

## **Federal Bureaucracy**

The federal bureaucracy is powerful in the political scene yet it is not in the news unless something goes wrong.

**Federal Bureaucracy relates to the departments and agencies within the executive branch that carry out the laws of the nation.**

Many times there are contradictory views about federal bureaucracy. Some people say that it is too powerful and it makes their lives more difficult and expensive. Others say that the system is too powerless to help them, incompetent, wasteful and inefficient.

An excellent example of federal bureaucracy was when the Covid-19 Pandemic - (SARS-CoV-2) or Coronavirus took hold in the nation.

The pandemic started in early 2020 and by spring of that year, 25% of the nation's workforce had lost their jobs and many hospitals did not have the capacity to care for those who were sick or dying.

While federal, state, and local officials responded to the challenges of Covid-19, one name became well known to the nation, that of Dr. Anthony Fauci, head of the National Institute of Allergy and Infectious Diseases within the National Institutes of Health (NIH).

Dr. Fauci was first known for his dealing with the HIV crisis in the 1980's. He was later known as the nation's expert in infectious diseases. He was even the recipient of the Presidential Medal of Freedom from President George W. Bush in 2008 and his work has been credited with saving millions of lives.

Fauci was vocal as to the shortcomings of the government's response to the pandemic. He identified a conflict-ridden political structure and a broken health-care system as stumbling blocks in creating an effective response to the pandemic. On the other hand, Fauci credited the scientific community for the rapid development of a vaccine.

Today's public health bureaucracy is a complex system and involves many agencies. The NIH is part of the Public Health Service, which is housed within the Department of Health and Human Services, The Public Health Service includes agencies such as the Centers for Disease Control and Prevention (CDC), and the FDA – Food and Drug Administration. The NIH is the largest public funder of biomedical research in the world, and 84% of its budget of over \$ 49 billion, is awarded in competitive grants to hundreds of thousands of researchers.

While the federal health bureaucracy is large and complex, under our federal system it was only part of the nation's effort to combat the spread of Covid-19. State governments pursued their own policies to fight the disease, with varying results.

**BUREAUCRACY**

Bureaucracy is a system of government in which power is divided among different departments and officials.

**PROS AND CONS**

**Benefit of Bureaucracies**

Bureaucracy is supposed to make an organization more efficient by dividing up work into areas of specialty. It also acts as a quality assurance mechanism.

**Weaknesses of Bureaucracies**

In practice, bureaucracy often leads to delays and red tape as decisions have to be made by a large number of officials.

**EXAMPLES**

- 1 Post Office
- 2 Military
- 3 Education system
- 4 Police force
- 5 Healthcare industry
- 6 Tax agency
- 7 Home insurance industry
- 8 Social security administrations

HELPPFULPROFESSOR.COM

### How the Bureaucracy is Organized

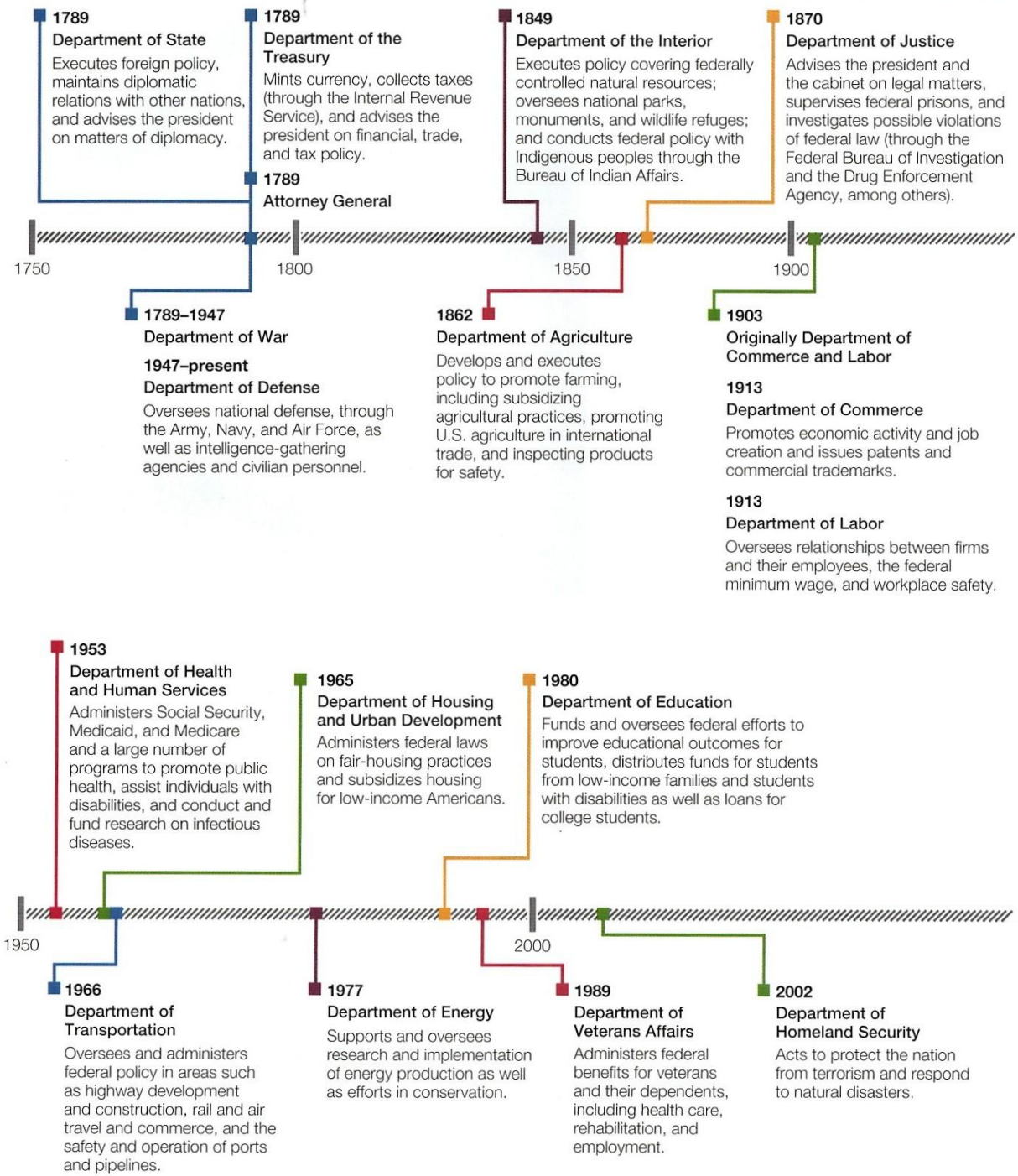
**What is a bureaucrat? By definition, a bureaucrat is an official employed within a government entity.**

Behind a bureaucrats' involvement in daily life are the demands of the American people. They require safe products, fair labor standards, and environmentally conscious factories, with the federal bureaucracy regulating much of the nation's economy and private life.

At first, the federal government bureaucracy was a small set of departments employing only a few people. Over time, the bureaucracy has grown enormously, by 2023 it had more than two million civilian employees. This growth has **not** been steady and gradual. It has seen periods of little growth as well as intense expansion. As the nation's populations and boundaries have grown so has the bureaucracy. In addition, responses to times of crisis, economic, social and military, have seen some of the most dramatic expansions.

The basis for bureaucracy is found in Article II of the Constitution. The president is allowed to obtain the opinion of executive branch departments and cabinets to assist in executing the laws of the nation. The president nominates these cabinet secretaries and then they are approved by the Senate. The president can also remove these officials in the executive branch; a power related to the president's role in ensuring the laws are faithfully executed.

## Executive Branch Departments: Year of Establishment and Their Main Tasks



A term often associated with government patronage is **political patronage – filling administrative positions as a reward for support rather than merit**. One of the early presidents known for this was Andrew Jackson who had so many under patronage that he had to use them for only half a term as he owed so many “favors.”

As the nation grew, the **Pendleton Act** in 1883 created the first United States Civil Service Commission. The goal of the act was to design and enforce rules on hiring, promotion, and tenure of office within the civil service. Under these rules the **Federal Civil Service was created – a merit-based bureaucracy that excluded the armed forces and political appointments**. To try and ensure efficiency it used a **Merit System – a system of hiring and promotion based on competitive testing results, education, and other qualifications rather than politics and personal connections**.

In the early years of the Pendleton Act only a small percentage of federal bureaucrats were qualified under the system but by 2023, more than 90% of hirings were qualified under this act. **A merit-based civil service emphasizes the importance of professionalism and expertise and members of the civil service are to behave neutrally, ensuring that regulations are enforced uniformly throughout the nation.**

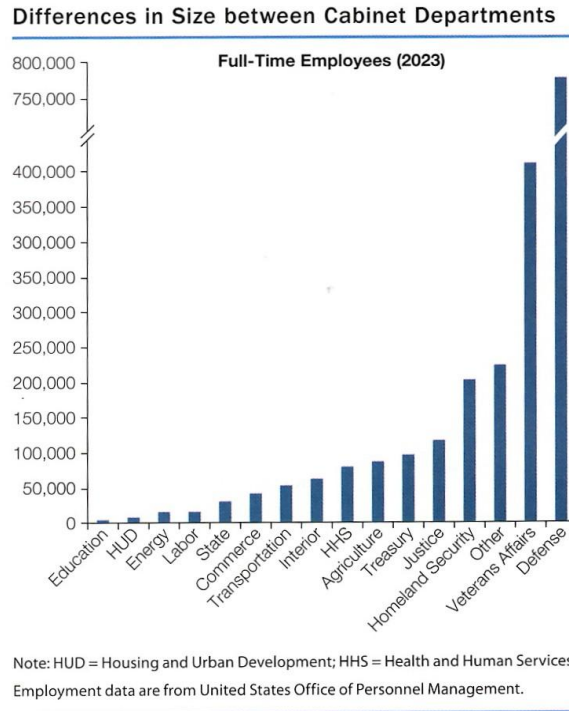


### **The Structure of the Modern Federal Bureaucracy**

Today’s federal bureaucracy is a complex web of organizations. The chain of command starts with the president who has to ensure that their bureaucracy faithfully executes the laws of the nation. The president, with Senate confirmation, appoints people to the top levels of the bureaucracy and directs and advises the departments, bureaus, and agencies how they should go about putting the laws into effect.

**When the American people feel that the bureaucracy has failed, the president becomes the target for their frustrations and outrage.**

The main administrative units in the federal bureaucracy are the fifteen cabinet departments, as shown in the graph below. Congress has the authority to establish and fund these departments, with each being responsible for a major area of public policy, Then, they are usually divided into subunits based upon the policy in which they specialize.



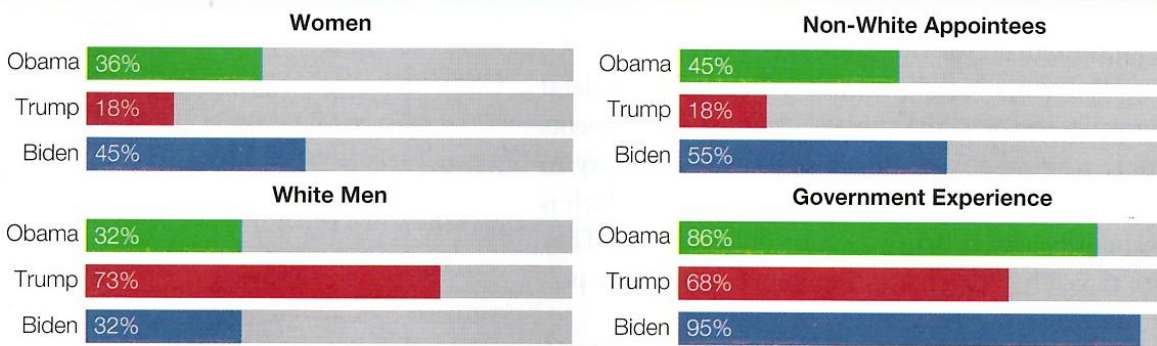
Cabinet departments are headed by cabinet secretaries or by the attorney general for the Justice Department. They are all nominated by the President and must be confirmed by the Senate. Even though the secretaries work under the president they rely on Congress for funding and for legislation that sets out specific goals and objectives for their departments.

Being a cabinet secretary is not an easy job. They face pressure from those affected by their actions such as citizens or organized interest groups. They are always under public scrutiny!

The newest cabinet department is the **DHS – Department of Homeland Security** that was created after the terrorist attacks in September 2002. To create the DHS, twenty-two agencies from eight cabinet departments were combined to coordinate preemption of terrorist attacks and national response and preparedness for such acts.

The **TSA – Transportation Security Administration**, is one of these agencies within the DHS.

## Diversity in Cabinet Appointments



These bar graphs compare the initial cabinet picks of the last three presidents.

Data from National Public Radio.

### Authority across the federal bureaucracy is like a pyramid:-

**Top** – executive political appointees (cabinet secretaries, deputy secretaries).

Of the roughly 4,000 political appointees in the executive branch, about 1200 require Senate confirmation. They are usually replaced with a new administration.

**Middle** – members of the Senior Executive Service (SES) who are drawn from the lower ranks of the federal bureaucracy. They enjoy slightly more job security and are paid and treated similar to a vice-president in a corporate business.

**Bottom** – the vast majority of the employees are civil servants who are ranked according to the General Service (GS) levels. Entrance and advancement is through the merit system which consists of examinations, educational qualifications, and performance reviews. Career civil servants in this group enjoy considerable protections from termination, especially for political reasons. Their job security is intended to provide a consistent policy implementation from administration to administration.

### Iron Triangles and Issue Networks

**The Iron Triangle is a mutually beneficial association of bureaucratic agencies, congressional committees, and interest groups, all working in specific policy areas.**

They are a crucial and important part of the policymaking process.

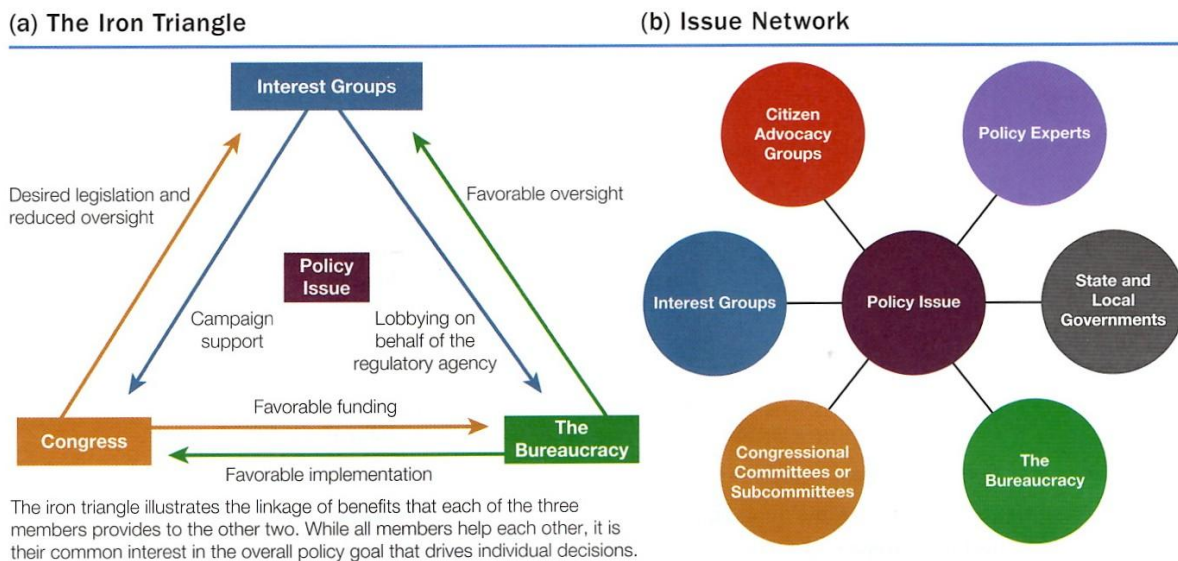
The three parts – bureaucracy, Congress, and interest groups work with each other to achieve shared policy goals even if they oppose the general interests of society. Member of the triangle act as factions, each helping the other two members and receiving benefits from the relationship.

Those who support the **elite theory** argue that iron triangles benefit powerful interest groups, rather than the public as a whole.

**The Issue Network is a temporary association of bureaucratic agencies, congressional committees, and interest groups formed to address a specific policy.**

Any one issue may give rise to competing issue networks, each will then advocate for a different side of the issue. Issue networks also involve more interests than iron triangles.

**Example:** some believe that there is an iron triangle in the health-care industry that includes pharmaceutical companies, the NIH – National Institutes of Health, who research vaccines, and Congress who budget money for the administration of vaccines and other drugs. The issue network model includes others who have an interest in health care, such as patient advocacy organizations.



### **Bureaucratic Rulemaking Authority, Discretion, and Enforcement**

Making public policy involves a series of steps. The policymaking process is fluid, constantly changing, and most of all, political. The American political system is designed to have multiple points of access and debate throughout the process.

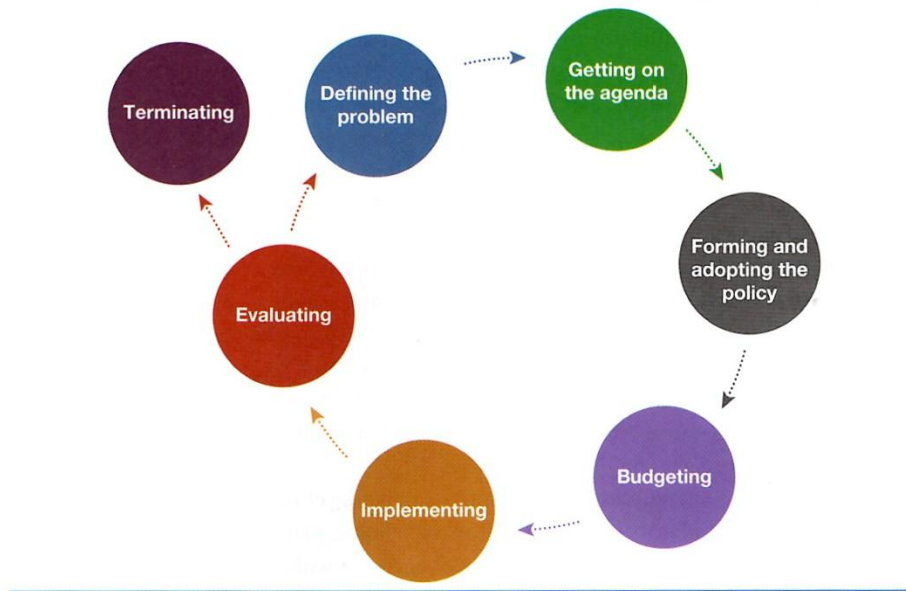
What may be the most simple, nonpolitical part of policymaking maybe simply defining the problem. One way to exercise power in the policymaking process is by getting policymakers to agree with your definition of the problem.

Getting a policy proposal on the **policy agenda** – *the set of issues on which policymakers focus their attention* – is crucial to influencing the policymaking process. It is vital to examine the merits of the issue as well as the political and economic climate and how the public views an issue.

Getting a policy proposal on the agenda is only the beginning. The policy has then to be debated and passed by Congress and signed into law by the president. Financing an adopted policy is also a political process. Although an agency has the authority to act on a policy it is Congress that must provide sufficient funds for its implementation.

#### The Policymaking Process

---



#### Implementation, Rulemaking, Advising, and Representation

The main function of the federal bureaucracy is **implementation** – *putting into action the laws that Congress has passed*. This is not a simple process. The laws are introduced into a body of existing policies, sometimes with competing demands.

Many bureaucrats interact directly with citizens in an environment that makes it difficult to observe and control their behavior effectively. Law enforcement officers, teachers, and social workers are all examples of street-level bureaucrats. There are many times where a street-level bureaucrat has to “bend the rules” to do their jobs.

When Congress passes laws, it often sets only general goals and targets. This leaves many of the details, definitions, and specific procedures up to the bureaucratic agencies. This is because Congress rarely has the specific technical and specialized knowledge. This now requires **bureaucratic discretion – the power to create and enforce policies and decide what Congress meant when it passed a law**. Often a law is too vague or too broad so bureaucrats then have some power to create and enforce what Congress passed.

The process in which the federal bureaucracy fills in critical details of a law is called **regulation**. By definition, ***regulation is the process through which the federal bureaucracy makes rules that have the force of law, in order to carry out the laws passed by Congress.***

Agencies must first announce a proposed set of rules and allow interested parties to weigh in; a process called **notice and comment**. Agencies must notify either the president or Congress about the anticipated impact of a proposed rule or set of rules. Finally, the adopted rules, known as **regulations**, must be published in the *Federal Register*, which is published every year and is around 70,000 pages. These regulations are very important as they have the same power as congressional legislation, presidential executive orders, and judicial decisions.

There are over 100 agencies and cabinet-level departments in the national government with regulatory powers. The majority are within the executive branch. Examples are the EPA - Environmental Protection Agency, FEC – Federal Elections Commission, and the SEC – Securities and Exchange Commission.

At the same time, there are approximately twenty independent regulatory agencies, better known as commissions, such as the FCC – Federal Communication Commission. Although these commissioners are political appointees, their set terms are intended to isolate them from political influence. The first of these commissions was the ICC – Interstate Commerce Commission which was founded in 1887 to regulate the railways.

At times, the bureaucracy may also act like a court. It can settle differences between parties over the implementation of federal laws and executive orders or it may determine which individuals or groups are covered under a regulation or program – a role called **bureaucratic adjudication**. Agencies can even issue fines or penalties against those who violate federal regulations.

Federal employees are restricted from engaging in political campaigns. The **Hatch Act** of 1939 restricted political activities by federal civil service employees. The **Federal Employees Political Activities Act** of 1993 relaxed some of these restrictions, allowing most federal employees to run in nonpartisan elections and to contribute to and participate in fundraising for political campaigns as long as they do not do so in their official capacity.

### **Evaluation and Maybe Termination**

**Evaluation** – *determining if a policy is achieving its stated objectives* – is just as important as the other policymaking processes and it is just as controversial. Anyone who has a particular interest or expertise in a particular policy area participates in the evaluation of policy effectiveness.

Congress has the authority to formally terminate a policy but it can be difficult even when there is widespread opinion that it is not working. There are, however, other ways to terminate a policy, such as the Courts, especially the Supreme Court, who can terminate a policy through the power of judicial review.

### **Holding the Bureaucracy Accountable.**

Remember the Iron Triangle and Issue Networks? It is important to examine relationships between interest groups and congressional subcommittees. Bureaucrats may be tempted to “look the other way” when enforcing regulations or conduct their jobs in a way to benefit preferred clients or undermine the goals of the agency.

The separation of powers poses a special challenge to controlling the bureaucracy. Authority over the federal bureaucracy is divided among the different branches, which means federal agencies have to answer to the president, Congress, and the federal courts.

#### **The President**

The President can take steps to make sure the bureaucracy is following regulations and using funds wisely - this is called **compliance monitoring**. Due to its huge size, it is often difficult for the president to achieve quick results.

**Ways the President Checks the Bureaucracy**

- Appointments
- Budgets
- Monitoring of rule making
- Reorganization
- Providing guidelines for agency action
- Proposing statutory changes
- Personal intervention

## Congress

The Senate has the power to confirm appointments to high levels of the federal bureaucracy and can pass legislation creating or terminating agencies and programs. Congressional Committees, especially the House and Senate Appropriations Committees allocate money to fund these agencies.



Congress has established its own bureaucracies to keep tabs on executive agencies. It created the **GAO – Government Accountability Office**, a nonpartisan watchdog that keeps track of federal spending. Through its oversight functions, Congress checks on how executive agencies are exercising their authority and whether they are spending the funds given to them properly.

As part of its oversight funding, the GAO conducted a study of fraud in federal programs established by Congress to support small businesses during the COVID-19 pandemic. In March 2020, Congress passed the **CARES Act** – Coronavirus Aid, Relief, and Economic Security Act to provide economic assistance for workers, families, small businesses and industry. The SBA – Small Business Administration, a federal agency, managed the CARES Act programs. Reports of fraud were widespread and federal prosecutors filed hundreds of cases for fraud, money laundering, identify theft and other crimes.

Congressional oversight of the bureaucracy includes conducting hearings or requiring information from the Agencies. For example, Congress conducted its own hearings into fraud in the COVID-19 pandemic relief programs.

## The Judiciary and the Media

Decision by the federal judiciary can greatly impact bureaucratic behavior. In the case of *Michigan v. EPA* (2015) the Supreme Court overturned the EPA's limits on mercury, arsenic, and acidic gases emitted by coal-powered power plants. Opponents, including the National Federation of Independent Business challenged the regulation because compliance was too expensive. The EPA estimated that its rule would cost businesses \$9.6 billion, although it might prevent up to 11,000 premature deaths and 130,000 cases of asthma each year.

In 2024, the Supreme Court held that it is the responsibility of the judiciary, and not the federal agencies, to decide whether agencies are acting within the authority granted to them by Congress.

In general, **the media** seldom cover the workings of the federal bureaucracy. Because of this, most Americans are not well informed as to the day-to-day workings of the vast bureaucracy and numerous agencies. Many Americans do not even know that such agencies exist. Therefore, public opinion rarely constrains bureaucratic behavior. However, when there is a dramatic failure or a public catastrophe, the bureaucracy is the target of public anger.

Americans want the implementation of national policy to be effective and strong. When they believe this is not the case, they demand change. Americans do **not** want the federal bureaucracy to be too strong. Despite the majority of the population not giving little thought to the bureaucracy, it has a huge impact on their lives and it is a crucial component of American government.

<i>Component of the Federal Bureaucracy</i>	<i>Characteristics</i>		<i>Examples of Agencies &amp; Departments w/ Rationale</i>		
<b>Cabinet Departments</b>	  		 		
<b>Independent Executive Agencies</b>	 		  		
<b>Independent Regulatory Commissions</b>	 		  		
<b>Government Corporations</b>	 				