Political Control, Bureaucratic Responsiveness, and Agency Structure

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To Mom, Dad, and Kates

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CHAPTER 1

INTRODUCTION

While the Constitution does not explicitly recognize the ability of Congress to delegate its legislative authority, Congress often confers decision making authority on the bureaucracy.[1] When unelected administrators implement policies under this delegated authority, we hope that these administrators are responsive to direction from democratically elected officials like members of Congress or the president. Yet agencies, and the authority delegated to them, vary greatly. For example, the Department of Defense is responsible for the nation's defense systems and employs over 650,000 civilians, approximately one million uniformed military personnel, and an unknown number of intelligence personnel and private contractors. In contrast, the National Council on Disability, the agency which advises the president on disability policy, employs 26 individuals. This variation in size, purpose, and delegated authority affects how willing and able federal administrators are to respond to political direction.

Scholars have studied the ability of elected officials to control the bureaucracy for some time (e.g. de Tocqueville 1835; Weber 1946; Wilson 1887; Wilson 1989). Important work has demonstrated that both the president and Congress have tools they can successfully implement to encourage agency responsiveness and affect bureaucratic outputs (e.g. Weingast and Moran 1983; Calvert, McCubbins, and Weingast 1989; Ferejohn and Shipan 1990; Wood and Waterman 1991, 1993; Whitford 2005; Bertelli and Grose 2009). Yet, while these analyses do a good job of explaining the characteristics of

[1] The U.S. Supreme Court repeatedly has upheld the idea of delegation, assuming Congress articulates intelligent principles to which the person or agency authorized to act may conform. See, e.g., *J.W. Hampton, Jr. & Co. v. United States*, 276 U.S. 394 (1928) (first establishing the intelligent principle standard); *Whitman v. American Trucking Association*, 531 U.S. 457 (2001) (providing a current interpretation of the intelligent principle standard).

political principals that are important for control, the analyses approach the problem of control from the perspective of elected officials and often ignore the incredible diversity among agencies.

The ability of elected officials to shape bureaucratic policy does not depend solely on effective application of political tools of control. Instead, bureaucracy must have the desire and capacity to implement policies and must be receptive to political direction (Wood 1988). Because organizational structures influence the choices made within the organization, different agency design features should affect an agency's willingness and capacity to respond to its political principals (see Hammond 1986; Hammond and Thomas 1989).

Most of what we know about variation in agency structure comes from the design literature, which tends to look at bureaucratic structure as a dependent variable (Huber and Shipan 2000). This literature examines the political conditions which are likely to foster certain structural design decisions by an agency's political principals; the president and Congress seek to structure the bureaucracy in a way that enhances their capacity for control and tailors agency performance to the principals' specific needs (e.g., Macey 1992; Lewis 2003; Moe 1989; Moe and Wilson 1994). Yet there is little empirical work on the effect of structure on political control and agency responsiveness. My dissertation fills this gap in the literature by examining the structural features that make certain agencies more susceptible to political influence and make other agencies unresponsive to their political principals.

First, I examine the aspects of agency design that foster bureaucratic autonomy. While important work has described different components of the executive establishment, there is no authoritative treatment on the current structure and organization of all agencies and bureaus in the federal executive branch. Using new data on the current structural features of 321 agencies in the federal executive establishment, I generate numerical estimates of agency independence on two dimensions. I account for the fact that agencies are not only structured in ways that can elaborate on the qualifications and characteristics of key individuals at the top of the agency but also are structured

in ways that affect the insulation of agency policy decisions from political influence and review. I demonstrate the usefulness of these Bayesian latent trait estimates by exploring whether structural design features correlate with perceptions of political influence and whether agency structure has changed over time. My analysis suggests that the traditional emphasis on multimember bodies with fixed terms and for cause protections may obscure key differences among agencies. The extent to which the bureaucracy is responsive to elected officials when implementing policy depends on the statutory restrictions placed the ability of those officials to appoint key decision makers and to review agency policy.

Not only do statutory restrictions placed on the ability of elected officials to appoint key agency decision makers and to review agency policy have important implications for political control, the diversity of policy delegated to an agency affects responsiveness. When an agency implements multiple policy goals, that agency may not have the ability or incentive to respond to the demands of both the president and Congress across all policies. In my second paper, I examine the relationship between delegation of policy making authority and bureaucratic responsiveness using a survey of federal administrators. I find that the more policy areas delegated to an agency, the less responsive that agency is to Congress relative to the president. When considered with the existing literature on congressional oversight, my results suggest that concerns about bureaucratic responsiveness must be balanced against the challenges resulting from congressional organization, as the number of policy areas delegated to an agency affects the amount of information needed for Congress to successfully direct agency policy and the organization of Congress makes it difficult for Congress to communicate cohesive direction.

Finally, I examine the consequences of structural independence for bureaucratic performance using new data on compliance with the Congressional Review Act. According to the Congressional Review Act, federal agencies must submit a copy of promulgated rules to both houses of Congress and

to the Government Accountability Office before the rules can take effect. Using a dataset that contains information about each rule submitted by federal agencies to the GAO under the Act from 1996-2012, the third paper in my dissertation explores agency adherence to the law. I find that agencies that are insulated from political review often fail to provide Congress with legally required information regarding agency policy.

Considered together, the three chapters of my dissertation suggest that variation in agency structure across the bureaucracy affects bureaucratic responsiveness to democratically elected officials. As the American political system increasingly relies on bureaucratic governance, there is an underlying assumption that the delegation of policymaking authority to bureaucratic officials is permissible because unelected administrators implement policy under the direction of the president and Congress. However, the organization of an agency has important implications for this assumption of democratic accountability. Not only do the structure and incentives of elected officials affect control, but the structure and incentives of agencies help explain the extent that the bureaucracy is responsive to the president and Congress.

CHAPTER II

WHAT MAKES AN AGENCY INDEPENDENT?

In 1933, President Roosevelt asked William E. Humphrey, a Federal Trade Commissioner, for his resignation from the FTC. Roosevelt felt the "aims and purposes of the Administration with respect to the work of the Commission [could] be carried out most effectively" with Roosevelt-appointed commissioners as opposed to commissioners whose terms carried over from the Hoover administration.[2] Humphrey declined to resign and President Roosevelt subsequently fired him. A lawsuit ensued, making its way to the U.S. Supreme Court. After hearing the case in 1935, the Court held that appointees at the head of agencies structured like the FTC are protected from removal by the president for political reasons.

Since this decision, scholars have focused on independent regulatory commissions as a special type of agency and generally view independence in terms of whether an agency is structured like the FTC – a body with multiple members who serve fixed terms and are protected from removal but for cause (e.g. Verkuil 1988; Wood and Waterman 1991; Breger and Edles 2000; Lewis 2003; Bressman and Thompson 2010). Yet many other structural features insulate agencies from political influence. In focusing on the three distinct legal features of independent commissions, we have limited our understanding of how agencies vary across the bureaucracy and we have failed to address the larger question of what it means for an agency to be independent.

Understanding bureaucratic independence is important for studies of delegation, agency design, political control, and agency policy-making. Because organizational structures influence the choices made within an organization, different agency design features affect an agency's willingness and

[2] *Humphrey's Executor v. United States*, 295 U.S. 602, 618 (1935) (quoting the letter Roosevelt sent to Humphrey).

capacity to respond to its political principals (see Hammond 1986; Hammond and Thomas 1989). Whether political principals design agencies to mirror the political climate at the time a statute is enacted, stack the deck in favor of certain interests, or limit the amount of policy discretion given to an agency, scholars explain structural provisions in an agency's authorizing statute as the result of strategic choices made by the president and Congress (e.g. McCubbins, Noll, and Weingast 1987, 1989; Bawn 1995, 1997; Epstein and O'Halloran 1999; Hammond and Butler 2003).

In this paper, I explore the structure of federal agencies in four ways. First, I identify broad patterns in the structure of agencies across the federal bureaucracy. While important work has described different components of the executive establishment, there is no authoritative treatment on the *current* structure and organization of all agencies and bureaus in the federal executive branch. When describing agency characteristics, most scholars rely on the original public law that established each agency (e.g. Howell and Lewis 2002; Lewis 2003; Wood and Bohte 2004; Lavertu 2013). Yet Congress routinely amends the statutory characteristics of agencies and few agencies operate under the same rules as initially designed. For example, the authorizing statute for the Department of Energy has been amended over 40 times since initially passed in 1977. In order to understand how the Department of Energy currently operates, and how Congress and the president can exert influence over energy policy, it is necessary to account for all of these changes.

Second, I collect and analyze data on the statutory features of 321 agencies in the federal government as outlined in the 2013 United States Code. This data allows me to paint a comprehensive picture of the statutory features of the bureaucracy and identify two distinct aspects of agency design that affect structural independence: limitations on the appointment or removal of agency officials in key decision making positions and limitations on the ability of political principals to review agency policy decisions for adherence to presidential or congressional preferences.

Third, I use a Bayesian latent variable model to estimate structural independence on two dimensions. I account for the fact that agencies are not only structured in ways that can elaborate on the qualifications and characteristics of key individuals at the top of the agency but also are structured in ways that affect the insulation of agency policy decisions from political review. I demonstrate the usefulness of the model by comparing the estimates of five agencies that vary on both dimensions and exploring whether structural design features correlate with perceptions of political responsiveness.

Finally, I compare the initial design features of a random sample of agencies with those agencies' current design features to illustrate how agency independence has changed over time. While the leadership structure of each agency largely remains constant, the policy decisions of several agencies have become more insulated from political review. This analysis provides further evidence that accounting for structural design changes is important when considering how an agency operates.

In summary, my examination of structural independence suggests that the traditional emphasis on multimember bodies with fixed terms and for cause protections may obscure key differences among agencies. Specifically, the statutory provisions that influence agency policy decisions from review by political principals are important structural features that affect the ability of the president and Congress to influence agency policy.

What Does It Mean To Be An Independent Agency?

When considering the independence of an executive agency from the president or Congress, one must first define the term "agency." Yet cataloging administrative agencies is difficult. Congress defines "agency" in relation to particular laws and courts adjudicate what constitutes an agency on a

case-by-case basis.[3] As a result, every published list of federal executive agencies is slightly different. I define an agency to be any executive entity led by one or more political appointees appointed by the president and confirmed by the Senate and any sub-part of such entity that both Congress and the president recognize as organizationally distinct. This definition allows me to consider large agencies such as the Department of Homeland Security and smaller bureaus like DHS's Domestic Nuclear Detection Office.

Just as defining "agency" is a complicated task, determining what it means for an agency to be "independent" is also difficult. The most commonly cited statutory definition of independence comes from the Administrative Procedure Act (APA), which defines an independent establishment in the federal government as "an establishment in the executive branch (other than the United States Postal Service or the Postal Regulatory Commission) which is not an Executive department, military department, Government corporation, or part thereof, or part of an independent establishment."[4] In contrast to this inclusive definition of an independent agency, the definition of independent agency most commonly cited by federal courts comes from the description in *Humphrey's Executor v. United States*, which suggests that a truly independent agency is one that is headed by a multi-member body whose members serve fixed terms and are protected from removal except for cause.[5]

Scholars treat these independent commissions as distinctive because their structure arguably allows for more autonomous policymaking in the agency. For example, because the president cannot remove members except for neglect of duty or malfeasance in office, scholars generally view commissions as less responsive to the president than other agencies (e.g. Wood and Waterman 1991;

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[3] *See, e.g., Soucie v. David,* 448 F.2d 1067 (D.C. Cir. 1971); *Nicholson v. Brown*, 599 F.2d 639 (5th Cir. 1979); *Franklin v. Massachusetts*, 505 U.S. 788 (1992); *Citizens for Responsibility and Ethics in Washington v. Office of Administration*, 556 F.3d 386 (D.C. Cir. 2009).

[4] 5 U.S.C. § 104 (2013).

[5] 295 U.S. 602 (1935).

Hammond and Knott 1996; Lewis 2003; MacDonald 2007; Shotts and Wiseman 2010). Yet the organization of agencies aside from the three features traditionally associated with commissions can be similar across independent agencies, commissions, and executive agencies (see Strauss 1984; Miller 1986; Devins 1993; Moreno 1994). Because agencies across the executive branch have structural features that insulate them from presidential and congressional influence, scholars would benefit from a more nuanced approach that takes into consideration the wide variety of structural features that affect political influence rather than place agencies in sparse, rigid categories (independent or not).

Congress organizes agency authorizing statutes in very similar ways. Typically, each authorizing statute establishes the agency, specifies its mission, describes the agency's key leadership structure, and then explains how the agency should implement policy. For example, the Food and Drug Administration's statute first establishes the agency as a bureau within the Department of Health and Human Services, describes the agency's mission to promote public health, and then elaborates on the structure and powers of the Office of Commissioner of Food and Drugs, the agency's leader.[6] Next, the statute authorizes the FDA to implement a wide array of policies, describes when the agency should engage in rulemaking and adjudication, and specifies when the FDA should consult with Congress, the president, other agencies, and various constituencies when making policy decisions.[7]

Given the way Congress organizes agency statutes, it appears that the United States Code generally elaborates on two aspects of agency design. First, an agency's statute will describe the qualifications and characteristics of individuals employed by an agency. In the example of the FDA, most of these provisions are found in the sections that elaborate on the structure and powers of the Commissioner's Office. Second, an agency's statute will describe how the agency should implement policy and explain when the agency should or should not involve political actors like the president and

[6] 21 U.S.C. § 393 (2013).

[7] See, e.g., 21 U.S.C. §§ 333-387 (2013).

Congress when making policy decisions. For example, the FDA's statute requires the agency to hold an adjudicatory hearing (which prohibits external actors like members of Congress from privately communicating with the agency regarding the policy issue in question) when the FDA takes certain policy actions relating to the importation of drugs.[8]

Both aspects of an agency's authorizing statute have important implications for agency autonomy. Statutes that specify an agency's leadership structure place limitations on political officials' ability to appoint or remove individuals on the basis of loyalty, ideology, or programmatic support. Similarly, statutes that describe how an agency should implement policy place limits on principals' centralized review procedures and allow agencies to make policy decisions without concern over political interference. Because these two aspects of design account for an agency's autonomy in making policy, it is important to consider both when explaining structural independence.

Limitations on the Appointment of Key Agency Decision Makers

The first aspect of agency design related to independence consists of statutory limitations or qualifications placed on the officials in the agency's leadership. Presidents use political appointees in an effort to gain control over federal policymaking (e.g. Heclo 1977; Moe 1985; Lewis 2008). However, an agency's statute can restrict appointments in a number of ways. First, a statute can place limitations on the type of individual appointed, providing for qualifications related to expertise, party, or other characteristics. For example, the authorizing statute for the Defense Nuclear Facilities Safety Board mandates that not more than three board members may be of the same political party and

[8] 21 U.S.C. § 384(l)(2)(B) (2013).

members must be civilians, respected experts in the field of nuclear safety, and cannot have a significant financial relationship with the Department of Energy or any of its contractors.[9]

In addition to placing limitations on the appointment of federal officials, some statutes fix the terms of political appointees and an official's removal except for cause. A statute can further limit opportunity for political influence if the terms are staggered. When the terms of members of a board expire at different times, like in the Farm Credit Administration,[10] political principals cannot change the entire makeup of the agency's key decision makers at once.[11] In the case of multi-member boards or commissions, some agency statutes require that a certain number of members be present for the agency to conduct business. This ensures that agency leaders cannot enact policies that are unpopular with the board by scheduling votes when only the policy's supporters are present.

Some statutory features actually make it easier for the president to exert influence. In contrast to many agencies and bureaus where the Senate must confirm a presidential appointment, some agency statutes, like that of the International Trade Commission, allow the president to designate the chair.[12] Presidents often use chairs in these cases to advance a specific agenda (Strauss 1984; Breger and Edles 2000). Some agency statutes specify that certain officials in the agency serve at the pleasure of the president, implying that the president can remove the official for political reasons.

An agency's location in the bureaucracy also affects political influence. Agencies in the Executive Office of the President are commonly recognized for their loyalty to the president and the president has a significant amount of freedom in the structure and management of those agencies (e.g. Relyea 1997; Patterson 2008). Whether an agency is a bureau that operates within a larger

[9] 42 U.S.C. § 2286(b); (e) (2013).

[10] 12 U.S.C. § 2242(b) (2013).

[11] Some current statutes do not provide for staggered terms, but staggered terms are carried over from previous legislation. In such cases, I consider the members' terms staggered.

[12] 19 U.S.C. § 1330(c) (2013).

organizational structure is also important. Bureaus like the Department of Defense's Defense Intelligence Agency receive direction not only from the President and Congress, but also from the department secretary.

In addition, some bureaus are established in statute, some are statutorily permitted (but not mandated), and still others are established by Executive Order or departmental action. This distinction is important because it can leave the existence and structure of a bureau for executive discretion. While agencies established by legislation are more durable over time, agencies created by executive action are designed in ways that significantly increase the president's influence (Howell and Lewis 2002).

Finally, while a majority of federal employees are covered by civil service laws and regulations that, among other things, protect federal employees against removal without cause and regularize pay grades, some agency statutes exempt employees from these provisions. When employees work outside of civil service laws, increased flexibility in personnel management can allow for lower adherence to the civil service system's merit principles and invite opportunities for political influence.

Limitations on Political Review of Agency Policy Decisions

Another important aspect of autonomy is the ability of an agency to make policy decisions without political interference. Commonly thought of as political principals' tools of ex post influence, these structural features provide for review of agency policy decisions for adherence to presidential and congressional preferences.

First, most agencies must submit budgets, legislative materials, and economically significant administrative rules to the White House's Office of Management and Budget (OMB) for centralized

coordination.[13] Submission of these materials allows the president to keep tabs on agency decisions. Knowledge of agency programs and activities (and the president's veto power) helps the White House influence agency policy. Yet not all agencies are subject to OMB review. In addition, agency litigation generally is centralized through the Attorney General's office (see, e.g., Devins 1993, Karr 2009).[14] While control of federal litigation is typically centered in the Department of Justice in order to promote coherence and consistency, several agency statutes exempt the agency from this requirement and authorize the agency to litigate on its own.[15]

Some statutes specifically require that an agency submit policy to an administration official outside of the agency for approval before the policy's implementation. For example, the Administrator of the Small Business Administration must consult with the Attorney General and the Federal Trade Commission before taking certain research and development actions and then submit the program to the Attorney General for approval before implementation.[16] In addition, some agency statutes still contain legislative veto provisions.[17]

Arguably the most important congressional tool for controlling administrative agencies is the ability to appropriate funds.[18] Whether in the text of appropriations bills, or implied threats to withhold appropriations, Congress uses funding as an instrument to exert influence over agency policy (e.g.,

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[13] See The Budget and Accounting Act of 1921; Executive Order 12,291; OMB Circular A-11; and OMB Circular A-19.

[14] 28 U.S.C. § 516 (2013).

[15] Some agencies litigate independently only in lower courts and some only have the authority to independently litigate on certain issues.

[16] 15 U.S.C. § 638(d)(2) (2013).

[17] Despite the ruling in *INS v. Chadha*, 462 U.S. 919 (1984) that legislative vetoes are unconstitutional if they violate the principles of bicameralism and presentment, hundreds of legislative vetoes are still in the U.S. Code. Agencies generally act as if these veto provisions are valid in order to avoid conflict with congressional committees.

[18] See Article I, section 9 of the Constitution.

Devins 1987; Stith 1988; MacDonald 2010; Note 2012). However, some agency statutes authorize the agency to collect and spend funds outside of congressional appropriations.

The Inspector General Act of 1978 established offices in some agencies across the executive branch in part as a way for Congress to remain informed about problems relating to the administration of agency programs and operations.[19] The act adds a layer of agency accountability to political officials, as each agency's Inspector General must submit semiannual reports summarizing his office's review of agency activities to congressional oversight committees. The purpose of these reports is to provide additional policy direction relating to agency programs and to keep Congress informed regarding agency programs.[20]

Another important aspect of agency decision making involves the use of advisory committees. The most notable example is the Food and Drug Administration's authorizing statute, which requires the FDA to consult with no less than 13 advisory committees concerning agency policy.[21] Advisory committees allow for the participation of external political actors and Congress may use advisory committees to gain influence over agency policy decisions (e.g., Balla and Wright 2001).

Finally, most agency statutes include language that explicitly authorizes the agency to promulgate rules and regulations. However, some agency statutes also include provisions that permit the agency to make policy through adjudication and to use Administrative Law Judges (ALJs). An agency's choice of whether to pursue rulemaking, adjudication, or some other policymaking tool is likely to have an effect not only on policy outcomes, but also on the ability of interested parties to influence the agency's activities (Magill 2004). Agencies that have the authority to engage in both rulemaking and adjudication have the flexibility to choose among various regulatory strategies to

[19] See 5 U.S.C. app. 3 § 3 (2013).

[20] 5 U.S.C. app. 3 § 4 (2013).

[21] See, e.g., 21 U.S.C. §§ 353a(d)(1); 360kk(f) (2013).

achieve desired policy and make it more difficult for political principals to review and reverse them (see, e.g., Nou 2013).

In summary, there are two distinct aspects of agency design that relate to structural independence – provisions that specify the agency's leadership structure and provisions that explain how the agency will implement policy. Agency statutes that place limitations on the appointment of individuals in key decision making positions restrict political principals' ability to control who makes policy within an agency. Agency statutes that limit principals' review procedures allow agencies to make policy decisions outside of political influence. Given these two categories of agency design, an informative description of agency autonomy should account for both.

Measuring Structural Independence

One of the problems confronting scholars who seek to measure structural independence is the ability to capture patterns of association among several observed variables that reflect the presence of the latent independence variable. Similarly, scholars seeking to capture democracy or to explore the ideology of various political actors also seek to understand how observable features relate to an unobservable but theoretically important characteristic (e.g. Martin and Quinn 2002; Clinton and Lewis 2008; Pemstein, Meserve, and Melton 2010). This problem of classifying patterns of association among several observed variables to capture an unobserved latent variable requires a statistical measurement model that allows the scholar to make inferences about the latent trait. Yet, because the latent trait cannot be measured directly, the observed response variables are imperfect indicators of the unobserved trait (e.g. Quinn 2004; Treier and Jackman 2008). Because of the desirability in accounting

for this imprecision in my estimates, I use a Bayesian latent variable model to estimate structural independence.[22]

In addition to requiring the appropriate model, measuring structural independence also requires data on the current structure of agencies. Despite recognition of the importance of agencies' structural features (e.g. Lewis 2003; Wood and Bohte 2004), there is no authoritative treatment on the current structure and organization of the federal executive branch. Therefore, I collect information on the structural characteristics found in the current authorizing statute of 107 federal agencies and 214 bureaus located within those agencies.

Data Collection

I identify the structural features of the 107 agencies in the federal executive branch that are led by one or more political appointees appointed by the president and confirmed by the Senate. Given the political importance of many agency bureaus (e.g., Food and Drug Administration, Consumer Financial Protection Bureau), I also include the 214 bureaus within these agencies that either (1) promulgated a rule covered by the Congressional Review Act from 1996-2012[23]; or (2) are listed in both the September 2012 Employment Cube in the Office of Personnel Management's FedScope and in an agency's organizational chart in the 2012 Government Manual; or (3) are excluded from all of the

[22] A Bayesian latent variable approach has two added benefits (see Clinton, Jackman, and Rivers 2004) – allows for a large number of parameters and allows me to incorporate the important qualitative scholarship has explored the effects of structure on bureaucratic autonomy (e.g. Strauss 1984; Moe 1985; Stith 1988; Devins 1993, 1994; Breger and Edles 2000; Carpenter 2001; Brown and Candeub 2010; Datla and Revesz 2013).

[23] 5 U.S.C. § 801(a)(1)(A) (2013).

above for security reasons.[24] In total, my dataset includes 7 agencies and 1 bureau in the Executive Office of the President, 15 executive departments and 205 bureaus within the departments, and 85 agencies and 8 bureaus located outside of the executive departments and the EOP.

For each agency or bureau in my dataset, I identify the original public law that established the agency and that law's corresponding citation in the current U.S. Code. I collected information on a total of 50 structural features. These include: the location of each agency, features of agency governance, agency powers, and aspects of political oversight.[25] For a few variables, notably those relating to OMB review, congressional oversight, and agency administrative law practices, I referenced materials outside of the agency's statute.[26] Where possible, I validated my data using a variety of different sources.[27]

My dataset is unique because it captures the *current* structure of each agency and bureau, as opposed to the initial design features of the agencies when they were first authorized (see, e.g., Howell and Lewis 2002; Lewis 2003; Wood and Bohte 2004). While examination of the public law that originally authorizes an agency is informative when exploring questions related to initial design, the original public law is not as useful in understanding the current structural features that influence independence. Congress routinely amends the statutory characteristics of agencies and few agencies operate under the same rules as initially designed. For example, Congress has amended the authorizing statute for the Department of Commerce at least 61 times since initially passed in 1903. In order to

[24] Defense Intelligence Agency, National Geospatial-Intelligence Agency, National Reconnaissance Office, and National Security Agency.

[25] Some bureaus are not established in U.S. Code. I include an indicator for those agencies and all variables relating to statutory characteristics are coded 0.

[26] Contact author for a full list of sources, the codebook describing the variables and their coding, and the statutory provisions justifying the coding.

[27] Sources include Breger and Edles (2000); Datla and Revesz (2013); *Free Enterprise Fund v Pub. Co. Accounting Oversight Bd*., 130 S.Ct. 3138 (2012) (Breyer, J. Dissenting)

understand how the Department of Commerce operates today, it is necessary to account for all of these changes.

However, my focus on current authorizing law does place limitations on the data. Statutory provisions located outside of the current authorizing statute may impose additional requirements on an agency. For example, the U.S. Code references the United States Postal Service in 32 different titles. While my dataset focuses on the USPS's structure as laid out in Title 39, other titles undoubtedly impose additional reporting requirements, procedures, and the like. In addition, not all structural features are detailed in statute. Some are determined by agency action and administrative law clarifies others. In particular, federal regulation or agency directives elaborate upon the structure of many bureaus. I rely solely on statutory law for the sake of consistent coding across all agencies and bureaus and so that I may capture the structural agreement that currently exists between Congress and the president.

Model Specification

In order to capture the relationship between the structural variables found in agency and bureau statutes and structural independence, assume each of the $j = 1, \ldots J$ structural features of an agency or bureau are theorized to correlate with the unobserved independence of an agency i. A Bayesian latent variable model allows me to construct an estimate of structural independence x_i^* that not only describes the relative independence of an agency relative to other agencies and bureaus, but also shows how much uncertainty I have regarding the estimate. For all agencies and bureaus, $i \in 1 \ldots N$, I assume:

$$\boldsymbol{x}_i \sim \mathrm{N}(\beta_{j0} + \beta_{j1} x_i^*, \sigma_k^2)$$

This model assumes that the observed correlates of structural independence **x** are related to independence in identical ways across all N agencies and bureaus, but different measures may be

related to independence in different ways.[28] For example, I assume the presence of staggered terms is related to structural independence in the same way across all agencies and bureaus, but may be related to independence in a different way than whether the agency or bureau is located in the Executive Office of the President. The model specification allows me to recover estimates of the latent structural independence x_i* (factor score) and the extent to which the observed structural features are related to the latent trait (factor loadings).

Given the discussion of structural characteristics above, I seek to estimate structural independence in two dimensions. To identify the center of the latent parameter space, I assume that the mean of $x[1]_i$* (independence in the first dimension) and $x[2]_i$* (independence in the second dimension) are both 0. To fix the scale of the recovered space, I assume that the variance of x*[1] and x*[2] are both 1. For every structural feature that limits political influence in an agency or bureau's policy process I assume that $\beta[1]=0$ and for every structural feature that places limitations on who may serve in an agency or bureau's key leadership positions I assume that $\beta[2]=0$.[29] Thus, each legal mandate that places limitations on who may serve in an agency or bureau's key leadership positions determines only the first dimension (Independence of Decision Makers) and the structural features that affect political influence in an agency or bureau's policy process determine only the second dimension (Independence of Policy Decisions). While I define the dimensions based on theoretical considerations, exploratory

[28] I assume diffuse conjugate prior distributions: the prior distribution of β_k conditional on σ_k^2 is normally distributed and the prior distribution for σ_k^2 is an inverse-Gamma distribution (Jackman 2009).

[29] To address concerns about "flipping," I assume that higher values of statutory limitations on the appointment and removal of decision makers correspond to positive values in the first dimension and higher values of limitations on political review of agency policy correspond to positive values in the second dimension.

factor analysis confirms my theoretical argument that the observed statutory design features fall within these two dimensions. [30]

I use the Bayesian latent factor model described by Quinn (2004) and implemented via MCMCpack (Martin, Quinn, and Park 2011). I use 100,000 estimates as a "burn-in" period to find the posterior distribution of the estimated parameters then use one out of every 1,000 iterations of the subsequent 1,000,000 iterations to characterize the posterior distribution of the estimates.[31] For most variables, I do not assume a structural feature is positively or negatively correlated with independence. However, for some features like "for cause" protections, there is considerable consensus among legal and political science scholars about the relationship between that particular structural feature and independence. In those seven cases, I constrain the variable to be either positive or negative.[32]

Figure 1 graphs the relationship between an agency's structural features and the independence of that agency's decision makers. The circles indicate coefficients and the lines estimate the precision associated with those coefficients. In general, the variables relate to the independence of an agency's key leadership in expected ways. Bureaus, placement inside the cabinet, and location in the EOP are negatively correlated with the independence of an agency's decision makers. The relative permanence of an agency, as indicated by whether the agency is mandated by statute, is positively correlated with independence.

Variables associated with leadership structure are most strongly correlated with the independence of agency decision makers. Consistent with previous research, the presence of a multimember board or commission at the top of an agency hierarchy has a strong relationship to independence. The presence of long and staggered terms, for cause protections, and quorum

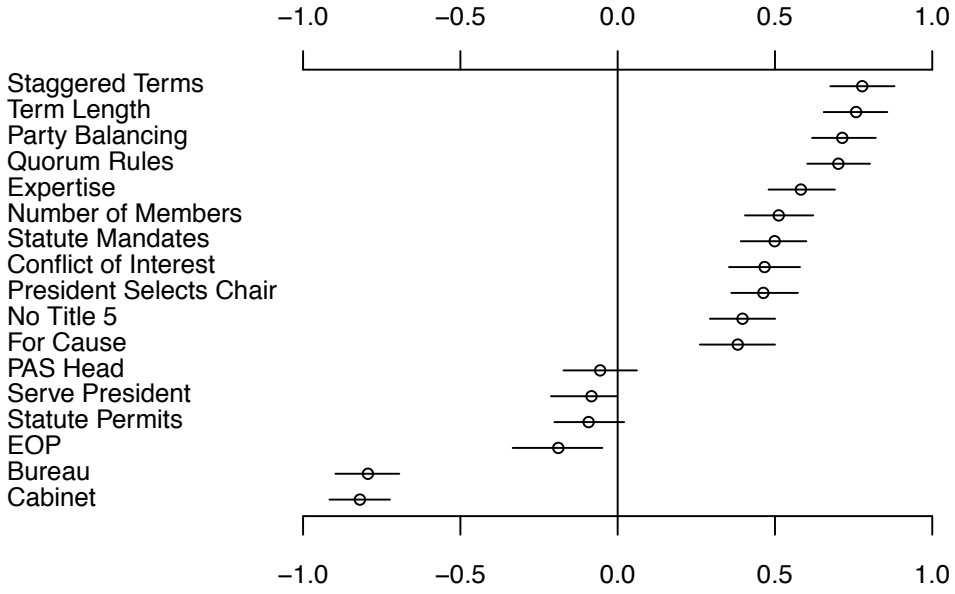
[30] See appendix, Tables 8 and 9, for analysis.

[31] The R code used to fit the model is included in the Appendix.

[32] See appendix, Table 10 for list of structural features and constraints included in each dimension. Alternative specifications are correlated at higher than .95.

requirements are also highly correlated with independent decision makers. Of the leadership structure variables, whether a statute specifies that an agency head serves at the pleasure of the president appears to have the weakest relationship to structural independence. This may be because in the absence of for cause protections, all agency heads are assumed to serve at the pleasure of the president.[33]

Figure 1. Factor Loadings for Independence of Decision Makers



As expected, all limitations on appointments are positively correlated with the independence of decision makers. In addition, exemption from civil service laws is positively related to independence. This may be the result of two factors. First, some statutes permit agencies to exempt certain employees from civil service requirements in order to allow for the recruitment and retention of highly specialized workers. These provisions can increase the expertise of an agency relative to political principals and

[33] Indeed, most court jurisprudence concerning independent agencies focuses overwhelmingly on removal (not service) provisions. See, e.g. *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 130 S. Ct. 3138 (2012); *Humphrey's Executor*, 295 U.S. 602; *Myers v. United States*, 272 U.S. 52 (1926).

create an impediment to political control (see, e.g., Freeman 1958; Rourke 1972; Weingast 2005). Second, if the president or Congress wants to direct agencies through changes in the personnel policy, there is no common personnel system and expertise in employment is decentralized in exempt agencies.

Finally, despite legal research theorizing that selection of an agency chair by the president decreases the independence of the chair, the coefficient associated with presidential selection is positive and statutes that provide for the head of an agency to be appointed by the president and confirmed by the Senate are relatively uncorrelated with the independence. This may be a reflection of design decisions made by Congress. While Congress allows the president to select the head of agencies that are otherwise very independent, Congress reserves a role for the input of the Senate in more political agencies.

Figure 2. Factor Loadings for Independence of Policy Decisions

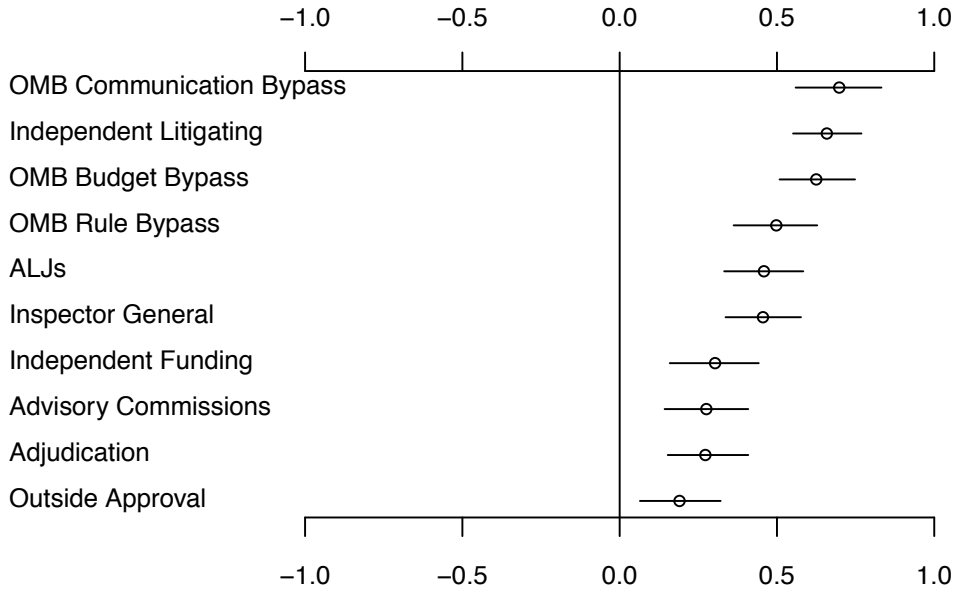


Figure 2 graphs the extent to which the structural features that limit political influence in an agency's policy process are related to the independence of an agency's policy decisions. Provisions that remove an agency from OMB review, allow the agency to litigate on its own, and remove an agency from the congressional appropriations process are positively related to independence. The requirement that an agency obtains outside approval before implementing policy, the use of advisory commissions, and the application of the Inspector General Act to an agency are all positively correlated with structural independence. This may be because Congress uses these tools to gain information on otherwise independent agencies. Finally, both the ability of an agency to choose between adjudication and rulemaking and the presence of administrative law judges are positively correlated with structural independence.

Estimates of Structural Independence

The model of structural independence produces estimates of the independence of agencies in each of the two dimensions.[34] I validate these estimates in two ways. In order to assess the face validity of the estimates, I highlight the estimates of five different agencies. As a check on the predictive validity of the measure, I examine the relationship between the two dimensions and federal administrators' perceptions of political influence over agency policy.

First, a detailed examination of five agencies illustrates the face validity and utility of my measure. Figure 3 plots all agencies in my dataset and then highlights the Board of Governors of the Federal Reserve System (FED), the Office of National Drug Control Policy (ONDCP), the Office of Acquisition Policy (OAP), the Broadcasting Board of Governors (BBG), and the Federal Aviation Administration (FAA). In Figure 3, a black diamond indicates the point estimates each of the agencies

[34] See Appendix, Table 11, for a list of all agency estimates on both dimensions.

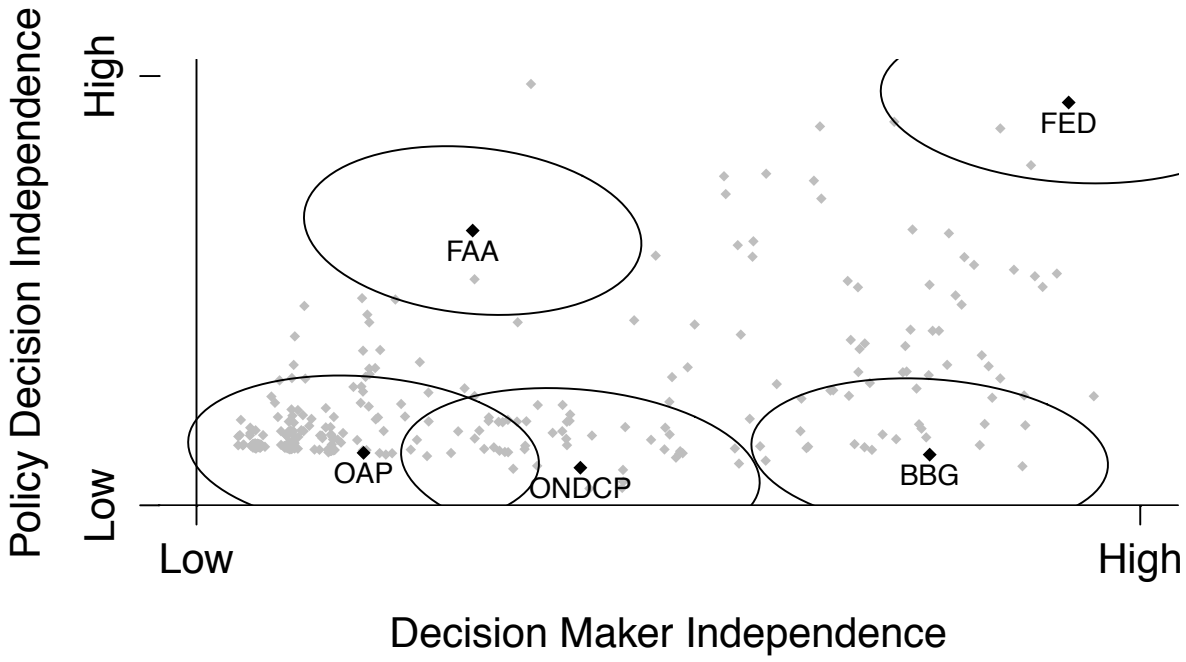
and the ellipse around the diamond indicates the 95% confidence interval associated with the estimates. The decision makers dimension is on the x-axis and the policy decision dimension is on the y-axis.

The Board of Governors of the Federal Reserve System is generally recognized as one of the most autonomous agencies in the federal executive establishment. This agency conducts the nation's monetary policy by influencing monetary and credit conditions in the economy. The seven members of the board serve 14 year, staggered terms (the longest of all federal agencies), are protected from removal except for cause, and may only take action when five or more members of the Board are present.[35] Thus, the estimate of the structural independence of the agency's decision makers is quite high (2.235). While the Board is subject to oversight by Congress, its decisions do not have to be ratified by the president or any other member of the executive branch and the agency is completely exempt from the appropriations process. As such, one would expect a high estimate of policy decision independence and the Board and its bureau, the Consumer Financial Protection Bureau, have the two highest policy decision estimates at 3.867 and 4.100 respectively.

In contrast to the Federal Reserve Board, agencies located in the Executive Office of the President are traditionally considered to be extremely political. One such agency is the Office of National Drug Control Policy, which advises the president on drug control issues and coordinates drug control activities. The director of the office, formally known as the Director of National Drug Control Policy, is often referred to as the drug "czar." Given the location of the office, the political importance of its director, and the need for the office to work closely with politicians and other federal agencies to coordinate policy, one would expect ONDCP's estimates to be low on both dimensions. Indeed, the estimate of the independence of ONDCP's decision makers is relatively low at 0.434 and estimate for the independence of the office's policy decisions is among the lowest of all federal agencies at -0.727.

[35] 12 U.S.C. § 241 (2013).

Figure 3. Five Highlighted Agencies



There is a large cluster of agencies with estimates that are lower than the ONDCP and other EOP agencies on the decision maker dimension. The vast majority of these agencies are bureaus that are not established in the U.S. Code and thus their structure, policy, and even existence are not guaranteed in statute. In contrast to agencies created in statute, these bureaus are subject to easier reorganization or termination. One such agency is the Office of Acquisition Policy, which has one of the lowest estimates of all agencies and bureaus on the decision maker dimension (-0.380). The OAP is a bureau within the General Services Administration (GSA) responsible for writing the Federal Acquisition Regulation (the rule book for all federal agency procurements). In doing so, the agency must consult with politicians and other agencies and has one of the lowest on the policy decision dimension (-0.540).

The OAP, ONDCP and the Federal Reserve Board are three examples of agencies at the extremes in terms of independence. Yet there are agencies with high estimates on one dimension and low estimates on the other. Take, for example, the FAA, which is a bureau located in the Department of Transportation and authorized to implement law relating to aviation safety. While the FAA's decision maker estimate is relatively low at 0.024, the FAA's decisions are largely insulated from political review. The FAA bypasses both OMB budget and legislative communication review, is authorized to deal in property as the agency deems necessary, and uses ALJs in making policy. As such, the FAA's policy decision estimate is relatively high at 2.256.

In contrast to the FAA, the estimates of the Broadcasting Board of Governors are relatively high in terms of limitations placed on political principals' ability to appoint key decision makers and relatively low on the policy decisions dimension. The BBG is the multimember agency that oversees U.S. civilian media international broadcasts. The BBG's authorizing statute contains many limitations on the appointment and removal of key agency officials,[36] resulting in a high estimate on the decision makers dimension (1.719). In contrast, the BBG's statute contains no limitations on political review of agency decisions and looks very similar in that regard to more political agencies. Thus, the estimate for the agency on the policy decision dimension is -0.563.

In summary, a detailed examination of five agencies that vary on the different dimensions demonstrates the face validity of the estimates. These comparisons suggest that the estimates allow us to distinguish among agencies that would otherwise look similar if we simply evaluated whether an agency's structure has one or two specific features. For example, the authorizing statutes of both the Federal Reserve Board and the Broadcasting Board of Governors provide for multimember bodies and fixed terms, but the agencies differ greatly with respect to the number of limitations placed on political review of agency policy. In addition, a comparison of the estimates of agencies which are generally

[36] See, e.g., 22 U.S.C. § 6203 (2013).

categorized as independent commissions suggests that the agencies differ in terms of structure.[37] For example, estimates for independent commissions on the decision makers dimension range from 0.136 (Foreign Claims Settlement Commission) to 2.346 (Federal Reserve Board) and the estimates for commissions on the policy decision dimension range from -0.267 (National Mediation Board) to 3.867 (Federal Reserve Board).

Of course, no agency is completely immune to politics. An agency's structural features may place barriers to political influence but political actors can work hard to overcome these roadblocks. For example, even though the Securities and Exchange Commission's estimates are relatively high on both dimensions (1.312 and 3.566 respectively), in the wake of the financial crisis in 2008, SEC policy reflected presidential preferences (see, e.g., Bressman and Thompson 2010). The relationship between agencies and their political principals varies with the political landscape. The structural independence estimates set aside factors such as political saliency and simply take into account the statutory barriers designed to limit political influence.

Application: Estimating Political Influence

I assess the predictive validity of my estimates by exploring whether structural design features correlate with political principals' influence over agency policy. Scholars have conducted important work showing how agency ideology and structure can influence responsiveness to elected officials (e.g., Wood and Waterman 1991, 1993; Lewis 2003; Snyder and Weingast 2000; Wood and Bohte 2004). However, this work generally is limited to traditional considerations of whether an agency falls into specific categories of agencies like fixed terms, autonomous budget authority, or location in the cabinet.

[37] See Appendix, Figure 10 and accompanying text for a fuller discussion.

To measure the influence of political principals, I use the Survey on the Future of Government Service,[38] a survey of nearly 2,400 appointed and career federal executives from across the federal bureaucracy. I use the following survey question: "In general, how much influence do the following groups have over policy decisions in your agency?" The question then proceeds to ask about the "White House," "Democrats in Congress" (the majority party in the House and Senate at the time of the survey), and "Republicans in Congress" (the minority party in the House and Senate at the time of the survey). To facilitate comparing relative influence, respondents assessed the influence of each group using a grid that lists all of the groups being rated. The relative influence of each group ranged from 0 ("None") to 4 ("A great deal"). Because I am interested in variation in responses at the agency level, I use the average response of executives in each agency as my dependent variable.

To explore whether an agency's structural independence is correlated with perceptions of political influence, I use both dimensions of the new estimates of independence. These two dimensions are correlated at 0.342. Given that the survey question asks respondents to assess the influence of political principals over agency policy decisions, I expect that as the independence of an agency's policy decisions increases, the perceptions of political principals' influence over agency policy should decrease.

However, it is not clear whether to expect a relationship between the independence of decision makers and perceptions of influence. One of the benefits political principals, and most specifically the president, derive from the ability to make appointments is that these individuals will presumably make desired policy without any need for political interference. In agencies with few statutory restrictions on who may serve in key leadership positions, administrators may not perceive political influence because

[38] The Woodrow Wilson School of Public and International Affairs of Princeton University conducted this survey in the fall-winter of 2007-2008. While the overall response rate was 33% (2,398 respondents), the response rate was higher among career professionals than among appointees. The sample is representative of the population of federal executives with regard to partisanship. See Clinton et al 2012 for more details.

principals should not have to exert influence over their own people. In agencies with many statutory restrictions on key leadership positions, administrators may not perceive political influence simply because key decision makers are insulated.

Of course, other factors influence executives' perceptions of political principals' influence. As such I estimate models with a number of controls. First, because the number of committees that oversee an agency may affect the relative influence of the agency's political principals (Miller and Hammond 1990; Laffont and Tirole 1993; Hammond and Knott 1996; Gailmard 2009; Clinton, Lewis, and Selin 2014), I control for the number of committees that have oversight jurisdiction over each agency.[39] Second, I control for the ideology of each agency (Clinton and Lewis 2008) to account for the possibility that an agency's ideology either affects the actual influence over agency policy or else influences executives' perceptions of influence. Finally, I include the natural log of the number of individuals employed by the agency.

I estimate regression models using ordinary least squares.[40] In order to compare the utility of my estimates against that of including an indicator variable for independent commissions, I include two separate models for each measure of influence – one with the two dimensions of my measure and one with an independent commission indicator. Table 1 presents the results of the models estimating the influence of the White House, Democrats in Congress, and Republicans in Congress over agency policy.

[39] To measure committee oversight, I use daily issues of the Congressional Record of the 110th Congress to identify each hearing at which an executive branch official testified.

[40] Because regression diagnostics suggest heteroskedasticity, models are estimated with robust standard errors. For all models, some agencies appear as an outlier as well as an influential point. The statistical and substantive effects of the variables of interest do not change meaningfully with the exclusion of these observations. See appendix, Table 13.

Table 1. Influence of Political Principals over Agency Policy Decisions

	Influence of White House		Influence of Dems in Congress		Influence of Repubs in Congress	
	Coefficient (Std. Err.)		Coefficient (Std. Err.)		Coefficient (Std. Err.)	
Decision Makers	-0.173		0.117		-0.089	
	(0.120)		(0.112)		(0.116)	
Policy Decisions	-0.184**		-0.201**		-0.098**	
	(0.078)		(0.077)		(0.078)	
Commission		-0.449**		-0.172		-0.220
		(0.193)		(0.160)		(0.157)
Bureau		0.156		0.007		0.155
		(0.150)		(0.124)		(0.122)
Committees	0.012	0.008	-0.002	-0.009	0.001	-0.001
	(0.010)	(0.013)	(0.009)	(0.011)	(0.008)	(0.010)
Agency Ideology	-0.201**	-0.235**	-0.053	-0.046	-0.090	-0.111**
	(0.075)	(0.069)	(0.050)	(0.057)	(0.056)	(0.056)
2007 Employment	0.108**	0.138**	0.097**	0.091**	0.068**	0.078**
	(0.044)	(0.044)	(0.035)	(0.036)	(0.034)	(0.036)
Constant	1.640**	1.344**	1.308**	1.368**	1.785**	1.624**
	(0.344)	(0.360)	(0.283)	(0.298)	(0.282)	(0.293)
Observations	85	85	85	85	85	85
R^2	0.520	0.432	0.260	0.121	0.277	0.245

Notes: Dependent variable is the amount of influence each group has over policy decisions in the agency.
*p ≤ 0.10, **p ≤ 0.05

As anticipated, structural features that limit political influence in an agency's policy process are negatively correlated with perceptions influence. As an agency's policy decisions estimate increases, the influence of the White House and congressional Democrats and Republicans decreases. The sizes of the effects are similar across all three principals. For example, moving from an agency structured like the ONDCP to an agency structured like the Federal Reserve Board, holding all other variables at their means, is estimated to decrease perceptions of White House influence from 2.728 to 1.572. This a difference of 1.5 standard deviations and the equivalent of moving from an answer that the White House exerts "a good bit" of influence over agency policy to responding that the White House exerts "some" influence.

In contrast, statutory limitations on who may serve in an agency's key leadership do not significantly or substantively affect perceptions of influence. This is not to say that these types of limitations are ineffective in insulating agency decision makers. It may be that key officials in agencies

with low estimates on the decision makers dimension do in fact implement the policies that political principals prefer. However, they likely do so without administrators perceiving political intervention.

Consistent with those studies that suggest structuring an agency as a commission removes the agency from presidential influence, respondents in independent commissions report less White House influence than those in other agencies but do not perceive a statistically different amount of congressional influence. While the results regarding independent commissions are consistent with conventional wisdom, the models estimated with my estimates of independence suggest that the traditional focus on the structure of independent commissions as they relate to insulating decision makers (multimember, fixed terms, for cause protection) may be misplaced. Instead, it appears that a lack of influence is correlated with statutory provisions that insulate agency policy decisions from review by political principals.

The other covariates included in the models have reasonable effects. The number of oversight committees has little effect on perception of influence. As an agency becomes more conservative, agency administrators perceive less influence from the White House and congressional Republicans. Finally, as an agency increases in size, executives perceive more influence from both the White House and Congress.

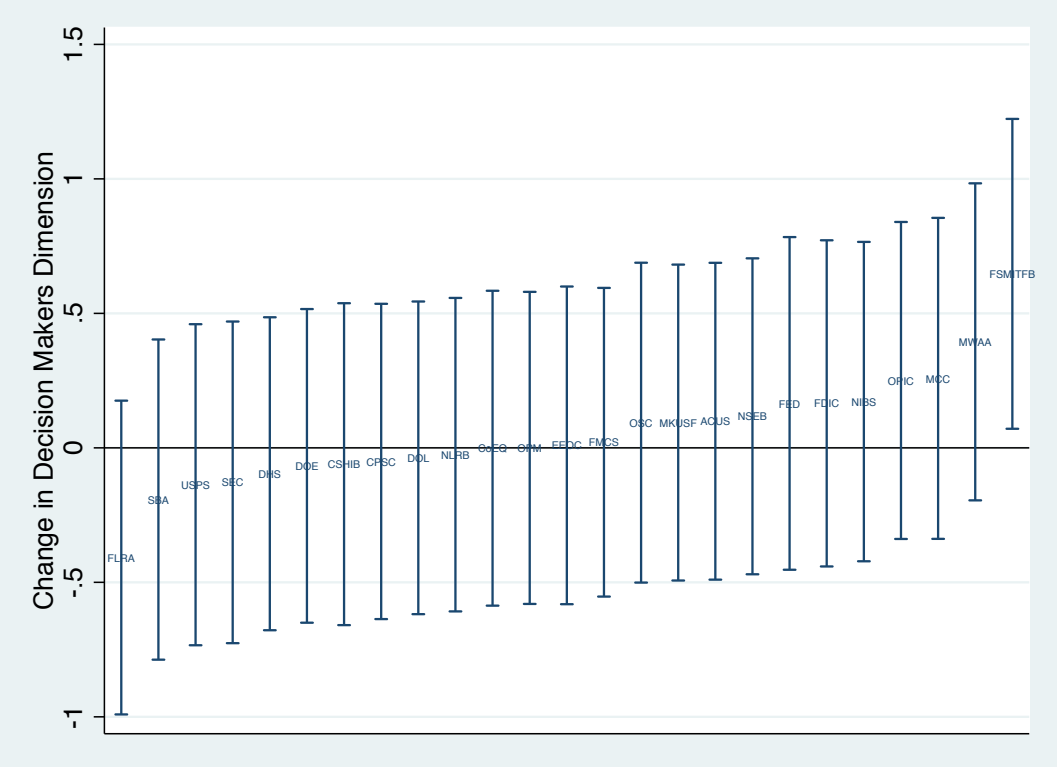
The models of political influence over agency policy decisions suggest that even accounting for traditional considerations of independence relating to statutory restrictions on who may serve in key leadership positions, there is substantial variation in influence due to other forms of structural independence. When agencies are structured in ways that insulate policy decisions from political review, federal executives perceive less political influence over agency policy.

Extension: Agency Structure Over Time

One of the benefits of relying on the United States Code, as opposed to the original public law that established each agency, to determine agency structure is that the U.S. Code captures the current structure of each agency in the federal executive establishment. This is important, as the structural features of an agency can change over time. In order to explore these over time, I compare the initial public law authorizing a random sample of 25 agencies in my dataset to the current statutes authorizing those agencies.

I difference the estimates on both dimensions for each agency as initially structured from the estimates for each agency as currently structured to obtain a measure structural change. Thus, positive values indicate an increase in structural independence and negative values indicate a decrease in independence. Figures 4 and 5 depict these changes. In each graph, the acronym for each agency indicates the change in point estimates on the dimension in question and the lines indicate the level of precision associated with the estimates. In general, current limitations on the appointment and removal of key agency decision makers (Figure 4) are statistically indistinguishable from the initial agency design. The only agency in my sample with any distinguishable change in leadership structure is the Federal Supplementary Medication Insurance Trust Fund Board. Established in 1935, the Board oversees the financial operations of the Supplementary Medical Insurance Trust Fund, which helps finance Medicare. The Board has grown more independent on the decision makers dimension largely because, in 1988, Congress added two public members of the Board who serve fixed terms and must be from different political parties.

Figure 4. Change in Structural Independence on Decision Maker Dimension



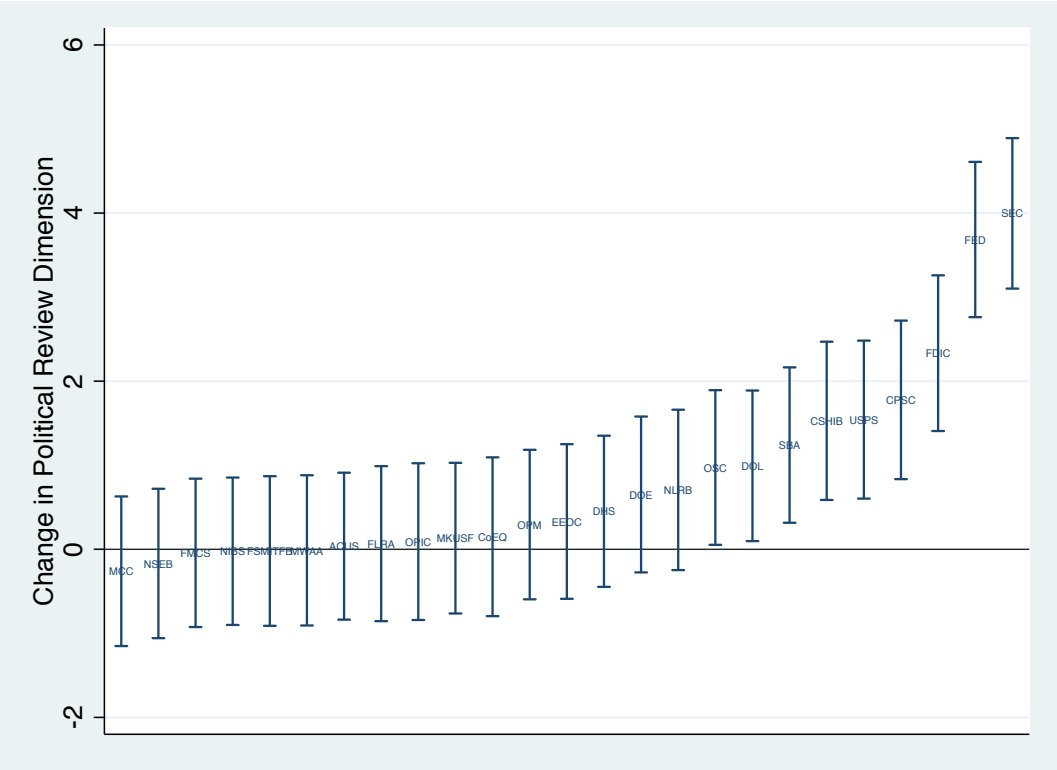
In contrast to the decision maker dimension, several agencies have grown more independent over time on the policy decision dimension. Financial agencies have the largest changes in this dimension, with the Federal Deposit Insurance Corporation, the Federal Reserve Board, and the Securities and Exchange Commission all growing more independent. Since initially established, both the Fed and the SEC have gained independent litigating authority[41] and their statutes' have further elaborated upon the agencies' financial independence from Congress. Over time, the FDIC has gained adjudicative authority and now uses ALJs when making policy.

Perhaps the biggest change in the independence of these and other agencies on the policy decision dimension resulted from the development of OMB review. The Budget and Accounting Act of 1921 first granted the president the responsibility for coordinating federal agency budget proposals and

[41] The SEC only has independent authority to litigate on certain issues.

creating a unified national budget. Similarly, the development of centralized Office of Management and Budget review of communications from agencies to Congress in 1979 and review of proposed agency rules in 1981 further increased political control over federal agency policy. However, over time, several agencies have been granted exemptions from one or all forms of White House review. These exemptions have resulted in an increase in agency independence.

Figure 5. Change in Structural Independence on Policy Decision Dimension



This comparison of initial and current agency design suggests that the structural features of agencies, at least as outlined in statute, do not remain constant. Changes in design choices can reflect the interests and politics of a particular moment in time, concerns about concentration of power in the executive branch, or the need for bureaucratic accountability. In particular, as Congress and the president develop new ways of reviewing agency policy and exerting political influence, these tools of

control will affect the independence of agencies. In order to understand how today's political principals can exert influence over bureaucratic policymaking, it is important to account for these changes.

Conclusion

The structure of the Federal Trade Commission presented an obstacle to President Roosevelt's desire to fill the leadership of the FTC with individuals who shared his preferences. Since then, the limitations placed on the president's ability to appoint key decision makers within the agency have remained largely the same.[42] However, the FTC has become increasingly more independent over time as the result of the addition of structural features that insulate the agency's policy decisions from political review. For example, the agency's ability to implement policy through adjudication and its employment of administrative law judges protect certain policy decisions from political interference. The addition of structural features like these illustrates the importance of considering statutory characteristics outside of those traditionally associated with agency independence. Because the United States Code generally elaborates on the qualifications and characteristics of individuals employed by the agency *and* on the features insulating agency decisions from political influence, it is important that scholars account for both aspects of agency design.

Using a new dataset of the structural characteristics found in the current authorizing statute of 321 federal agencies, I estimate structural independence on two dimensions using a Bayesian latent variable model. I illustrate how agencies vary across both dimensions and then demonstrate the utility of the new measure by exploring whether structural design features correlate with political responsiveness. I find that agencies that are insulated from political review report less congressional

[42] The only change in the agency's statute since 1933 has been to allow the President to choose the FTC Chairman, as opposed to the membership of the Commission choosing the Chairman. See Reorganization Plan No. 8 of 1950.

and presidential influence over agency policy. Finally, I examine changes in structure over time for a random sample of agencies in my dataset and find that bureaucratic structure is not static.

Several implications emerge from this analysis. First, it is important that we consider the current structure of agencies when evaluating political control of the bureaucracy. While the examination of the initial public law that established an agency is informative for exploring questions related to initial delegation and design, it is necessary to account for all subsequent legal changes in attempting to understand how an agency operates today.

Second, many structural features influence the degree of control political principals have over federal agencies. Not only are limitations on leadership structure like fixed terms and for cause protections important, but statutory provisions such as those that grant an agency the ability to choose how to implement policy or remove employees from civil service protections can influence an agency's independence. Discussions of agency design, delegation, and political control should reflect these differences. The extent to which the bureaucracy is responsive to elected officials when implementing policy depends on the statutory restrictions placed the ability of those officials to appoint key decision makers and review agency policy.

CHAPTER III

THE DIVERSITY OF DELEGATION AND CONSEQUENCES FOR BUREAUCRATIC RESPONSIVENESS

In a 2012 oversight hearing, the House Judiciary Committee criticized the Department of Homeland Security for failing to respond in a timely manner to congressional inquiries sent to the agency. Addressing this criticism, then DHS Secretary Janet Napolitano acknowledged while taking nearly a year to answer questions is hardly ideal, there are well over 100 committees and subcommittees that submit questions to DHS at one time.[43] Not only does the sheer number of committees and subcommittees overwhelm the agency, but the wide variety of topics covered by congressional inquiries makes it difficult for DHS to respond to all in a timely manner.

Congressional critics of the agency suggest that DHS has "resisted oversight"[44] and generally failed to respond to congressional policy direction or requests for information. While, as Napolitano suggests, the internal organization of Congress can influence how responsive an agency is to political direction, congressional organization may not tell the full story. Instead, the number of policies delegated to an agency might also affect how responsive an agency is to Congress and the president. For example, in the 110th Congress, DHS Officials appeared before Congress to testify 464 times, discussing a wide variety of topics - from preventing nuclear terrorism[45] and to flood insurance

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[43] Department of Homeland Security Hearing. Committee on the Judiciary, House of Representatives. 112th Congress, 2nd Session. Serial No. 112-136 at pg 36.

[44] "Investigative Report Criticized Counterterrorism Reporting, Waste at State and Local Intelligence Fusion Centers." Senate Committee on Homeland Security and Governmental Affairs, Investigations Subcommittee. October 3, 2012.

[45] Vayl Oxford, Director, Domestic Nuclear Detection Office, Department of Homeland Security. "Preventing Nuclear Terrorism: Hard Lessons Learned from Troubled Investments." Testimony before the Senate Homeland Security and Governmental Affairs Committee. September 25, 2008.

reform,[46] from international fishery protection[47] and oil spill regulation[48] to diversity in the Senior Executive Service.[49] Because all agencies face resource constraints in the form of time, money, and personnel, a large number of agency policies means that agencies must prioritize some policies over others – the more policy areas Congress delegates to an agency, the more likely the agency is to implement some and neglect others.

This paper explores whether agencies implementing programs across multiple policy areas respond to policy direction from one principal over direction from another. Are agencies whose programs cover multiple policy areas more responsive to Congress or the president? The administrative state's critical role in policy-making gives bureaucrats an important voice in the political arena. When unelected administrators implement policies under delegated authority, we hope that these administrators are responsive to direction from democratically elected officials like members of Congress or the president. While important scholarship explores the connection between bureaucratic responsiveness and delegation decisions with respect to the amount of discretion and the number of constraints placed on agencies, there is little empirical work on the diversity of delegated policy.

Using federal employees' own perceptions about their agencies' responsiveness to political principals, I examine the effects of the diversity of delegated policy on bureaucratic responsiveness.

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[46] Edward L. Connor, Deputy Assistant Administrator for Insurance, Federal Emergency Management Agency. "The Flood Insurance Reform and Modernization Act of 2007." Testimony before the House Financial Services Committee, Housing and Community Opportunity subcommittee. June 12, 2007.

[47] Arthur Brooks, Rear Admiral, Coast Guard. "International Fisheries: Management and Enforcement." Testimony before the Senate Commerce, Science, and Transportation Committee. April 3, 2008.

[48] James Watson, Rear Admiral, Coast Guard. "Oil Spill in New Orleans in July 2008 and Safety on Inland River Systems." Testimony before the House Homeland Security Committee, Border, Maritime, and Global Counterterrorism Subcommittee. September 16, 2008.

[49] Bray Barnes, Acting Chief Human Capital Officer, Civil Rights and Civil Liberties, Department of Homeland Security. "Diversity in the Senior Executive Service at the Department of Homeland Security." Testimony before the House Homeland Security Committee, Federal Workforce, Postal Service and the District of Columbia Subcommittee. April 3, 2008.

The number of policy areas covered by an agency's programs has important consequences for responsiveness. When an agency implements multiple policy goals, that agency may not have the ability or incentive to respond to the demands of both the president and Congress across all policies. The number of policy areas delegated to an agency affects the amount of information needed for a political principal to successfully direct agency policy and may also influence the effectiveness of political tools of control. I find that the more policy areas delegated to an agency, the less responsive that agency is to Congress relative to the president.

This paper first considers delegation of policy to the bureaucracy and examines how and why agencies prioritize some policies over others. Second, this paper discusses my use of a survey of federal administrators to explore whether agencies delegated many policy areas are more responsive to the president or Congress. Next, I examine responsiveness to presidential and congressional policies at the agency level, concluding that the number of policy areas delegated to an agency affects the perceived responsiveness of both political appointees and senior level career civil servants. I then analyze responsiveness at the individual level and find little evidence that the number of policy areas also affects bureaucratic responsiveness within agencies. Finally, I conclude by summarizing my findings and exploring their implications.

Delegating Multiple Policy Tasks

Delegation of policymaking authority to the bureaucracy involves a choice between control and expertise, and legislators look to maximize their political goals and protect future policy outcomes from political threat (e.g., Banks and Weingast 1992; Bawn 1995, 1997; Epstein and O'Halloran 1999; Huber and Shipan 2000; Bendor, Glazer, and Hammond 2001). Scholarly work on delegation tends to

focus on two issues – the decision to delegate or not and, in the event of delegation, the level of discretion given to an agency.

For example, all else equal, when preferences between the legislative and executive branch diverge, Congress delegates less and places constraints on discretion (e.g., Epstein and O'Halloran 1999; Huber and Shipan 2000; Volden 2002). Congress is more likely to delegate as uncertainty between policy and outcomes increases (e.g., Epstein and O'Halloran 1999; Bendor and Meirowitz 2004). Congressional opportunities for ex post monitoring and sanctions and the capacity of an agency may affect the level of discretion given to an agency (e.g., Epstein and O'Halloran 1994; Huber, Shipan, and Pfahler 2001; Huber and McCarty 2004).

While this work has given us important insight into when and how much Congress delegates, there has been little attention to the delegation of multiple policies to a single agency.[50] Scholarship on delegation generally looks at each policy in isolation, as opposed to considering that, in most cases, an agency must balance the implementation of multiple policies at once. Given that agencies face time, money, and personnel constraints, it stands to reason that agencies are unable to accomplish all policy goals delegated to them; agencies almost always have too much to do and too few resources available to accomplish everything. Thus, agencies implement delegated authority in terms of specific and immediate goals, and will prioritize some missions over others (see Dixit 2002; deShazo and Freeman 2005).

How do agencies decide what to prioritize? First, agencies tend to overproduce on policies that are complements, as opposed to substitutes (Holmstrom and Milgrom 1991; Biber 2009). When an agency performs tasks that are complementary, each task makes the other easier to perform. For example, it is easier for the Federal Emergency Management Agency to focus on disaster recovery and

[50] But see Epstein and O'Halloran 1999 (suggesting that Congress balances discretion and the number of policy areas given to an agency); Biber 2009 (addressing the challenges of multiple goal agencies).

response, which are both related to disaster relief, than to direct simultaneous efforts at disaster recovery and infrastructure protection, which is part of the agency's national security mandate.

Second, over time agencies develop a culture that recognizes some tasks as more important than others (see Kaufman 1960; Carpenter 2001). For example, federal employees in the Forest Service prioritize professional management of the national forests above all other goals. Similarly, the Central Intelligence Agency traditionally has prioritized intelligence missions over counterintelligence missions. Agencies like the Forest Service and CIA tend to direct resources and effort to their preferred mission and tend to underperform on policies not central to that mission (see Wilson 1989).

Finally, agencies tend to overproduce on policies that are easily measured by principals (Holmstrom and Milgrom 1991; de Mesquita and Stephenson 2007; Biber 2009). Put simply, agencies have an incentive to perform well on policies Congress and the president observe and about which they care. Because the sheer volume of policymaking in the bureaucracy limits the monitoring capacity of the bureaucracy's political principals, Congress and the president will oversee and seek to direct some delegated policies much more vigorously than others (see Spence 1997; deShazo and Freeman 2005). Political direction of agency policy-making rarely centers on the agency's general mandate, but rather focuses on specific aspects of delegated authority. For example, members of the House Energy and Commerce Committee may issue press releases and hold hearings protesting the EPA's treatment of the Texas Flexible Permit Program,[51] rather than on the EPA's general protection of the environment.[52] This type of particularistic oversight shapes the incentives of agencies in prioritizing tasks and agencies are more likely to invest resources in programs on which presidents and Congress center their attention.

[51] The program allows refineries, power plants, and similar industrial companies to escape regulation if total emissions fall below the established limit.

[52] House Energy and Commerce Committee. "Energy and Commerce Members Welcome Court's Decision Curbing EPA's Overreach." August 14, 2012 Press Release.

Responsiveness in Multiple-Policy Agencies

While prior research has demonstrated that agencies prioritize policy goals that are complementary, central to their cultural mission, and easily measured, little empirical research has explored whether agencies faced with multiple policies prioritize one principal's policy direction over another's. All else equal, are agencies delegated multiple policy areas more responsive to the president or Congress?

The number of policy areas delegated to an agency should influence bureaucratic responsiveness to particular political principals in two ways. First, the number of policy areas delegated to an agency affects the amounts of information political principals require to successfully direct agency policy. Political principals need much more information in order to monitor and direct an agency's activities over multiple policy areas as opposed to just one. For example, directing an agency like the Federal Law Enforcement Training Center requires knowledge of the agency's law enforcement programs. However, directing an agency like the Environmental Protection Agency requires knowledge of a wide range of policies – from the environmental programs that affect agriculture to the agency's transportation programs to the EPA programs associated with homeland security. In the case of agencies like the EPA, whose programs cover a wide variety of policy areas, political principals must acquire much more information to determine the extent to which the agency is pursuing presidential or congressional goals. Without that information, political principals' ability to affect responsiveness across all policies is limited.

When compared to Congress, the president should be more successful in acquiring information across all agency policy areas. While both Congress and the president employ methods of obtaining information about agency activities, the president is able to centralize the information and effectively communicate policy priorities for the administration. For example, the Executive Office of the

President regularly receives information about a wide range of agency activities. Through the regulatory review process agencies must submit information to OMB regarding important regulatory activities. In addition, all information an agency sends to Congress (testimony, reports, etc.) usually must first go to OMB.[53] Information gathering tools like these make it much easier for the president to obtain information across a wide range of policy areas.

In contrast, congressmembers rarely have information on all agency activities. Instead, because of the structure of the committee system, congressmembers focus on particular aspects of agency performance. For example, members of the House Energy and Commerce committee may be well versed in the EPA's implementation of renewable fuel provisions of the Energy Independence and Security Act[54] and the members of the House Transportation and Infrastructure Committee may be very familiar with the agency's permitting activities with respect to commercial vessels,[55] but few members have an incentive to acquire information on both programs.[56] And, unlike in the White House, there is no central repository for information collected by congressional subunits. This division of labor among congressmembers and committees is beneficial if the information gained through the actions of multiple committees allows Congress as a whole to direct an agency cohesively. However, if the division of

[53] OMB Circular A-19 requires agencies to submit proposed legislation and other communications to Congress to OMB for review prior to submitting them to Congress. For further discussion of the agencies excluded from OMB review of budgets, rulemaking, and legislation, see Lewis and Selin 2012.

[54] E.g. Robert J. Meyers, Principal Deputy Assistant Administrator, Office of Air and Radiation. "Implementation of Renewable Fuel Provisions of the Energy Independence and Security Act." Testimony before the House Energy and Commerce Committee. May 6, 2008.

[55] E.g. James A. Hanlong, Director, Office of Wastewater Management. "NPDES Permitting Activities with Respect to Commercial Vessel Discharges." Testimony before the Water Resources and Environment subcommittee of the House Committee on Transportation and Infrastructure. June 12, 2008.

[56] In fact, committees may be less likely to focus on agency policies that cross committee jurisdictions because oversight is costly and there is an incentive for committees to free ride (see Gailmard 2009).

labor results in multiple congressional interests acting on their own policy-specific information, then no one group of congressmembers has information about all agency activities.

Second, even if Congress has information on what an agency is doing, Congress may be relatively less successful than the president in directing an agency on what to prioritize. The president has several tools he may employ in attempting to influence bureaucratic policymaking. Presidents can use political appointees nominated on the basis of loyalty, ideology, or programmatic support in an attempt to focus an agency on certain policy goals (see e.g. Heclo 1977; Moe 1985b; Lewis 2008). Presidents can also influence agency priorities through the regulatory and budget review process. Because OMB reviews the economically significant rules promulgated by most agencies, presidents have some influence over agency rulemaking.[57] Furthermore, Congress has delegated, and presidents have assumed, substantial control over the formation of agency budgets. Given his responsibility for collecting agency estimates and formulating a unified national budget, the president can use this power to control agencies through budget proposals to Congress. The budget review process allows presidents to influence which agency policies are prioritized over others through the allocation of more money to the president's favored policy missions. While Congress is responsible for enacting appropriations, the president's proposals carry weight because of presidential knowledge of agency programs and activities. In addition, the president can use his veto power as leverage in negotiating over contents of appropriations bills.

Of course, Congress also has tools to employ in influencing bureaucratic policymaking. The Senate must confirm many presidential appointments, leaving the president to account for congressional preferences in making his various appointments. While the president puts together budget proposals, Congress appropriates the money. As Congress holds the exclusive power to appropriate money, most

[57] Executive Order 12,291 established centralized OMB review of proposed agency rules.

federal agencies may only spend revenues or funds if Congress has appropriated them.[58] Congress uses funding as an instrument to reward and punish agencies in order to exert influence over agency decisions. In addition, Congress monitors agency performance and has developed extensive networks to support its oversight efforts (Aberbach 1990). Agencies must routinely provide Congress and its committees with reports and testimony detailing agency policymaking.

However, whereas the effectiveness of presidential tools should not change with the number of policies delegated to an agency, the effectiveness of congressional tools may. For example, presidents can place political appointees across all policy areas, write the budget to prioritize some policies over others, and OMB reviews budget requests and rules across all policies. In contrast, congressional tools are much more limited in the face of multiple policies because Congress rarely speaks with one coherent voice. An agency wishing to respond to congressional direction must discern whether to follow the direction of the initial congressional majority that created a program, the preferences of the coalition that reauthorized the agency, or the voices of the many committees who oversee the agency and appropriate its funds (Arnold 1987). If these congressional actors disagree on what they want an agency to do, then it becomes difficult for Congress as an institution to influence agency policy (e.g. Dahl and Lindblom 1953; Woolley 1993; Bawn 1995; Balla 2000; Hall and Miler 2008). The bicameral nature of the legislature only exacerbates these problems. Agencies that disagree with one chamber or committee may be able to protect themselves by responding to those that share the agencies' preferences (Wilson 1989; Hammond and Knott 1996).

If individual legislators would like an agency to respond to Congress in a particular way, legislators tend to want their own committees to give the direction (Baumgartner, Jones, and Macleod 2000). This leads to multiple committees being involved in a single agency policy, but providing the

[58] Eleven federal agencies are exempt from the appropriations process (see Note 2012). Several other agencies have statutes that provide sources of funding other than appropriations. See Lewis and Selin 2012 for further discussion.

agency with varying views on that policy (see deShazo and Freeman 2003). Disagreement among committees may disadvantage Congress relative to the president, who can speak with a single voice (e.g., Ferejohn and Shipan 1990; Steunenberg 1992; Wood and Waterman 1993; King 1997; Whitford 2005). Furthermore, this type of disagreement is much more likely when an agency deals with multiple policy areas. Multiple policy areas increases the number of committees who are likely to get involved and, as committees themselves are organized around policies, increases the likelihood that these committees view agency policymaking from different perspectives. As all of the congressional actors try to reconcile their differences, the president may have an opportunity to exert influence (Moe 1984, 1985a, 1987).

Even if everyone in Congress agrees on the same course of action, Congress may still be at a disadvantage. Just like agencies, committees have scarce resources in time, effort, and staff to commit to overseeing agency policymaking, and committees may be motivated to let others bear the costs of initiating a collective response. The incentive to free-ride likely increases as the number of committees increases (Laffont and Tirole 1993; Gailmard 2009), making it less likely that Congress as a whole can compete with the president in influencing agency policy. In addition, the increased transaction costs resulting from the time and resources needed to influence agency behavior collectively, such as information gathering and dissemination, coalition building, and vote-buying, further disadvantage Congress (Dodd and Schott 1979; Miller and Hammond 1990; Hammond and Knott 1996; Gailmard 2009).

In summary, the president should have an advantage over Congress when agencies juggle multiple policy areas. Whereas the structure and interests of Congress make it hard for the legislative branch to direct agencies to prioritize some policies over others, the president's information gathering tools and instruments of control allow him to acquire information across all agency policy areas and

more effectively communicate policy priorities for the administration. This should result in multiple goal agencies being more likely to prioritize the president's policies over those of Congress.

Data, Variables, and Methods

I explore the relationship between the diversity of policy delegated to an agency and the relative responsiveness of agencies to Congress and the president using a 2007-2008 survey of nearly 2,400 appointed and career federal executives from across the federal bureaucracy.[59] Many scholars examine bureaucratic outputs to determine how responsive an agency is to its political principals. For example, if Congress exerts control over the bureaucracy, then bureaucratic outputs should change in response to the interests of Congress or its oversight committees (see Weingast 1984; Weingast and Moran 1984). Yet, examining whether changes in agency outputs correlate with changes in congressional or presidential preferences requires comparing the preferences of the bureaucracy and relevant political actors and is limited to agencies with comparable and measurable outputs (e.g. Sholz and Wood 1998; Snyder and Weingast 2000; Bertelli and Grose 2009).

By using a survey measure of responsiveness instead of examining outputs, I am able to examine the relative amount of responsiveness to congressional and presidential policies across the entire bureaucracy. The executives surveyed are the individuals responsible for implementing the agencies' policies, and thus the executives' perceptions provide insight into responsiveness. If an executive perceives responsiveness among certain employees within his agency, those perceptions are

[59] The Woodrow Wilson School of Public and International Affairs of Princeton University conducted this survey in the fall-winter of 2007-2008. The survey was sent to 7,448 federal administrators and program managers in the various departments and agencies of the federal executive establishment. While the overall response rate was 33% (2,398 respondents), the response rate was higher among career professionals than among appointees. There are responses from 259 political appointees (102 appointees confirmed by the Senate) and 2,021 careerists. An evaluation of public voter registration information revealed that the sample is representative of the population of federal executives with regard to partisanship. See Clinton et al 2012 for more details.

likely to affect how he implements policy. For example, an executive who believes the appointees in his agency are highly responsive to the White House will likely act in a way that corresponds with this belief. In addition, the survey allows me to explore the responsiveness of different types of executives within agencies to determine if political appointee responsiveness differs from senior career civil servant responsiveness.

To measure the responsiveness of agency employees to the policies of the president and Congress, I use the following survey questions: "Thinking about the personnel in your agency, how responsive are these different groups to the policy decisions or pronouncements of Congress?" and "Thinking about the personnel in your agency, how responsive are these different groups to the policy decisions or pronouncements of the President and his political appointees?" These questions then ask about "political appointees" and "senior career civil servants." Federal executives answered the questions relating to both Congress and the president on the same screen, using a grid that listed all of the groups being rated.[60] The perceived responsiveness of each group to the policy decisions of its political principals in the executive's agency ranges from 0 ("Not responsive at all") to 4 ("Very responsive").

Because Congress should be disadvantaged relative to the president when an agency deals with multiple policy areas, I difference the measure of responsiveness to Congress from the measure of responsiveness to the president for both the responsiveness of political appointees and the responsiveness of senior career civil servants. This allows me to account for the possibility that executives may use the scales differently because of how individuals interpret the meaning of the response categories (e.g. if some respondents choose higher or lower values than others). The resulting measure of relative responsiveness can range from -4, indicating complete responsiveness to Congress, to 4, indicating complete responsiveness to the president. Not surprisingly, executives report that the

[60] See Appendix for screen shots from survey (Figure 12) and descriptive statistics (Figure 13, Tables 16 and 17).

relative responsiveness of federal appointees to the president is greater than the relative responsiveness of senior career civil servants. The mean survey response for the relative responsiveness of political appointees is 0.696 with a high of 4 and a low of -3. The mean survey response for the relative responsiveness of senior career civil servants is 0.195 with a high of 4 and a low of -4.

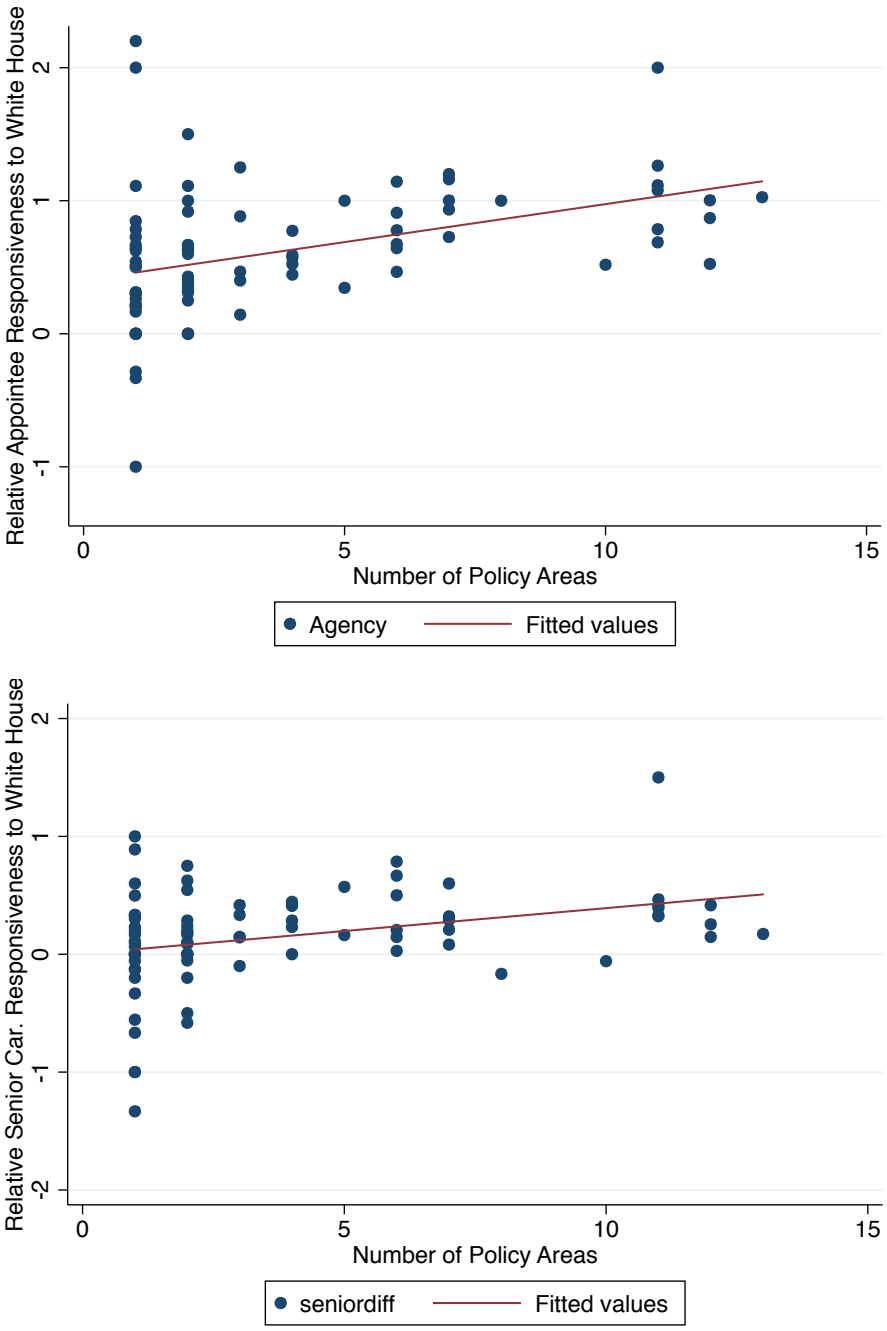
In order to explore whether the number of policy areas is correlated with responsiveness, I use a measure of policy areas taken from the Office of Management and Budget (OMB). As part of the budget preparations during the Bush Administration, OMB categorized all federal programs into 17 policy areas.[61] For each agency, I counted the number of different policy areas covered by programs implemented by the agency.[62] The number of policy areas for an agency ranged from 1 to 13, with a mean of 3.798. Agencies with more specific missions cover few policy areas and agencies with broad missions, including many cabinet departments, cover many more. For example, while the Federal Deposit Insurance Corporation's programs cover one policy area, the Environmental Protection Agency's and the Department of Commerce's programs each cover eleven.

Figure 6 graphs the bivariate relationship between the number of policy areas and relative policy responsiveness aggregated at the agency level. This figure suggests that, with respect to both appointee and senior career civil servant responsiveness, as the number of policy areas covered by an agency's programs increases, so does the president's advantage over Congress.

[61] Programs could pertain to more than one policy area.

[62] For one agency included in the survey (the Federal Reserve Board), OMB did not classify the agency's programs into policy areas. For that agency, I relied on the Agency's reported budget for fiscal year 2007 (the year the survey was administered) and coded the policy areas using the same coding scheme as OMN.

Figure 6. Agency Responsiveness to the White House Relative to Congress



Of course, it is possible that this relationship between policy areas and responsiveness is the result of alternative explanations or confounding characteristics. To examine this relationship further, I first explore how the relationship varies across agencies and then explore variation in the individual experiences of federal executives.

Estimating Agency Responsiveness To Presidential And Congressional Policies

As the discussion above indicates, the number of policy areas covered by an agency's programs may place Congress at a disadvantage because an agency delegated multiple policy areas is likely to cross the jurisdictions of multiple committees. When more committees are involved in monitoring and potentially directing agency policymaking, Congress is less influential than the president for determining agency policy (see Clinton, Lewis, and Selin 2014). Increasing the number of committees undercuts the ability of Congress to respond collectively to the actions of the president and the bureaucracy.

However, it is possible that a large number of committees overseeing an agency delegated multiple policy areas may help Congress overcome the information and monitoring problems associated with many different policies. Whereas one committee overseeing an agency that deals with eleven different policy areas may not be able to monitor effectively all eleven, the presence of multiple committees that focus on different types of oversight and examine distinct aspects of agency performance may be much more successful (see Aberbach 1990; Bendor 1985; King 1997; O'Connell 2006).

To account for the possibility that the number of committees modifies the effect of policy areas on responsiveness, I include a measure of the number of committees actively overseeing an agency and interact that measure with policy areas. To measure committee oversight, I use daily issues of the Congressional Record of the 110th Congress to identify each hearing at which an executive branch official testified.[63] There were a total of 5,819 unique hearing appearances by agency officials from

[63] One problem with this measure is that it relies on observable oversight. As a check on the validity of this measure, I estimate a model using federal executives' self-reports of committee oversight from the SFGS question "How many congressional committees would you estimate exercise active oversight for your agency? (0; 1-2; 3-4; 5-6; 7-8; 9+). This question allows me to capture all forms of oversight, not all of which are observable. The correlation between the two measures is 0.47.

agencies represented in the survey. The Department of Homeland Security stands out as having one of the highest numbers of unique committees – 26 committees and 60 subcommittees heard testimony from DHS officials.

I expect certain agency characteristics to influence the executives' perceptions of responsiveness. First, some structural features of an agency influence the ability of Congress and the president to gather information on agency policy and employ instruments of control. Because scholars generally view appointees who serve fixed terms and are protected from removal without cause as less responsive to the president (e.g. Wood and Waterman 1991; Lewis 2003; MacDonald 2007; Shotts and Wiseman 2010), I include an indicator of agencies with statutory provisions that mandate fixed terms and for cause protections for agency heads or board members.

I account for the availability of two additional mechanisms of political control. The appropriations process is a powerful tool used by Congress to promote agency responsiveness. In order to account for those agencies that are exempt from this process, I include an indicator of agencies that do not rely on Congress for funding. The White House relies on the Office of Management and Budget to facilitate control over agencies, as OMB regularly receives information about bureaucratic policy through the budget, regulatory, and communications review process and, as discussed above, presidents can use this OMB review process to induce responsiveness from the bureaucracy. However, not all agencies are subject to these review procedures. I include a variable coded 0 if the agency is subject to all OMB review procedures, 1 if the agency is exempt from one OMB review procedure, 2 if the agency is exempt from two review procedures, and 3 if the agency is exempt from all OMB review.

Finally, some characteristics of an agency's work environment may influence responsiveness. It may that the overall ideology of executives within an agency biases perceptions of responsiveness. For example, executives in conservative agencies may be more likely to say appointees or senior level career civil servants respond to the policy decisions or pronouncements of a Republican president than

a Democratic Congress. Therefore, I control for the ideology of the agency (Clinton and Lewis 2008) to account for the possibility that an agency's ideology either affects the actual responsiveness of the agency or else influences executives' perceptions of responsiveness. Because the competence of agency employees may affect the ability of agencies to respond to political principals (e.g. Brehm and Gates 1997; Huber and McCarty 2004; Gailmard and Patty 2007), I also control for the reported competence of appointees and senior career civil servants. In addition, I include a measure of the percent of respondents in each agency who are careerists, as opposed to political appointees.

I estimate models of agency responsiveness using ordinary least squares regression analysis.[64] Table 2 provides the agency level regression results for the effect of policy areas on relative appointee and senior career civil servant responsiveness. Across all models, the more policy areas delegated to an agency, the more responsive to the president's policies that agency's is relative to congressional policies. For example, Model 3 for political appointees suggests that, when there is one oversight committee, increasing the number of policy areas from one (minimum) to four (mean) increases relative responsiveness from 0.357 to 0.661, nearly one half of a standard deviation. The difference in relative appointee responsiveness to the president for an agency delegated one policy area compared to an agency delegated thirteen (maximum) is over two standard deviations.

[64] Regression diagnostics verify the data meet the assumptions of OLS regression. For all models, some agencies appear as an outlier or influential point. The statistical and substantive effects of the variables of interest do not change meaningfully with the exclusion of these observations. See appendix, Table 18.

Table 2. Bureaucratic Responsiveness to Presidential Policies Relative to Congressional Policies (Agency Level)

	Relative Appointee Responsiveness to President			Relative Senior Career Responsiveness to President		
	Model 1 Coeff. (Std. Err.)	Model 2 Coeff. (Std. Err.)	Model 3 Coeff. (Std. Err.)	Model 4 Coeff. (Std. Err.)	Model 5 Coeff. (Std. Err.)	Model 6 Coeff. (Std. Err.)
Policy Areas	0.115**	0.115**	0.106**	0.092**	0.090**	0.066*
	(0.027)	(0.028)	(0.025)	(0.027)	(0.028)	(0.026)
Number of Committees	0.023	0.026*	0.027*	-0.001	-0.000	0.003
	(0.012)	(0.013)	(0.011)	(0.012)	(0.012)	(0.012)
Policy * Committees	-0.005**	-0.005**	-0.004**	-0.003	-0.003	-0.002
	(0.002)	(0.002)	(0.002)	(0.002)	(0.002)	(0.002)
Fix. Term & For Cause	-0.214	-0.220	-0.219	-0.203	-0.178	-0.175
	(0.129)	(0.152)	(0.132)	(0.125)	(0.149	(0.138)
OMB Bypass		0.050	0.034		-0.008	-0.034
		(0.074)	(0.065)		(0.082)	(0.067)
No Appropriations		-0.168	-0.164		-0.059	-0.113
		(0.162)	(0.142)		(0.159)	(0.148)
Agency Ideology	-0.098*	-0.097*	-0.071	-0.008	0.008	-0.001
	(0.045)	(0.046)	(0.041)	(0.044)	(0.045)	(0.042)
Careerists			0.362			0.766**
			(0.205)			(0.213)
Appointee Comp.			-0.222**			
			(0.055)			
Senior Careerist Comp.						-0.183
						(0.102)
Constant	0.238*	0.225	1.009**	-0.030	-0.019	0.487
	(0.115)	(0.124)	(0.353)	(0.112)	(0.121)	(0.592)
Observations	78	78	78	78	78	78
R^2	0.361	0.372	0.540	0.220	0.222	0.354

Notes: Dependent variable is the difference between the responsiveness of political appointees to the policy decisions or pronouncements of White House and the responsiveness of political appointees to the policy decisions or pronouncements of Congress.
*p ≤ 0.05, **p ≤ 0.01

However, the number of committees overseeing an agency conditions that effect. The number of policy areas delegated to an agency has a significantly positive effect on the relative responsiveness of the agency's appointees to White House policies when there are few congressional oversight committees. Figure 7 graphs the marginal effect of policy areas on political appointee responsiveness to the White House relative to Congress for 1 committee, 6 committees (mean), and 15 committees.[65] Figure 7 demonstrates that the effect of policy areas declines as the number of committees increases.

[65] For an agency without fixed terms or for cause provisions, without OMB bypass authority, and subject to the congressional appropriations process (holding other variables at their means).

Once there are more than 15 congressional committees overseeing an agency, policy areas no longer have a statistically significant effect on relative responsiveness. [66]

Figure 7. Marginal Effect of Policy Areas on Appointee Responsiveness to Presidential Policies Relative to Congressional Policies (Agency Level)

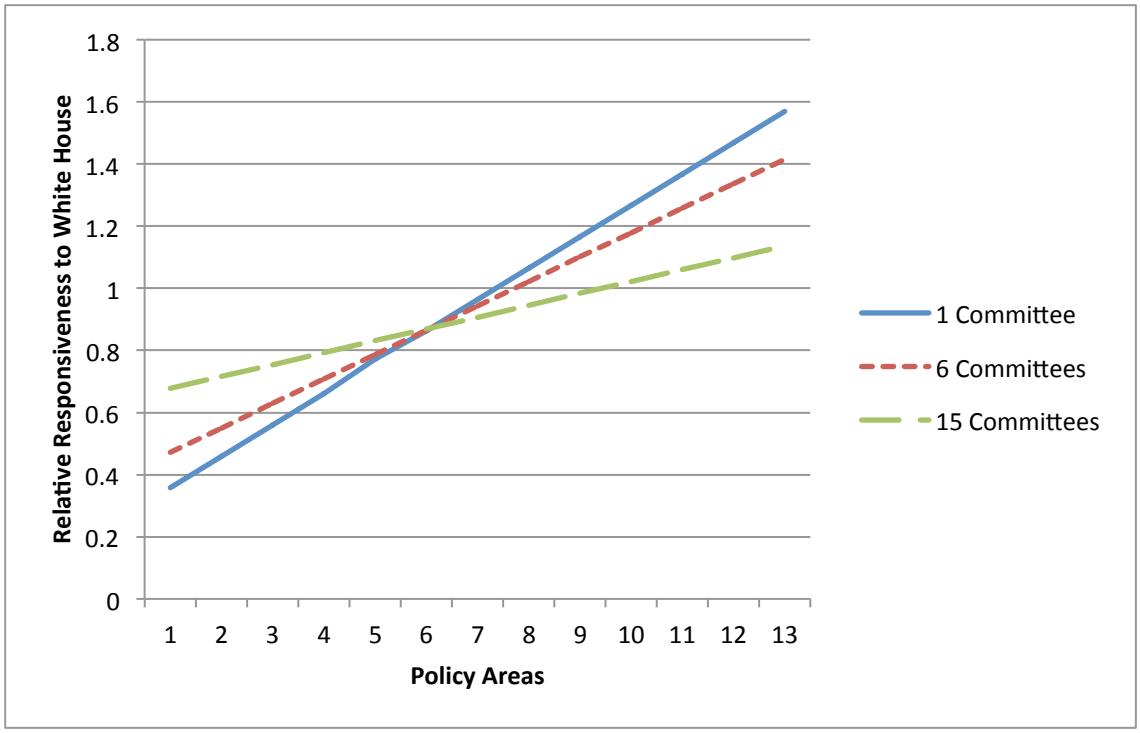


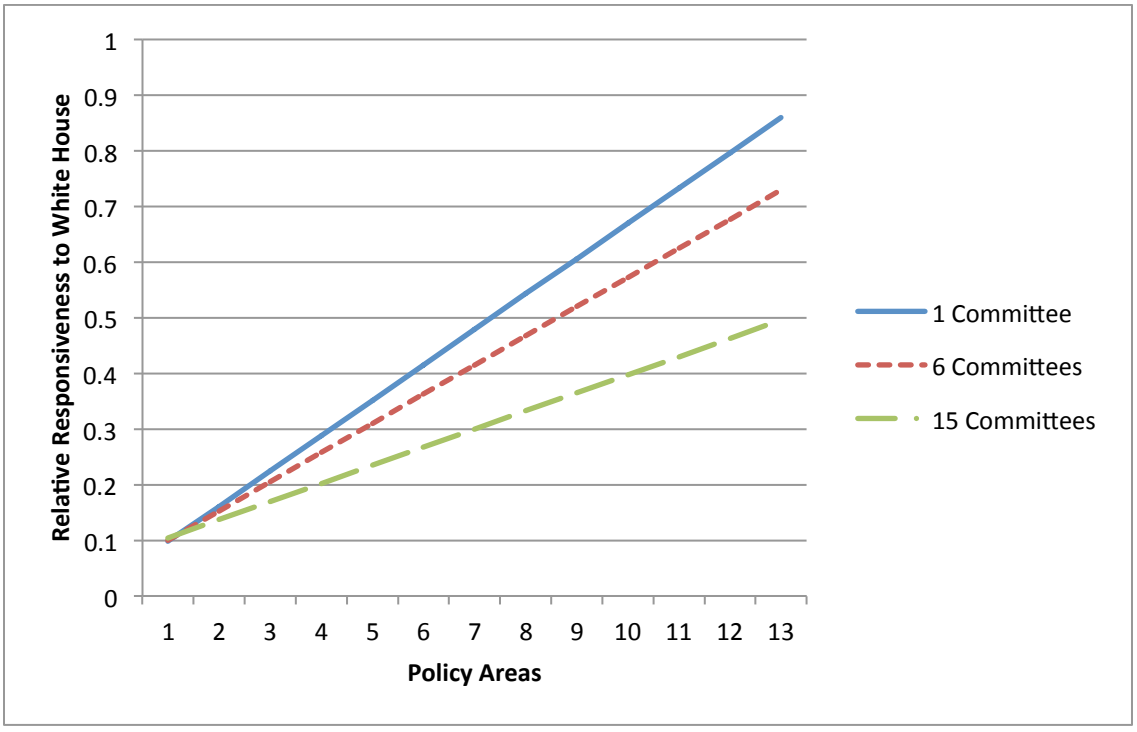
Table 2 suggests that the number of policy areas delegated to an agency not only affects political appointees, but also influences the perceptions of senior level career civil servants. The more policy areas delegated to an agency, the more that agency's senior career civil servants are responsive to presidential policies relative to congressional policies. For example, with one oversight committee,

[66] Twelve agencies in the sample fall within this category, most of which are cabinet departments: the Departments of Agriculture (23), Commerce (22), Defense (29), Energy (24), Interior (17), Health and Human Services (26), Homeland Security (26), Transportation (17), and Treasury (18); the Army (24); the Centers for Disease Control and Prevention (17); and Navy (17). Most of these agencies' programs also cover a large number of policy areas. The appendix contains a model estimated without the cabinet departments in the sample (Table 19). Similar to the relationship examined in Table 2, this model reveals that as the number of policy areas increases, so does the agency's relative responsiveness to the president.

increasing the number of policy areas from one to four increases relative responsiveness by 0.235, which is approximately one half of a standard deviation. The difference in relative senior career civil servant responsiveness to the president for an agency delegated one policy area (minimum) compared to an agency delegated thirteen policy area (maximum) is about two standard deviations.

Just as the number of committees performing active oversight on an agency modifies the effect of policy areas on appointee responsiveness, the number of oversight committees conditions the effect of policy areas on senior career civil servant responsiveness. The effect of the number of policy areas declines as the number of committees increases. Again, like with appointees, once there are more than 15 congressional committees overseeing an agency, the number of policy areas no longer has a significant effect.

Figure 8. Marginal Effect of Policy Areas on Senior Career Civil Servant Responsiveness to Presidential Policies Relative to Congressional Policies (Agency Level)



The other variables in Table 2 generally perform as expected. While the coefficients for the structural variables are almost all negative, indicating that the president's advantage relative to Congress decreases as when an agency's leaders serve fixed terms and are protected from removal and an agency is removed from the OMB review and congressional appropriations process, the estimates are imprecise. There is a significant negative correlation between agency ideology and relative appointee responsiveness to presidential policies. This suggests that respondents in the liberal agencies report the most appointee responsiveness to the president relative to Congress. This may be because the White House targets appointees these agencies in some way or because executives in liberal agencies are the most likely to perceive appointee responsiveness to a conservative White House. Finally, in Model 3 of relative appointee responsiveness, appointee competence has a negative effect and in Model 6 of relative senior civil servant career responsiveness, increasing the percent of careerists in the agency sample increases reported responsiveness.

In summary, when considered at the agency level, the number of policy areas covered by an agency's programs can place Congress at a disadvantage relative to the president. Agencies delegated more policy areas report both appointees and senior civil servants to be less responsive to congressional policies than to presidential policies.

Estimating Individual Responsiveness To Presidential And Congressional Policies

While my agency-level analysis demonstrates that the number of policy areas delegated to an agency affects the responsiveness of that agency's employees as a whole, it cannot account for variation in the amount of responsiveness that may exist within an agency. Just as various structural and agency features have different effects on the responsiveness of political appointees when compared to senior

career civil servants, federal executives who work within the various offices of a single agency may have different experiences or be of a different type.

To examine this possibility, I estimate the relationship between the number of policy areas delegated to an agency and relative responsiveness to the White House at the individual level. In addition to the characteristics of the agency in which an executive works that I included in my agency-level analysis (fixed terms and for cause protections, OMB bypass, no appropriations, agency ideology, competence), I expect several individual level variables to correlate with responsiveness. Just as the overall ideology of executives within an agency may bias perceptions of responsiveness, the ideology of the respondent may also bias perceptions. Thus, I control for the individual's ideology (Clinton et al 2012). Because an executive who deals directly with decisions about grants to state and local governments, other organizations, or individuals may have different experiences with an agency's political principals than an executive who does not, I control for whether the executive's position deals directly with decisions about grants. Similarly, to account for possible systematic differences in either actual or perceived influence, I also control for whether the respondent is a careerist as opposed to a political appointee, whether the respondent works in a field office as opposed to the agency's headquarters, and the number of years the respondent has worked in the agency.

I estimate the models using ordinary least squares regression analysis with robust standard errors clustered by agency. Table 3 reports relative agency responsiveness to presidential policies for both political appointees and senior career civil servants. There is little evidence that the number of policy areas influences relative responsiveness at the individual level. For both appointee and senior career civil servant responsiveness at the individual level, the number of policy areas delegated to an agency does not significantly affect the responsiveness of agency employees to the president relative to Congress.

Table 3. Bureaucratic Responsiveness to Presidential Policies Relative to Congressional Policies (Individual Level)

	Relative Appointee Responsiveness to President		Relative Senior Career Responsiveness to President	
	Coefficient	Std. Err.	Coefficient	Std. Err.
Policy Areas	0.043	0.034	0.058	0.036
Number of Committees	0.001	0.015	0.008	0.011
Policy * Committees	0.002	0.003	-0.002	0.003
Fix Terms & For Cause	0.143	0.088	0.076	0.134
OMB Bypass	-0.205**	0.037	-0.152**	0.055
No Appropriations	-0.211	0.157	-0.304	0.159
Agency Ideology	-0.011	0.058	-0.010	0.035
Appointee Competence	-0.166**	0.030		
Senior Competence			-0.061	0.039
Individual Ideology	-0.091*	0.035	0.090**	0.025
Careerist	0.125	0.087	0.162	0.091
Field Office	-0.125	0.082	0.007	0.071
Years in Agency	-0.001	0.003	-0.022	0.003
Deal with Grants	-0.113	0.101	-0.129*	0.576
Constant	1.259**	0.256	0.319	0.312
Observations	757		807	
R^2	0.160		0.077	

Notes: Dependent variable is the difference between the responsiveness of political appointees/senior career civil servants to the policy decisions or pronouncements of White House and the responsiveness of political appointees/senior career civil servants to the policy decisions or pronouncements of Congress.
*p ≤ 0.05, **p ≤ 0.01

Conclusion

The American political system increasingly relies on bureaucratic governance. While there are many justifications for this reliance, there is an underlying assumption that the delegation of policymaking authority to bureaucratic officials is permissible because the bureaucracy is accountable to elected officials. If unelected administrators implement policy, then they do so under the direction of democratically elected officials like the president and Congress. But as the bureaucracy grows increasingly complex, questions emerge about the level of federal agency responsiveness.

Scholarship on the relationship between responsiveness and delegation has focused on the decision to delegate and the level of discretion given to an agency. While this scholarship provides extensive analyses of initial delegation decisions, it often fails to consider policies in the aggregate. Yet, as my analysis shows, the number of policies delegated to an agency has important consequences for responsiveness. Focusing on the variation among agencies in the 110th Congress, I offer some important conclusions about the relative responsiveness of agencies to the policy decisions and pronouncements of Congress and the president. I demonstrate a strong relationship between the number of policy areas covered by an agency's programs and the lack of appointee and senior career civil servant responsiveness to congressional policies relative to presidential policies at the agency level.

However, increasing the number of committees involved in overseeing an agency can modify the effect of policy areas on responsiveness. While the number of policy areas delegated to an agency has a significantly positive effect on the relative responsiveness of agency employees when there are few oversight committees, this effect declines as the number of oversight committees increases. This suggests that oversight committees may help Congress overcome the information and monitoring problems associated with many different policies. When an agency's programs cover many policy areas, multiple committees that focus on different types of oversight and examine distinct aspects of agency performance may eliminate the advantage the president has over Congress with respect to policy responsiveness.

When considered with the existing literature on congressional oversight, my results have interesting implications. Increasing the number of committees with access to an agency can not only increase the ability of members to secure electorally valuable private goods for their constituents (e.g. Fenno 1973; Mayhew 1974; Fiorina 1977; Shepsle 1978) but also increase the responsiveness of agencies with multiple policy missions. Of course, increasing the number of committees can also bring

a host of other problems for Congress, from increased transaction costs resulting from the time and resources needed to influence agency behavior (Dodd and Schott 1979; Miller and Hammond 1990; Hammond and Knott 1996; Gailmard 2009) to a greater chance of disagreement within Congress over what policies are important (see Ferejohn and Shipan 1990; King 1997; Whitford 2005; Clinton, Lewis, and Selin 2014). Thus, concerns about responsiveness must be balanced against the challenges resulting from congressional organization.

Given that the delegation of multiple policies to a single agency has important effects on bureaucratic responsiveness, scholars would benefit from further consideration of the other ways in which the number of policy tasks assigned to an agency affect performance. Whereas assigning only a few policy tasks to one agency can allow the agency to focus on a single mission and cultivate expertise, some tasks are so connected that creating and overseeing a myriad of specialized agencies is not as attractive as creating one large agency to coordinate all related policies. However, the possibility for coordination also means the agency will prioritize some tasks over others. The more tasks an agency performs, the more likely the agency is to perform some and neglect others. To the extent that the bureaucracy is responsive to the policy decisions and pronouncements of elected officials, agency decisions on what to prioritize tend to favor the president relative to Congress.

CHAPTER IV

AGENCY INDEPENDENCE AND COMPLIANCE WITH THE LAW

In the wake of 2008's financial crisis, Congress created the Consumer Financial Protection Bureau as an independent watchdog agency in an attempt to provide consumer protection against deceptive financial practices. The CFTB's authorizing statute gives the agency one of the most independent structures in the entire bureaucracy and grants the agency broad rulemaking powers. Supporters of the agency's structural design argued that its independence frees it from influence by the banking industry and those who protect it, thereby ensuring more substantive consumer practices.[67] However, critics of the agency have argued that the CFPB has too much regulatory power and is not accountable to Congress. For example, Senator Richard Shelby, then ranking member of the Senate Banking Committee, has argued that "the bureau, as currently structured, lacks any semblance of the checks and balances inherent in the Constitution."[68] In a 2011, Representative Patrick T. McHenry, Chairman of the Subcommittee on TARP and Financial Services of the House Oversight and Government Reform Committee, noted the agency's "disregard for Congressional oversight."[69]

This tension between independence and accountability has important implications for bureaucratic policy. When unelected administrators implement policy under authority delegated by Congress, this delegation is often justified by the fact that democratically elected officials like members of Congress or the president have tools to control federal agencies. Yet not all agencies are equally

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[67] Chan, Sewell and Andrew Martin. "Autonomy of Consumer Watchdog Is in Dispute." *New York Times*, March 6, 2010.

[68] Wyatt, Edward and Ben Protess. "Foes Revise Plan to Curb New Agency." *New York Times*, May 5, 2011.

[69] Wyatt, Edward. "Decorum Breaks Down at House Hearing." *New York Times*, May 24, 2011.

responsive to their political principals, as some agencies are designed to be independent from political influence. Despite important work explaining why Congress designs certain agencies to be independent, there is little empirical exploration of variation in structural independence on agency performance and bureaucratic responsiveness to Congress.

In this paper, I use new data on compliance with the Congressional Review Act (CRA) explore the relationship between structural independence and bureaucratic performance. I examine whether an agency submits a report under the CRA to Congress on each rule promulgated by the agency and whether, when submitting a report to Congress, the agency complies with the statutory deadlines imposed by the CRA to submit a report to Congress on each rule promulgated by the agency before that rule's effective date. I find that while political factors influence whether an agency reports a rule to Congress under the CRA, an agency's structure influences compliance with CRA deadlines and the time it takes for an agency to submit required regulatory information to Congress. My results suggest that while Congress may design agencies with structures that foster independence in order to promote expertise and impartiality in policy implementation, political insulation makes agencies less likely to provide the legislature with timely information regarding agency policy.

Explaining Independence

The ability of elected officials to shape bureaucratic policy depends in part on the organizational structure of federal agencies. The president and Congress seek to structure the bureaucracy in a way that enhances their capacity for control and tailors agency performance to the principals' specific needs (e.g. Macey 1992; Lewis 2003; Moe 1989; Moe and Wilson 1994). Scholars explain structural provisions in an agency's authorizing statute as the result of strategic choices made by the president and Congress (e.g. McCubbins, Noll, and Weingast 1987, 1989; Bawn 1995, 1997; Epstein and O'Halloran

1999; Hammond and Butler 2003). These strategic choices can result in a range of institutional structures – some agencies are designed in ways that make them more responsive than others (McCubbins 1985; Howell and Lewis 2002).

Political principals insulate agencies from politics in order to take advantage of bureaucratic expertise and to protect policy from future political pressure. Since the creation of the Interstate Commerce Commission in 1887, Congress has insulated certain agencies from politics in the hope of promoting policy expertise and efficient regulation (Breger and Edles 2000). Where legislators are uncertain about policy outcomes and lack the collective expertise or incentives to produce complex regulation, independent agencies are attractive because their structure arguably allows for more autonomous policymaking (McCubbins 1985; Bawn 1995; Lewis 2003).

There are two aspects of agency design that insulate an agency. First, there are statutory provisions that place limitations on political officials' ability to appoint or remove individuals in an agency's key leadership positions. Examples of these types of provisions include limitations relating to the expertise, party, or other characteristics of appointed individuals, fixing the terms served by political appointees, and protecting certain individuals from removal from office for political reasons. Because these types of structural features restrict political principals' ability to place individuals in key leadership positions on the basis of loyalty, ideology, or programmatic support, scholars generally consider agencies with these structural features as less responsive to political pressure (e.g. Wood and Waterman 1991; Hammond and Knott 1996; Lewis 2003; Wood and Bohte 2004; MacDonald 2007).

There is a sense that these types of provisions promote impartiality and policy continuity. As recognized in 1935 by the Supreme Court in *Humphrey's Executor v. United States*, an independent agency is designed "to be nonpartisan. . .Its duties are neither political nor executive, but predominantly quasi-judicial and quasi legislative."[70] The policies of agencies with these structural provisions tend to

[70] *Humphrey's Executor v. United States*, 295 U.S. 602, 624 (1935).

be more stable, as the agencies are better able to resist short-term partisan pressures (Wood and Waterman 1991; Brown and Candeub 2010; Barkow 2010). Not only do these structural provisions produce policy stability, but they may also increase agency performance on a more objective level. When an agency's leadership is highly politicized, that politicization can hurt program and agency performance (e.g. Gilmour and Lewis 2006; Gailmard and Patty 2007; Lewis 2008).

The second type of statutory provision that influences independence places limits on political principals' ability to review agency policy. Most agencies are subject to several types of political review. For example, most agencies must submit budgets, legislative materials, and significant administrative rules to the White House Office of Management and Budget for centralized coordination. In addition, Congress uses its ability to appropriate funds as an instrument to exert influence over agency policy (e.g. Devins 1987; Stith 1988; MacDonald 2010; Note 2012). However, an agency's statute can exempt the agency from this sort of review and allow the agency to make policy decisions without worry of political interference. Delegation of policy to this sort of agency can be a way for politicians to credibly commit not to intervene in an agency's policy (see generally Krause, Lewis, and Douglas 2013).

While there is some evidence that exemption from political review of this sort can influence agency performance (e.g. Devins 1993, 1994; Stith 1988; Breger and Edles 2000; Wiseman 2009; Barkow 2010; Note 2012; Datla and Revesz 2013), few studies empirically examine the collective effects of these structural provisions on bureaucratic responsiveness to Congress or compare them to statutory limitations the appointment or removal of individuals in an agency's key leadership positions. Most scholarship on this variation in agency structure tends examine design as a dependent variable and does not focus on the effects of these features on bureaucratic responsiveness (Huber and Shipan 2000). Thus, while we may know the reasons Congress designs agencies with structural independence, we are less certain about the consequences of that independence for responsiveness to Congress.

Political Insulation, Bureaucratic Performance, and Responsiveness to Congress

While Congress may insulate agencies from political pressure to promote expertise, impartiality, and policy continuity, it does not necessarily follow that Congress is uninterested in that agency's policy implementation. While an agency's structural features may place barriers to political influence, politicians can work hard to overcome these roadblocks if elected officials have information on agency policy and a way of sanctioning the agency for poor performance. For example, the Federal Reserve Board is generally considered one of the most independent agencies in the federal executive establishment, as its members serve 14 year, staggered terms (the longest of all federal agencies), and are protected from removal except for cause. Congress insulated the Federal Reserve Board from political pressure in part to prevent short term partisan forces from negatively impacting monetary policy. Yet, members of Congress still seek information about the Federal Reserve Board's policy implementation, regularly receive reports from the Board on a range of topics, and regularly hold hearings at which Federal Reserve officials testify.

Congress often imposes information collection and reporting requirements on agencies to help the legislature monitor bureaucratic policy (e.g., McCubbins 1985; Bendor, Taylor, and Van Gaalen 1987; McCubbins, Noll, and Weingast 1987; Potoski 1999; Bressman 2007). These requirements provide Congress with information about program implementation, help make it easier for Congress to discover noncompliance, and make the threat of sanction for poor performance more credible. However, structural barriers that insulate agencies reduce the incentives for agencies to comply with the information and reporting requirements that enable Congress to monitor bureaucratic actions; by insulating an agency, Congress reduces the threat of sanction for noncompliance with the law and

changes the priorities of an agency, as insulated agencies are likely deprioritize responding to the demands of Congress.

When Congress designs an agency with structural features that limit the legislature's ability to review agency policy, Congress purposefully makes it difficult for legislators to interfere with the agency's policy implementation or sanction that agency for failing to adhere to congressional preferences. However, these same structural features also make it is harder for Congress to sanction an agency for failing to provide statutorily mandated information to legislators. In relatively uninsulated agencies, the possibility of sanction for poor performance creates incentives for federal agencies to consider congressional responses to agency policy implementation. These agencies must anticipate congressional reactions to agency actions. If an agency's policy displeases Congress, the legislature can punish the agency through such means as the appropriations or appointment process. However, when Congress removes the threat of sanction through structural features like independent funding and for-cause protections, an agency is less likely to worry that Congress will punish the agency for failing to comply with the law.

In addition, even if methods of control like reauthorizations, hearings, investigations, and public pressure theoretically are available for all agencies regardless of insulation, these mechanisms of control are limited for a variety of reasons. First, the costs of congressional action through new legislation are quite high. In order to sanction an agency with legislation, members of Congress must invest time and resources in coordinating a collective response, getting that response on the legislative agenda, and pushing a bill through both houses. Second, it is unclear whether hearings and investigations are meaningful without the threat of sanction. Highly independent agencies such as the Federal Reserve Board routinely testify before Congress, yet there is little evidence that this results in increased responsiveness to legislative preferences (e.g. Kettle 1988; Havrilesky 1995; Seligman 2004; Note 2012).

Because structural features that promote independence reduce the incentive for an agency to consider congressional preferences, independent agencies have more freedom in their policy agenda. Instead of prioritizing tasks that are important to Congress, an independent agency can prioritize the tasks that it feels are important. Often, these tasks will be central to the agency's perceived mission (see Kaufman 1960; Wilson 1989; Carpenter 2001) and may not correspond with the needs of Congress. Regular reporting requirements that provide information to Congress on an agency's regulatory policy are burdensome, time-consuming, and deprive the agency of resources it would rather devote elsewhere. If there is little threat of political sanction for failing to comply with these requirements, it is likely that the agency will deprioritize such tasks.

In summary, while structural features that limit political interference in agency policymaking are designed to promote expertise, impartiality, and continuity, these features may have consequences for agency performance and responsiveness to Congress. Because these features reduce the threat of legislative sanction, insulated agencies have less incentive to respond to congressional demands.

Data, Variables, and Methods

In order to assess agency performance and explore whether independent agencies are less responsive to Congress, I examine agency compliance with the Congressional Review Act. Congress enacted the Congressional Review Act in 1996 in order to create a mechanism for legislators to review new rules issued by federal agencies. Recognizing that the executive branch had gained increasing latitude to implement legislation over the last 50 years, the CRA was an attempt to provide a check on the ability of federal agencies to set policies without meaningful congressional oversight.[71] As the

[71] See *United States v. Southern Indiana Gas and Electric Company*, 2002 WL 31427523 (S.D. Ind. 2002) (discussing agency compliance with the Congressional Review Act).

sponsors of the law explained, the CRA served to "reclaim for Congress some of its policymaking authority."[72]

Under the CRA, before a rule becomes effective, the agency promulgating the rule must submit a report containing a copy of the rule, a general statement about the rule, and the rule's proposed effective date to each house of Congress and to the Comptroller General.[73] Copies of this report then go to the chairman and ranking member of each standing committee in the House and Senate with jurisdiction over the provision of law under which the agency promulgated the rule.[74] While non-major rules become effective upon submission of this report, "major" [75] rules go into effect 60 days after either the submission of the report to Congress or the publication of the rule in the Federal Register, whichever is later.[76] This delay allows Congress time for review and to disapprove of any proposed rule by joint resolution.[77] During the 60 day waiting period, the regulation is not operative, meaning that the agency may not enforce the rule.[78]

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[72] Statement for the record by Senators Nickles, Reid, and Stevens. "Subtitle E-Congressional Review Subtitle." 142 Cong. Rec. S3683-01. April 18, 1996.

[73] 5 U.S.C. § 801(a)(1)(A) (2014). The law contains exemptions for (1) rules concerning monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee; (2) rules that relate to a commercial, recreational, or subsistence activity relating to hunting, fishing, or camping; and (3) any rule which an agency finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. See §§ 807-808.

[74] 5 U.S.C. § 801(a)(1)(C) (2014).

[75] Major rules are those which have resulted in or are likely to result (a) in an annual effect on the economy of $100,000,000 or more; (b) a major increase in the cost for consumers, industries, government agencies, or geographic regions; (c) or significant adverse effects on competition, employment, investment, productivity, or innovation or on the ability of the United States to compete with foreign based enterprises in domestic and export markets. 5 U.S.C. § 804(2) (2014).

[76] 5 U.S.C. § 801(a)(3)(A) (2014).

[77] See 5 U.S.C. § 802 (2014). As of 2012, a total of 78 resolutions of disapproval concerning 53 rules have been introduced (Rosenberg 2012).

[78] See *Liesegage v. Secretary of Veterans Affairs*, 312 F.3d 1368, 1375 (Fed. Cir. 2002); *Natural Resources Defense Council v. Abraham*, 355 F.3d 179, 202 (2nd Cir. 2004).

By examining agency compliance with the Congressional Review Act, I can explore variation in bureaucratic performance and observe how long it takes agencies to provide Congress with statutorily mandated information regarding agency policy. The CRA provides a nice test of performance because the law applies to all agencies across the executive branch. In addition, because the CRA contains a reporting requirement designed to help Congress monitor policy implementation in the bureaucracy, the law helps facilitate political control of federal agencies. Agencies have little incentive to comply with such a law without the threat of sanction because it is burdensome, takes time and effort away from the agencies' preferred tasks, and provides Congress with information it might not otherwise have. Furthermore, it is unclear whether private parties can seek judicial relief when an agency fails to comply with the CRA, as the law explicitly provides, that "no determination, finding, action, or omission" under the law is subject to judicial review.[79] Thus, structural features that insulate an agency from political review should influence the level of compliance with the requirements of the CRA.

I compare all rules promulgated by executive branch agencies between 2002 and 2012 to reports filed under the CRA through the U.S. Government Accountability Office's Congressional Review Act Resources.[80] To obtain a list of rules, I searched the Federal Register for all rules published between 2002 and 2012. I then searched the GAO's catalog of reports for all those submitted to Congress between 2002 and 2012 to compile a list of reports submitted to Congress under the CRA. I obtained the following information on each rule: the name and Federal Register citation to the rule, the agency or bureau that promulgated each rule; whether the rule was a major or significant rule; the date the rule

[79] 5 U.S.C. § 805 (2014). Courts have interpreted this section in various ways (see Rosenberg 2012 for a full discussion). E.g., *United States v. Southern Indiana Gas and Electric Company*, 2002 WL 31427523 (S.D. Ind. 2002); *Natural Resources Defense Council v. Abraham*, 355 F.3d. 179 (2nd Cir. 2004); *Montanans for Multiple Use v. Barbouletos*, 568 F.3d 225 (D.D.C. 2009).

[80] Available at http://www.gao.gov/legal/congressact/congress.html; https://www.federalregister.gov/articles/search

was published in the Federal Register; the date the rule became effective; and the date that Congress received a rule report.

Between 2002 and 2012, compliance with the requirement to submit a rule report to Congress under the CRA was relatively high. Agencies in executive branch promulgated 36,101 rules and submitted 32,172 rule reports to Congress. The Environmental Protection Agency sent the earliest rule report, regarding amendments to the existing ambient air quality standards for the Commonwealth of Virginia, over four years (1590 days) before the rule became effective. The Food and Drug Administration sent the latest rule report, regarding the FDA's denial of requests for a hearing on food additive regulations regarding the use of ionizing radiation in seeds, over eight years (3012 days) after the rule became effective. The mean number of days for reports sent to Congress was 40 days after the rule's effective date.

Table 4. Earliest and Latest Rule Reports under the Congressional Review Act

Agency	**Subject of Rule**	
Earliest		**Days Before Effective**
Environmental Protection Agency	Ambient Air Quality Standards	1590
Federal Aviation Administration (DOT)	Flight Free Zones	1281
Federal Aviation Administration (DOT)	Airworthiness Directives	1278
Federal Communications Commission	Federal Universal Service Fund	1217
Energy Eff. and Renew. Energy (DOE)	Fluorescent Lamp Ballasts Standards	1026
Nat'l Highway Traf. Safety Ad. (DOT)	Tire Standards	1009
Department of Energy	Refrigerator and Freezer Standards	914
Federal Reserve System	Home Mortgages	808
Food and Drug Administration (HHS)	Use of Ozone Depleting Substances	804
Fed. Highway Traf. Safety Ad. (DOT)	Work Zone Safety and Mobility	784
Latest		**Days After Effective**
Coast Guard (DHS)	Safety Zone in DE State Park	1318
Social Security Administration	Geographic Medical Practice Costs	1326
Nat'l Oceanic and Atmos. Ad. (COM)	Natural Resources in Coastal States	1343
Nat'l Oceanic and Atmos. Ad. (COM)	Fishing Capacity	1348
Federal Aviation Administration (DOT)	Airworthiness Directives	1378
Food and Drug Administration (HHS)	Food Additives	1464
Federal Aviation Administration (DOT)	Airworthiness Directives	1563
Federal Housing Administration (HUD)	Mortgage Insurance	2268
Food and Drug Administration (HHS)	Food Additives	3012

Table 4 contains a list of the ten earliest and latest rule reports sent to Congress. Notably, the Department of Transportation's Federal Aviation Administration, the Food and Drug Administration in the Department of Health and Human Services, and the Federal Communications Commission are featured in both the earliest and latest lists. These agencies were among those which sent the most rule reports each year: the FCC averaged 158 rule reports per year, NOAA averaged 201 rule reports per year, and the FAA averaged over 806 rule reports per year.

In order to examine the effects of structural independence on performance, I do two things. First, I examine agency compliance with the law by exploring which agencies are more likely to with CRA requirements to submit a report to Congress for each rule promulgated and to follow the deadlines imposed by the CRA. Next, I examine agency responsiveness to Congress by exploring the length of time it takes for rule reports to be submitted.

Key Independent Variables

To account for the independence of each agency, I use estimates agency of structural independence that allow for variations in agency structure as they relate to limitations on the qualifications and characteristics of agency leadership and political review of agency policy (Selin 2014a). By accounting for both types of structural features, I can distinguish among agencies that would otherwise look similar. For example, the authorizing statutes of both the Federal Reserve Board and the Broadcasting Board of Governors provide for a multimember body and members who serve fixed terms, but the agencies differ greatly with the respect to the number of limitations their statutes place on political review of agency policy. While the Federal Reserve Board is completely exempt from the congressional appropriations process and from budget, communications, and regulatory review

from the White House Office of Management and Budget, the Broadcasting Board of Governor's statute contains no limitations on political review of agency decisions.

The estimates of structural independence fall on two dimensions, which correspond to the two ways agency structure can vary.[81] The first dimension, the Decision Makers dimension, accounts for the statutory limitations placed on who may serve in an agency's key leadership positions. Estimates on this dimension range from -0.792, meaning more political, to 2.353, meaning more insulated. High estimates, like those for agencies such as the Federal Reserve Board and the Federal Deposit Insurance Corporation, indicate that an agency's statute provides for a combination of things such as expert personnel, fixed terms, multiple member boards and party balancing requirements. Given previous research suggesting that politicization of an agency's leadership can hurt agency performance, I expect that agencies which are less insulated on this dimension (and therefore have lower estimates) will be less likely to comply with the Congressional Review Act. However, because previous work has suggested that statutory limits such as fixed terms, for cause protections, and multi-member boards do not influence an agency's relationship with Congress, I do not expect to find a correlation between the Decision Makers dimension and with the time it takes for an agency to submit a required report under the CRA to Congress.

However, because insulation from political review removes the threat of congressional sanction for noncompliance, I expect that agencies with structural features that limit political review will be less likely to comply with the Congressional Review Act and take longer to provide the appropriate information to Congress. The second dimension of structural independence, the Political Review dimension, accounts for structural features that limit political influence in an agency's policy process. Statutes that place limits on principals' centralized review procedures allow agencies to make policy decisions without concern over political interference. Estimates on this dimension range from -0.751,

[81] Table 20 in appendix describes the structural features that fall within the two dimensions. For a more detailed explanation of the measure, see Selin 2014a.

meaning few limits on review, to 4.025, meaning the agency's policies are relatively insulated from political review. High estimates, like those for agencies such as the Commodity Futures Trading Commission and the Consumer Protect Safety Commission, indicate that an agency's statute provides for a combination of things such as independent litigating authority, exemption from the congressional appropriations process, and the ability to create policy through adjudication.

Control Variables

In addition to including measures of structural independence with respect to the insulation of key agency decision makers and limitations on political review, I control for other factors that might influence compliance. I control for important features of each rule, for the political environment in which an agency operates, and aspects of an agency's work environment.

First, I include controls for features of each rule that may influence whether an agency complies with the CRA.[82] The CRA's requirements are different for major and nonmajor rules. For major rules, a rule cannot go into effect until 60 days after either the submission of a report to Congress or the publication of the rule in the Federal Register, whichever is later. [83] This 60 day requirement was designed to give Congress an opportunity to review the rule and its implications, and to disapprove the rule by joint resolution if the rule fails to adhere to congressional preferences. In contrast, there is no built-in review process for a nonmajor rule and the rule can go into effect upon submission of a report. Because of the difference in requirements, and the potential for Congress to act upon a report and disapprove a major rule, I expect that compliance with the CRA for major rules will be much lower than for nonmajor rules.

I also account for whether a rule is significant under Executive Order 12866 and therefore subject to review by the White House Office of Management and Budget's Office of Information and

[82] Because of difficulties with data collection, these controls are only included in the models of compliance with deadlines and the time it takes for agencies to send reports to Congress.

[83] 5 U.S.C. § 801(a)(3)(A) (2014).

Regulatory Affairs.[84] Legally, the test for significance is less stringent than for whether a rule is major. While both significant and major rules are those which are likely to result in an annual effect on the economy of $100 million or have considerable adverse effects on the economy, rules that create regulatory inconsistencies across the bureaucracy, materially alter distributive policy, or raise novel policy issues are also deemed significant. From 2002 to 2012, 99 percent of all major rules were deemed significant, but only three percent of significant rules were deemed major. Because significant rules are already subject to political review, agencies may be more likely to submit CRA reports on these types of rules.

The political environment in which an agency operates is also important. Because an executive branch agency may be less likely to send Congress information on policy implementation in times of divided government, I include an indicator for whether the rule was promulgated during a time when the parties of the president and at least one house of Congress were different. In addition, the number of committees that oversee an agency's policy process may influence agency compliance with the CRA. A larger number of committees that oversee an agency's rulemaking process may reduce the incentive for agencies to comply with the CRA, as the proliferation of committees with oversight jurisdiction increases the chances of collective action problems in Congress or the presence of divergent preferences among committees (Clinton, Lewis, and Selin 2014; Gailmard 2009; Hammond and Knott 1996; Laffont and Tirole 1993; Miller and Hammond 1990). To measure the number of committees with jurisdiction over an agency's rulemaking process, I count the number of committees that received a major rule report from the United States Government Accountability Office for each agency.[85] I also

[84] Significant rules are likely to have an annual effect on the economy of $100 million or more or adversely and materially affect the economy, a sector of the economy, create a serious inconsistency with action by another agency, materially alter the budgetary impact of distributive policy, or raise novel legal or policy issues. Exec. Order No. 12,866, 58 Fed. Reg. 190 (1993).

[85] The GAO writes a report on each major rule submitted by an agency to the GAO and then sends the report to the appropriate committees in Congress. Reports that were part of an audit and not sent to

include a measure of the number of reporting requirements aside from those in contained in the CRA that Congress has imposed upon an agency to control for the fact that some agencies may be required to report to Congress more frequently than others.[86]

Finally, I account for aspects of an agency's work environment. Because all agencies face time, money, and personnel constraints, the number of tasks delegated to an agency should influence agency performance. As an agency becomes responsible for more and more policy tasks, the agency must prioritize some tasks over others. It is conceivable that an agency facing resource constraints and balancing the implementation of a diverse number of policies may deprioritize political responsiveness and instead focus on implementation (see Lewis, Selin Wood 2013; Selin 2014b). Therefore, I include a measure of the diversity of policy delegated to an agency by counting the number of titles in the U.S. Code that include provisions specifically mentioning the agency by name.[87] I also account for variation in regulatory authority by including a measure of the number of rules an agency promulgated in a given year.

The organization of an agency can have important consequences for performance. As an agency become larger and more complicated, it becomes harder to direct agency employees, changes the

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Congress and reports summarizing the accuracy of information in the Unified Agenda were dropped from the count.

[86] Rule II, clause 2(b) of the Rules of the U.S. House of Representatives requires that, at the end of each regular session of Congress, the Clerk of the House make a list of reports that any officer or department is required to make to Congress. I used this list to count the number of unique reports for each agency for each year.

[87] The 51 titles of the U.S. Code are organized by subject, ranging from specific topics such as intoxicating liquors and copyrights to more general topics such as labor and transportation. To obtain a list of titles for each agency, I searched the Code for the agency name in quotes using Westlaw. For example, to obtain the list for the Commodity Futures Trading Commission, I searched the Code for "Commodity Futures Trading Commission." However, because statutes typically grant authority to the secretaries of the cabinet departments as opposed to the departments themselves, I searched for references to the secretary of each department. For example, to obtain the list for the Department of Agriculture, I searched the Code for "Secretary of Agriculture." The agency must have been referenced in statutory text – the count does not include annotations to the Code.

relative influence of officials within an agency, and can create coordination problems (e.g. Gulick 1937; Shepsle 1979; Hammond and Miller 1985; Magill and Vermeule 2011). These problems can lead to poor performance and failure to comply with more burdensome legal requirements (Lewis, Selin, and Wood 2014). To account for complicated organizational structures that may result in noncompliance with the CRA, I control for the number of politically important units within each agency.[88]

Estimating Agency Responsiveness

First, I estimate models evaluating whether or not an agency submitted a report to Congress under the CRA for a random sample of rules promulgated from 2002 to 2012 (0,1). Second, I estimate models evaluating whether or not an agency complied with the CRA and submitted a rule report to Congress before the effective date of the rule (0, 1). Because the dependent variables are dichotomous, I estimate these models using logit analysis with yearly fixed effects and robust standard errors clustered at the agency level. Finally, I assess the total length of time it takes for an agency to submit a report to Congress using a Cox proportional hazard model.[89]

[88] My measure of bureaus includes each bureau or office located within a larger agency that notified the GAO of a promulgated rule since the enactment of the CRA. In addition, to account for politically significant bureaus that have not promulgated a rule since 1996, I included bureaus and offices related to intelligence and those bureaus and offices that are listed in both the employment data on FedScope *and* listed in the 2012 Government Manual as a bureau or office that reports directly to an undersecretary or its equivalent (not counting administrative offices like public affairs, which are common across all agencies).

[89] A test of the proportionality assumption using the Schoenfeld and scaled Schoenfeld residuals indicate there is no violation of the proportionality assumption.

Reporting to Congress under the CRA and Complying with Deadlines

First I simply explore whether an agency submits a report to Congress on promulgated rules. I take a random sample of 10,000 from all rules published in the Federal Register between 2002 and 2012. Then I determine whether those rules were reported to Congress by comparing the citation

Table 5 contains the estimates of the logit model of whether an agency sent a report to Congress for promulgated rules. Generally, the structural variables have little influence on whether an agency submits a report for a promulgated rule. Instead, it appears that the dynamics of the parties in government has a substantial effect on submission of reports. Agencies are significantly less likely to submit reports in times of divided government.

Table 5. Logit Analysis of Reporting under the Congressional Review Act

	Coefficient	Standard Error
Decision Makers Indep.	-0.333	0.201
Political Review Indep.	-0.138	0.133
Divided Government	-1.206**	0.224
Committees	-0.121	0.081
Reports to Congress	0.001	0.002
Policy Areas	-0.018	0.015
Total Rules	0.001	0.001
Bureaus	-0.013	0.062
Constant	0.870**	0.235
Observations	9526	

Notes: Dependent variable is whether the agency promulgating the rule submitted a rule report under the CRA.
*p ≤ 0.05, **p ≤ 0.01

Next, I assess whether an agency complies with the statutory deadlines imposed by the CRA. I considered an agency's non-major rule report in compliance with the law if the date of the rule report's

submission was on or before the effective date of the rule. I considered an agency's major rule report in compliance with the law if the effective date of the rule was at least 60 days after either the submission of the report to Congress or the publication of the rule in the Federal Register, whichever was later. Approximately 57 percent of non-major rule reports (31,863) followed the requirements of the CRA and only 2 percent of major rule reports (22) were in compliance with the CRA. In total, approximately 56 percent of rule reports (31,885) complied with the requirements of the CRA and 44 percent did not (25,464).

Table 6 contains the estimates of the logit model of compliance with the deadlines imposed by the Congressional Review Act. In this model, limitations on who can serve in an agency's key leadership positions as measured by the decision makers dimension of the structural independence measure have a positive and significant effect on compliance. Moving from an agency structured with the least insulated decision makers to an agency structured with the most insulated decision makers increases the probability of compliance by 0.244 for a nonmajor, significant rule.

This large effect is consistent with the conventional wisdom that structural features such as for-cause protections and fixed terms result in efficient, impartial policymaking. As explained by the Supreme Court in Humphrey's Executor v. United States, by structuring an agency with features that insulate decision makers, Congress creates an agency which is "nonpartisan and it must, from the very nature of its duties, act with entire impartiality. It is charged with the enforcement of no policy except the policy of the law." The effect found in Table 1 is also consistent with findings that politicization of agencies can hurt program and agency performance (e.g. Gilmour and Lewis 2006; Gailmard and Patty 2007; Lewis 2008). As an agency becomes more political (the estimate of structural independence for the decision makers dimension decreases), so does the likelihood of complying with the deadlines imposed by the CRA.

Table 6. Logit Analysis of Compliance with Congressional Review Act Deadlines

	Coefficient	Standard Error
Decision Makers Indep.	0.367*	0.177
Political Review Indep.	0.096	0.115
Major Rule	-7.283*	3.079
Significant Rule	0.157	0.336
Divided Government	0.250	0.390
Committees	0.222	0.148
Reports to Congress	0.025	0.018
Policy Areas	-0.058**	0.017
Total Rules	-0.000	0.001
Bureaus	-0.304	0.195
Constant	0.512	0.502
Observations	28155	

Notes: Dependent variable is whether the agency promulgating the rule followed the requirements of the Congressional Review Act, that is whether Congress received the rule report before the rule's effective date.
*p ≤ 0.05, **p ≤ 0.01

It also may be the fact that, in agencies where there are fewer restrictions on who serves in an agency's key leadership, a more political agency maintains a relationship with Congress that renders the reporting requirements of the CRA superfluous. For example, if congressional staff communicates frequently with agency leadership or if those in agency leadership reflect congressional preferences, Congress likely knows how the agency is implementing policy.

In contrast to the decision makers dimension, insulation of an agency from political review has little influence on compliance with the CRA. This suggests that insulation from political review is not as important for performance, at least as measured by compliance with the CRA, as insulation of decision makers. This could be because whether an agency complies with the Congressional Review Act is a legal matter, and less of a political one, as the law does not contain a mechanism for the legislature to induce compliance – Congress can only act on a rule once the agency submits the report.

The other covariates included in the models have reasonable effects. As expected, whether or not a rule is major has a large negative effect on compliance. This is likely a result of the requirement to submit a major rule report well in advance of the rule's effective date and the potential for congressional disapproval of major rules. Whether a rule is deemed significant and is subject to review by OIRA has little effect. The political environment in which an agency operates does not appear to influence compliance, as the coefficients for divided government, committees, and reports are all imprecise. Finally, while the total number of rules and the number of bureaus do not have a significant effect on compliance with CRA deadlines, the agency's workload as measured by the number of policy areas delegated to an agency does. As an agency implements many different policies across a wide array of policy areas, the agency is significantly less likely to comply with CRA deadlines. Moving from an agency that only implements policy in one policy area to an agency implementing policy across 44 policy areas (maximum) decreases the probability of compliance by .546 for nonmajor, significant rules. This suggests that delegating a greater number of statutory responsibilities leads to poorer performance.

Delay in Responding to Congress

In addition to evaluating simple compliance, I also estimate models of the length of time it takes for an agency to report a rule to Congress. Table 7 contains the estimates of the Cox proportional hazard models of the time between the date of publication of a rule in the Federal Register and the date Congress received that rule's report. The dependent variable is the hazard rate, meaning that a positive sign indicates that an independent variable increases the hazard rate but decreases the time it takes for the submission of a report to Congress. Conversely, a negative sign indicates that an independent variable decreases the hazard rate but increases the reporting time.

The results in Table 7 suggest that, like with CRA deadline compliance, insulation of decision makers leads to better performance in terms of the time it takes to get information to Congress.

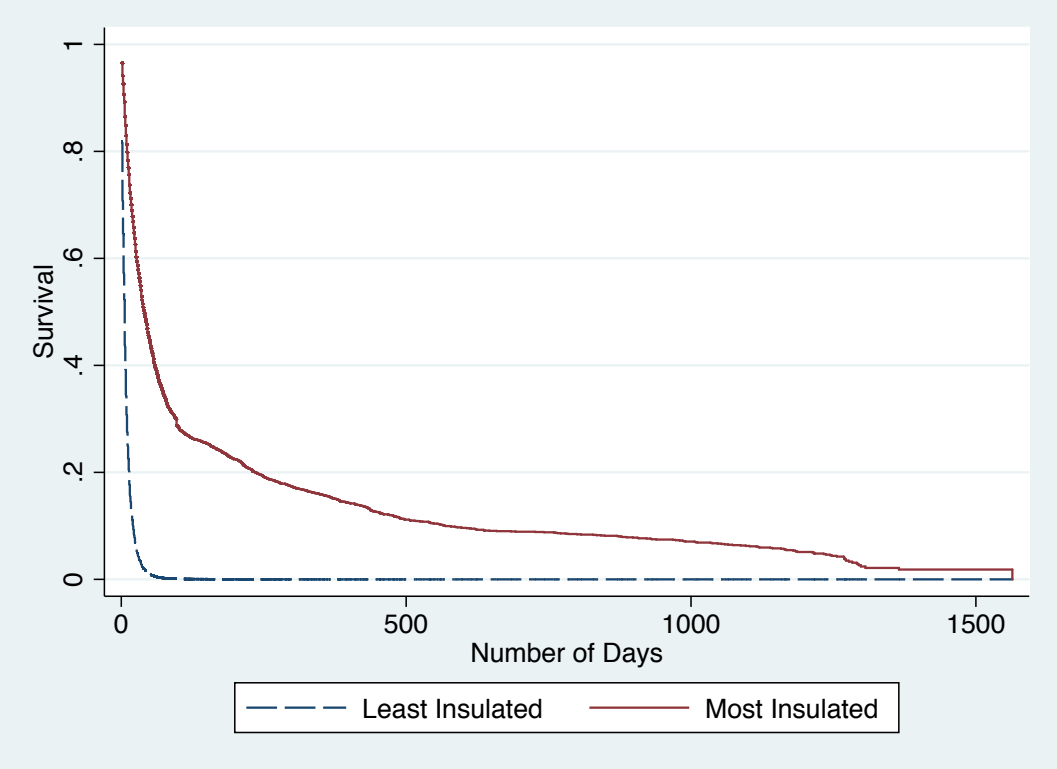
Table 7. Hazard Analysis of Time to Report Rule to Congress

	Coefficient	Standard Error
Decision Makers Indep.	0.050**	0.014
Political Review Indep.	-0.365**	0.008
Major Rule	0.471**	0.070
Significant Rule	-0.147**	0.022
Divided Government	0.437**	0.143
Committees	0.143**	0.007
Reports to Congress	-0.001**	0.000
Policy Areas	-0.002	0.001
Total Rules	0.001**	0.000
Bureaus	0.020**	0.004
Observations	19327	

Notes: Dependent variable is hazard rate for time between publication in the Federal Register and submission of a rule report to Congress.
*p ≤ 0.05, **p ≤ 0.01

However, unlike the previous models, insulation from political review has a significant effect. Figure 9 graphs the survival curves for the agency least insulated from policy review (Department of Education's Office of Safe and Drug Free Schools) and the most insulated (the Federal Reserve System's Consumer Financial Protection Bureau). Table 7 and Figure 9 both suggest that not only do structural features like exemption from the appropriations process remove important tools of control from political principals, they also affect the information flow to Congress about agency policy; insulating an agency from political review increases the amount of time it takes for an agency to provide Congress with information about policy implementation.

Figure 9. Estimated Influence of Insulation from Political Review on Probability of Survival



Taken together, the results from both the compliance and survival models reiterate the importance of considering categories structural features, as opposed to simply including an indicator of whether an agency is an independent regulatory commission. Limitations on the appointment and removal of key agency decision makers and insulation of agency policy from political review have different effects on agency performance and responsiveness.

Conclusion

Congress enacted the Congressional Review Act in 1996 in part to provide a check on the ability of federal agencies to set policy without meaningful congressional oversight. Theoretically, reporting requirements like those contained in the CRA allow Congress to obtain information on agency policy from insulated agencies in the executive branch where members of Congress may not

otherwise have access. For example, while members of Congress may lament about the Consumer Financial Protection Bureau's disregard for congressional oversight, at least Congress has a mechanism for obtaining information about the CFPB's policies.

However, it is unclear whether insulated agencies like the CFPB have incentives to provide such information to Congress. An examination of agency compliance with the CRA suggests that compliance varies in different political and structural contexts. First, agencies are less likely to want to supply Congress with information on agency policymaking in times of divided government. Second, when agencies do submit reports on promulgated rules, the structural features of an agency play an important role. While agencies with insulated leadership officials are more likely to comply with CRA deadlines and take less time to send reports, agencies that are insulated from political review are less likely to comply with the CRA's deadlines and take more time to send reports.

My analysis suggests the importance of considering how aspects of an agency's decision making environment can influence the responsiveness of agencies to elected officials. In particular, categories of structural features may influence bureaucratic performance in different ways, as different agency design features influence an agency's willingness and capacity to respond to its political officials. When an agency's statute restricts the ability of elected officials to review agency policy, that agency may be less likely to respond to the demands of Congress.

APPENDIX

A. STRUCTURAL INDEPENDENCE

A thorough review of the provisions of agency authorizing statutes and the literature on political control and agency design suggests that features of structural independence fall along two dimensions – those relating to the independence of key decision makers within an agency and those relating to the independence of agency policy decisions. Despite the strong theoretical argument that the observed statutory design features fall within the two dimensions, I performed exploratory factor analysis to investigate how many dimensions are in my set of statutory features. I conducted this analysis using six variables from each dimension: multimember body, quorum rules, expertise requirements, conflict of interest provisions, fixed terms, and for cause protections for dimension 1 and OMB budget bypass, independent litigating authority, no appropriations, the presence of an inspector general, requirements for outside approval, and the presence of advisory commissions for dimension 2. Tables 8 and 9 report the results. My analysis confirms the theoretical argument that agencies are not only structured in ways that can elaborate on the qualifications and characteristics of key individuals at the top of the agency but also are structured in ways that affect the insulation of agency policy decisions from political influence and review.

Table 8. Exploratory Factor Analysis/Correlation

	Eigenvalue	Difference	Proportion	Cumulative
Factor 1	4.212	2.764	0.351	0.351
Factor 2	1.448	0.453	0.121	0.482
Factor 3	0.995	0.071	0.083	0.555
Factor 4	0.924	0.094	0.077	0.063
Factor 5	0.830	0.057	0.069	0.701
Factor 6	0.773	0.098	0.064	0.765
Factor 7	0.675	0.060	0.056	0.821
Factor 8	0.615	0.073	0.051	0.873
Factor 9	0.543	0.084	0.045	0.918
Factor 10	0.458	0.129	0.038	0.956
Factor 11	0.329	0.132	0.028	0.984
Factor 12	0.198		0.017	1.000
N: 345 **Retained factors: 2**				

Table 9. Exploratory Analysis Factor Loadings

	Rotated Factor Loadings	
	Factor 1	Factor 2
Multimember	0.899	-0.003
Quorum Rules	0.770	0.031
Expertise	0.610	0.170
Conflict of Interest	0.466	0.309
Fixed Terms	0.852	0.075
For Cause	0.653	0.031
OMB Budget Bypass	0.478	0.357
Independent Litigating	0.555	0.437
No Appropriations	0.274	0.445
Inspector General	0.259	0.399
Outside Approval	-0.058	0.736
Advisory Committees	0.014	0.697

After conducting exploratory factor analysis, I proceeded to estimate my model of structural independence using the Bayesian latent factor model described by Quinn (2004) and implemented via MCMCpack (Martin, Quinn, and Park 2011). Table 10 provides a list of the structural features included in each dimension. For the variables that are constrained to be positively or negatively related to independence, that constraint is indicated in parentheses.

Table 10. Measures of Structural Independence Included in the Model

Independence of Decision Makers		Independence of Policy Decisions	
Location	Executive Office (-) Executive Department Bureau	**Insulation from Political Review**	OMB Budget Bypass OMB Rule Bypass (+) OMB Communication Bypass (+) Independent Litigating Authority Independent Funding (+) Outside Approval Advisory Committees Inspector General
Permanence	Mandated by Statute Permitted by Statute	**Policymaking Authority**	Adjudication Administrative Law Judges
Leadership Structure	Number of Members Term Length (+) Staggered Terms For Cause Protections (+) Serve President (-) Quorum Rules		
Agency Head	President Appointed, Senate Confirmed President Selected		
Limitation on Appointments	Party Balancing Expertise Conflict of Interest		
Agency Employees	Exempt from Title 5		

The R code used to define my model of structural independence is as follows:

```
MCMCfactanal(~EOP+Cabinet+StatMandate+StatPermit+QuorumRules+Agency.specific.personnel+Te
rm.Length+For.Cause+ServePresident+NumberMembers+Expertise+Conflict.of.Interest+Party.Balanci
ng+Staggered.Terms+PAS.Head+President.Selects.Chair+Bureau+No.OMB.Budget.Review+No.OMB.Ru
le.Review+No.OMB.Communication.Review+Independent.Litigating+Independent.Funding+IG+Advisor
y.Commissions+Outside.Approval+Adjudication+ALJs,
        data=alldata,
        factors=2,
        lambda.constraints=list(EOP=list(1,"-
"),Cabinet=list(1,0),StatMandate=list(1,0),StatPermit=list(1,0),QuorumRules=list(1,0),Agency.specific.p
ersonnel=list(1,0),Term.Length=list(1,"+"),For.Cause=list(1,"+"),ServePresident=list(1,"-
"),NumberMembers=list(1,0),Expertise=list(1,0),Conflict.of.Interest=list(1,0),Party.Balancing=list(1,0),S
taggered.Terms=list(1,0),PAS.Head=list(1,0),President.Selects.Chair=list(1,0),Bureau=list(1,0),No.OMB.
Budget.Review=list(2,0),No.OMB.Rule.Review=list(2,"+"),No.OMB.Communication.Review=list(2,"+"),I
ndependent.Litigating=list(2,0),Independent.Funding=list(2,"+"),IG=list(2,0),Advisory.Commissions=list
(2,0),Outside.Approval=list(2,0),Adjudication=list(2,0),ALJs=list(2,0)),
        std.mean=TRUE, std.var=TRUE,verbose=100000,
        mcmc = 1000000, burnin=100000,thin=1000,store.scores=TRUE)
```

While the paper contains a discussion of the estimates of structural independence for some agencies, Table 11 provides the estimates and their precision for both dimensions of structural independence for each agency in my dataset.

Table 11. Estimates of Structural Independence on Two Dimensions

Agency	Dimension 1 (Decision Makers)		Dimension 2 (Political Review)	
	Estimate	Std. Dev.	Estimate	Std. Dev.
Administration for Children and Families	-0.781	0.290	-0.447	0.445
Administration for Community Living	-0.769	0.297	-0.441	0.454
Administrative Conference of the United States	1.111	0.297	-0.638	0.451
Administrative Conference of the United States (Initial)	1.012	0.304	-0.675	0.441
Agency for Healthcare Research and Quality	-0.622	0.288	-0.339	0.458
Agency for Toxic Substances and Disease Registry	-0.644	0.294	-0.474	0.455
Agricultural Marketing Service	-0.779	0.290	-0.449	0.450
Agricultural Research Service	-0.646	0.286	-0.484	0.441
Air Force	-0.535	0.289	-0.324	0.453
Alcohol and Tobacco Tax and Trade Bureau	-0.767	0.288	-0.436	0.448
Animal and Plant Health Inspection Service	-0.771	0.290	-0.460	0.455
Appalachian Regional Commission	0.755	0.304	-0.309	0.469
Army	-0.541	0.291	-0.321	0.457
Barry Goldwater Schol and Excellence in Ed. Program	1.544	0.292	-0.309	0.442
Bd. of Directors of the Hope for Homeowners Program	-0.298	0.300	-0.562	0.436
Benefits Review Board	-0.145	0.292	-0.581	0.453
Board of Veterans Appeals	0.266	0.294	0.061	0.476
Bonneville Power Administration	-0.646	0.299	0.401	0.455
Border and Transportation Security Directorate	-0.639	0.283	-0.160	0.442
Broadcasting Board of Governors	1.719	0.308	-0.563	0.447
Bureau of Alcohol, Tobacco, Firearms, and Explosives	-0.668	0.289	-0.456	0.453
Bureau of Competition	-0.380	0.275	-0.530	0.440
Bureau of Economic Analysis	-0.785	0.294	-0.465	0.453
Bureau of Economics	-0.377	0.298	-0.526	0.456
Bureau of Engraving and Printing	-0.611	0.301	-0.256	0.461
Bureau of Indian Affairs	-0.656	0.289	-0.403	0.447
Bureau of Indian Education	-0.767	0.304	-0.473	0.453
Bureau of Industry and Security	-0.766	0.302	-0.449	0.462
Bureau of International Labor Affairs	-0.773	0.295	-0.464	0.449
Bureau of Labor Statistics	-0.306	0.286	-0.265	0.438
Bureau of Land Management	-0.370	0.290	-0.506	0.455
Bureau of Ocean Energy Management	-0.774	0.291	-0.444	0.449
Bureau of Prisons/Federal Prison System	-0.636	0.293	-0.418	0.460
Bureau of Reclamation	-0.645	0.280	-0.279	0.450
Bureau of Safety and Environmental Enforcement	-0.746	0.280	-0.464	0.454
Bureau of the Census	0.032	0.296	-0.359	0.449
Bureau of the Public Debt	-0.644	0.296	-0.472	0.447
Centers for Disease Control and Prevention	-0.761	0.292	-0.441	0.424
Centers for Medicare and Medicaid Services	-0.791	0.297	-0.475	0.451

Central Intelligence Agency	0.223	0.308	-0.143	0.472
Chemical Safety and Hazard Invest. Board (Initial)	0.764	0.306	0.413	0.458
Chemical Safety and Hazard Investigation Board	0.703	0.305	1.941	0.502
Citizen and Immigration Services	-0.494	0.286	-0.372	0.468
Civil Division	-0.780	0.301	-0.487	0.445
Civil Rights Division	-0.780	0.288	-0.456	0.438
Commodity Credit Corporation	-0.262	0.298	1.389	0.489
Commodity Futures Trading Commission	1.588	0.296	3.624	0.461
Community Development Financial Institutions Fund	-0.391	0.281	0.088	0.473
Consular Affairs	-0.772	0.290	-0.450	0.439
Consumer Financial Protection Bureau	0.240	0.283	4.100	0.471
Consumer Product Safety Commission	1.981	0.308	3.540	0.491
Consumer Product Safety Commission (Initial)	2.032	0.290	1.763	0.471
Corporation for National Community Service	1.455	0.287	0.477	0.468
Corporation for Public Broadcasting	1.361	0.303	0.247	0.475
Council of Economic Advisors	0.579	0.311	-0.981	0.467
Council on Environmental Quality	0.582	0.301	-0.754	0.491
Council on Environmental Quality (Initial)	0.583	0.296	-0.903	0.473
Criminal Division	-0.769	0.298	-0.465	0.458
Customs and Border Protection	-0.641	0.291	-0.318	0.459
Defense Acquisition University	-0.650	0.288	-0.461	0.471
Defense Acquisitions Regulations System	-0.758	0.282	-0.449	0.436
Defense Advanced Research Projects Agency	-0.773	0.288	-0.442	0.440
Defense Commissary Agency	-0.778	0.298	-0.438	0.436
Defense Contract Audit Agency	-0.764	0.288	-0.454	0.443
Defense Contract Management Agency	-0.770	0.292	-0.439	0.450
Defense Finance and Accounting Service	-0.784	0.296	-0.448	0.438
Defense Information Systems Agency	-0.761	0.290	-0.450	0.458
Defense Intelligence Agency	-0.659	0.294	-0.272	0.453
Defense Legal Services Agency	-0.771	0.295	-0.448	0.453
Defense Logistics Agency	-0.781	0.295	-0.425	0.445
Defense Media Activity	-0.763	0.282	-0.474	0.473
Defense Nuclear Facilities Safety Board	1.912	0.305	0.687	0.472
Defense Prisoner of War/Missing Personnel Office	-0.658	0.293	-0.486	0.461
Defense Procurement and Acquisition Policy	-0.775	0.288	-0.441	0.441
Defense Security Cooperation Agency	-0.782	0.304	-0.428	0.449
Defense Security Service	-0.779	0.294	-0.459	0.444
Defense Technical Information Center	-0.776	0.280	-0.448	0.448
Defense Technology Security Administration	-0.788	0.292	-0.446	0.456
Defense Threat Reduction Agency	-0.782	0.294	-0.436	0.467
Delta Regional Authority	0.217	0.293	-0.494	0.445
Dep't of Defense Test Resource Management Center	-0.502	0.294	-0.515	0.450
Department of Agriculture	-0.361	0.295	0.043	0.462
Department of Commerce	-0.373	0.307	0.416	0.469

Department of Defense	-0.227	0.288	-0.083	0.468
Department of Defense Education Activity	-0.651	0.284	-0.256	0.461
Department of Defense Human Resources Activity	-0.785	0.294	-0.475	0.460
Department of Education	-0.382	0.291	0.745	0.470
Department of Energy	-0.386	0.302	1.406	0.486
Department of Energy (Initial)	-0.319	0.293	0.754	0.460
Department of Health and Human Services	-0.597	0.303	0.393	0.465
Department of Homeland Security	-0.337	0.301	0.526	0.461
Department of Homeland Security (Initial)	-0.241	0.293	0.074	0.457
Department of Housing and Urban Development	-0.692	0.295	0.372	0.456
Department of Justice	-0.359	0.293	1.101	0.480
Department of Labor	-0.358	0.293	0.449	0.469
Department of Labor (Initial)	-0.321	0.300	-0.544	0.445
Department of State	-0.327	0.301	-0.095	0.449
Department of the Interior	-0.359	0.293	0.519	0.487
Department of the Treasury	-0.140	0.287	0.218	0.453
Department of Transportation	-0.366	0.303	1.199	0.506
Department of Veterans Affairs	-0.389	0.294	0.294	0.480
Directorate of Defense Trade Controls	-0.768	0.291	-0.436	0.432
Division of Consumer and Community Affairs	-0.385	0.290	-0.544	0.454
Domestic Nuclear Detection Office	-0.498	0.286	-0.436	0.450
Drug Enforcement Administration	-0.698	0.289	-0.089	0.467
Economic Development Administration	-0.650	0.291	-0.485	0.439
Economic Research Service	-0.770	0.309	-0.465	0.446
Economics and Statistics Administration	-0.776	0.305	-0.437	0.434
Educational and Cultural Affairs	-0.665	0.288	-0.327	0.440
Employee Benefits Security Administration	-0.760	0.298	-0.449	0.427
Employees Compensation Appeals Board	-0.624	0.294	-0.487	0.466
Employment and Training Administration	-0.774	0.300	-0.458	0.444
Employment Standards Administration	-0.776	0.298	-0.459	0.459
Environmental Protection Agency	-0.006	0.306	0.271	0.455
Equal Employment Opportunity Commission	1.629	0.306	0.804	0.477
Equal Employment Opportunity Commission (Initial)	1.620	0.297	0.473	0.462
European and Eurasian Affairs	-0.785	0.287	-0.460	0.453
Executive Office for Immigration Review	-0.709	0.294	0.090	0.455
Executive Office for U.S. Attorneys	-0.776	0.303	-0.457	0.458
Executive Office for U.S. Trustees	-0.786	0.292	-0.429	0.446
Export-Import Bank of the United States	1.784	0.305	0.567	0.472
Farm Credit Administration	2.109	0.295	1.681	0.486
Farm Service Agency	-0.845	0.302	-0.334	0.450
Federal Agricultural Mortgage Corporation	1.459	0.303	0.766	0.481
Federal Aviation Administration	0.024	0.292	2.256	0.495
Federal Bureau of Investigation	-0.562	0.284	-0.499	0.436
Federal Communications Commission	1.837	0.303	1.324	0.489

Federal Deposit Insurance Corporation	1.317	0.313	2.658	0.487
Federal Deposit Insurance Corporation (Initial)	1.152	0.305	0.325	0.458
Federal Election Commission	1.790	0.302	2.221	0.507
Federal Emergency Management Agency	-0.497	0.288	-0.335	0.434
Federal Energy Regulatory Commission	1.065	0.309	2.121	0.468
Federal Highway Administration	-0.660	0.297	-0.474	0.462
Federal Hospital Insurance Trust Fund Board	0.794	0.297	-0.520	0.449
Federal Housing Administration	-0.660	0.294	-0.460	0.456
Federal Housing Finance Agency	0.956	0.305	2.939	0.484
Federal Labor Relations Authority	1.019	0.304	0.947	0.472
Federal Labor Relations Authority (Initial)	1.426	0.292	0.881	0.469
Federal Law Enforcement Training Center	-0.647	0.289	-0.406	0.443
Federal Maritime Commission	1.815	0.297	1.440	0.477
Federal Mediation and Conciliation Service	0.124	0.287	-0.514	0.455
Federal Mediation and Conciliation Service (Initial)	0.103	0.299	-0.471	0.445
Federal Mine Safety and Health Review Commission	1.753	0.300	0.996	0.482
Federal Motor Carrier Safety Administration	-0.499	0.293	-0.479	0.436
Federal Prison Industries	-0.056	0.286	-0.542	0.462
Federal Railroad Administration	-0.491	0.286	-0.508	0.438
Federal Reserve Board	2.235	0.325	3.867	0.474
Federal Reserve Board (Initial)	2.069	0.306	0.182	0.468
Federal Retirement Thrift Investment Board	1.415	0.298	1.622	0.514
Federal Student Aid	-0.763	0.288	-0.471	0.444
Federal Supp. Medication Ins. Trust Fund Bd. (Initial)	0.144	0.291	-0.530	0.452
Federal Supp. Medication Insurance Trust Fund Board	0.791	0.297	-0.550	0.456
Federal Trade Commission	1.655	0.297	2.269	0.483
Federal Transit Administration	-0.672	0.293	-0.477	0.452
Field Policy and Management	-0.780	0.285	-0.471	0.444
Financial Crimes Enforcement Network	-0.654	0.290	-0.473	0.448
Financial Management Service	-0.770	0.285	-0.433	0.450
Financial Stability Oversight Council	0.371	0.299	-0.364	0.467
Food and Drug Administration	-0.640	0.293	0.566	0.467
Food and Nutrition Service	-0.773	0.292	-0.423	0.444
Food Safety and Inspection Service	-0.787	0.297	-0.431	0.447
Foreign Agricultural Service	-0.769	0.301	-0.441	0.439
Foreign Claims Settlement Commission	0.136	0.303	-0.154	0.451
Forest Service	-0.491	0.298	-0.089	0.462
General Services Administration	0.083	0.292	-0.139	0.443
Government National Mortgage Association	-0.600	0.303	1.308	0.478
Grain Inspection, Packers, and Stockyards Admin.	-0.781	0.295	-0.257	0.449
Harry S Truman Scholarship Foundation	1.905	0.289	-0.442	0.462
Health Resources and Services Administration	-0.773	0.292	-0.457	0.445
Immigration and Customs Enforcement	-0.495	0.300	-0.506	0.455
Independent Payment Advisory Board	1.923	0.314	-0.177	0.467

Indian Health Service	-0.456	0.298	-0.291	0.454
Institute for Museum and Library Services	0.590	0.300	-0.216	0.456
Institute of American Indian Arts	1.715	0.285	0.437	0.454
Institute of Education Sciences	0.736	0.308	-0.497	0.434
Intelligence and Counterintelligence	-0.782	0.298	-0.428	0.440
Inter-American Foundation	1.951	0.298	0.153	0.478
Internal Revenue Service	0.031	0.292	0.174	0.444
Internal Revenue Service Oversight Board	0.778	0.305	-0.600	0.443
International Trade Administration	-0.768	0.299	-0.453	0.472
James Madison Memorial Fellowship Foundation	1.497	0.303	0.339	0.486
Justice Management Division	-0.760	0.298	-0.456	0.430
Legal Services Corporation	1.007	0.291	2.072	0.480
Maritime Administration	-0.654	0.297	-0.472	0.460
Merit Systems Protection Board	1.113	0.311	2.971	0.474
Metropolitan Washington Airport Authority	2.074	0.313	-0.194	0.452
Metropolitan Washington Airport Authority (Initial)	1.680	0.288	-0.181	0.459
Millennium Challenge Corporation	0.997	0.306	-0.485	0.456
Millennium Challenge Corporation (Initial)	0.738	0.303	-0.223	0.452
Mine Safety and Health Administration	-0.655	0.294	-0.483	0.462
Minority Business Development Agency	-0.764	0.292	-0.455	0.451
Missile Defense Agency	-0.777	0.291	-0.464	0.436
Mississippi River Commission	1.268	0.312	-0.462	0.463
Morris K. Udall Scholarship Foundation	1.689	0.297	-0.235	0.457
Morris K. Udall Scholarship Foundation (Initial)	1.595	0.302	-0.368	0.457
National Aeronautics and Space Administration	0.189	0.295	-0.147	0.468
National Agricultural Statistics Service	-0.762	0.291	-0.451	0.440
National Archives and Records Administration	0.356	0.298	-0.268	0.467
National Cemetery Administration	-0.658	0.292	-0.147	0.449
National Consumer Cooperative Bank	0.822	0.291	0.536	0.460
National Council on Disability	1.505	0.294	-0.502	0.442
National Credit Union Administration	2.138	0.309	1.547	0.468
National Endowment for the Arts	0.358	0.290	0.062	0.451
National Endowment for the Humanities	0.386	0.302	-0.058	0.447
National Geospatial-Intelligence Agency	-0.521	0.285	-0.220	0.473
National Highway Traffic Safety Administration	-0.644	0.291	-0.482	0.448
National Indian Gaming Commission	1.052	0.311	-0.112	0.458
National Infrastructure Protection Center	-0.686	0.290	-0.440	0.445
National Inst. on Disability and Rehabilitation Research	-0.464	0.287	-0.411	0.457
National Institute of Building Sciences	1.262	0.309	-0.480	0.458
National Institute of Building Sciences (Initial)	1.090	0.297	-0.457	0.437
National Institute of Food and Agriculture	0.120	0.305	-0.150	0.441
National Institute of Standards and Technology	-0.582	0.287	-0.200	0.442
National Institutes of Health	-0.605	0.288	-0.066	0.452
National Labor Relations Board	1.453	0.303	1.543	0.490

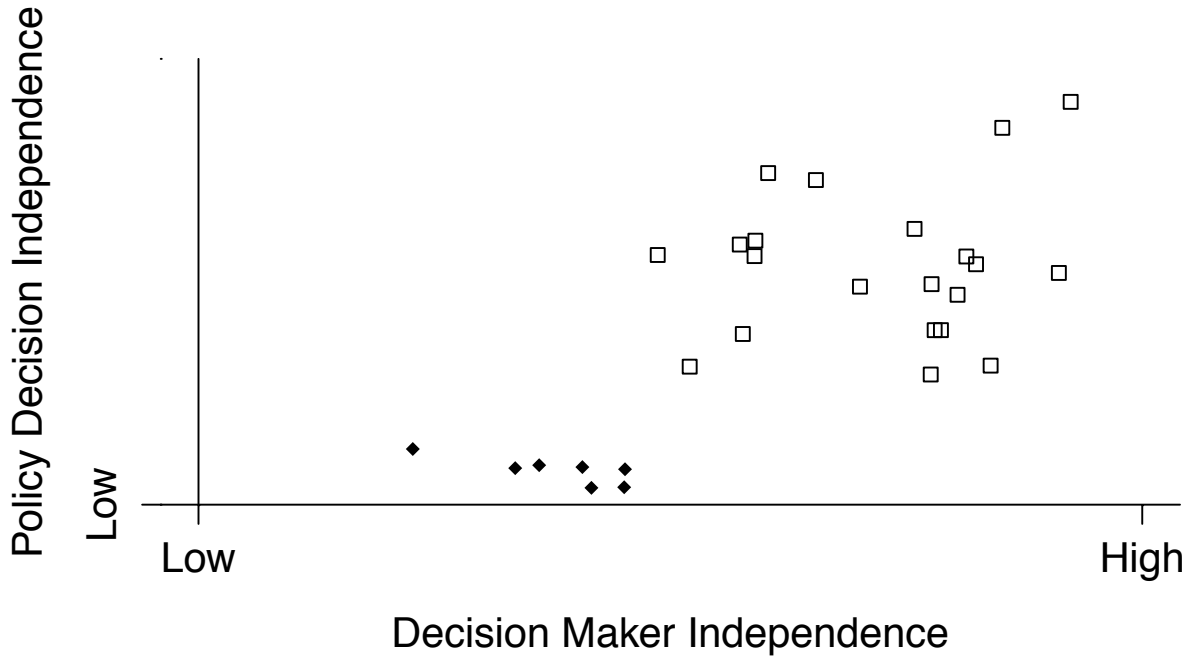
National Labor Relations Board (Initial)	1.478	0.291	0.836	0.484
National Mediation Board	1.240	0.313	-0.267	0.453
National Nuclear Security Administration	-0.383	0.287	0.231	0.478
National Oceanic and Atmospheric Administration	-0.648	0.298	0.006	0.474
National Park Service	-0.520	0.292	0.023	0.450
National Railroad Passenger Corporation (AMTRAK)	1.634	0.305	0.483	0.458
National Reconnaissance Office	-0.801	0.301	-0.223	0.443
National Science Foundation	1.243	0.292	0.142	0.459
National Security Agency	-0.641	0.301	-0.265	0.442
National Security Education Board	0.803	0.304	-0.545	0.439
National Security Education Board (Initial)	0.686	0.296	-0.376	0.468
National Technical Information Service	-0.624	0.287	-0.002	0.455
National Telecomm. and Information Administration	-0.644	0.287	-0.072	0.443
National Transportation Safety Board	1.290	0.299	2.883	0.483
Natural Resources Conservation Service	-0.839	0.288	-0.317	0.467
Navy	-0.533	0.302	-0.355	0.439
Nuclear Regulatory Commission	1.848	0.299	1.922	0.485
Occupational Safety and Health Administration	-0.835	0.291	-0.126	0.472
Occupational Safety and Health Review Commission	1.730	0.300	0.995	0.473
Office of A. Sec. for Comm. Planning and Development	-0.778	0.290	-0.444	0.441
Office of A. Sec. for Elem. and Secondary Education	-0.660	0.292	-0.458	0.461
Office of A. Sec. for Fair Housing and Equal Opport.	-0.771	0.305	-0.449	0.458
Office of A. Sec. for Policy Development and Research	-0.774	0.287	-0.435	0.474
Office of A. Sec. for Post Secondary Education	-0.659	0.280	-0.480	0.447
Office of Acquisition Policy	-0.380	0.303	-0.540	0.453
Office of Assistant Secretary for Fossil Energy	-0.797	0.281	-0.455	0.464
Office of Economic Adjustment	-0.769	0.296	-0.440	0.428
Office of Electricity Delivery and Energy Reliability	-0.774	0.294	-0.454	0.443
Office of Energy Efficiency and Renewable Energy	-0.763	0.290	-0.455	0.448
Office of Energy Policy and New Uses	-0.659	0.301	-0.467	0.461
Office of Environmental Management	-0.761	0.305	-0.436	0.448
Office of Federal Contract Compliance Programs	-0.786	0.292	-0.454	0.460
Office of Federal Procurement Policy	-0.205	0.310	-0.500	0.467
Office of Financial Stability	-0.674	0.301	-0.454	0.450
Office of Fiscal Service	-0.637	0.296	-0.473	0.438
Office of Foreign Assets Control	-0.649	0.284	-0.479	0.444
Office of Government Ethics	0.467	0.295	-0.323	0.451
Office of Health, Safety, and Security	-0.770	0.295	-0.441	0.475
Office of Healthy Homes and Lead Hazard Control	-0.774	0.300	-0.453	0.449
Office of Justice Programs	-0.686	0.289	-0.267	0.440
Office of Labor-Management Standards	-0.768	0.290	-0.436	0.451
Office of Management and Budget	0.263	0.300	-0.704	0.449
Office of Minority Economic Impact	-0.648	0.301	-0.492	0.461
Office of National Drug Control Policy	0.424	0.310	-0.727	0.467

Office of Navajo and Hopi Indian Relocation	0.219	0.304	-0.450	0.455
Office of Nuclear Energy	-0.790	0.293	-0.427	0.459
Office of Nuclear Reactor Regulation	-0.274	0.294	-0.545	0.456
Office of Personnel Management	0.374	0.292	-0.149	0.457
Office of Personnel Management (Initial)	0.374	0.300	-0.443	0.451
Office of Rural Development	-0.801	0.300	-0.291	0.459
Office of Safe and Healthy Students	-0.792	0.295	-0.433	0.459
Office of Science and Technology	0.175	0.308	-0.740	0.473
Office of Special Counsel	0.847	0.300	1.074	0.487
Office of Special Counsel (Initial)	0.754	0.307	0.101	0.452
Office of Special Education and Rehabilitative Services	-0.653	0.295	-0.457	0.444
Office of Special Trustee for American Indians	-0.476	0.289	-0.374	0.455
Office of Surety Guarantees	-0.383	0.304	-0.509	0.468
Office of Surface Mining, Reclam. and Enforcement	-0.544	0.282	-0.502	0.468
Office of the A. Secretary of Defense Health Affairs	-0.774	0.299	-0.458	0.462
Office of the Assistant Secretary International Affairs	-0.783	0.284	-0.426	0.446
Office of the Assistant Secretary Tax Policy	-0.780	0.295	-0.438	0.458
Office of the Comptroller of the Currency	0.031	0.284	1.643	0.504
Office of the Director of National Intelligence	0.321	0.295	-0.289	0.457
Office of the Fed. Coor. for Alaska Nat. Gas Transp. Pr.	-0.139	0.294	-0.145	0.465
Office of the U. Sec. for Arms Control and Int'l Secur.	-0.664	0.299	-0.456	0.450
Office of the U. Sec. for Food, Nutr, and Cons. Services	-0.825	0.297	-0.436	0.439
Office of the Under Secretary for Domestic Finance	-0.762	0.300	-0.438	0.455
Office of the United States Trade Representative	0.457	0.301	-0.988	0.482
Office of Thrift Supervision	-0.635	0.287	0.925	0.475
Office of Vocational and Adult Education	-0.664	0.291	-0.482	0.452
Office of Workers' Compensation Programs	-0.780	0.287	-0.426	0.454
Oklahoma City National Memorial Trust	-0.603	0.308	-0.267	0.447
Overseas Private Investment Corporation	1.670	0.306	0.269	0.474
Overseas Private Investment Corporation (Initial)	1.420	0.295	0.177	0.477
Patent and Trademark Office	-0.335	0.288	-0.118	0.462
Peace Corps	0.084	0.306	-0.094	0.443
Pentagon Force Protection Agency	-0.783	0.304	-0.462	0.453
Pipeline and Hazardous Materials Safety Administration	-0.500	0.290	-0.515	0.437
Political-Military Affairs	-0.785	0.293	-0.424	0.447
Postal Regulatory Commission	1.938	0.311	0.549	0.464
Presidio Trust	-0.802	0.293	-0.321	0.460
Privacy and Civil Liberties Oversight Board	1.477	0.301	-0.469	0.465
Public and Indian Housing	-0.764	0.286	-0.455	0.446
Public Buildings Service	-0.382	0.290	-0.539	0.452
Public Health Service	-0.574	0.291	-0.113	0.462
Railroad Retirement Board	0.963	0.302	2.715	0.474
Rehabilitation Services Administration	-0.513	0.294	-0.498	0.438
Research and Innovative Technology Administration	-0.654	0.299	-0.496	0.444

Risk Management Agency	-0.655	0.289	-0.464	0.441
Rural Business and Cooperative Development Service	-0.828	0.305	-0.446	0.453
Rural Housing Service	-0.845	0.292	-0.445	0.442
Rural Utilities Service	-0.504	0.290	-0.493	0.449
Saint Lawrence Seaway Development Corporation	-0.418	0.291	0.290	0.480
Securities and Exchange Commission	1.312	0.304	3.566	0.467
Securities and Exchange Commission (Initial)	1.440	0.307	-0.430	0.447
Securities Investor Protection Corporation	1.351	0.292	0.244	0.455
Selective Service System	0.067	0.300	-0.491	0.443
Small Business Administration (Initial)	0.384	0.302	-0.138	0.448
Small Business Administration	0.191	0.306	1.102	0.496
Social Security Administration	0.623	0.308	1.127	0.452
Social Security Advisory Board	2.063	0.307	-0.709	0.462
State Justice Institute	1.719	0.301	1.574	0.505
Substance Abuse and Mental Health Services Admin.	-0.753	0.291	-0.318	0.454
Surface Transportation Board	1.062	0.316	1.927	0.461
Task Force on Lead-Based Paint Haz. Reduc. and Fin.	-0.502	0.297	-0.515	0.445
Tennessee Valley Authority	1.648	0.307	1.009	0.478
Transportation Security Administration	0.155	0.289	-0.125	0.446
Tricare Management Activity	-0.648	0.286	-0.473	0.450
U.S. Coast Guard	-0.172	0.292	0.601	0.492
U.S. Fish and Wildlife Service	-0.404	0.297	-0.379	0.464
U.S. Geological Survey	-0.503	0.291	-0.217	0.426
U.S. Marshals Service	-0.676	0.284	-0.461	0.470
U.S. Mint	-0.182	0.292	-0.377	0.466
U.S. Secret Service	-0.636	0.282	-0.485	0.440
United States African Development Foundation	1.981	0.279	0.396	0.453
United States Agency for International Development	0.049	0.294	-0.261	0.450
United States Election Assistance Commission	1.706	0.296	-0.346	0.447
United States Institute of Peace	1.884	0.293	1.824	0.462
United States International Trade Commission	2.095	0.311	3.078	0.470
United States Parole Commission	-0.030	0.298	-0.269	0.463
United States Postal Service	2.191	0.305	1.715	0.480
United States Postal Service (Initial)	2.328	0.304	0.172	0.479
United States Trade and Development Agency	0.156	0.314	-0.532	0.457
Veterans Benefits Administration	-0.511	0.296	-0.534	0.461
Veterans Employment and Training Service	-0.669	0.290	-0.315	0.433
Veterans Health Administration	-0.501	0.293	-0.307	0.451
Wage and Hour Division	-0.722	0.298	0.168	0.451
Washington Headquarters Services	-0.770	0.288	-0.434	0.460
Western Area Power Administration	-0.781	0.305	-0.462	0.434
Womens' Bureau	-0.487	0.290	-0.504	0.466

As another illustration of the measure, Figure 10 plots the estimates from the model described above for agencies within the EOP[90] and for independent commissions. As in Figure 3, estimates for limitations on the appointment and removal of key agency decision makers are on the x-axis and estimates for limitations on political review of agency policy decisions on the y-axis. A black diamond indicates the estimate for an EOP agency and an open square indicates the estimate for an independent commission.

Figure 10. Executive Office of the President vs. Independent Commissions



An examination of the estimates for the EOP agencies reveals that they are all low with respect to the independence of policy decisions. In fact, the dimension 2 estimates for the EOP agencies are the lowest among all agencies and bureaus in the federal executive establishment. However, the EOP agencies vary with respect to the independence of their decision makers. The Office of Federal

[90] The National Security Staff is not included due to missing data.

Procurement Policy (-0.702) is distinguishable from the other EOP agencies on this dimension. This is in part due to the fact that the OFPP is a bureau located within the Office of Management and Budget. The low decision maker estimate also reflects the fact that, in addition to coordinating with various OMB offices, the OFPP must work closely with the other agencies in the executive establishment to oversee the development of federal acquisition policy and must consult with the heads of all agencies affected by changes in procurement policy.[91] This means that the Administrator of the OFPP must not only respond to the direction of the president, but also the Director of OMB and the heads of the agencies such as the Department of Defense, National Aeronautics Space Administration, Small Business Administration, and General Services Administration.

In contrast to the estimates for the EOP agencies, the estimates for the independent regulatory commissions are not quite as similar. While the estimates for agencies traditionally considered to be independent commissions are higher than those of all EOP estimates, the commissions' estimates on both dimensions vary. The estimates of commissions traditionally associated with independence such as the Federal Reserve Board (2.235, 3.867), Consumer Product Safety Commission (1.981, 3.540), and the Nuclear Regulatory Commission (1.848, 1.922) are relatively high on both dimensions. The statutes of these commissions place many additional limitations on the appointment of key decision makers – the members' terms are often staggered and there are often party-balancing or expertise requirements associated with appointments. Similarly, many these agencies bypass OMB review, use adjudication and ALJ's, and have independent sources of funding.

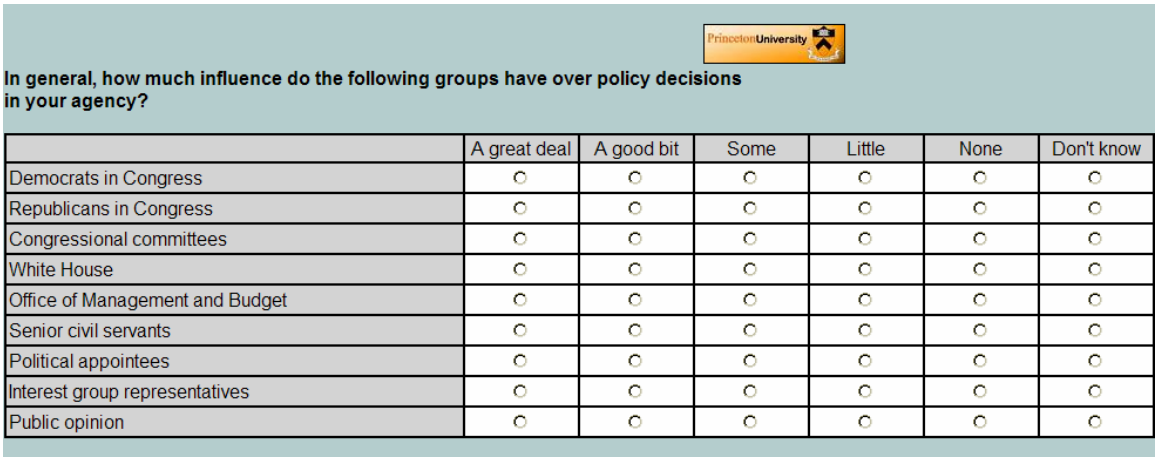
However, other agencies with multiple members who serve fixed terms and are protected from removal but for cause have lower estimates on one or both dimensions. Estimates for agencies that are bureaus located in executive departments like the Board of Veterans Appeals (-0.266) and the Foreign Claims Settlement Commission (0.136) are generally low on the decision makers dimension. Estimates

[91] See 41 U.S.C. § 1122 (2012).

for agencies that cannot bypass OMB review and do not participate in adjudication or use ALJs like Independent Payment Advisory Board (-0.177) and the Metropolitan Washington Airport Authority (-0.194) are low on the policy decision dimension. The variation in the estimates for commissions on both dimensions suggest that a simple look at whether an agency is run by multiple members who serve fixed terms that are protected with for cause removal provisions may miss important structural differences among agencies.

In Section 4 of the paper, I assess the predictive validity of my measure and explore whether structural independence influences responsiveness. I use questions from the Survey on the Future of Government Service to measure perceptions of the influence of political principals on agency policy. Figure 11 contains a screen shot of the applicable questions from the survey and Table 12 contains the summary statistics of all variables used in the analysis reported in Table 1.

Figure 11. Screen Shot of Influence Questions from Survey



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In general, how much influence do the following groups have over policy decisions in your agency?

	A great deal	A good bit	Some	Little	None	Don't know
Democrats in Congress	○	○	○	○	○	○
Republicans in Congress	○	○	○	○	○	○
Congressional committees	○	○	○	○	○	○
White House	○	○	○	○	○	○
Office of Management and Budget	○	○	○	○	○	○
Senior civil servants	○	○	○	○	○	○
Political appointees	○	○	○	○	○	○
Interest group representatives	○	○	○	○	○	○
Public opinion	○	○	○	○	○	○

Table 12. Influence Summary Statistics

	Obs.	Mean	Std. Dev.	Min	Max
White House Influence	121	2.538	0.853	0.000	4.000
Congressional Dem. Influence	120	2.324	0.653	0.000	3.500
Congressional GOP Influence	121	2.806	0.854	0.000	4.000
Decision Makers	345	-0.000	0.927	-0.845	2.328
Policy Decisions	345	0.000	0.865	-0.988	4.100
Independent Commission	122	0.180	0.386	0.000	1.000
Committees	118	6.661	6.588	0.000	29.000
Agency Ideology	104	0.160	1.105	-1.720	2.400
2007 Employment	118	56391.960	153015.100	4.000	785929.000

For all models in Table 1, regression diagnostics suggest that some agencies appear as an outlier and influential point. Because the substantive and statistical effects of the variables are similar in models where I include and exclude these agencies, I report the models including all agencies in the paper. However, Table 13 reports the models estimated without the outlying and influential observations. For models exploring the relationship between influence and structural independence those agencies are as follows:

Model of White House Influence – Bureau of Labor Statistics, Defense Logistics Agency, Federal Retirement Thrift Investment Board, National Mediation Board
Model of Democratic Influence – Broadcasting Board of Governors, National Mediation Board, U.S. Agency for International Development
Model of Republican Influence – Broadcasting Board of Governors, Bureau of Labor Statistics, Defense Logistics Agency, Export Import Bank, National Mediation Board, Occupational Safety and Health Review Commission, U.S. Agency for International Development

For models exploring the relationship between influence and commissions, the outlier and influential agencies are as follows:

Model of White House Influence – Bureau of Labor Statistics, Defense Logistics Agency, Federal Retirement Thrift Investment Board
Model of Democratic Influence – Broadcasting Board of Governors, Corporation for National and Community Service, Export Import Bank, U.S. Agency for International Development
Model of Republican Influence –Broadcasting Board of Governors, Bureau of Labor Statistics, Corporation for National and Community Service, Export-Import Bank, Occupational

Safety and Health Review Commission, U.S. Agency for International Development, and U.S. International Trade Commission.

Table 13. Influence of Political Principals over Agency Policy Decisions (without outliers)

	Influence of White House		**Influence of Dems in Congress**		**Influence of Repubs in Congress**	
	Coefficient (Std. Err.)		Coefficient (Std. Err.)		Coefficient (Std. Err.)	
Decision Makers	-0.185*		0.068		-0.163	
	(0.106)		(0.119)		(0.108)	
Policy Decisions	-0.209**		-0.170**		-0.071	
	(0.056)		(0.076)		(0.075)	
Commission		-0.651**		-0.286**		-0.216
		(0.178)		(0.140)		(0.132)
Bureau		0.113		0.098		0.315
		(0.135)		(0.105)		(0.098)
Committees	0.008	0.002	-0.001	-0.002	-0.003	-0.004
	(0.008)	(0.112)	(0.008)	(0.009)	(0.007)	(0.008)
Agency Ideology	-0.155**	-0.186**	-0.040	-0.046	-0.111**	-0.134**
	(0.058)	(0.064)	(0.051)	(0.049)	(0.048)	(0.046)
2007 Employment	0.075*	0.105**	0.081**	0.084**	0.051	0.065**
	(0.040)	(0.040)	(0.033)	(0.031)	(0.032)	(0.028)
Constant	2.039**	1.788**	1.418**	1.302**	1.970**	1.602**
	(0.310)	(0.343)	(0.264)	(0.254)	(0.272)	(0.232)
Observations	81	82	82	81	79	78
R^2	0.564	0.446	0.266	0.329	0.351	0.407

Notes: Dependent variable is the amount of influence each group has over policy decisions in the agency.
*p≤ 0.10, **p ≤ 0.05

Table 1 estimates all models on the same sample of agencies: those agencies in the survey that overlap with my structural independence dataset. Table 14 estimates the models using the commission indicator on the full set of agencies in the survey.

Table 14. Influence of Political Principals over Agency Policy Decisions (larger sample)

	Influence of White House	Influence of Dems in Congress	Influence of Repubs in Congress
	Coefficient (Std. Err.)	Coefficient (Std. Err.)	Coefficient (Std. Err.)
Commission	-0.628**	-0.223	-0.214
	(0.185)	(0.152)	(0.147)
Bureau	0.107	-0.004	0.145
	(0.146)	(0.120)	(0.116)
Committees	0.003	-0.001	0.005
	(0.012)	(0.010)	(0.009)
Agency Ideology	-0.158**	-0.051	-0.124**
	(0.061)	(0.050)	(0.049)
2007 Employment	0.102**	0.056*	0.059**
	(0.037)	(0.030)	(0.029)
Constant	1.819**	1.630**	1.739**
	(0.304)	(0.250)	(0.242)
Observations	101	101	101
R^2	0.368	0.127	0.212

Notes: Dependent variable is the amount of influence each group has over policy decisions in the agency.
*p ≤ 0.10, **p ≤ 0.05

While Table 1 estimates models that include both dimensions of structural independence, Table 15 estimates models of political influence that include each dimension separately.

Table 15. Influence of Political Principals over Agency Policy Decisions (dimensions separately)

	Influence of White House		Influence of Dems in Congress		Influence of Repubs in Congress	
	Coefficient (Std. Err.)		Coefficient (Std. Err.)		Coefficient (Std. Err.)	
Decision Makers	-0.353**		-0.081		-0.186**	
	(0.077)		(0.078)		(0.072)	
Policy Decisions		-0.270**		-0.142**		-0.143**
		(0.048)		(0.045)		(0.046)
Committees	0.006	0.013	-0.008	-0.003	-0.004	-0.000
	(0.077)	(0.011)	(0.008)	(0.009)	(0.008)	(0.008)
Agency Ideology	-0.190**	-0.223**	-0.041	-0.038	-0.084	-0.101**
	(0.074)	(0.070)	(0.055)	(0.049)	(0.055)	(0.053)
2007 Employment	0.100**	0.139**	0.087**	0.076**	0.064*	0.084**
	(0.041)	(0.043)	(0.034)	(0.032)	(0.032)	(0.032)
Constant	1.699**	1.387**	1.373**	1.480**	1.816**	1.654**
	(0.324)	(0.340)	(0.275)	(0.266)	(0.269)	(0.272)
Observations	85	85	85	85	85	86
R^2	0.485	0.505	0.172	0.245	0.257	0.254

Notes: Dependent variable is the amount of influence each group has over policy decisions in the agency.
*p ≤ 0.10, **p ≤ 0.05

B. DIVERSITY OF DELEGATION

To assess the opinions of executives on the responsiveness of political appointees and senior career civil servants to the policy decisions or pronouncements of Congress and the president, I analyze the questions captured in the survey screen shot in Figure 12.

Figure 12. Screen Shot of Responsiveness Questions from Survey

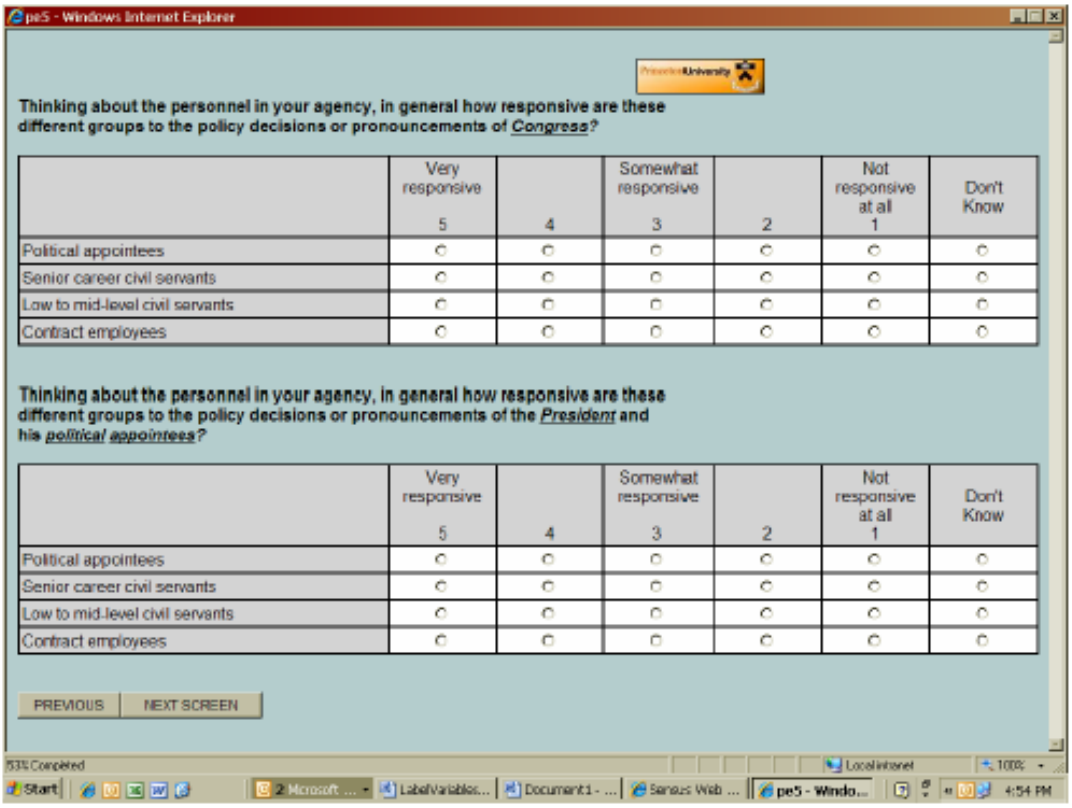

Figure 13 presents the distribution of the individual level difference in perceived responsiveness for appointees and senior career civil servants. While the modal response suggests relatively equal responsiveness of both appointees and senior career civil servants, on average more federal executives report agency employee responsiveness to the policy demands of the president than to Congress. Not

surprisingly, executives report that the relative responsiveness of federal appointees to the president is much greater than the relative responsiveness of senior career civil servants.

Figure 13. Distribution of Relative Federal Executive Responsiveness to Presidential Policies: Higher values indicate more responsiveness to the president

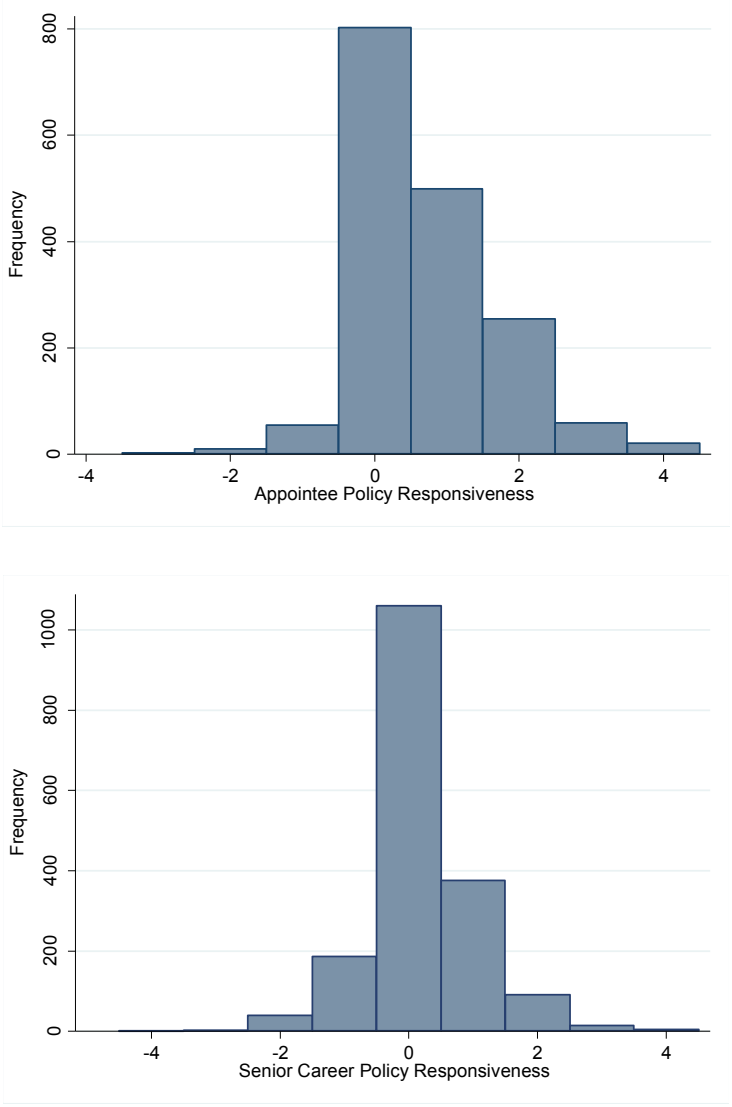

Table 11 presents the agency level variables that result from aggregating executive opinions or collecting agency level data and Table 17 presents the variables used in the individual-level analysis.

Table 16. Responsiveness Summary Statistics (Agency Level)

	Obs.	Mean	Std. Dev.	Min	Max
App. Responsive	115	0.570	0.609	-1.333	2.200
S. Career Responsive	115	0.133	0.511	-2.000	1.500
Policy Areas	84	3.797	3.519	1.000	13.000
Committees	118	6.661	6.588	0.000	29.000
Fix. Terms & For Cause	119	0.126	0.333	0.000	1.000
OMB Bypass	119	0.403	0.837	0.000	3.000
No Appropriations	119	0.084	0.279	0.000	1.000
Agency Ideology	102	0.135	1.098	-1.720	2.400

Table 17. Responsiveness Summary Statistics (Individual Level)

	Obs.	Mean	Std. Dev.	Min	Max
App. Responsive	1704	0.696	0.994	-3.000	4.000
S. Career Responsive	1777	0.195	0.845	-4.000	4.000
Policy Areas	5937	6.174	4.316	1.000	13.000
Committees	6685	12.449	8.217	0.000	29.000
Fix. Terms & For Cause	6687	0.070	0.255	0.000	1.000
OMB Bypass	6687	0.191	0.584	0.000	3.000
No Appropriations	6687	0.039	0.193	0.000	1.000
Agency Ideology	6505	0.231	1.114	-1.720	2.400
Appointee Comp.	1766	4.845	1.479	1.000	7.000
Senior Comp.	1869	5.918	0.972	1.000	7.000
Individual Ideology	1874	-0.025	0.818	-1.507	1.793
Careerist	2157	0.819	0.385	0.000	1.000
Field Office	2107	0.206	0.404	0.000	1.000
Years in Agency	2119	18.516	11.790	0.000	58.000
Deal with Grants	2050	0.333	0.471	0.000	1.000

For models 3 and 6 in Table 2, regression diagnostics suggest that some agencies appear as an outlier and influential point. Because the substantive and statistical effects of the variables are similar in models where I include and exclude these agencies, I report the models including all agencies in the paper. However, Table 18 reports the models estimated without the outlying and influential observations. For the relationship between policy areas and appointee responsiveness, I estimated the model without the Commodity Futures Trading Commission and the Occupational Safety and Health Administration. For the relationship between policy areas and career civil servant responsiveness, I estimated with model without the Commodity Futures Trading Commission.

Table 18. Relative Agency Responsiveness to the President Without Outliers (Agency Level)

	Relative Appointee Responsiveness to President		**Relative Senior Career Responsiveness to President**	
	Coefficient	Std. Err.	Coefficient	Std. Err.
Policy Areas	0.128**	0.022	0.079**	0.023
Number of Committees	0.030**	0.009	0.005	0.010
Policy * Committees	-0.005**	0.001	-0.003*	0.001
Fix Terms & For Cause	-0.392**	0.001	-0.409	0.132
OMB Bypass	0.149*	0.062	-0.107	0.067
No Appropriations	-0.050	0.125	0.051	0.135
Agency Ideology	-0.039	0.035	0.018	0.037
Appointee Competence	-0.155	0.050		
Senior Competence			-0.123	0.090
Careerist	0.212**	0.177	0.609*	0.191
Constant	0.704*	0.312	0.200	0.525
Observations	76		77	
R^2	0.588		0.394	

Notes: Dependent variable is the difference between the responsiveness of political appointees/senior career civil servants to the policy decisions or pronouncements of White House and the responsiveness of political appointees/senior career civil servants to the policy decisions or pronouncements of Congress.
*p ≤ 0.05, **p ≤ 0.01

Because many of the cabinet departments implement programs across a large number of policy areas and are typically overseen by a large number of committees, there may be some concern that these departments exert undue influence on the coefficients in my models of responsiveness. In Table 19, I remove the cabinet departments from my analysis at the agency level and estimate models of appointee and senior career civil servant responsiveness.

Table 19. Relative Agency Responsiveness to the President Without Cabinet (Agency Level)

	Relative Appointee Responsiveness to President		**Relative Senior Career Responsiveness to President**	
	Coefficient	Std. Err.	Coefficient	Std. Err.
Policy Areas	0.100**	0.044	0.097*	0.047
Number of Committees	0.024	0.015	0.008	0.016
Policy * Committees	-0.002	0.005	-0.005	0.005
Fix Terms & For Cause	-0.228	0.144	-0.182	0.151
OMB Bypass	0.033	0.070	-0.032	0.073
No Appropriations	-0.149	0.155	-0.110	0.162
Agency Ideology	-0.073	0.049	-0.012	0.050
Appointee Competence	-0.229	0.062		
Senior Competence			-0.174	0.114
Careerist	0.351**	0.226	0.794**	0.235
Constant	1.059	0.407	0.354	0.677
Observations	63		63	
R^2	0.532		0.380	

Notes: Dependent variable is the difference between the responsiveness of political appointees/senior career civil servants to the policy decisions or pronouncements of White House and the responsiveness of political appointees/senior career civil servants to the policy decisions or pronouncements of Congress.
*p ≤ 0.05, **p ≤ 0.01

C. COMPLIANCE WITH THE LAW

Table 20 provides a list of the structural features included in each dimension of the estimates of structural independence. For more information on the estimates, see Chapter II.

Table 20. Structural Independence

Independence of Decision Makers		Independence of Policy Decisions	
Location	Executive Office Executive Department Bureau	**Insulation from Political Review**	OMB Budget Bypass OMB Rule Bypass OMB Communication Bypass Independent Litigating Authority Independent Funding Outside Approval Advisory Committees Inspector General
Permanence	Mandated by Statute Permitted by Statute	**Policymaking Authority**	Adjudication Administrative Law Judges
Leadership Structure	Number of Members Term Length Staggered Terms For Cause Protections Serve President Quorum Rules		
Agency Head	President Appointed, Senate Confirmed President Selected		
Limitation on Appointments	Party Balancing Expertise Conflict of Interest		
Agency Employees	Exempt from Title 5		

Table 21 contains the summary statistics for all variables used in the analysis reported in Tables 5, 6, and 7.

Table 21. CRA Summary Statistics

	Obs.	Mean	Std. Dev.	Min	Max
Effective Date to Report	57349	28.113	140.967	-1590.000	3012.000
Published Date to Report	57349	20.123	70.855	0.000	2879.000
Follow Law	57349	0.556	0.497	0.000	1.000
Major Rule	57349	0.020	0.140	0.000	1.000
Significant Rule	57349	0.295	0.456	0.000	1.000
Final Rule	57349	0.867	0.339	0.000	1.000
Decision Makers Indep.	50805	-0.245	0.698	-0.792	2.353
Policy Review Indep.	50805	0.633	1.049	-0.751	4.025
No. of Policy Areas	57115	19.784	10.129	0.000	44.000
No. of Committees	50725	2.855	1.577	0.000	12.000
No. Reports to Congress	48782	22.149	46.987	0.000	568.000
No. of Rules	51742	413.716	378.570	1.000	1284.000
No. of Bureaus	57349	0.313	2.564	0.000	34.000

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