

CONTROLLING THE BUREAUCRACY

PRESIDENTS TRY TO CONTROL THE BUREAUCRACY

Presidents try hard—not always with success—to impose their policy preferences on agencies. Following are some of their tactics:

- ***Appoint the right people to head the agency.***

Normally, presidents control the appointments of agency heads and subheads. Putting their people in charge is one good way for presidents to influence agency policy. The president does not have a completely free hand, however. President Clinton had no use for his FBI director, Louis Freeh, who would barely talk to him, but he did not fire Freeh, for fear of being denounced as purging an enemy.

- ***Issue orders.***

Presidents can issue executive orders to agencies. These orders carry the force of law and are used to implement statutes, treaties, and provisions of the Constitution. For example, following the 9/11 terrorist attacks, George W. Bush issued executive orders creating a new cabinet position to coordinate homeland security and a Homeland Security Council, authorizing the secretaries of the navy, army, and air force to call up reservists for active duty, lifting a ban on the CIA engaging in political assassination, and establishing military tribunals to try terrorists. Sometimes presidential aides simply pass the word that the president wants something done. These messages usually suffice, although agency heads are reluctant to run afoul of Congress or the press on the basis of a broad presidential hint. The president's rhetoric in speeches outside the bureaucracy may also influence the priorities of bureaucrats.

- ***Alter an agency's budget.***

The Office of Management and Budget (OMB) is the president's own final authority on any agency's budget. The OMB's threats to cut here or add there will usually get an agency's attention. Each agency, however, has its constituents within and outside of Congress, and Congress, not the president, does the appropriating.

- ***Reorganize an agency.***

Although President Reagan promised, proposed, and pressured to abolish the Department of Energy and the Department of Education, he never succeeded—largely because each department was in the hands of an entrenched bureaucracy backed by elements in Congress and strong constituent groups. Reorganizing an agency is hard to do if it is a large and strong agency, and reorganizing a small and weak agency is often not worth the trouble. Nevertheless, as we saw, a massive reorganization occurred in 2002 with the creation of the Department of Homeland Security.

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CONGRESS TRIES TO CONTROL THE BUREAUCRACY

Congress exhibits a paradoxical relationship with the bureaucracies. On the one hand (as we have seen), members of Congress may find a big bureaucracy congenial. Big government provides services to constituents, who may show their appreciation at the polls. Moreover, when Congress lacks the answers to policy problems, it hopes the bureaucracies will find them. Unable itself, for example, to resolve the touchy issue of equality in intercollegiate athletics, Congress passed the ball to the Department of Health, Education, and Welfare. Unable to decide how to make workplaces safer, Congress produced OSHA. Congress is typically the problem-identifying branch of government, setting the bureaucratic agenda but letting the agencies decide how to implement the goals it sets.

On the other hand, Congress has found it challenging to control the government it helped create. There are several measures Congress can take to oversee the bureaucracy:

- ***Influence the appointment of agency heads.*** Even when the law does not require senatorial approval of a presidential appointment, members of Congress are not shy in offering their opinions about who should and should not be running the agencies. When congressional approval is required, members are doubly influential. Committee hearings on proposed appointments are almost guaranteed to produce lively debates if some members find the nominee's probable orientations objectionable.
- ***Alter an agency's budget.*** With the congressional power of the purse comes a mighty weapon for controlling bureaucratic behavior. For example, cutting a budget will make it more difficult for an agency to regulate behavior. Congress can also pass limitation riders, which forbid agencies from spending money for specific purposes. At the same time, Congress knows that many agencies perform services that its constituents demand. Too much budget cutting may make an agency more responsive—at the price of losing an interest group's support for a reelection campaign. Congress can also order the bureaucracy to spend money in certain ways through detailed provisions in laws or, more informally, through statements in reports on legislation.
- ***Hold hearings.*** Committees and subcommittees can hold periodic hearings as part of their oversight responsibilities, and in these hearings they may parade flagrant agency abuses of congressional intent in front of the press. However, the very committee that created a program usually has responsibility for oversight of it and thus has some stake in showing the agency in a favorable light. Furthermore, members of Congress have other disincentives for vigorous oversight, including a desire not to embarrass the chief executive.
- ***Rewrite the legislation or make it more detailed.*** Congress can overturn agency rules or limit an agency's authority to make them. In addition, every statute is filled with instructions to its administrators. To limit bureaucratic discretion and make its instructions clearer, Congress can write new or more detailed legislation. Still, even voluminous detail can never eliminate discretion.