CONTROLLING THE BUREAUCRACY
CONGRESSIONAL INFLUENCE

Congress has a great amount of power over the bureaucracy because Congress can exercise legislative oversight.

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 appointment of agency heads
  - The Senate has the power to confirm presidential appointments

- **Appropriations of agency budgets**
  - Congress determines how much money each agency gets

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

- **Rewriting legislation**
  - If they wish to restrict the power of an agency, Congress may rewrite legislation 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 investigations**
  - Congress can call bureaucrats to testify before committees and subcommittees to determine whether the agency is complying with congressional intent
  - Congress can investigate agencies

- **Reorganization**
  - By realigning or restructuring departments, agencies and their responsibilities, Congress can contain costs, reduce bureaucratic overlap and improve accountability.

- **Sunset laws**
  - Provides for the law to cease 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

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
  - Oversight is labor intensive/hard work; Lack of technical expertise
  - Congress creates opportunities for casework through red tape
  - Congress lacks expertise/agencies have expertise
  - Congress does not want to be blamed for bad policy
  - Time-consuming