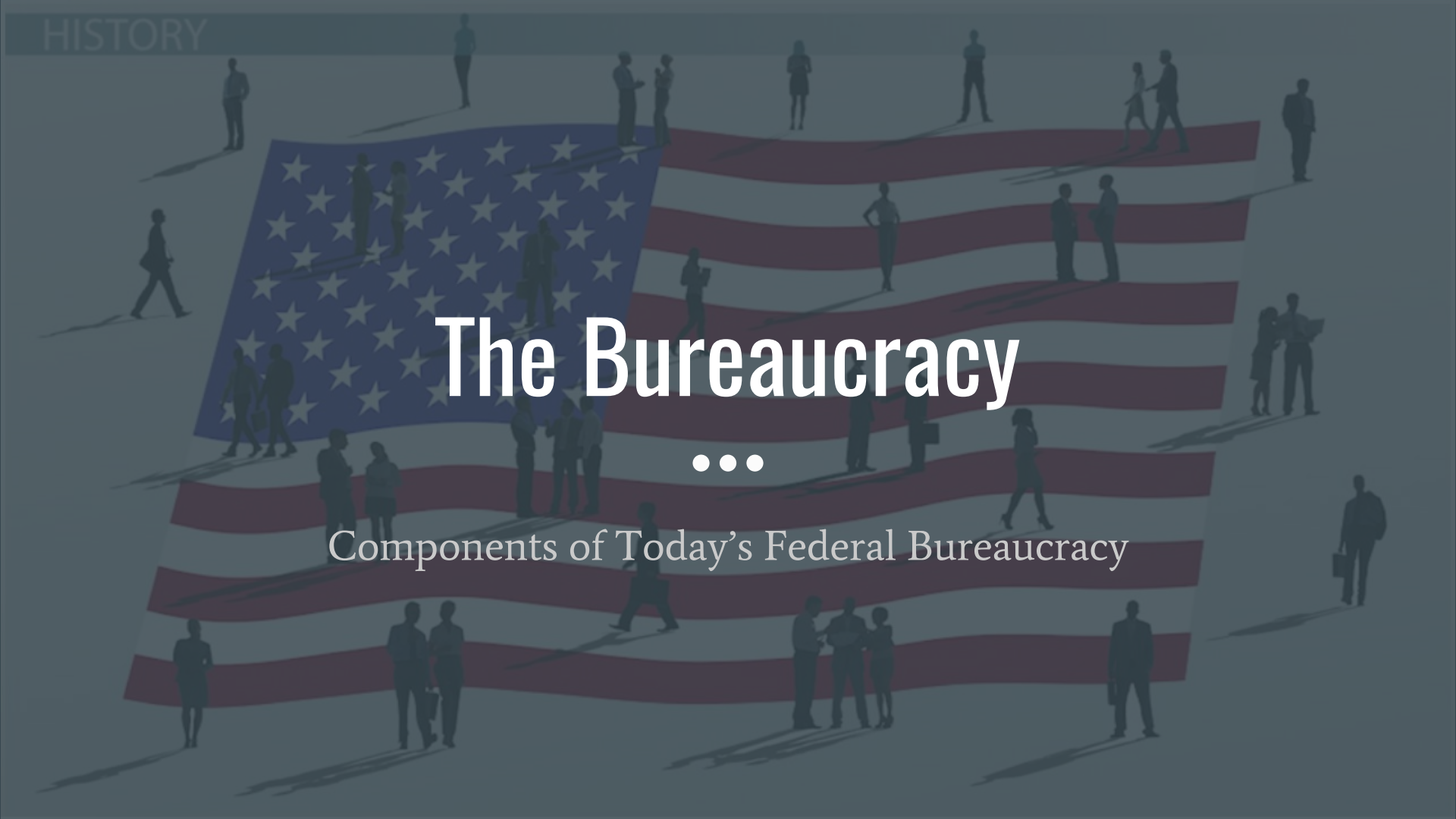


# The Bureaucracy

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Components of Today's Federal Bureaucracy



# Today's Cabinet Departments

1. Department of State (1789)
2. Department of the Treasury (1789)
3. Department of Defense (1947)
4. Department of Justice (1870)
5. Department of the Interior (1849)
6. Department of Agriculture (1889)
7. Department of Commerce (1913)
8. Department of Labor (1913)
9. Department of Health and Human Services (1979)
10. Department of Housing and Urban Development (1965)
11. Department of Transportation (1967)
12. Department of Energy (1977)
13. Department of Education (1979)
14. Department of Veterans Affairs (1988)
15. Department of Homeland Security (2002)

# Departmental Agencies



Alternative names: Divisions, Bureaus, Offices, Services, Administrations, and Boards.

Each department are divided into agencies in order to divide the department's goals and workload. Each agency has a head, also called the director, appointed by the president.

There are hundreds of agencies. The headquarters are in Washington, D.C. while regional offices usually are in large U.S. cities.

# Federal Bureau of Investigation (FBI)



Founded in 1908, the FBI is a Justice Department law enforcement agency.

In the beginning, the FBI deals mainly with interstate and federal crimes, such as immigration violations, national banking, antitrust violations, bank robbery, and fraudulent schemes.

Now, it works with state and local law enforcement to find America's most wanted criminals-- such as terrorists.

# Independent Agencies and Commissions



Independent federal agencies, such as NASA, do not fall under the control of any one department. Since they report directly to the president, they are also classified as line organizations.

Usually, independent federal agencies have unique duties and goals which give them a distinct authority or independence from others in the executive branch.

There are over 150 independent agencies and commissions.

# Internal Revenue Service (IRS)



This agency was established in 1862 to collect taxes after Congress started to tax individuals' incomes.

It belongs to the Treasury Department, but has a Criminal Investigation Division which to prosecute people who evade their taxes.

Its mission: To help Americans understand and fulfill their tax responsibilities and to fairly enforce the tax code.

# Regulatory Authority



Congress gives some independent agencies the regulatory authority to oversee or regulate a particular industry or interest. This lets them make narrow, industry-specific rules, and adjudicate violators.

As such, these agencies have basically have the powers of all three branches of the U.S. government.

# Interstate Commerce Commission (ICC)



Created by the Interstate Commerce Act in 1887, the ICC was the first regulatory agency of the United States.

Its job and purpose was to control railroads, which were expanding interstate trade, and oversee their business practices.-- such as by stopping unfair practices and attempting to remove political influence.

It was abolished in 1995, then replaced by the Surface Transportation Board (STB) in 1996.





# Federal Trade Commission (FTC)



Created in 1914 by the Federal Trade Commission Act, the FTC prevents overly powerful corporations from engaging in unfair business practices.

It also has power over consumer protection laws and regulation of telemarketing.

# Federal Elections Commission (FEC)



Created by the early 1970s election reform, the FEC monitors elections and campaigns.

As such, they provide information on the federal campaign finance process to the public, as well as enforce campaign finance law in federal elections.

# Government Corporations

Government corporations are a hybrid of a government agency and a private company. They started to appear in the 1930s since the government wanted to overlap with the private sector. Government corporations receive funding from both the private sector, such as customers, and the government.

Examples:

- Amtrak
- Corporation for Public Broadcasting
- the Federal Deposit Insurance Corporation
- the Tennessee Valley Authority



# Staffing the Bureaucracy

Anyone who is in the executive branch carrying out some decision or applying some law is considered to be a federal bureaucrat. There are many types and levels of bureaucrats, including:

- Those who sit on the president's Cabinet
- Those who work in regional offices throughout the U.S.
- Upper-level problem solvers and administrators
- Some lawyers, doctors, and educators
- Some plumbers, carpenters, and drivers
- Low-level bureaucrats who must follow heavily scripted routines for the sake of consistency in application of law.

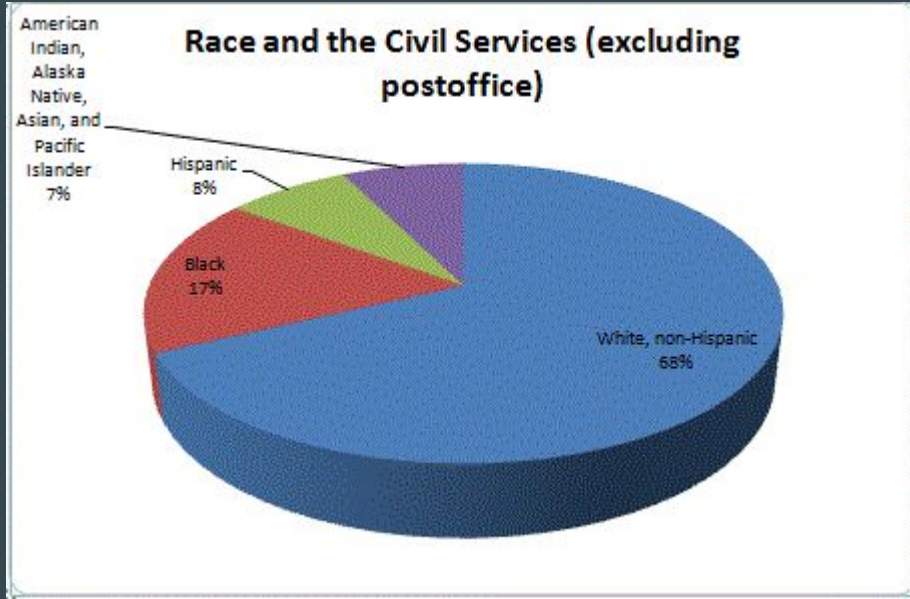
# Cabinet Secretaries and Deputies

Upper-level White House jobs, Cabinet positions, and subcabinet positions require Senate confirmation. Still, most presidents have to appoint more than 2,000 positions in the part of the bureaucracy working for the executive branch. These positions include:

- Deputy secretaries
- Bureau chiefs
- Upper level management positions

Most cabinet secretaries and deputies are chosen by the spoils system. By naming friends, campaign managers, and others who belong in the president's political party, the president ensure loyalty to him and experience in a relevant field of government or private sector.

# Executives' Background



- 20 years later, women made up roughly 27% of President Bush's appointees.

As normally expected, most upper-level executives are from privileged backgrounds. They are wealthy and educated in prestigious schools, universities, and postgraduate training. As such, they tend to possess advanced degrees.

The makeup of each president's administration tend to vary greatly. For example:

- Although President Nixon had a sizeable members of African Americans, particularly in more liberal agencies, women only made up 3% of his appointees.

# Competitive Service and Excepted Service



Competitive service are jobs that require some type of exam or competitive hiring process. As such, they follow the rules and salary set by the U.S. Office of Personnel Management (OPM). They are the opposite of excepted service.



Excepted service make up 50% of all federal jobs in the bureaucracy, most of which are positions in the U.S. Post Office. The hiring requirements of excepted service jobs are often stricter because the positions need to be filled by highly specialized professionals, such as in the case of the CIA and the Nuclear Regulatory Commission (NRC).

# Office of Personnel Management (OPM)



Replacement of the Civil Service Commission since 1978.

As the agency whose job is to manage the civil service of the federal government, OPM runs the merit system and coordinates federal application for jobs and the hiring process.



# Rules

Since the bureaucracy was created and empowered by Congress, it is the responsibility of Congress to create, define, guide, and fund each department and agency. As such, the bureaucracy is required to obey the principles for law and policies set by Congress, although most policies are developed through debates between the bureaucracy and Congress-- as well as trials and errors.

**Discretionary authority** is the extent to which appointed bureaucrats can choose courses of action and make policies that are not spelled out in advance by laws. This is a huge determinant of an agency's power or influence.

As a rule, an agency's rulemaking process must be made public and allow the public to participate by giving feedback and suggestions.

# Enforcement

Commissions and boards have the power to make rulings or enforce laws for those who have violated them. As such, the bureaucracy has quasi-judicial authority because it can adjudicate (judge) and impose a fine or other punishments on those who break day-to-day laws.

Administrative adjudication targets industry or particular companies rather than individual citizens.



# Interaction

Since the bureaucracy interact with so many entities, a bureaucratic decision is not only made by the bureaucracy. Congress, the president, and interest groups all play a big role in shaping the policies created by the bureaucracy. As such, it can be difficult to pinpoint who is responsible for the bureaucratic decision, especially when it fails.

Congress = sets the big picture laws and regulations

The president = shapes the staff

Interest groups = influence the decision through lobbying

The bureaucracy is commonly seen as the link that connects the common people to the government because most people interact with the government through interacting with the federal or state bureaucracy.

# Within the Executive Branch



Due to the limited amount of money, departments and agencies have to compete for funding and attention from the president-- especially when they have similar or overlapping goals.

Different beliefs or approaches also create competition and friction between agencies and departments when a single decision or position must be made. For example, the Department of State may conflict with the Department of Defense regarding their stance on foreign policy.

# Loyalties

Bureaucrats, especially high-ranking ones, often have to choose where to place their loyalty. They tend to have to choose between their boss (the president) and the people who work for them.

When bureaucrats side with their agency or department, they are going native. **Going native** means that the bureaucrats identify themselves with the interests of their own departments, so they are choosing to promote such interests instead of following the policy preferences of the president.

# Removal

Presidential appointees can be removed from their position very easily because they serve at the pleasure of the president. Since the decision of *Myers v. United States* gave the president such power, many people who have publicly disagree with the president have been removed.

However, heads of regulatory commissions are protected from the president's whims by Congress and the Supreme Court. They can only be removed if the president offers a reasonable explanation that suggests incompetence, or neglect of duty, on the part of the heads.

# Congressional Oversight

As Congress has a lot of power over the bureaucracy, congressional oversight is when Congress exercise that authority by checking up on the agencies and departments, determining the funding, asking high-ranking bureaucrats to improve or refine their goals, and keeping the agencies from stepping out of line.

Most congressional oversight is performed by House and Senate committees interacting with the agencies that shares their area of expertise. This is usually done by receiving reports from directors and calling them in to testify.

For example, the Senate Committee on Agriculture, Nutrition, and Forestry oversees the National Parks Service.

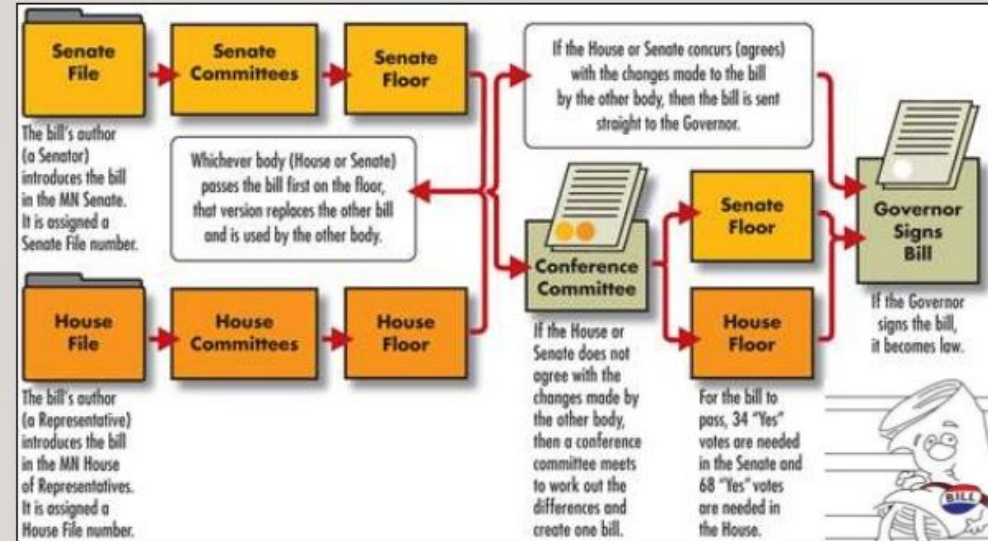
# Funding

Congress has the power of the purse, so it controls the funding and spending of every agency. Since Congress determines how much money an agency gets each year as part of the federal budget, it also determines the agency's success and continued service.

Without authorization of spending by a committee or a subcommittee, the agency cannot spend any public fund on any program.

## “THE POWER OF THE PURSE!”

*Congress has the power to pass legislation – which means funding budgets and making activities illegal!*



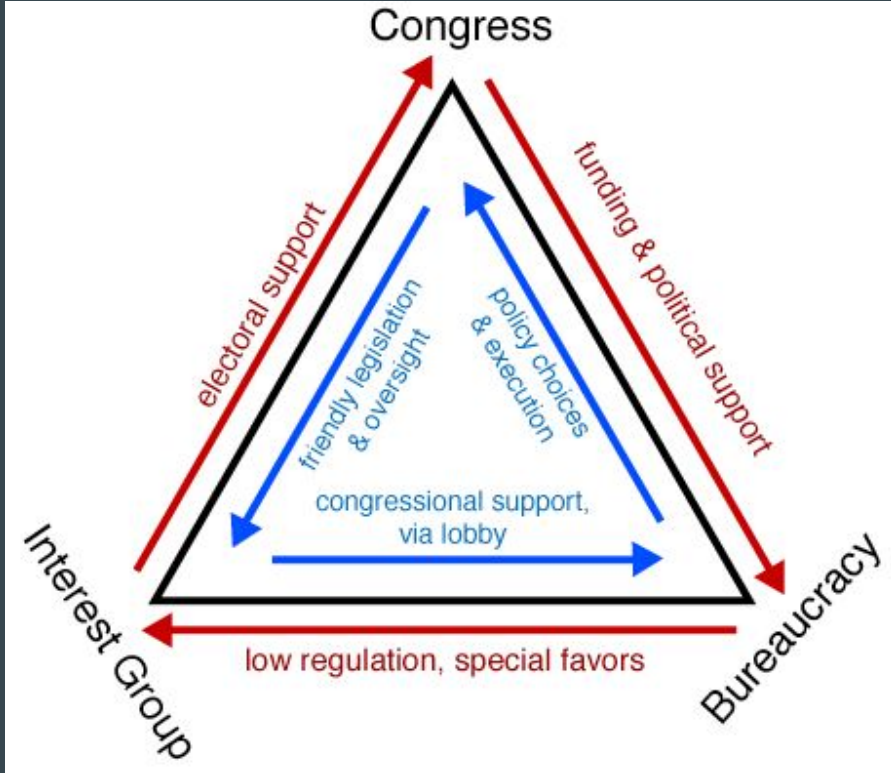


# The Final Say

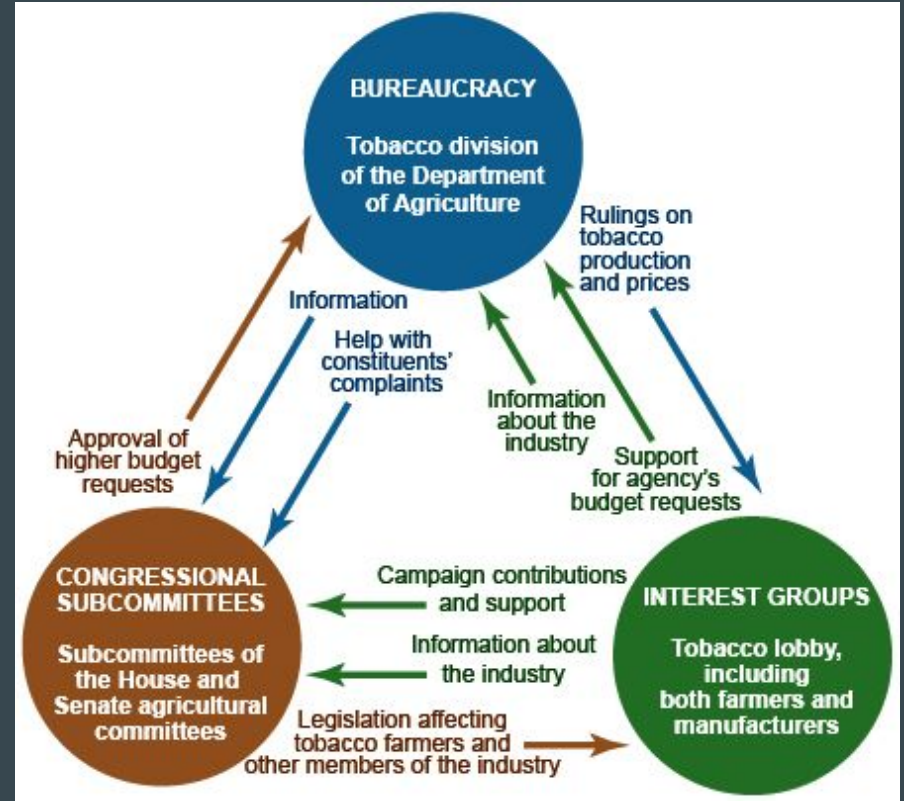
Since Congress and agencies share a good deal of authority, the extent of one's control can be unclear. This caused the need for committee clearance, which means some congressional committees have the power to sort out any overlap in the gray area of jurisdiction. They also have the ability to review and approve certain agency actions in advance, although these actions may not be spelled out in law.

Overall, Congress tend to have the final say because it funds the agencies, causing few executive branch leaders to dare ignore or go against Congress's request. In a way, Congress still have a lot of power over the agencies even without the legislative veto, a requirement that certain agency decisions must wait for a defined period of either 30 or 90 days, which has been declared unconstitutional.

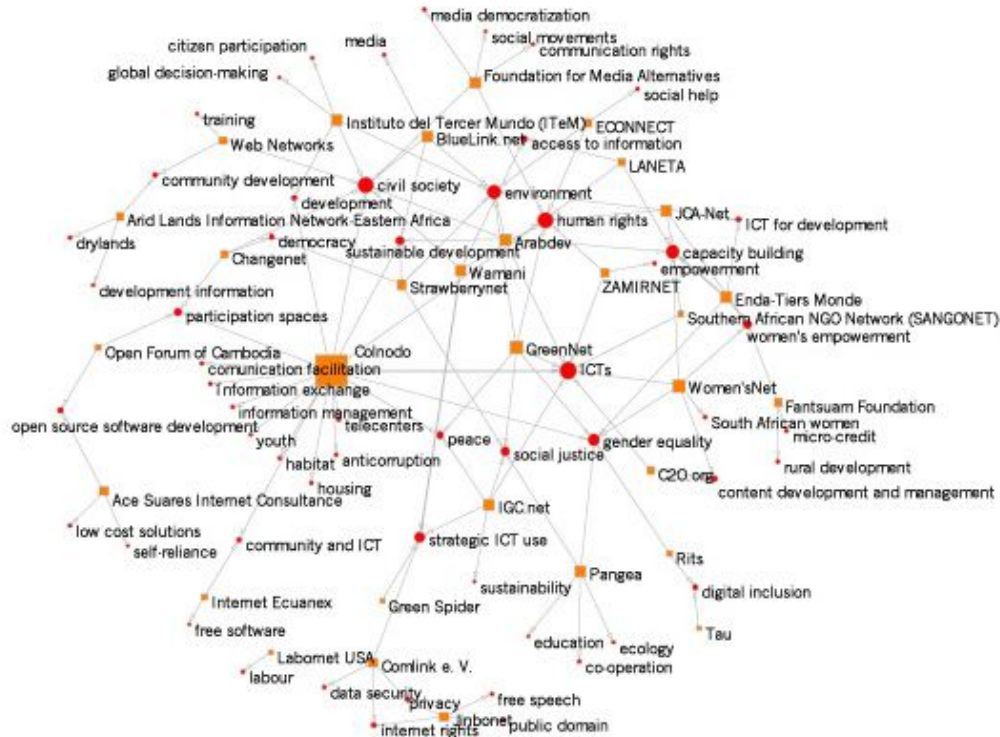
# Iron Triangles



## Specific Example:



# Issue Networks



An issue network is a domestic or international alliance of various interest groups and individuals. They unite for a common goal, which is to promote a common cause or agenda in a way that influences government policy.