

COMPLIANCE MONITORING

This is a very self explanatory concept: once a regulation takes full force subdivisions must enforce it. This is done through a variety of means: requiring permits, taking actual scientific samples, asking for documentation, using powers delegated by Congress to punish groups that don't follow regulations, etc.

Furthermore, under the **chevron concept**, subdivisions also get the ability to interpret the law however they want at any given point in time.

CHECK AND BALANCE

All the other branches still do have a hold on the bureaucracy; after all, these subdivisions (that are not elected) still have a great amount of power in creating and enforcing regulations. These can include controlling funding, declaring actions by subdivisions unconstitutional, etc.

Listed below are some of the parties that are able to check and balance or otherwise interact with the bureaucracy.

> PRESIDENT

- Appoint people to lead bureaucracies
- Issue XOs and use other informal powers to restructure the bureaucracy
- Question, then shoot down or revise regulations through the **OIRA (Office of Information and Regulatory Affairs)**

> CONGRESS

- Question and shoot down prospective high level officials appointed by the President.
- Redirect appropriations and remove spending powers entirely.
- Undelegate or delegate powers away from agencies.
- Investigate and call bureaucrats up to testify, either to monitor performance or investigate misconduct.
- **Legislative veto**: force a certain agency decision to wait for 30-90 days, essentially stopping it for some time. However, this practice has been declared unconstitutional as of 1983.
- Create, rearrange and delete parts of the bureaucracy using legislation.

> COURTS

- Judicially review regulations; as due process still exists within the bureaucracy.
- The same rules regarding appeals and whatnot still apply.

> CITIZENS AND MEMBERS OF THE BUREAUCRACY

- NOTICE AND COMMENT OPP: requires that the public and other stakeholders to be given input prior to the full enforcement of a certain regulation
- FREE OF INFO ACT: requires that subdivisions release information upon request by the public
- SUNSHINE LAWS: requires that parts of the government hold their meetings in public places and generally make proceedings transparent to the public (this is why Florida gained its reputation: the state has instated transparency laws that often require the release of reports to the public, many of which are about people being stupid).

- **WHISTLEBLOWER PROTECTION ACT**: offers protection to bureaucrats that release evidence about government misconduct. This however does not apply to agencies that work specifically with classified information. **This is especially important because federal employees who don't agree with higher ups or expose wrongdoings are at risk of termination and retaliation without protections.**

CHAPTER KEY TERMS

Administrative Procedures Act of 1946/1948 - requires that regulations be placed in the Federal Register, requires that **delegated discretionary authority** be used in a certain way, institutes the notice and comment thing mentioned earlier, etc.

Whistleblower Protection Act of 1989 - defined above

Legislative veto - defined above

Patronage/spoils system - a system whereby eligibility for certain executive agency positions were determined by loyalty to the President and not other qualifications such as skill

Merit system - a system whereby eligibility for certain executive agency positions are determined by skills and qualifications. Enacted for realties by the **Pendleton Civil Service Act** and upheld by the **Civil Service Commissions, which was then replaced by the Office of Personnel Management**

Civil Service Reform Act - replaces with the Civil Service Commission with the OPM, changes how federal employees are fired, etc.

Code of Federal Regulations - where all regulations that pass must be consolidated. shortened to CFR.

Federal Register - documents the progress of certain regulations

notice and comment opportunity - the ability for members of the public and stakeholders to share their comments on a certain regulation before its passage. usually mandated by law.

independent regulatory agencies - a regulatory authority created independent from any Big 15 Departments and charged with the power to create specific regulations amongst other powers

US Securities and Exchange Commission (SEC) - Congress-created agency designed to protect the market from manipulation

Federal Elections Commission (FEC) - Congress-created agency designed to enforce rules about campaign financing and other election rules

Congressional oversight - Congress supervising executive actions and investigating misconduct, as well as calling bureaucrats and experts up to testify in order to make informed decisions.

Power of the purse - the ability to relocate and spend public funds. Given to Congress who subsequently delegated that power elsewhere, including executive agencies through **granting authorization of spending**.

Appropriations - the money that you can spend on receiving an authorization of spending.