**Unit 2 Topic 2.12-2.15 The Bureaucracy AMSCO Chpt. 7**

**Topic 2.12 THE MODERN BUREAUCRACY**

* **A bureaucracy is a l\_\_\_\_\_\_\_\_\_, c\_\_\_\_\_\_\_\_\_\_ organization of a\_\_\_\_\_\_\_\_\_, not \_\_\_\_\_\_\_\_, oﬃcials.**
  + LARGE: Three million civilian federal employees
    - ****Department of Defense is the largest department = about 50% (even without active military which is about 1.4 million)
    - Post Oﬃce has about 28%
  + <10% of top-level jobs are appointed (political appointees) by the president

**>> PATRONAGE**

* + >90% of federal employees are civil service workers >> MERIT SYSTEM

Tenure protection, diﬃcult to ﬁre (unless appointed

**The Government Of the United States**

Three Features of the Bureaucracy:

1. H\_\_\_\_\_\_\_\_\_\_\_\_\_ authority
2. Job s\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
3. F\_\_\_\_\_\_\_\_\_\_\_\_ rules

**THE ORGANIZATION OF THE BUREAUCRACY**

**Agencies of the executive branch may be organized into four basic types:**

1. **Cabinet departments**
   * C\_\_\_\_\_\_\_\_\_\_\_ departments are heading by a s\_\_\_\_\_\_\_\_\_\_\_\_ (except Dept of J\_\_\_\_\_\_\_\_\_\_) and manage a speciﬁc policy area with responsibility further divided among various agencies
2. **Independent regulatory agencies or commissions**
   * Regulatory agencies/commissions are c\_\_\_\_\_\_\_\_\_\_ by C\_\_\_\_\_\_\_\_\_ to r\_\_\_\_\_\_\_\_\_ important parts of the e\_\_\_\_\_\_\_\_\_\_\_\_
3. **Government corporations**
   * Government corporations are b\_\_\_\_\_\_\_\_\_\_\_ run like c\_\_\_\_\_\_\_\_\_\_\_, but controlled by the g\_\_\_\_\_\_\_\_\_\_\_
4. **Independent executive agencies**
   * Independent agencies are agencies that do not fall into the ﬁrst t\_\_\_\_\_\_\_ c\_\_\_\_\_\_\_\_. They closely resemble C\_\_\_\_\_\_\_\_\_\_\_ departments, but they are smaller and less complex.

**THE CABINET DEPARTMENTS**

**Article 2, Section 2, Clause 1:**

* **The President . . . may require the Opinion, in writing, of the principal Oﬃcer in each of the executive Departments, upon any Subject relating to the duties of their respective Oﬃces**
  + Each of the f\_\_\_\_\_\_\_\_\_ c\_\_\_\_\_\_\_\_\_d\_\_\_\_\_\_\_\_\_\_\_\_\_ is headed by a s\_\_\_\_\_\_\_\_\_\_\_\_, except for the Department of Justice, which is headed by the A\_\_\_\_\_\_\_\_\_ G\_\_\_\_\_\_\_\_\_\_
  + All of the heads are c\_\_\_\_\_\_\_\_\_ (a\_\_\_\_\_\_\_\_\_\_\_) by the P\_\_\_\_\_\_\_\_\_\_ and c\_\_\_\_\_\_\_\_\_\_ by the S\_\_\_\_\_\_\_\_
  + Manage a speciﬁc policy area with responsibility further divided among various agencies
  + Secretaries oven develop a strong l\_\_\_\_\_\_\_\_ to their departments. They become c\_\_\_\_\_\_\_\_\_ to the department than to the President.

**For exam purposes, you need to know 1, 2, 3, 5 and these Cabinet posts are referred to as the *inner cabinet***

1. **State (1789)** - advises the president on foreign policy, nego1ates trea1es, represents the United States in interna1onal organiza1ons

**2) Treasury (1789)** - collects federal revenues, pays federal bills, mints coins and prints paper money, enforces alcohol, tobacco and firearm laws

**3) Defense (1789)** - manages the armed forces, operates military bases

**~~4) Interior (1849)~~** ~~- manages federal lands, refuges, and parks, operates hydroelectric facili-1es, manages Na1ve American affairs~~

**5) Justice (1870)** - provides legal advice to the president, enforces federal laws, represents the United States in court, operates federal prisons

**For exam purposes, you need to know 1, 2, 3, 5 known as the INNER CABINET-closest to the President**

**5) Justice (1870)** - provides legal advice to the president, enforces federal laws, represents the United States in court, operates federal prisons

**6) Agriculture (1889) -** provides agricultural assistance to farmers and ranchers, inspects food, manages national forests

**7) Commerce (1903) -** grants patents and trademarks, conducts the national census, pro-motes international trade

**8) Labor (1913) -** enforces federal labor laws (child labor, minimum wage, safe working conditions), administers unemployment and job training programs

**9) Health and Human Services (1953) -** administers S\_\_\_\_\_\_\_\_\_ S\_\_\_\_\_\_\_\_\_ and M\_\_\_\_\_\_\_\_\_ /Medic-\_\_\_\_ Programs, promotes health care research and runs the F\_\_\_\_\_\_\_\_\_ and D\_\_\_\_\_\_\_\_ Administration

**10) Housing and Urban Development (1965) -** provides home financing and public housing programs, Section 8, enforces fair housing laws

**11) Transportation (1967) -** promotes mass transit programs and programs for highways, railroads, and air traffic, enforces maritime law

**12) Energy (1977) -** advances the energy security of the U.S. and takes care of the nation’s nuclear security

**13) Education (1979) -** administers federal aid programs to schools, engages in educational research

**14) Veterans Affairs (1989) -** promotes the welfare of veterans of the armed forces

**15) Homeland Security (2002) -** prevents terrorist attacks within the United States, reduces America's susceptibility to terrorism, minimizes damage and helps recovery from attacks that do occur

**THE INDEPENDENT REGULATORY AGENCIES**

**Agencies (also known as independent regulatory commissions) are created by Congress**

* R\_\_\_\_\_\_\_\_\_\_\_\_ important parts of the e\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Make rules (r\_\_\_\_\_\_\_\_\_\_\_\_) for large industries and businesses that aﬀect the interests of the public
* Since regulatory agencies are w\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ that by their very nature need to operate i\_\_\_\_\_\_\_\_\_\_\_\_\_\_, they are not part of a department

**Small commissions govern the regulatory agencies**

* F\_\_\_\_\_\_\_\_ to t\_\_\_\_\_\_\_\_ members appointed by the president and conﬁrmed by the S\_\_\_\_\_\_\_\_\_
* Commissioners are somewhat more "i\_\_\_\_\_\_\_\_\_\_\_\_\_" than are the cabinet secretaries because they c\_\_\_\_\_\_\_\_\_\_ be removed by the president during their terms of oﬃce
* Commissioners serve rather long terms (\_\_\_-\_\_\_\_ years)
* Terms of the commissioners are s\_\_\_\_\_\_\_\_\_\_\_\_

**These factors help to i\_\_\_\_\_\_\_\_\_\_\_\_ regulatory commissions from political p\_\_\_\_\_\_\_\_\_\_. *Make sure know how to explain how these factors insulate the regulatory commissions from political pressure.***

**THE INDEPENDENT REGULATORY AGENCIES -Know them!!!!**

***EXAMPLES:***

**Federal Communications Commission (FCC)**

Regulates all communications by telegraph, cable, telephone, radio, and television

.

**The Federal Trade Commission (FTC)**

Prevents businesses from engaging in unfair trade prac1ces; stops the forma1on of monopolies in the business sector; protects consumer rights.

**Federal Election Commission (FEC)**

Administers and enforces the Federal Elec1on Campaign Act (FECA); discloses campaign finance informa1on and oversees the public funding of presiden1al elec1ons.

**The Securities and Exchange Commission (SEC)**

Regulates the na1on’s stock exchanges; requires full disclosure of the financial profiles of companies that wish to

sell stocks to the public.

**The Federal Reserve Board (The Fed)**

Establishes ***monetary policy*** >> refers to the money supply and interest rates. Monetary policy = controlling the money supply.

Sets bank interest rates; controls inflation; regulates the money supply; adjusts banks’ reserve requirements.

Fiscal policy = taxing and spending policy set by ***CONGRESS***

**Tasks Performed by the Bureaucracy**

**Writing/enforcing r\_\_\_\_\_\_\_\_\_\_\_\_\_**

Commissions have quasi-l\_\_\_\_\_\_\_\_ powers because they have the authority to make rules and regulations that have the force of law

Commissions also have quasi-j\_\_\_\_\_\_\_\_\_\_ powers because they can settle disputes in their fields (such as the FCC fining a TV or radio personality for objectionable material that was broadcast on his/her TV/radio program) – only for p\_\_\_\_\_\_\_\_\_ irwaves.

**Compliance monitoring**- making sure the firms and companies that are subject to industry regulations are following those standards and provisions.

**Can the President fire the heads of these commissions and or agencies?**

The Supreme Court did place limits on the president's removal power in 1935, in the Humphreys executor v. United States. President Hoover had appointed William Humphrey to a seven-year term on the Federal Trade Commission in 1931. When Franklin Roosevelt entered office in 1933, he found Humphrey to be in sharp disagreement with many of his policies. He asked Humphry to resign, saying that “his administration would do better served with someone else on the FTC.” When Humphrey refused, Roosevelt removed him. Humphrey soon died but his heirs filed the suit for back salary.

The Supreme Court upheld their heirs claim. It based its decision on the act creating the FTC. The law provides that a member of the Commission may be removed only for “insufficiency, neglect of duty, or malfeasance in office.” The president had given none of these reasons when he removed Humphrey.

The Court further held that Congress does have the power to set the conditions under which a member of the FTC and other such agencies might be removed by the president. It did so because those agencies, the independent regulatory commissions are not purely executive agencies.

**THE GOVERNMENT CORPORATIONS**

* Blend of private corporations and government agency.
* Created to allow more freedom and ﬂexibility than exists in regular government agencies.
* Have more control over their budgets, and oven have the right to decide how to use their own earnings.
* Since the government still ultimately controls them, they do not operate like true private corporations.
  + **Logo, company name

    Description automatically generatedEXAMPLES:**

**The U.S. Postal Service -** The post oﬃce is a corporation that competes with private services in packages delivery

A blue logo with white text

Description automatically generated with low confidence**National Railroad Passenger Corporation (AMTRAK) -** Congress created Amtrak to provide railroad passenger service that is heavily subsidized by the federal government. Part of the motivation for its creation was the lack of private companies providing the service, and Amtrak has suﬀered some huge ﬁnancial losses. Recently, in an attempt to make the corporation more proﬁtable, C ongress has allowed Amtrak to drop some of its less popular routes.

**The Corporation for Public Broadcasting -** This controversial government corporation still operates public radio and television stations. Although largely funded by private donations, the government still provides policies and money to support their programs.

**INDEPENDENT EXECUTIVE AGENCIES**

* Agencies that do not fall into the ﬁrst three categories.
* Closely resemble Cabinet departments, but they are smaller and less complex.
* Generally, they have narrower areas of responsibility than do cabinet departments.
* Most are subject to p\_\_\_\_\_\_\_\_ control and are independent only in the sense that they are not part of a d\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Their main function is not to regulate, but to fulﬁll a myriad of other administrative responsibilities.

Logo

Description automatically generated**Examples:**

Logo

Description automatically generated**Central Intelligence Agency -** The CIA is responsible for providing national s\_\_\_\_\_\_\_\_\_ i\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to senior US policymakers.

**Environmental Protection Agency -** The EPA was established to consolidate in one agency a variety of federal research, monitoring, standard-setting and enforcement activities to ensure e\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ protection.

**The National Aeronautics and Space Administration -** NASA administers the United States s\_\_\_\_\_\_\_\_ program, ﬁnancing ventures into space since 1958.

**EXECUTIVE OFFICE OF THE PRESIDENT**

**Shape

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**THE CONSTITUTION AND BUREAUCRACY**

* The C\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ made little m\_\_\_\_\_\_\_\_\_\_\_\_ of a b\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* “All other oﬃcers the United States whose appointments are not herein otherwise provided for, and which shall be established by law” (Article II, Section 3)
* N\_\_\_ provisions mentioned departments or bureaus, but C\_\_\_\_\_\_\_\_\_ created the ﬁrst b\_\_\_\_\_\_\_\_\_\_\_\_\_\_ during George Washington’s presidency
* **Power of the Bureaucracy**
  + I\_\_\_\_\_\_\_\_\_\_\_ and D\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ authority
    - C\_\_\_\_\_\_\_ out laws of Congress, e\_\_\_\_\_\_\_\_\_ orders of the p\_\_\_\_\_\_\_\_\_\_
    - Agencies have p\_\_\_\_\_\_\_\_ to set speciﬁc g\_\_\_\_\_\_\_\_\_\_\_ and r\_\_\_\_\_\_\_\_\_\_\_ when receiving a general mandate from Congress

– *Congress gives them the bones, bureaucracy adds the meat*

* + **Regulation**
    - Issue rules and regulations that impact the public and that the private sector must follow (EPA sets clean air standards); Labels on food, emissions of cars, etc.
  + **Administrative Law** (ONLY Congress can write laws)
    - R\_\_\_\_\_\_\_ and r\_\_\_\_\_\_\_\_\_\_\_ created by an a\_\_\_\_\_\_\_\_\_ that have the eﬀect of law
  + Helping C\_\_\_\_\_\_\_\_\_ draft legislation
  + Providing a\_\_\_\_\_\_\_\_\_\_\_\_ to the White House
  + Settling d\_\_\_\_\_\_\_\_\_\_

**vs.**

**ISSUE NETWORKS**

**IRON TRIANGLES**

**Deﬁnition:** Alliances among bureaucrats, interest groups, and congressional subcommittee members and staﬀ sometimes form to promote their common causes. Also known as subgovernments.

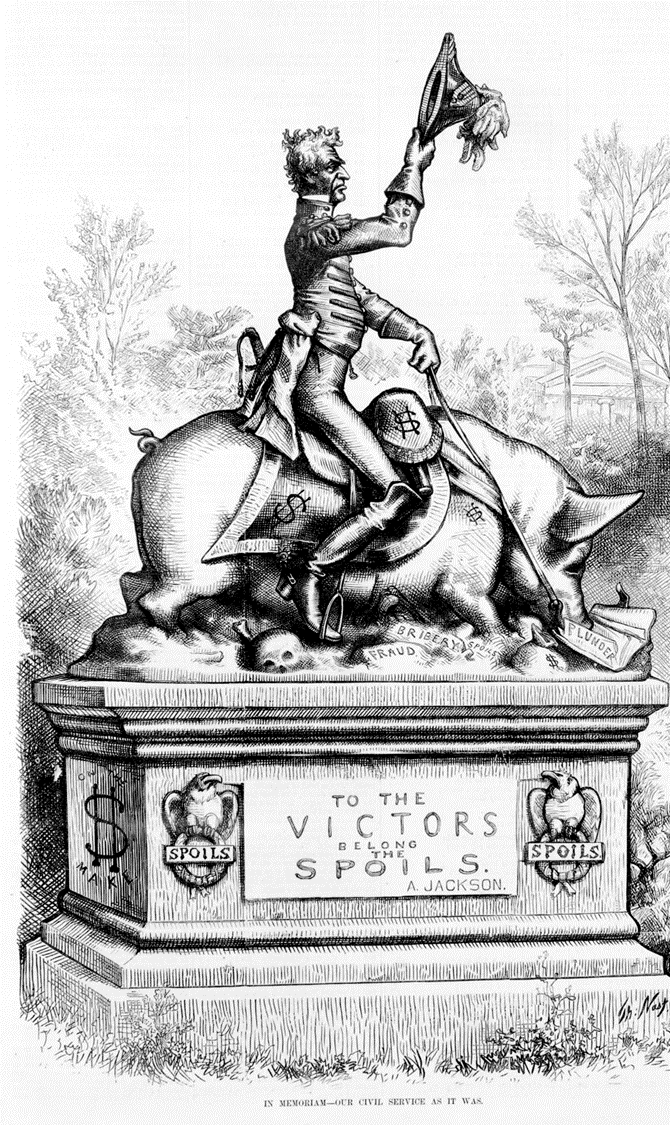
**Deﬁnition:** Network that consists of people in interest groups, on congressional staﬀs, in bureaucratic agencies, in universities, and in the mass media who regularly debate an issue.

**Compare and contrast iron triangles and issue networks**

**IRON TRIANGLE**

**Fill in the flow chart of the Iron Triangle from the power point**

**FROM PATRONAGE (SPOILS) TO MERIT**

Political patronage, civil service, and merit system reforms all impact the eﬀectiveness of the bureaucracy by promoting professionalism, specialization, and neutrality

**“To the victor belong the spoils” (1828)**

* The spoils system or patronage, started by Andrew Jackson, was used for ﬁlling federal jobs
* President r\_\_\_\_\_\_\_\_\_\_\_ s\_\_\_\_\_\_\_\_\_\_ with j\_\_\_\_\_\_\_ based on service, not on m\_\_\_\_\_\_\_
* Garﬁeld’s assassination by a disappointed oﬃce-seeker (1881)
* Creation of the Pendleton Act (1883)
* Eliminated the spoils system (p\_\_\_\_\_\_\_\_\_\_\_); created m\_\_\_\_\_\_\_\_ system
* An e\_\_\_\_\_\_\_\_-based merit system would be used to ﬁll g\_\_\_\_\_\_\_\_\_\_\_\_ jobs
* C\_\_\_\_\_\_ S\_\_\_\_\_\_\_\_\_\_\_ C\_\_\_\_\_\_\_\_\_\_\_\_\_ was created to administer these exams
* Hatch Act (1939)
* Political activities of bureaucrats are limited
* Civil Service Reform Act (1978)
* Abolished the U.S. Civil Service Commission

–Created the OPM (Oﬃce of Personnel Management) to provide guidance to agencies of the executive branch

**Civil Service Reform**

* Much of the corruption in government could be traced to the ‘s\_\_\_\_\_\_\_\_\_\_\_ s\_\_\_\_\_\_\_\_\_\_’.
* This gave government jobs as r\_\_\_\_\_\_\_\_\_\_\_\_ to those who helped get a candidate elected.
* These people were often not q\_\_\_\_\_\_\_\_\_\_ for the job.
* When Pres. Garfield was assassinated by an office-seeker, Congress decided it was time to act.

**Explain how the bureaucracy carry out the responsibilities of the federal government? Pg. 227**

|  |  |
| --- | --- |
| Bureaucratic Task | How Tasks are Completed |
| Writing and enforcing regulations | The legislation that creates and defines the departments and agencies often gives wide latitude as to how bureaucrats administer the law. All executive branch organizations have a degree of discretion in how they create and enforce regulations to carry out the law. |
| Enforcement and fines | Like a court, the regulatory agencies, commissions, and boards within the bureaucracy can impose fines or other punishments. the administrative adjudication targets industries or companies, not individual citizens. |
| Testifying before Congress | Cabinet secretaries and agency directors are often experts in their field. For this reason, they frequently appear before congressional committees to provide expert testimony (**information**) or to update Congress on their carrying out the law. |
| Actions of iron triangles and issue networks | An **iron triangle** is the relationship among three entities- an **agency**, a congressional **committee**, and an **interest** group- who joined forces to create **policy**.  **Issue networks** include committee staffers (often the experts and real authors of legislation), academics, advocates, leaders of thinktanks, interest groups, and/ or the media that collaborate to create specific policy on one issue. |

**TOPIC 2.13 DISCRETIONARY AND RULE-MAKING AUTHORITY**

**Explain the federal bureaucracy uses delegated discretionary authority for rule making and implementation?**

* **Professionalism in the bureaucracy** — The bureaucracy c\_\_\_\_\_\_\_\_\_ out the r\_\_\_\_\_\_\_\_\_\_\_\_ of the federal government to r\_\_\_\_\_\_\_ and e\_\_\_\_\_\_\_\_\_ individual and commercial activities. E\_\_\_\_\_\_\_\_ for top-level political a\_\_\_\_\_\_\_\_\_\_\_, employees of the bureaucracy are s\_\_\_\_\_\_\_\_\_\_\_ in their ﬁelds, who are hired and promoted based on m\_\_\_\_\_\_\_\_ rather than on their connections to politicians.
* The transition from a patronage-based bureaucracy to a merit-based system has increased the bureaucracy's p\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and e\_\_\_\_\_\_\_\_\_\_. The bureaucracy is nonpartisan, and career civil servants tend to span many presidential administrations, allowing for c\_\_\_\_\_\_\_\_\_\_\_ in the public sector.

**Powers of the federal bureaucracy to implement policy** —

* After the president s\_\_\_\_\_\_ a b\_\_\_\_\_ into l\_\_\_\_ or issues an e\_\_\_\_\_\_\_\_\_\_ order, the federal b\_\_\_\_\_\_\_\_\_\_\_\_ is responsible for i\_\_\_\_\_\_\_\_\_\_\_\_\_ that policy. Laws may lack c\_\_\_\_\_\_\_\_, concrete d\_\_\_\_\_\_\_\_ on how they should be e\_\_\_\_\_\_\_\_\_, so the federal bureaucracy has d\_\_\_\_\_\_\_\_\_\_\_\_\_ a\_\_\_\_\_\_\_\_\_to make decisions on what actions to take—or not take—when implementing laws, as well as rulemaking authority to create r\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ about how government programs should o\_\_\_\_\_\_\_\_\_\_\_.
* This authority enhances the p\_\_\_\_\_\_\_\_\_ of the federal b\_\_\_\_\_\_\_\_\_\_\_\_\_\_, giving it considerable j\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ over the i\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of government p\_\_\_\_\_\_\_\_\_\_\_\_.

Policy directives from Congress are not always clear. Although the legislation may direct a federal agency to develop r\_\_\_\_\_\_ and r\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to implement the statute, bureaucrats have some f\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in what these rules and regulations actually s\_\_\_\_\_\_\_\_\_. This flexibility is known as a\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ d\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

* **Constitutionalism** — Each branch of the government has diﬀerent powers, structures, and functions by design. Congress comprises the H\_\_\_\_\_\_ of Representatives (designed to represent the p\_\_\_\_\_\_\_\_) and the S\_\_\_\_\_\_\_\_ (designed to represent the s\_\_\_\_\_\_\_\_ equally), each of which is aﬀected by chamber-speciﬁc rules and election processes. The power of the presidency has expanded over time, and the president uses both formal and informal powers to implement their policy agenda. The judicial branch exercises the power of j\_\_\_\_\_\_\_\_ review to determine the c\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of the acts of the other branches and of s\_\_\_\_\_\_\_\_\_\_ governments.
* **Competing policymaking interests** — The interactions between the branches are complex by design. Congress, the executive branch (including the bureaucracy), and the judiciary must both compete and cooperate in order to enact policy. The implementation process is likewise diﬃcult, as each branch must struggle to maintain the accountability of a vast federal bureaucracy charged with putting policy into action.

**Examples of Discretionary Authority in Select Departments and Agencies AMSCO pg. 231,233**

|  |  |
| --- | --- |
| **Name of the Department, Agency or Commission** | **Authority Delegated to the Body** |
| **Homeland Security** | Allowing certain exemptions for immigrants |
| **Transportation** | Determining which highway projects get special grants |
| **Veteran’s Affairs** | Deciding how to administer a health program for veterans |
| **Education** | Cancelling or lowering student debt |
| **Environmental Protection Agency** | Intervening in state environmental issues |
| **Federal Election Commission** | Administering and enforcing federal campaign finance laws |
| **Securities and Exchange Commission** | Determining if financial firms should be disqualified from raising money because of illegal conduct |

**TOPIC 2.14 Holding the Bureaucracy Accountable- Congress and Presidential Influence**

**HOLDING THE BUREAUCRACY ACCOUNTABLE – CONGRESSIONAL INFLUENCE**

*Congress has a great amount of power over the bureaucracy because Congress can exercise, L\_\_\_\_\_\_\_\_\_\_\_\_ O\_\_\_\_\_\_\_\_\_\_\_\_\_*

Oversight is the process by which C\_\_\_\_\_\_\_\_\_, through its c\_\_\_\_\_\_\_\_\_\_, checks to see that the various agencies in the e\_\_\_\_\_\_\_\_\_\_\_\_\_\_ branch are working effectively and acting in l\_\_\_\_\_\_\_ with the p\_\_\_\_\_\_\_\_ that C\_\_\_\_\_\_\_\_ is set by law.

**What are the numerous ways in which Congress can exercise “oversight” of the bureaucracy?**

***Creation of agencies***

* Constitutional power to create and abolish executive departments and independent agencies, or to transfer their functions

***Advice and consent***

* Congress can influence the a\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of agency heads
* The S\_\_\_\_\_\_\_\_\_\_\_\_ has the power to c\_\_\_\_\_\_\_\_\_\_\_ presidential a\_\_\_\_\_\_\_\_\_\_\_\_\_

***Appropriations of agency budgets***

* Congress determines how much m\_\_\_\_\_\_\_\_\_ each agency gets= power of the p\_\_\_\_\_\_\_\_\_\_\_

***Annual authorization legislation***

* No a \_\_\_\_\_\_\_\_\_\_ may spend m\_\_\_\_\_\_\_\_\_\_ unless it has first been a\_\_\_\_\_\_\_\_\_\_\_\_\_ by C\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Authorization legislation originates in a congressional committee and states the maximum amount of m\_\_\_\_\_\_\_\_ that an agency may spend on a given program
* Even if funds have been authorized, Congress must also a\_\_\_\_\_\_\_\_\_\_\_\_ the money

***Rewriting legislation***

* If they wish to r\_\_\_\_\_\_\_\_\_\_\_\_ the power of an agency, C\_\_\_\_\_\_\_\_\_ may rewrite l\_\_\_\_\_\_\_\_\_\_\_\_ or make it more detailed
* The more detailed the instructions, the better able Congress is to restrict the agency's power

***Duplication***

* Giving any one job to more than one agency, keeping any single agency from becoming all powerful
* For example, drug trafficking is the task of the Customs Services, the FBI, the DEA, the Border Patrol, and the Department of Defense
* Keeps any one agency from becoming all-powerful

***Holding hearings and conducting i\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

* Congress can call bureaucrats to testify before committees to determine whether the agency is complying with congressional intent Congress can investigate agencies. O\_\_\_\_\_\_\_\_\_\_\_\_\_\_ f\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Reorganization***

* By realigning or restructuring departments, agencies and their responsibili1es, Congress can contain costs, reduce bureaucratic overlap and improve accountability

***Sunset laws***

* Provides for the law to c\_\_\_\_\_ to have effect after a specific date, unless further legislative action is taken to extend the law
* Sunset laws create a finite lifespan for a bureaucratic agency. In order to be reauthorized, these bureaucracies must prove their effectiveness and merit

**HOLDING THE BUREAUCRACY ACCOUNTABLE – CONGRESSIONAL INFLUENCE**

What are the limits on congressional inﬂuence?

* Congress may not really want to clamp down on the bureaucracy:
  + Members proﬁt politically from the existence of federal programs within their states or districts (e.g., military base closure)
  + Easier for Congress to simply pass broadly worded laws and have experts within the bureaucracy ﬁll in the holes
  + No electoral payoﬀ; Political ramiﬁcations-if Bur screws up, C\_\_\_\_\_\_\_\_ b\_\_\_\_\_\_\_\_\_\_ the P\_\_\_\_\_\_\_\_\_\_
  + O\_\_\_\_\_\_\_\_\_\_\_\_ is labor i\_\_\_\_\_\_\_\_\_\_\_\_/hard work; L\_\_\_\_\_\_\_\_ of technical expertise, time consuming
  + Congress creates opportunities for casework through red tape
  + Congress lacks e\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/agencies h\_\_\_\_\_\_\_\_\_\_ expertise
  + Congress does not want to be blamed for bad policy
  + T\_\_\_\_\_\_ consuming

**LEGISLATIVE VETO**

* In the past: Congress passed a law, the relevant executive agency issued regulations to enforce the law, Congress could then a\_\_\_\_\_\_\_\_\_ those r\_\_\_\_\_\_\_\_\_\_\_ and v\_\_\_\_\_\_\_them if it so desired.
* The l\_\_\_\_\_\_\_\_\_\_ v\_\_\_\_\_\_\_ was a way of forcing the bureaucracy to c\_\_\_\_\_\_\_\_\_\_\_\_\_ to congressional intent.
* In the case of *INS* v. *Chadha* (1983), however, the Supreme Court declared the legislative veto to be an u\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ violation of s\_\_\_\_\_\_\_\_\_\_\_ of powers.

**TOPIC 2.14 HOLDING THE BUREAUCRACY ACCOUNTABLE- PRESIDENTIAL INFLUENCE**

**Appointments**

* A\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ of top-level bureaucrats (including Cabinet secretaries)
* F\_\_\_\_\_\_\_\_\_\_ top-level bureaucrats (including Cabinet secretaries)

**Executive Orders**

* An executive order is a d\_\_\_\_\_\_\_\_\_\_\_\_\_, o\_\_\_\_\_\_\_, or r\_\_\_\_\_\_\_\_\_\_\_ issued by the p\_\_\_\_\_\_\_\_\_\_\_
* An executive order of the President must ﬁnd s\_\_\_\_\_\_\_\_\_\_\_ in the C\_\_\_\_\_\_\_\_\_\_\_\_\_\_, either in a c\_\_\_\_\_\_\_\_ granting the President speciﬁc power, or by a d\_\_\_\_\_\_\_\_\_\_\_\_\_ of power by Congress to the President

**Economic Powers**

* Proposes agency budgets (either an increase or a decrease in $) OMB

**Other Powers**

* Propose the reorganization of the executive branch
* Presidential power of inﬂuence over diﬀerent agencies direction

**What are the limits on presidential inﬂuence?**

* Senate c\_\_\_\_\_\_\_\_\_\_\_\_\_ needed for top personnel
* President c\_\_\_\_\_\_\_\_\_ f\_\_\_\_\_\_\_\_\_\_ vast majority of bureaucrats
* R\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ must go through C\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* Agency b\_\_\_\_\_\_\_\_\_\_\_ must go through C\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Office of Management and Budget (OMB): The OMB’s primary responsibility is to prepare the a\_\_\_\_\_\_\_\_\_\_\_\_\_\_ b\_\_\_\_\_\_ proposal. In addition, the OMB evaluates the operation of federal programs, reviews legislative proposals from the cabinet departments, and reviews the rules and regulations proposed by federal agencies.

OMB helps the President prepare the budget and submits the budget to C\_\_\_\_\_\_\_\_. The OMB r\_\_\_\_\_\_\_\_\_ and m\_\_\_\_\_\_\_\_ funding requests submitted by executive d\_\_\_\_\_\_\_\_\_\_\_\_ and federal agencies. The OMB m\_\_\_\_\_\_\_\_\_\_ the requests, if necessary, to conform to the administration’s spending priorities.

In preparing the president’s budget, federal agencies are in regular contact with the OMB, which is responsible for keeping these spending requests within the parameters set by the president. Agencies may try to appeal to the president’s top aides regarding an OMB decision that calls for a cut in spending in some area. The C\_\_\_\_\_\_\_\_\_\_\_\_ B\_\_\_\_\_\_\_\_\_ O\_\_\_\_\_\_\_\_\_ really is a check on the OMB and works closely with the House and Senate budget committees; in a divided government, the members of these committees may well be a\_\_\_\_\_\_\_\_\_\_\_\_\_ to the administration.

**Executive Orders- NOT in the Constitution but implied**

* An executive order is a d\_\_\_\_\_\_\_\_\_, o\_\_\_\_\_\_\_\_, or r\_\_\_\_\_\_\_\_\_\_\_ issued by the president
* An executive order of the President must ﬁnd support in the Constitution, either in a clause granting the President speciﬁc power, or by a delegation of power by Congress to the President

Beyond its budget chores, the OMB is a sort o presidential handy-man agency. It makes continuing studies of the organization and management of the executive branch and keeps the President up to date on the work of all its agencies. The OMB *c\_\_\_\_\_\_ and clears agency stands on all l\_\_\_\_\_\_\_\_ matters to make certain they agree with the P\_\_\_\_\_\_\_\_\_’s policy positions.* It also helps prepare the hundreds of *e\_\_\_\_\_\_\_\_\_\_ orders* the President must issue each year and the veto messages the chief executive occasionally sends to C\_\_\_\_\_\_\_\_\_.

**In Executive Order 9981, what was the source of Constitutional authority?**

**2.15 Policy and the Branches of Government**

**Powers**

* Court rulings that limit bureaucratic practices
* Judicial review - can declare bureaucratic actions u\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
* Injunctions (a judicial order that r\_\_\_\_\_\_\_\_\_\_\_ a person/group from beginning or continuing an action threatening or invading the legal right of another) against federal agencies.

**HOLDING THE BUREAUCRACY ACCOUNTABLE– INTEREST GROUPS**

**POWER OF INTEREST GROUPS**

* Lobbying- **-**influence S\_\_\_\_\_\_\_\_\_\_\_ to c\_\_\_\_\_\_\_\_\_\_ or not confirm heads-use \_\_\_\_\_\_\_\_ campaigns, i\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
* “Revolving door” - Agencies are staﬀed by people who move back and forth between the public/private sector
* Client groups
  + Some agency-interest group relations are so close that the interest group is said to be a client of the agency (e.g., dairy groups and Agriculture Dept)
* I\_\_\_\_\_\_ triangles: congressional committee, relevant agency, related interest groups
* Issue n\_\_\_\_\_\_\_\_\_\_: informal groups of people within both the public/private sectors who have common interests
* Agency employees are r\_\_\_\_\_\_\_\_\_\_\_\_ from the regulated industry (vice versa)
* A\_\_\_\_\_\_\_\_\_\_\_ rely on support from regulated industries in making budget requests
* L\_\_\_\_\_\_\_\_\_\_\_\_\_\_: Take a bureaucratic agency to c\_\_\_\_\_\_\_\_\_\_\_

**Who gets appointed by the President.**

* Very partisan. If pres is a dem, he appoints dems, if pres is a repub, he appoints repub
* Interest groups input- ABA, AMA, NRA, NEA can voice their approval or disapproval for presidential appointments to the bureaucracy. They will use the media to s\_\_\_\_\_\_\_\_ public opinion and provide information in favor or against the nominee
* Ethnic make up– to appeal to a vast demographic, women, men, etc.

**FRQ Practice**

The Food and Drug Administration (FDA) is the federal agency responsible for the approval, regulation, and control of prescription medications. All prescription medications must complete an extensive FDA approval process, which can take years. In an attempt to expedite this process, Congress passed the Biologics Price Competition and Innovation Act in 2009, which created a faster approval pathway for biologic products that are highly similar to existing FDA-approved medications. The law applies only to biologic products, those produced with living organisms, but not to chemically produced drugs. Insulin is a vital prescription medication used to treat diabetes. Over an eight-year period, beginning in 2009, the average price of insulin increased from $90 to $275 a vial. Since insulin was not regulated as a biologic, the time necessary to gain FDA approval prevented new companies from developing less expensive alternatives.

In 2017, public attention to the rising cost of insulin led the FDA to reclassify the drug as a biologic, thereby lessening the amount of time it took for new companies to get FDA approval. With more manufacturers competing in the marketplace, prices would likely drop.

1. Referencing the scenario, describe the executive branch authority used by the FDA in reclassifying insulin as a biologic and explain how this use of the FDA’s authority might affect the success of the Biologics Price Competition and Innovation Act.
2. Referencing the scenario, explain how Congress could have addressed the increasing cost of insulin prior to 2017.
3. Describe an informal power the president could use to influence the FDA’s decision to reclassify insulin as a biologic. Explain how the use of that informal power relates to the principle of separation of powers.