

Bureaucracy Continued

Problems with the bureaucracy

1. **Red tape**--complex rules and procedures required to get anything done.

You have to make sure that all the rules of the organization are being followed--you do that by filling out forms--everything is in black and white. **There is a paper trail--you can prove you did everything the way you were supposed to.**

Red tape can be used as a weapon against programs that aren't popular with the administration or the heads of agencies. eg: you may have to fill out so many forms, it's just simpler not to participate in a program. The program will cease to exist if no one uses it.

2. **Conflict**--agencies may be working to achieve conflicting goals--eg: The Agricultural Research Service helps farmers grow more and better crops; the Agricultural Stabilization and Conservation Service pays farmers not to grow crops so the price and supply will be stable. eg: DEA trying to decrease the drug supply while the CIA supports drug smugglers

Members of Congress will be reluctant to end a program, even if its purpose has been served or if it is in competition with a new program, because some group somewhere will be hurt--Congressmen don't want to hurt anyone who could vote against them someday--**the whole idea of entrepreneurial politics again.**

3. **Duplication**--two or more agencies seem to be doing the same job--eg: both Customs officials and the Drug Enforcement Administration try to keep drugs from being smuggled into the US.

4. **Imperialism**--the tendency of agencies to grow without regard to their costs or benefits

If an organization was established to "**promote the public good**", how do you know when it's achieved its goal?

The less specific Congress is about the purpose of an organization, the more likely imperialism is to happen. The organization will take on a life of its own.

5. **Waste**--spending more than is needed for a product.

There is little or no incentive for government employees to reduce costs for the agency--they won't get a bonus or be able to keep for the organization the money they saved.

There are often regulation/red tape regarding who products must be bought from--eg: from suppliers in a particular congressional district or only from US manufacturers.

Restrictions are imposed for political gain, but it results in higher costs for the government.

Private businesses have more of an incentive to buy for the lowest price.

Whistle-blowers who try to point out problems risk losing their jobs or being labeled a "trouble maker" and being given bad assignments in the hopes that they will just quit or be passed over for promotions.

They aren't benefited for doing good like they would be in the private sector.

6. **Slowness**--Dramatic change within the bureaucracy is rare because there are so many points along the way where different people are involved in the decision-making process.

People on different sides of the issue may pressure the bureaucrat to support or oppose particular policies.

Difficulty implementing programs--if the goals of the program designed by congress are **not specific enough**, or if the **goals are complex**.

Complex goals take a long time to complete, so it may actually look like the organization is doing nothing.

Often agencies aren't staffed enough to complete all the tasks they are given. eg: employing only 20 or 30 inspectors to monitor the transportation of hazardous waste all over the country. eg: reducing the number of officials working for the EPA will mean that companies will be able to pollute and won't be caught.

Programs may look nothing like they were envisioned to look when they are implemented by others--can change along the way.

7. **Incompetent/inefficient/ineffective employees**

Personnel policies have changed. Appointments to the bureaucracy used to be made in an attempt to reward local supporters or help build up local party organizations--they were needed for nominating candidates and getting out the vote on election day.

Presidents could select people that were at least somewhat supportive of their policies; they could use jobs in the bureaucracy as a reward for Congressmen to vote for their policies.

The Pendleton Act of 1883 transferred patronage jobs in the bureaucracy to merit-based jobs.

It established the Civil Service Commission--now the Office of Personnel Management

The Civil Service Commission/Office of Personnel Management-- establishes procedures to ensure that the bureaucracy works efficiently

1. **Determines appropriate levels of experience, education, and testing** required to get a job within the bureaucracy. Personal or political connections are not enough.
2. **Ranks all civil service jobs** according to level of difficulty. From GS (general schedule) 1--unskilled to GS 18--upper level management.
3. **Establish performance-evaluation programs--**to motivate employees to do a good job and help supervisors decide who should be promoted.
4. **The Hatch Act--**protecting civil servants from being forced to support a particular candidate or party. Prohibits employees from running in partisan elections. They may still run in nonpartisan elections.
5. **Develops procedures for dismissing federal employees.**

It was originally designed to keep people from being fired for political reasons.

No one is fired or demoted, even if they're incompetent, unless his or her superior is prepared to invest a great deal of time and effort.

Supervisors have to keep careful records of employee inefficiency to be able to fire an employee.

It's usually easier for supervisors to make life miserable for unwanted employees--by giving them nothing to do, or giving them something to do that the employee hates.

Frequently, what happens is that someone moves up through the bureaucracy because they are competent at their job and they are promoted. Then at some point,

they may be promoted to a level so high that the job is more difficult than they can handle. An ineffective employee will remain in the job because it's so hard to fire or demote them.

The power of the bureaucracy

It depends on the degree to which appointed officials have **discretionary authority**--the power to make policies on their own, rather than just implementing policies as instructed by elected officials.

Congress is giving this power, its power to make laws, to the president, because he is the one who will appoint the head of the agency.

He will appoint someone who will make the kinds of laws he wants them to make.

eg: appointed officials can decide who will own a television station, what safety devices cars will have; which drugs will put on the market; which groups will be investigated by the FBI and which won't; decide environmental policies in organizations like the EPA, etc.

Agencies benefit from Congressional delegation of power because it's the agency, not Congress, that establishes the rules under which a program will operate.

Congress establishes very vague guidelines within which the organization is expected to work. They are vague when they don't know how best to handle a problem.

Agency regulations have the same power as a law. If people break the rules, the agency can prosecute them. eg: companies can be taken to court for violating EPA standards **What's the problem with that?**

Important policies that are legally binding on citizens are devised by bureaucrats who are not elected and are not vulnerable to public dissatisfaction. Congress gives them the power to make laws by authorizing their creation.

Congressional Control of the bureaucracy:

1. **The appropriation of money**--No money can be spent unless it has first been authorized by the Congress.

Authorization takes place in committees related to the function of the bureaucracy. They establish maximum amounts of money to be spent by the organization. **Authorized funds can't be spent unless they are actually appropriated to the organization by the Appropriations committee and approved by the full Congress--the amounts that are appropriated are always less than the maximum amount that was authorized.** The more detailed the Congressional authorization, the less discretion bureaucrats within the organization will have.

2. **Investigation of the agency** eg: auditing the budget of the organization or expressing opinions on the actions of the organization. The power to investigate isn't listed in the constitution but has been inferred. Congress has the power to subpoena and punish if they don't attend.

3. **Shaping laws** that will be implemented by the bureaucracy. No agency can exist without congressional approval. Congress can determine or influence an agency's behavior through the laws it enacts regarding the agency. Through the law-making process, Congress can change the original intent of an organization. If the agency is doing things Congress doesn't support, through revised legislation, it can narrow the focus of the agency.

4. **Informal control by Congressmen**--intervening between the bureaucracy and constituents.

Individual citizens have little or no direct control over the bureaucracy.

There may be as many as 3 or 4 people working indirectly for the federal government. eg: federal contractors or consultants, or state or local government officials. Congress is even less likely to be able to control them.

Iron triangles--close-knit relationship between the bureaucracy, the industry it regulates and the Congressional committees involved with that industry.

An **agency has been "captured"** when officials from the industry control the important functions of the bureaucracy.

The industry will get its way most of the time because the general public doesn't want to put the time or effort into making sure the regulations are fair and will benefit the public.

When an agency can act autonomously of its controls, it threatens all the democratic principles the bureaucracy is based on. When over-sight committees are non-critical, it destroys the

oversight function.