At the lower levels of the U.S. Civil Service, most positions are filled by competitive examinations. These usually involve a written test. Mid-level to upper ranges of federal positions do not normally require tests; instead, applicants submit résumés online. Personnel departments then evaluate potential candidates and rank candidates according to how well they fit a particular job opening. Only the names of those deemed “qualified” are then forwarded to the official filling the vacancy. This can be a time-consuming process; it often takes six to nine months before a position can be filled in this manner.

The remaining 10 percent of the federal workforce is made up of persons not covered by the civil service system. These positions generally fall into three categories:

1. Appointive policy-making positions. Nearly 3,500 people are presidential appointees. Some of these, including Cabinet secretaries and under- and assistant secretaries, are subject to Senate confirmation. These appointees, in turn, are responsible for appointing high-level policy-making assistants who form the top of the bureaucratic hierarchy. These are called “Schedule C” political appointees.

2. Independent regulatory commissioners. Although each president gets to appoint as many as one hundred commissioners, they become independent of his direct political influence once they take office.
3. *Low-level, nonpolicy patronage positions.* These types of positions generally concern secretarial assistants to policy makers.

More than 15,000 job skills are represented in the federal government. Government employees, whose average age is forty-seven, have an average length of service of sixteen years. They include forest rangers, FBI agents, foreign service officers, computer programmers, security guards, librarians, administrators, engineers, plumbers, lawyers, doctors, postal carriers, and zoologists, among others. The diversity of government jobs mirrors the diversity of jobs in the private sector. The federal workforce, itself, is also diverse but under-represents Hispanics, in particular, and the overall employment of women lags behind that of men. Women make up 64 percent of the lowest GS levels but only 34 percent of the highest GS levels.8 (To learn more about the distribution of the federal workforce, see Figure 9.2.)

**Figure 9.2 What are the characteristics of federal civilian employees?**

This figure depicts the percentage of the federal civilian workforce in several categories. As you review the data displayed in the graph, consider the trends you observe across GS levels and overall.


<table>
<thead>
<tr>
<th>GENDER TOTAL</th>
<th>Percentage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>56.1 (49.3%)</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>43.9 (50.7%)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GENDER/RANK</th>
<th>(lowest grade) GS 1–4</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>35.8</td>
<td>64.2</td>
</tr>
<tr>
<td>Female</td>
<td></td>
<td></td>
</tr>
<tr>
<td>GS 5–8</td>
<td>Male</td>
<td>36.9</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>63.1</td>
</tr>
<tr>
<td>GS 9–12</td>
<td>Male</td>
<td>46.0</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>54.0</td>
</tr>
<tr>
<td>GS 13–15</td>
<td>Male</td>
<td>34.6</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>65.4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RACE/ETHNICITY</th>
<th>Percentage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>67.9 (66.6%)</td>
<td></td>
</tr>
<tr>
<td>Hispanic</td>
<td>7.5 (15.4%)</td>
<td></td>
</tr>
<tr>
<td>African American</td>
<td>17.2 (11.4%)</td>
<td></td>
</tr>
<tr>
<td>Asian and Pacific Island American</td>
<td>5.3 (4.4%)</td>
<td></td>
</tr>
<tr>
<td>American Indian</td>
<td>2.1 (&lt;2%)</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>OTHER CHARACTERISTICS</th>
<th>Percentage</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabled</td>
<td>6.8 (unavailable)</td>
<td></td>
</tr>
<tr>
<td>College Educated</td>
<td>21.0 (10.1%)</td>
<td>43.0 (27.4%)</td>
</tr>
<tr>
<td>Veteran</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Percentages in parentheses indicate each group’s representation in the general population.
There are about 344,400 federal workers in the nation’s capital; the rest are located in regional, state, and local offices scattered throughout the country. To enhance efficiency, the United States is broken up into several regions, with most agencies having regional offices in at least one city in that region. The decentralization of the bureaucracy facilitates accessibility to the public. The Social Security Administration, for example, has numerous offices so that its clients can have a place nearby to take their paperwork, questions, and problems. Decentralization also helps distribute jobs and incomes across the country. (To learn more about agency regions, see Figure 9.3.)

One of the major concerns about the federal workforce is the high rates of turnover in many of the most important positions. This has become especially true in the Department of Homeland Security. Many employees of its Transportation Security Administration, for example, leave after only a short time on the job for more lucrative careers outside government. At the Department of State, which once had many of the most highly coveted jobs in the federal bureaucracy, the dangers associated with postings in Iraq and Afghanistan, as well as elsewhere in the Middle East, are making it harder to find well-qualified people to staff critical positions. Consequently, the military has enlisted private contractors at unprecedented rates to fill many bureaucratic positions in Iraq and other dangerous sites. Many of these private contractors are former government employees who can make much more money working for private companies. While the exact number of private contractors is unknown, it is estimated that $538

What are the proper roles of government contractors? Private contractors perform duties once performed by federal employees such as security in Iraq. This cartoon reflects on the use of such contractors from the Blackwater corporation. Does the cartoonist support or oppose their use? What reasons does he give for this position?
billion of the federal budget was spent on government contractors in 2008.\textsuperscript{10} Moreover, the Independent Commission on Wartime Contracting found that from September 2008 to August 2009, contracts for simple maintenance purposes resulted in “about $4.6 million in unnecessary expenses.”\textsuperscript{11}

The graying of the federal workforce is another concern. More than two-thirds of those in the highest nonpolitical positions as well as a large number of mid-level managers are eligible to retire.\textsuperscript{12} Many in government hope that the Presidential Management Fellows Program, which was begun in 1977 to hire and train future managers and executives, will be enhanced to make up for the shortfall in experienced managers that the federal government now faces. Agencies even are contemplating ways to pay the college loans of prospective recruits, while at the same time trying to enhance benefits to attract older workers.\textsuperscript{13}

Formal Organization

While even experts cannot agree on the exact number of separate governmental agencies, commissions, and departments that make up the federal bureaucracy, there are at least 1,150 civilian agencies.\textsuperscript{14} A distinctive feature of the executive bureaucracy is its traditional division into areas of specialization. For example, the Occupational Safety and Health Administration (OSHA) handles occupational safety, and the Department of State specializes in foreign affairs. It is not unusual, however, for more than one agency to be involved in a particular issue or for one agency to be involved in many issues. The vast authority and range of activities of the Department of Homeland Security are probably the best examples of this phenomenon. In fact, numerous agencies often have authority in the same issue areas, making administration even more difficult. (To learn more about how different bureaucratic agencies interact, see Politics Now: Pediatricians Call for a Choke Proof Hot Dog.)

Agencies fall into four general types: (1) Cabinet departments; (2) government corporations; (3) independent executive agencies; and, (4) independent regulatory commissions.

**CABINET DEPARTMENTS** The fifteen Cabinet departments are major administrative units with responsibility for conducting broad areas of government operations. Cabinet departments account for about 60 percent of the federal workforce. The vice president, the heads of all of the departments, as well as the heads of the Environmental Protection Agency (EPA), Office of Management and Budget (OMB), the U.S. Trade Representative, the Council of Economic Advisors, the U.S. Ambassador to the United Nations, and the president’s chief of staff make up his formal Cabinet. (To learn more about the Cabinet, see The Living Constitution: Article II, Section 2, Clause 1.)

Executive branch departments are headed by Cabinet members called secretaries (except the Department of Justice, which is headed by the attorney general). Secretaries are responsible for establishing their department’s general policy and overseeing its operations. As discussed in chapter 8, Cabinet secretaries are directly responsible to the president but are often viewed as having two masters—the president and citizens affected by the business of their departments. Cabinet secretaries also are tied to Congress, through the appropriations process and their role in implementing legislation and making rules and policy.

Each secretary is assisted by one or more deputies or undersecretaries who take part of the administrative burden off the secretary’s shoulders, as well as by several assistant secretaries who direct major programs within the department. In addition, each secretary has numerous assistants who help with planning, budgeting, personnel, legal services, public relations, and key staff functions.
Most departments are subdivided into bureaus, divisions, sections, or other smaller units, and it is at this level that the real work of each agency is done. Most departments are subdivided along functional lines, but the basis for division may be geography, work processes (for example, the Transportation Security Administration is housed in the Department of Homeland Security), or clientele (such as the Bureau of Indian Affairs in the Department of the Interior). Clientele agencies representing clearly defined interests are particularly subject to outside lobbying. These organized interests are also active at the regional level where the agencies conduct most of their program implementation.

**INDEPENDENT EXECUTIVE AGENCIES** Independent executive agencies closely resemble Cabinet departments but have narrower areas of responsibility. Generally speaking, independent agencies perform services rather than regulatory functions. The heads of these agencies are appointed by the president and serve, like Cabinet secretaries, at his pleasure.

Independent agencies exist apart from executive departments for practical or symbolic reasons. The National Aeronautics and Space Administration (NASA), for example, could have been placed within the Department of Defense. Such positioning, however, could have conjured up thoughts of a space program dedicated solely to

**Pediatricians Call for a Choke Proof Hot Dog**

By Liz Szabo

... The American Academy of Pediatrics wants foods like hot dogs to come with a warning label—not because of their nutritional risks but because they pose a choking hazard to babies and children.

Better yet, the academy would like to see foods such as hot dogs "redesign" so their size, shape and texture make them less likely to lodge in a youngster’s throat. . . .

“If you were to take the best engineers in the world and try to design the perfect plug for a child's airway, it would be a hot dog,” says statement author Gary Smith, director of the Center for Injury Research and Policy at Nationwide Children's Hospital in Columbus, Ohio. "I'm a pediatric emergency doctor, and to try to get them out once they're wedged in, it's almost impossible."

The Consumer Product Safety Commission requires labels on toys with small parts alerting people not to give them to kids under 3. Yet there are no required warnings on food, though more than half of non-fatal choking episodes involve food, Smith says. . . .

Janet Riley, president of the National Hot Dog & Sausage Council, supports the academy's call to better educate parents and caregivers about choking prevention. “Ensuring the safety of the foods we service to children is critically important for us,” Riley says.

But Riley questions whether warning labels are needed. She notes that more than half of hot dogs sold in stores already have choking-prevention tips on their packages, advising parents to cut them into small pieces. “As a mother who has fed toddlers cylindrical foods like grapes, bananas, hot dogs and carrots, I ‘redesigned’ them in my kitchen by cutting them with a paring knife until my children were old enough to manage on their own,” Riley says.

The Food and Drug Administration, which has authority to recall products it considers "unfit for food," plans to review the new statement, spokeswoman Rita Chappelle says. . . .

Most departments are subdivided into bureaus, divisions, sections, or other smaller units, and it is at this level that the real work of each agency is done. Most departments are subdivided along functional lines, but the basis for division may be geography, work processes (for example, the Transportation Security Administration is housed in the Department of Homeland Security), or clientele (such as the Bureau of Indian Affairs in the Department of the Interior). Clientele agencies representing clearly defined interests are particularly subject to outside lobbying. These organized interests are also active at the regional level where the agencies conduct most of their program implementation.

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**Critical Thinking Questions**

1. Should bureaucratic agencies be responsible for warning parents when foods might be a choking hazard for children? How severe should the problem have to become before it necessitates government action?

2. How might government agencies such as the Consumer Product Safety Commission and Food and Drug Administration take action to encourage greater food safety?

3. How does this article illustrate the role that interest groups play in the regulatory process?
George Washington was the first to convene a meeting of what he called his Cabinet. Some presidents have used their Cabinets as trusted advisers; others have used them to demonstrate that they are committed to political, racial, ethnic, or gender diversity, and have relied more on White House aides than particular Cabinet members. Who is included in the Cabinet, as well as how it is used, is solely up to the discretion of the sitting president with the approval of the U.S. Senate, although executive departments cannot be created or abolished without approval of both houses of Congress.

CRITICAL THINKING QUESTIONS

1. What are the advantages and disadvantages of having a Cabinet composed of heads of the departments?
2. What issues arise from requiring senatorial approval for Cabinet positions, and how does the Constitution remedy these issues?
3. Why has the composition and role of the president’s Cabinet changed over the years?

The Cabinet of today differs totally from the structure envisioned by the Framers. This meager language is all that remains of the Framers’ initial efforts to create a council to guide the president. Those in attendance at the Constitutional Convention largely favored the idea of a council but could not agree on who should be a part of that body. Some actually wanted to follow the British parliamentary model and create the Cabinet from members of the House and Senate, who would rotate into the bureaucracy; most, however, appeared to support the idea of the heads of departments along with the chief justice, who would preside when the president was unavailable. The resulting language above depicts a one-sided arrangement whereby the heads of executive departments must simply answer in writing questions put to them by the president.

The Cabinet of today differs totally from the structure envisioned by the Framers. Military purposes, rather than to civilian satellite communication or scientific exploration. Similarly, the Environmental Protection Agency (EPA) could have been created within the Department of the Interior but instead was created as an independent agency in 1970 to administer federal programs aimed at controlling pollution and protecting the nation’s environment. As an independent agency, the EPA is less indebted to the president on a day-to-day basis than it would be if it were within a Cabinet department, although the president still has the ability to appoint its director and often intervenes on high-profile environmental issues and decisions.

INDEPENDENT REGULATORY COMMISSIONS

As noted earlier, independent regulatory commissions are agencies created by Congress to exist outside the major departments to regulate a specific economic activity or interest. Because of the complexity of modern economic issues, Congress sought to create commissions that could develop expertise and provide continuity of policy with respect to economic issues.
because neither Congress nor the courts have the time or specific talents to do so. Examples include the National Labor Relations Board (NLRB), the Federal Reserve Board, the Federal Communications Commission (FCC), and the Securities and Exchange Commission (SEC).

Older boards and commissions, such as the SEC and the Federal Reserve Board, generally are charged with overseeing a certain industry. Most were created specifically to be free from partisan political pressure. Each is headed by a board composed of five to seven members (always an odd number, to avoid tie votes) who are selected by the president and confirmed by the Senate for fixed, staggered terms to increase the chances of a bipartisan board. Unlike executive department heads, they cannot easily be removed by the president. In 1935, the U.S. Supreme Court ruled that in creating independent commissions, Congress had intended that they be independent panels of experts as far removed as possible from immediate political pressures.

Newer regulatory boards are more concerned with how the business sector relates to public health and safety. The Occupational Safety and Health Administration (OSHA), for example, promotes job safety. These boards and commissions often lack autonomy and freedom from political pressures; they are generally headed by a single administrator who can be removed by the president. Thus, they are far more susceptible to the political wishes of the president who appoints them.

**GOVERNMENT CORPORATIONS**

Government corporations are the most recent addition to the bureaucracy. Dating from the early 1930s, they are businesses established by Congress to perform functions that could be provided by private businesses. Some of the better-known government corporations include Amtrak and the Federal Deposit Insurance Corporation (FDIC). Unlike other governmental agencies, government corporations charge a fee for their services. The Tennessee Valley Authority (TVA), for example, provides electricity at reduced rates to millions of Americans in Appalachia.

Government corporations are often formed when the financial incentives for private industry to provide services are minimal. The area served by the TVA demonstrates this point; it is a poor region what do government corporations do? Amtrak provides train service across the United States. Its most profitable line runs through the Northeast Corridor from Boston to Washington, D.C. Vice President Joe Biden frequently takes the train from the nation’s capital to his home in Wilmington, Delaware.

How does the government oversee environmental disasters? The U.S. Coast Guard worked together with the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and numerous other executive agencies to design ways to minimize the effects of a massive oil spill in the Gulf of Mexico in May 2010. While British Petroleum was deemed responsible for the spill and handled much of the cleanup, these agencies oversaw the process and contributed to the efforts to minimize the damage to the environment.
of Appalachia that had failed to attract private companies. In other cases, Congress steps in to salvage valuable public assets. For example, when passenger rail service in the United States became unprofitable, Congress stepped in to create Amtrak, nationalizing the passenger-train industry to keep passenger trains running, especially in the Northeast Corridor.

**Government Workers and Political Involvement**

As the number of federal employees and agencies grew during the 1930s, many Americans began to fear that the members of the civil service would play major roles not only in implementing public policy but also in electing members of Congress and even the president. Consequently, Congress enacted the Political Activities Act of 1939, commonly known as the Hatch Act. It was designed to prohibit federal employees from becoming directly involved in working for political candidates. Although this act allayed many critics’ fears, other people argued that the Hatch Act was too extreme.

Today, government employees’ political activity is regulated by the **Federal Employees Political Activities Act of 1993**. This liberalization of the Hatch Act allows employees to run for public office in nonpartisan elections, contribute money to political organizations, and campaign for or against candidates in partisan elections. Federal employees still, however, are prohibited from engaging in political activity while on duty, soliciting contributions from the general public, or running for office in partisan elections. (To learn more about the Federal Employees Political Activities Act, see Table 9.1.)
Table 9.1  What does the Federal Employees Political Activities Act of 1993 stipulate?

<table>
<thead>
<tr>
<th>Federal Employees May</th>
<th>Federal Employees May Not</th>
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<tbody>
<tr>
<td>■ Be candidates for public office in nonpartisan elections</td>
<td>■ Use their official authority or influence to interfere with an election</td>
</tr>
<tr>
<td>■ Assist in voter registration drives</td>
<td>■ Collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee</td>
</tr>
<tr>
<td>■ Express opinions about candidates and issues</td>
<td>■ Knowingly solicit or discourage the political activity of any person who has business before the agency</td>
</tr>
<tr>
<td>■ Contribute money to political organizations</td>
<td>■ Engage in political activity while on duty</td>
</tr>
<tr>
<td>■ Attend political fund-raising functions</td>
<td>■ Engage in political activity in any government office</td>
</tr>
<tr>
<td>■ Attend and be active at political rallies and meetings</td>
<td>■ Engage in political activity while wearing an official uniform</td>
</tr>
<tr>
<td>■ Join and be active members of a political party or club</td>
<td>■ Engage in political activity while using a government vehicle</td>
</tr>
<tr>
<td>■ Sign nominating petitions</td>
<td>■ Solicit political contributions from the general public</td>
</tr>
<tr>
<td>■ Campaign for or against referendum questions, constitutional amendments, and municipal ordinances</td>
<td>■ Be candidates for public office in partisan elections</td>
</tr>
<tr>
<td>■ Campaign for or against candidates in partisan elections</td>
<td></td>
</tr>
<tr>
<td>■ Make campaign speeches for candidates in partisan elections</td>
<td></td>
</tr>
<tr>
<td>■ Distribute campaign literature in partisan elections</td>
<td></td>
</tr>
<tr>
<td>■ Hold office in political clubs or parties</td>
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</tbody>
</table>

Source: U.S. Special Counsel’s Office.
How the Bureaucracy Works

**9.3 . . . Determine how the bureaucracy makes policy.**

German sociologist Max Weber believed bureaucracies were a rational way for complex societies to organize themselves. Model bureaucracies, said Weber, are characterized by certain features, including:

1. A chain of command in which authority flows from top to bottom.
2. A division of labor whereby work is apportioned among specialized workers to increase productivity.
4. A goal orientation that determines structure, authority, and rules.
5. Impersonality, whereby all employees are treated fairly based on merit and all clients are served equally, without discrimination, according to established rules.
6. Productivity, whereby all work and actions are evaluated according to established rules.¹⁷

Clearly, this Weberian idea is somewhat idealistic, and even the best-run government agencies don't always work this way, but most are trying.

When Congress creates any kind of department, agency, or commission, it is actually delegating some of its powers listed in Article I, section 8, of the U.S. Constitution. Therefore, the laws creating departments, agencies, corporations, or commissions carefully describe their purpose and give them the authority to make numerous policy decisions, which have the effect of law. Congress recognizes that it does not have the time, expertise, or ability to involve itself in every detail of every program; therefore, it sets general guidelines for agency action and leaves it to the agency to work out the details. How agencies execute congressional wishes is called **implementation**, the process by which a law or policy is put into operation.

Historically, political scientists attempting to study how the bureaucracy made policy investigated what they termed **iron triangles**, the relatively stable relationships and patterns of interaction that occur among federal workers in agencies or departments, interest groups, and relevant congressional committees and subcommittees. Today, iron triangles no longer dominate most policy processes. Some do persist, however, such as the relationship between the Department of Veterans Affairs, the House Committee on Veterans Affairs, and the American Legion and the Veterans of Foreign Wars, the two largest veterans groups. (To learn more about iron triangles, see Figure 9.4.)

Many political scientists examining external influences on the modern bureaucracy prefer to examine **issue networks**. In general, issue networks, like iron triangles, include agency officials, members of Congress (and committee staffers), and interest group lobbyists. But, they also include lawyers, consultants, academics, public relations specialists, and sometimes even the courts. Unlike iron triangles, issue networks constantly are changing as members with technical expertise or newly interested parties become involved in issue areas.

As a result of the increasing complexity of many policy domains, many alliances have also been created within the bureaucracy. One such example is **interagency councils**, working groups created to facilitate the coordination of policy making and implementation across a host of agencies. Depending on how well these councils are funded, they can be the prime movers of administration policy in any area where an interagency council exists. The U.S. Interagency Council on Homelessness, for example, was created in 1987 to coordinate the activities of the more than fifty governmental agencies and programs that work to alleviate homelessness.

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**implementation**
The process by which a law or policy is put into operation.

**iron triangles**
The relatively stable relationships and patterns of interaction that occur among agencies, interest groups, and congressional committees or subcommittees.

**issue networks**
The loose and informal relationships that exist among a large number of actors who work in broad policy areas.

**interagency councils**
Working groups created to facilitate coordination of policy making and implementation across a host of governmental agencies.

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![Figure 9.4 What is an iron triangle?](image)
In areas where there are extraordinarily complex policy problems, recent presidential administrations have created policy coordinating committees (PCCs) to facilitate interaction among agencies and departments at the subcabinet level. These PCCs gained increasing favor after the September 11, 2001, terrorist attacks. For example, the Homeland Security Council PCC (the HSC-PCC) oversees multiple agencies and executive departments to ensure that consistent, effective homeland security policies are developed and carried out, and that such policies are coordinated with state and local agencies. Composed of representatives from various executive departments as well as the FBI, CIA, Federal Emergency Management Agency (FEMA), and the vice president’s office, among others, the HSC-PCC works with and advises the White House on its agenda to combat terrorism.

Making Policy

The main purpose of all of these decision-making bodies is policy making. Policy making and implementation take place on both informal and formal levels. Practically, many decisions are left to individual government employees on a day-to-day basis. Department of Justice lawyers, for example, make daily decisions about whether or not to prosecute suspects. Similarly, street-level Internal Revenue Service agents make many decisions during personal audits. These street-level bureaucrats make policy on two levels. First, they exercise broad judgment in decisions concerning citizens with whom they interact. Second, taken together, their individual actions add up to agency behavior.18 Thus, how bureaucrats interpret and how they apply (or choose not to apply) various policies are equally important parts of the policy-making process.

Administrative discretion, the ability of bureaucrats to make choices concerning the best way to implement congressional or executive intentions, also allows decision makers (whether they are in a Cabinet-level position or at the lowest GS levels) a tremendous amount of leeway. It is exercised through two formal administrative procedures: rule making and administrative adjudication.

Rule making is a quasi-legislative process that results in regulations that have the characteristics of a legislative act. Regulations are the rules that govern the operation of all government programs and have the force of law. In essence, then, bureaucratic rule makers often act as lawmakers as well as law enforcers when they make rules or draft regulations to implement various congressional statutes. Some political scientists say that rule making “is the single most important function performed by agencies of government.”19 (To learn more about rule making, see Figure 9.5.)

Because regulations often involve political conflict, the 1946 Administrative Procedures Act established rule-making procedures to give everyone the chance to participate in the process. The act requires that: (1) public notice of the time, place, and nature of the rule-making proceedings be provided in the Federal Register; (2) interested parties be given the opportunity to submit written arguments and facts relevant to the rule; and, (3) the statutory purpose and basis of the rule be stated. Once rules are written, thirty days generally must elapse before they take effect.

Sometimes an agency is required by law to conduct a formal hearing before issuing rules. Evidence is gathered, and witnesses testify and are cross-examined by opposing interests. The process can take weeks, months, or even years, at the end of which agency administrators must review the entire record and then justify the new rules. Although cumbersome, the process has reduced criticism of some rules and bolstered the deference given by the courts to agency decisions. Many Americans are unaware of their opportunity to influence government at this stage.

Administrative adjudication Agencies regularly find that persons or businesses are not in compliance with the federal laws the agencies are charged with enforcing, or that they are in violation of an agency rule or regulation. To force compliance, some agencies resort to administrative adjudication, a quasi-judicial process in which a bureaucratic agency settles disputes between two parties in a manner similar to the way courts resolve disputes.
manner similar to the way courts resolve disputes. Administrative adjudication is referred to as quasi judicial, because adjudication by any body other than the judiciary would be a violation of the constitutional principle of separation of powers.

Several agencies and boards employ administrative law judges to conduct hearings. Although these judges are employed by the agencies, they are strictly independent and cannot be removed except for gross misconduct. Their actions, however, are reviewable in the federal courts, as are the findings of the Equal Employment Opportunity Commission and Social Security Administration judges.

**Figure 9.5 How is a regulation made?**

![Diagram of the regulation-making process]

**TOWARD REFORM: Making Agencies Accountable**

**9.4 . . . Evaluate controls designed to make agencies more accountable.**

Although many critics of the bureaucracy argue that federal employees should be responsive to the public interest, the public interest is difficult to define. As it turns out, several factors work to control the power of the bureaucracy, and to some
degree, the same kinds of checks and balances that operate among the three branches of government serve to check the bureaucracy. (To learn more about agency accountability, see Table 9.2.)

Many political scientists argue that the president should be in charge of the bureaucracy because it is up to him to see that popular ideas and expectations are translated into administrative action. But, under our constitutional system, the president is not the only actor in the policy process. Congress creates the agencies, funds them, and establishes the broad rules of their operation. Moreover, Congress continually reviews the various agencies through oversight committee investigations, hearings, and its power of the purse. And, the federal judiciary, as in most other matters, has the ultimate authority to review administrative actions.

### Executive Control

As the size and scope of the American national government, in general, and of the executive branch and the bureaucracy, in particular, have grown, presidents have delegated more and more power to bureaucrats. But, most presidents have continued to try to exercise some control over the bureaucracy. They have often found that task more difficult than they first envisioned. President John F. Kennedy, for example, once lamented that to give anyone at the Department of State an instruction was comparable to putting your request in a dead-letter box. No response would ever be forthcoming.

Recognizing these potential problems, presidents try to appoint the best possible people to carry out their wishes and policy preferences. Presidents make hundreds of appointments to the executive branch; in doing so, they have the opportunity to appoint individuals who share their views on a range of policies. Although presidential appointments make up a very small proportion of all federal jobs, presidents or the Cabinet secretaries usually fill most top policy-making positions.

Presidents, with the approval of Congress, can reorganize the bureaucracy. They also can make changes in an agency’s annual budget requests and ignore legislative initiatives originating within the bureaucracy. Several presidents have made it a priority to try to tame the bureaucracy to make it more accountable. Thomas Jefferson was the first president to address the issue of accountability. He attempted to cut waste and bring about a “wise and frugal government.” But, it wasn’t until the Progressive era

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### Table 9.2 How are agencies made accountable?

<table>
<thead>
<tr>
<th>The president has the authority to:</th>
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<tbody>
<tr>
<td>■ Appoint and remove agency heads and other top bureaucrats.</td>
</tr>
<tr>
<td>■ Reorganize the bureaucracy (with congressional approval).</td>
</tr>
<tr>
<td>■ Make changes in an agency’s annual budget proposals.</td>
</tr>
<tr>
<td>■ Ignore legislative initiatives originating within the bureaucracy.</td>
</tr>
<tr>
<td>■ Initiate or adjust policies that would, if enacted by Congress, alter the bureaucracy’s activities.</td>
</tr>
<tr>
<td>■ Issue executive orders.</td>
</tr>
<tr>
<td>■ Reduce an agency’s annual budget.</td>
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</table>

<table>
<thead>
<tr>
<th>Congress has the authority to:</th>
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</thead>
<tbody>
<tr>
<td>■ Pass legislation that alters the bureaucracy’s activities.</td>
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<tr>
<td>■ Abolish existing programs.</td>
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<tr>
<td>■ Investigate bureaucratic activities and compel bureaucrats to testify about them.</td>
</tr>
<tr>
<td>■ Influence presidential appointments of agency heads and other top bureaucratic officials.</td>
</tr>
<tr>
<td>■ Write legislation to limit the bureaucracy’s discretion.</td>
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<table>
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<tr>
<th>The judiciary has the authority to:</th>
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<tbody>
<tr>
<td>■ Rule on whether bureaucrats have acted within the law and require policy changes to comply with the law.</td>
</tr>
<tr>
<td>■ Force the bureaucracy to respect the rights of individuals through hearings and other proceedings.</td>
</tr>
<tr>
<td>■ Rule on the constitutionality of all challenged rules and regulations.</td>
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</tbody>
</table>
(1890–1920) that calls for reform began to be taken seriously. Later, President Calvin Coolidge urged spending cuts and other reforms. His Correspondence Club was designed to reduce bureaucratic letter writing by 30 percent.21

As discussed in chapter 8, presidents also can shape policy and provide direction to bureaucrats by issuing executive orders.22 Executive orders are rules or regulations issued by the president that have the effect of law; all executive orders must be published in the Federal Register. For example, even before Congress acted to protect women from discrimination by the federal government, the National Organization for Women convinced President Lyndon B. Johnson to sign a 1967 executive order that added the category of “gender” to an earlier order prohibiting discrimination on the basis of race, color, religion, or national origin in the awarding of federal contracts. Although the president signed the order, the Office of Federal Contract Compliance, part of the Department of Labor’s Employment Standards Administration, failed to draft appropriate guidelines for implementation of the order until several years later.23 A president can direct an agency to act, but it may take some time for the order to be carried out. Given the many jobs of any president, few can ensure that all their orders will be carried out or that they will like all the rules that are made.

Congressional Control

Congress, can confirm (or reject) nominees to top bureaucratic positions and has also played an important role in checking the power of the bureaucracy. Constitutionally, it possesses the authority to create or abolish departments and agencies. It may also transfer agency functions, and expand or contract bureaucratic discretion, as was the case in the creation of the Department of Homeland Security.

Congress can also use its investigatory powers to conduct program evaluations or hold oversight hearings. It is not at all unusual for a congressional committee or subcommittee to hold hearings on a particular problem and then direct the relevant agency to study the problem or find ways to remedy it. Representatives of the agencies also appear before these committees on a regular basis to inform members about agency activities, ongoing investigations, and budget requests.

Political scientists distinguish between two different forms of congressional oversight: police patrol and fire alarm oversight.24 As the names imply, police patrol oversight is proactive and allows Congress to set its own agenda for programs or agencies to review. In contrast, fire alarm oversight is reactive and generally involves a congressional response to a complaint filed by a constituent or politically significant actor. Given the prevalence of iron triangles, issue networks, and policy coordinating committees, it is not surprising that the most frequently used form of oversight is fire alarm oversight and the most effective communication is between House staffers and agency personnel.

In the aftermath of an oil rig explosion and ensuing oil spill in the Gulf of Mexico in 2010 for example, a host of congressional committees held hearings to investigate the cause of what has been called the worst environmental disaster in U.S. history. Members of Congress from both houses grilled executives from British Petroleum (BP), the oil drilling company Transocean, the service contractor Halliburton,
Over the past decade, college tuition has increased an average of 4.9 percent per year, meaning that a student who paid $3,000 per year in tuition in 2000 would pay $4,840 in 2010 for the same education. With these rising costs come increasing concerns about how many middle-class families will be able to pay for their children’s higher education.

Some educational policy experts argue that the best way to address this educational funding dilemma is to increase the federal Department of Education’s role in providing student loans, Pell Grants (grants sponsored by the U.S. Department of Education, which are given based on financial need and do not need to be repaid), and other programs designed to help students finance their educational aspirations. These observers note that the federal bureaucracy has unique knowledge and resources in the area of educational policy that make it well-suited to providing and administering a wide array of higher education programs.

Other observers maintain that it should not be the federal bureaucracy’s responsibility to administer programs to defray the costs of higher education. They argue that the federal bureaucracy is already too large and that expanding the purview of the federal bureaucracy will negatively impact American society. Is the federal bureaucracy well-suited to equitably distribute education benefits to all Americans? Should the Department of Education be responsible for assuring that higher education is affordable for all Americans? If not, where should this responsibility fall?

To develop an ARGUMENT FOR the federal bureaucracy’s role in funding higher education, think about how:

- The federal bureaucracy is best suited to offer certain services. Do state governments or the private sector have the resources and expertise to ensure that higher education is widely available to all students? In what ways is higher education a public good that the Department of Education should provide?
- The federal bureaucracy has a responsibility to help citizens. If the Department of Education can offer student loans at a lower cost than private industry, should it do so? How is the idea of equality of opportunity undermined by restricting access to higher education to only those who can pay for it themselves?
- The federal bureaucracy does not focus on earning a profit. How does the Department of Education’s funding of higher education facilitate the development of basic scientific and social inquiry? In what ways does it encourage students to give back to their communities and society?

To develop an ARGUMENT AGAINST the federal bureaucracy’s role in funding higher education, think about how:

- Private banks and corporations can provide services more efficiently and less expensively than the federal bureaucracy. Why might banks be better equipped to responsibly distribute loans than the Department of Education? How can banks and other corporations operate more efficiently than the federal bureaucracy?
- It is not the federal bureaucracy’s job to administer higher education programs. Who should be responsible for education policy under the Constitution? What other pursuits should the federal government be exploring instead?
- Students receive monetary benefits from their education. Why should the Department of Education subsidize students’ higher education, when a college degree is likely to increase students’ earning potential over their lifetimes? In what ways is it fairer to privatize the costs of education, since its benefits are already privatized?

*All student loan data here are taken from the College Board’s Trends in Higher Education, 2009, www.trends-collegeboard.com/*
and others to determine not only who was responsible for the accident but also what efforts were being made to contain it.\textsuperscript{25}

Congress also has the power of the purse. To control the bureaucracy, Congress uses its abilities to authorize spending and appropriate funds for an agency’s activities much like the proverbial carrot and sticks. Money can be a powerful tool to coerce bureaucrats to make particular policies.

The first step in the funding process is authorization. Authorization legislation originates in the various legislative committees that oversee particular agencies (such as Agriculture, Veterans Affairs, Education, and Labor) and sets the maximum amounts that agencies can spend on particular programs. While some authorizations, such as those for Social Security, are permanent, others, including Departments of State and Defense procurements, are watched closely and are subject to annual authorizations.

Once programs are authorized, funds for them must be appropriated before they can be spent. Appropriations originate with the House Appropriations Committee, not the specialized legislative committees. Thus, the House Appropriations Committee routinely holds hearings to allow agency heads to justify their budget requests.

To help Congress’s oversight of the bureaucracy’s financial affairs, in 1921 Congress created the General Accounting Office, now called the Government Accountability Office (GAO), at the same time that the Office of the Budget, now the Office of Management and Budget (OMB), was created in the executive branch. With the establishment of the GAO, the Congressional Research Service (CRS), and later, the Congressional Budget Office (CBO), Congress essentially created its own bureaucracy to keep an eye on what the executive branch and bureaucracy were doing. Today, the GAO not only tracks how money is spent in the bureaucracy but also monitors how policies are implemented. The CBO also conducts oversight studies. If it or the GAO uncovers problems with an agency’s work, Congress is notified immediately.

Legislators also augment their formal oversight of the executive branch by allowing citizens to appeal adverse bureaucratic decisions to agencies, Congress, and even the courts. Congressional review, a procedure adopted by the 104th Congress, by which agency regulations can be nullified by joint resolutions of legislative disapproval, is another method of exercising congressional oversight. This form of oversight is discussed in greater detail in chapter 7.

**Judicial Control**

Whereas the president’s and Congress’s ongoing control over the actions of the bureaucracy are direct, the judiciary’s oversight function is less apparent. Still, federal judges, for example, can issue injunctions or orders to an executive agency even before a rule is publicized, giving the federal judiciary a potent check on the bureaucracy.
The courts also have ruled that agencies must give all affected individuals their due process rights guaranteed by the U.S. Constitution. A Social Security recipient’s checks cannot be stopped, for example, unless that individual is provided with reasonable notice and an opportunity for a hearing. On a more informal, indirect level, litigation, or even the threat of litigation, often exerts a strong influence on bureaucrats. Injured parties can bring suit against agencies for their failure to enforce a law and can challenge agency interpretations of any law. In general, however, the courts give great weight to the opinions of bureaucrats and usually defer to their expertise.26

The development of specialized courts, however, has altered the relationship of some agencies with the federal courts, apparently resulting in less judicial deference to agency rulings. Research by political scientists reveals that specialized courts such as the Court of International Trade, because of its jurists’ expertise, defer less to agency decisions than do more generalized federal courts. Conversely, decisions from executive agencies are more likely to be reversed than those from more specialized independent regulatory commissions.27

What Should I Have LEARNED?
Now that you have read this chapter, you should be able to:

9.1 Trace the growth and development of the federal bureaucracy, p. 298.
The federal bureaucracy has changed dramatically since President George Washington’s time, when the executive branch had only three departments—State, War, and Treasury. Significant gains occurred in the size of the federal bureaucracy following the Civil War. As employment opportunities within the federal government increased, concurrent reforms in the civil service system assured that more and more jobs were filled according to merit and not by patronage. By the late 1800s, reform efforts led to further increases in the size of the bureaucracy, as independent regulatory commissions were created. In the wake of the Great Depression, many new agencies were created to get the national economy back on course as part of President Franklin D. Roosevelt’s New Deal.

9.2 Describe modern bureaucrats, and outline the structure of the modern bureaucracy, p. 302.
The modern bureaucracy is composed of more than 2.7 million civilian workers from all walks of life. In general, bureaucratic agencies fall into four categories: departments, independent agencies, independent regulatory commissions, and government corporations. The political activity of employees in the federal government is regulated by the Federal Employees Political Activities Act of 1993.

9.3 Determine how the bureaucracy makes policy, p. 312.
The bureaucracy is responsible for implementing many laws passed by Congress. A variety of formal and informal mechanisms, such as rule making and administrative adjudication, help the bureaucracy and bureaucrats make policy.

9.4 Evaluate controls designed to make agencies more accountable, p. 314.
Agencies enjoy considerable discretion, but they are also subject to many formal controls to help make them more accountable. The president, Congress, and the judiciary all exercise various degrees of control over the bureaucracy through oversight, funding, or litigation.

What sorts of executive branch programs does Congress review? By 2008, the Federal Emergency Management Agency had purchased 102,000 trailers at a cost of $60,000 each for a total of more than $6 billion to house people who lost their homes to Hurricane Katrina in 2005. Reports that tens of thousands of empty trailers were warehoused in Arkansas and not reaching citizens led to calls for increased congressional oversight of how funds were being spent and why the trailers were not being distributed, as illustrated below.
**Test Yourself: The Executive Branch and the Federal Bureaucracy**

**9.1 Trace the growth and development of the federal bureaucracy, p. 298.**

“To the victors belong the spoils” was a comment regarding President Andrew Jackson’s use of what?

A. Patronage  
B. The merit system  
C. The Pendleton Act  
D. Legislative programs such as the G.I. Bill  
E. Administrative adjudication

**9.2 Describe modern bureaucrats, and outline the structure of the modern bureaucracy, p. 302.**

Which of the following is true about Cabinet departments?

A. Their heads always support the president.  
B. They represent areas of permanent national interest.  
C. They must be established by constitutional amendment.  
D. They are for-profit entities.  
E. All employees are paid on the merit system.

**9.3 Determine how the bureaucracy makes policy, p. 312.**

Relatively stable relationships and patterns of interaction that occur among agencies, interest groups, and congressional committees or subcommittees are known as

A. interagency councils.  
B. iron triangles.  
C. independent networks.  
D. issue networks.  
E. regulatory task forces.

**9.4 Evaluate controls designed to make agencies more accountable, p. 314.**

Which of the following is NOT a power the president has to make agencies accountable for their actions?

A. Issuing executive orders  
B. Ignoring legislative initiatives originating within the bureaucracy  
C. Appointing and removing agency heads and other top bureaucrats  
D. Ordering Congress to hold investigational hearings about the actions of the bureaucracy  
E. Making changes in an agency’s annual budget proposals

**Essay Questions**

1. What factors led to the development of the merit system?  
2. Describe the primary functions of government corporations and independent executive agencies.  
3. What are some of the basic provisions of the Federal Employees Political Activities Act of 1993?  
4. How is a regulation made?  
5. How does the bureaucracy exercise quasi-judicial authority?  
6. In what ways does Congress have oversight over the bureaucracy?

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**myPoliSciLab Exercises**

Apply what you learned in this chapter on MyPoliSciLab.

- **Read on mypoliscilab.com**
  - eText: Chapter 9
- **Study and Review on mypoliscilab.com**
  - Pre-Test  
  - Post-Test  
  - Chapter Exam  
  - Flashcards

- **Watch on mypoliscilab.com**
  - Video: The CDC and the Swine Flu  
  - Video: Internal Problems at the FDA

- **Explore on mypoliscilab.com**
  - Simulation: You Are Deputy Director of the Census Bureau  
  - Simulation: You Are a Federal Administrator  
  - Simulation: You Are the Head of FEMA  
  - Simulation: You Are the President of MEDICORP  
  - Comparative: Comparing Bureaucracies  
  - Timeline: The Evolution of the Federal Bureaucracy  
  - Visual Literacy: The Changing Face of the Federal Bureaucracy
Key Terms

administrative adjudication, p. 313
administrative discretion, p. 313
civil service system, p. 300
departments, p. 306
executive order, p. 316
federal bureaucracy, p. 298
Federal Employees Political Activities Act of 1993, p. 310
government corporations, p. 309
Hatch Act, p. 310
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patronage, p. 299
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rule making, p. 313
spoils system, p. 299

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