

## The Federal Bureaucracy 联邦官僚机构

### I. 我。 THE FEDERAL BUREAUCRACY 联邦官僚机构

#### A. WHAT IS BUREAUCRACY?

##### A. 什么是官僚主义？

1. The term *bureaucracy* is understood to refer to any administrative organization with the following characteristics:

1. “官僚机构”一词通常指具有以下特征的任何行政组织：

a. a large number of employees (bureaucrats)

a. 大量员工（官僚）

b. a hierarchical structure

b. 层级结构

c. complex rules and procedures

c. 复杂的规则和程序

d. staffed by specialists

d. 由专业人员组成

2. The U.S. federal bureaucracy employs 2.8 million civilians, most of whom work in the executive branch. Small segments of the bureaucracy exist under the legislative and judicial branches.

2. 美国联邦政府机构雇佣了 280 万文职人员，其中大部分在行政部门工作。立法和司法部门也存在少量机构。

3. **Advantages of bureaucracy:**

3. 官僚机构的优势：

a. Centralized authority makes management effective.

a. 集中化的权力使管理更加有效。

- b. Specialized roles allow for the development of expertise.  
b. 专业化岗位有利于发展专业技能。
- c. Standardized procedures make outcomes efficient and predictable.  
c. 标准化的程序使结果高效且可预测。
- d. Standardization promotes equal treatment of individuals.  
d. 标准化促进了对个人的平等对待。

#### 4. **Disadvantages of bureaucracy:**

##### 4. **官僚主义的缺点：**

- a. In a large bureaucracy, there can be overlapping areas of authority, creating both conflicts and repetition.  
a. 在庞大的官僚机构中，权力范围可能会重叠，从而造成冲突和重复。
- b. Formalized procedures with especially extensive paperwork, often called *red tape*, can delay results.  
b. 繁琐的程序，尤其是大量的文书工作，常常被称为“官僚主义”，会延误结果。
- c. Large, complex organizations may experience inertia, a slowness to respond to change.  
c. 大型、复杂的组织可能会出现惯性，即对变化反应迟缓。
- d. Placing limits on individual discretion can result in unsatisfactory outcomes and stifle creativity.  
d. 限制个人自由裁量权可能会导致不令人满意的结果，并扼杀创造力。

## B. THE STRUCTURE OF THE FEDERAL BUREAUCRACY

### B. 联邦官僚机构的结构

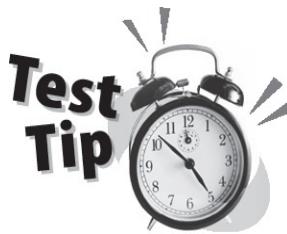
- 1. All federal government bureaucratic agencies are created and funded by Congress, but most work under the authority of the president. Article II of the Constitution states that the president “shall take Care that the Laws be faithfully executed.” The president appoints the heads of the bureaucratic agencies, but full-time civil service employees do most of the work of government and are subject to laws and oversight from Congress.  
1. 所有联邦政府官僚机构均由国会设立并提供资金，但大多数机构在总统的授权下运作。《宪法》第二条规定，总统“应确保法律得到忠实执行”。总统任命各官僚机构的负责人，但政府的大部分工作由全职公务员完成，他们受国会的法律和监督。
- 2. **Executive Office of the President (EOP):** This is the group of highly influential policy-related offices and agencies in the executive branch that currently includes the White House Office, the Office of the Vice President, the Office of Management and Budget (OMB), the National Security Council, the Council of Economic Advisers, and the

## Office of Science and Technology Policy.

2. **总统行政办公室 (EOP)**：这是行政部门中具有高度影响力的政策相关办公室和机构，目前包括白宫办公室、副总统办公室、管理和预算办公室 (OMB)、国家安全委员会、经济顾问委员会和科技政策办公室。
  - a. EOP positions are influential in helping the president achieve his or her policy goals.
    - a. EOP 职位对帮助总统实现其政策目标具有影响力。
    - b. They are filled through presidential appointment and do not require Senate approval.
      - b. 这些职位由总统任命，无需参议院批准。
    - c. The president can fire leaders in the executive office of the president at any time without congressional approval.
      - c. 总统可以随时解雇总统行政办公室的领导人，而无需国会批准。
    - d. The EOP is headed by the president's Chief of Staff, the highest-ranking aide to the president whose duties include overseeing White House staff, controlling access to the Oval Office, advising the president, and negotiating with other government officers in the interest of the president's policy agenda.
      - d. 总统办公室由总统幕僚长领导，他是总统的最高级别助手，其职责包括监督白宫工作人员、控制进入椭圆形办公室的权限、向总统提供建议以及为了总统的政策议程与其他政府官员进行谈判。
  3. **白宫办公室**：这包括总统办公室 (EOP) 内的官僚机构，这些机构由总统最信任和最有影响力的顾问组成，这些顾问的任命无需参议院批准。
  4. **行政部门**：构成行政机构主体的 15 个行政部门，除司法部由司法部长领导外，均由部长领导。这些领导人统称为总统内阁。
    - a. They are chosen by presidential appointment and confirmed by the Senate (majority vote).
      - a. 他们由总统任命，并由参议院确认（多数票）。
      - b. The president can fire a department secretary at any time without congressional approval.
        - b. 总统可以随时解雇部门部长，无需国会批准。
      - c. Cabinet departments are not specifically mentioned in the Constitution, but the cabinet has been in place since George Washington. The cabinet has expanded

from three departments to 15 over time.

- c. 宪法中并未明确提及内阁部门，但内阁制度自乔治·华盛顿时代起就已存在。随着时间的推移，内阁部门已从最初的三个扩展到十五个。



***Be sure you understand the difference between bureaucrats in the Executive Office of the President (EOP) and Cabinet Secretaries. The president has greater latitude in selecting his or her closest advisors. White House staff, upon whom the president relies most heavily for guidance, are generally selected with greater emphasis on personal affinity and trust.***

务必了解总统行政办公室 ( EOP ) 官员和内阁部长之间的区别。总统在选择其最亲密的顾问方面拥有更大的自主权。总统最依赖的白宫幕僚，其选拔通常更注重个人关系和信任。

### **Executive Office of the President vs. Cabinet Secretaries**

#### **总统行政办公室与内阁部长们**

<b>Executive Office of the President 总统行政办公室</b>	<b>Cabinet Secretaries 内阁秘书</b>
The EOP currently includes about 4,000 positions in the White House Office, Council of Economic Advisors, National Security Council, Office of Management and Budget, Office of National Drug Control Policy, Office of Science and Technology Policy, and the Office of the Vice President.  EOP 目前包括白宫办公室、经济顾问委员会、国家安全委员会、管理和预算办公室、国家药物管制政策办公室、科技政策办公室和副总统办公室约 4,000 个职位。	The heads of the 15 executive agencies that make up the president's cabinet hold the title of Secretary; the exception is the head of the Justice Department, who is the Attorney General.  组成总统内阁的 15 个行政机构的负责人头衔是部长；唯一的例外是司法部部长，他的头衔是司法部长。
likely to be strong supporters of the president alone  他们很可能只是总统的坚定支持者。	advise the president and manage executive departments resulting in potentially divided support  为总统提供建议并管理行政部门，这可能会导致支持率分裂。
appointed by the president without senate confirmation  由总统任命，未经参议院确认	appointed by the president and require a majority vote by the Senate  由总统任命，并需经参议院多数票通过。
often served on the president's election campaign  经常参与总统的竞选活动	often have specialized knowledge and prior political experience  通常具备专业知识和政治经验
lower levels of congressional oversight  国会监督力度较低	greater levels of congressional oversight  加强国会监督

5. **Independent Agencies:** These are agencies created by Congress that are similar to Cabinet departments, but are smaller and focused on more specific policy areas.

5. **独立机构**：这些是由国会创建的机构，类似于内阁部门，但规模较小，专注于更具体的政策领域。

- a. Agency heads are appointed by the president with confirmation by the Senate (majority vote).
  - a. 各机构负责人由总统任命，并经参议院确认（多数票）。
  - b. The president can remove agency heads at any time without congressional approval.
    - b. 总统可以随时撤换各机构负责人，无需国会批准。
  - c. Examples include the Social Security Administration and the National Foundation on the Arts and Humanities.
    - c. 例如社会保障署和国家艺术与人文基金会。

6. **Regulatory Commissions**: These are largely autonomous agencies that develop and enforce regulations related to public policy.

6. **监管委员会**：这些机构在很大程度上是自治的，负责制定和执行与公共政策相关的法规。

- a. Regulatory agencies are typically run by 5- to 10-member boards appointed by the president and confirmed by the Senate (by majority vote).
  - a. 监管机构通常由总统任命、参议院（以多数票）确认的 5 至 10 名成员组成的委员会管理。
  - b. Members of independent regulatory commission boards may not be from the same political party.
    - b. 独立监管委员会的成员不得来自同一政党。
  - c. The president does not have the authority to remove agency heads during their terms.
    - c. 总统无权在任期内撤换机构负责人。
  - d. Examples of regulatory commissions are the Environmental Protection Agency (EPA), which regulates and enforces safety protections for clean air and water, and the Federal Election Commission (FEC), which regulates elections and campaigns.
    - d. 监管委员会的例子有环境保护署（EPA），负责监管和执行清洁空气和水的安全保护措施；还有联邦选举委员会（FEC），负责监管选举和竞选活动。

7. **Government Corporations**: These are government agencies that work similarly to private businesses and offer a specific service.

7. **政府公司**：这些是政府机构，其运作方式与私营企业类似，并提供特定服务。

- a. These organizations are frequently necessary to serve markets that would not be profitable for the private sector.
  - a. 这些组织对于服务那些对私营部门而言无利可图的市场而言，往往是必要的。
  - b. Unlike private businesses, government corporations keep their profits instead of distributing them to stockholders.

- b. 与私营企业不同，国有企业保留利润，而不是将利润分配给股东。
- c. The president does not nominate the individuals who run government corporations.
  - c. 总统不提名管理国有企业的个人。
- d. Examples include the United States Postal Service and the Federal Deposit Insurance Corporation (FDIC).
  - d. 例如美国邮政服务和联邦存款保险公司（FDIC）。

## **IMPORTANT DEPARTMENTS AND AGENCIES OF THE FEDERAL BUREAUCRACY**

### **联邦政府重要部门和机构**

#### **Executive Departments (15)**

#### **行政部门 (15)**

State (1789) 州 (1789)

Treasury (1789) 财政部 (1789年)

Defense (1789) 国防 (1789)

Interior (1849) 内部 (1849年)

Agriculture (1862) 农业 (1862年)

Justice (1870) 正义 (1870)

Commerce (1903) 商业 (1903)

Labor (1913) 劳动 (1913)

Department of Veterans Affairs (1930)

退伍军人事务部 (1930年)

Department of Education (1953)\*

教育部 (1953年) \*

Department of Health and Human Services (1953)\*

美国卫生与公众服务部 (1953年) \*

Housing and Urban Development (1965)

住房和城市发展部 (1965年)

Transportation (1966) 交通运输 (1966)

Energy (1977) 能源 (1977)

Homeland Security (2002)

国土安全部 (2002)

#### **Select Independent Agencies**

#### **选择独立机构**

Social Security Administration

社会保障署

National Aeronautics and Space Administration

美国国家航空航天局

Office of Personnel Management

人事管理办公室

National Foundation on the Arts and the Humanities

国家艺术与人文基金会

Peace Corps 和平队

### **Select Regulatory Commissions**

#### **选定的监管委员会**

Federal Election Commission (FEC)

联邦选举委员会 ( FEC )

Federal Communications Commission (FCC)

美国联邦通信委员会 ( FCC )

Federal Trade Commission (FTC)

联邦贸易委员会 ( FTC )

Environmental Protection Agency (EPA)

美国环境保护署 ( EPA )

Securities and Exchange Commission (SEC)

美国证券交易委员会 ( SEC )

Equal Employment Opportunity Commission (EEOC)

平等就业机会委员会 ( EEOC )

### **Select Government Corporations**

#### **部分政府公司**

Tennessee Valley Authority (TVA)

田纳西河谷管理局 ( TVA )

Federal Deposit Insurance Corporation (FDIC)

联邦存款保险公司 ( FDIC )

United States Postal Service

美国邮政服务

National Railroad Passenger Corporation (AMTRAK)

美国国家铁路客运公司 ( AMTRAK )

Corporation for Public Broadcasting

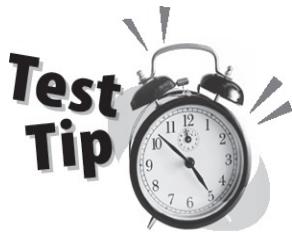
公共广播公司

Federal National Mortgage Association (Fannie Mae)

联邦国民抵押贷款协会 ( 房利美 )

\*The Department of Health, Education and Welfare was created in 1953. In 1979, this department was split into the Department of Education and the Department of Health and Human Services.

\* 卫生、教育和福利部成立于 1953 年。1979 年，该部门被拆分为教育部和卫生与公众服务部。



*Cabinet secretaries have two goals: advising the president and running their respective departments. Cabinet secretaries often have divided loyalties when the policy initiatives of the president conflict with the goals of their agency.*

内阁部长有两个目标：一是为总统提供建议，二是管理各自的部门。当总统的政策举措与其部门的目标发生冲突时，内阁部长往往面临忠诚度上的冲突。

## II. 二、 THE WORK OF THE BUREAUCRACY

### 官僚机构的工作

#### A. HOW THE BUREAUCRACY FUNCTIONS

##### A. 官僚机构如何运作

1. The implementation of most federal legislation is the job of the bureaucracy. Bear in mind that it would be impossible for Congress to legislate all of the rules that all of the players in a complex society need to follow. The nitty gritty of regulation is delegated by Congress to the hundreds of offices, bureaus, agencies, and departments that make up the bureaucracy.
1. 大多数联邦法律的执行都由官僚机构负责。请记住，国会不可能为复杂社会中的所有参与者制定所有必须遵守的规则。具体的监管工作由国会委托给构成官僚机构的数百个办公室、局、部门和机构。
2. Congress creates new units of bureaucracy by legislation and charges each with carrying out policy in a specific area. Tasks performed include distribution of funding, developing rules to carry out the agency' s mandates, and enforcing compliance. Congress created the newest cabinet-level executive department, the Department of

Homeland Security, in response to the terrorist attacks of September 11, 2001.

2. 国会通过立法设立新的官僚机构，并赋予每个机构在特定领域执行政策的职责。其任务包括分配资金、制定执行机构职责的规则以及确保政策得到遵守。国会为应对 2001 年 9 月 11 日的恐怖袭击，设立了最新的内阁级行政部门——国土安全部。
3. Bureaucratic (administrative) discretion is the power granted to bureaucratic leadership to implement mandates within policy guidelines, which are frequently not specific and allow agencies considerable latitude. Agencies involved in national security are granted the broadest discretion.
3. 官僚（行政）自由裁量权是指赋予官僚领导层在政策指导方针范围内执行指令的权力，而这些政策指导方针通常不够具体，赋予各机构相当大的自主权。涉及国家安全的机构享有最广泛的自由裁量权。
4. *Bureaucratic rulemaking* is the process whereby government agencies formulate and implement regulations to carry congressional mandates into effect. Regulations are rules that have the force of law. The rulemaking process generally takes place according to the following steps.
  4. 官僚机构制定规则的过程是指政府机构制定和实施规章制度，以执行国会授权的过程。规章制度是具有法律效力的规则。规则制定过程通常按照以下步骤进行。
    - a. Enabling legislation is passed by Congress describing an agency' s authority and responsibilities in a particular area.
      - a. 授权立法是由国会通过的，规定了机构在特定领域的权力和责任。
      - b. Interest groups, businesses, experts, and other stakeholders may be contacted and given the opportunity to testify to the agency regarding the potential impact of proposed rules.
        - b. 可以联系利益集团、企业、专家和其他利益相关者，并给予他们机会向该机构作证，说明拟议规则的潜在影响。
      - c. Proposed rules are published in the *Federal Register*, and the public is given the opportunity to comment or object before rules are enacted.
        - c. 拟议规则在《联邦公报》上公布，公众有机会在规则颁布前发表意见或提出异议。
        - d. A final rule is adopted.
          - d. 通过最终规则。
        - e. After a 30-day waiting period, during which time Congress may take up the issue in question, the rule becomes effective.
          - e. 经过 30 天的等待期（在此期间，国会可以审议相关问题），该规则生效。
        - f. The rule could become the subject of court challenges.
          - f. 该规则可能会受到法律挑战。

## **B. IRON TRIANGLES AND ISSUE NETWORKS**

### **B. 铁三角和议题网络**

1. **Iron Triangle:** The “iron triangle” is named for the strength and long-term stability of the relationships between its three participants: interest groups, bureaucratic agencies, and congressional committees. The triangle develops mutually beneficial public policy.

1. **铁三角：**之所以称之为“铁三角”，是因为其三个参与者——利益集团、官僚机构和国会委员会——之间关系的牢固性和长期稳定性。这个三角关系能够制定互惠互利的公共政策。

a. Interest groups act on both Congress (the legislature) and the bureaucracy (the executive branch).

a. 利益集团对国会（立法机关）和官僚机构（行政机关）都有影响。

► An interest group may promote its policy goals by supporting members of the congressional committee overseeing its interest area with campaign contributions and other forms of political support.

► 利益集团可以通过向负责其利益领域的国会委员会成员提供竞选捐款和其他形式的政治支持来促进其政策目标。

► An interest group also wants to maintain a positive relationship with the bureaucratic agency that regulates its activities. It can achieve this by using its lobbying efforts and congressional connections to influence policy made by committees to align with the desires of the agency.

利益集团也希望与监管其活动的官僚机构保持良好关系。它可以通过游说和利用与国会的关系来影响委员会制定的政策，使其符合该机构的意愿，从而实现这一目标。

b. Bureaucratic agencies in the executive branch desire funding and support from Congress to enhance their power and promote their programs. They obtain this in two ways:

b. 行政部门的官僚机构希望从国会获得资金和支持，以增强自身权力并推进其各项计划。它们通过两种方式获得这些资金和支持：

► First, they can support the goals of the congressional committee with which their work is associated.

► 首先，他们可以支持与他们工作相关的国会委员会的目标。

► Second, they may influence committees through the lobbying efforts of the interest groups related to the areas they regulate. It is in the interest of agencies to maintain positive relationships with these outside groups, who often influence congressional committees on their behalf. They do so by limiting regulation and generously interpreting legislative mandates.

其次，它们可能通过与自身监管领域相关的利益集团的游说活动来影响委员会。与这些外部团体保持良好关系符合各机构的利益，因为这些团体经常代表它们影响国会委员会。它们通过限制监管和对立法授权进行宽松解释来实现这一点。

c. Congressional committees desire cooperation from the agencies that implement their policies.

c. 国会各委员会希望执行其政策的机构予以合作。

► They encourage this support by providing funding and advocacy to these agencies.

► 他们通过向这些机构提供资金和宣传来鼓励这种支持。

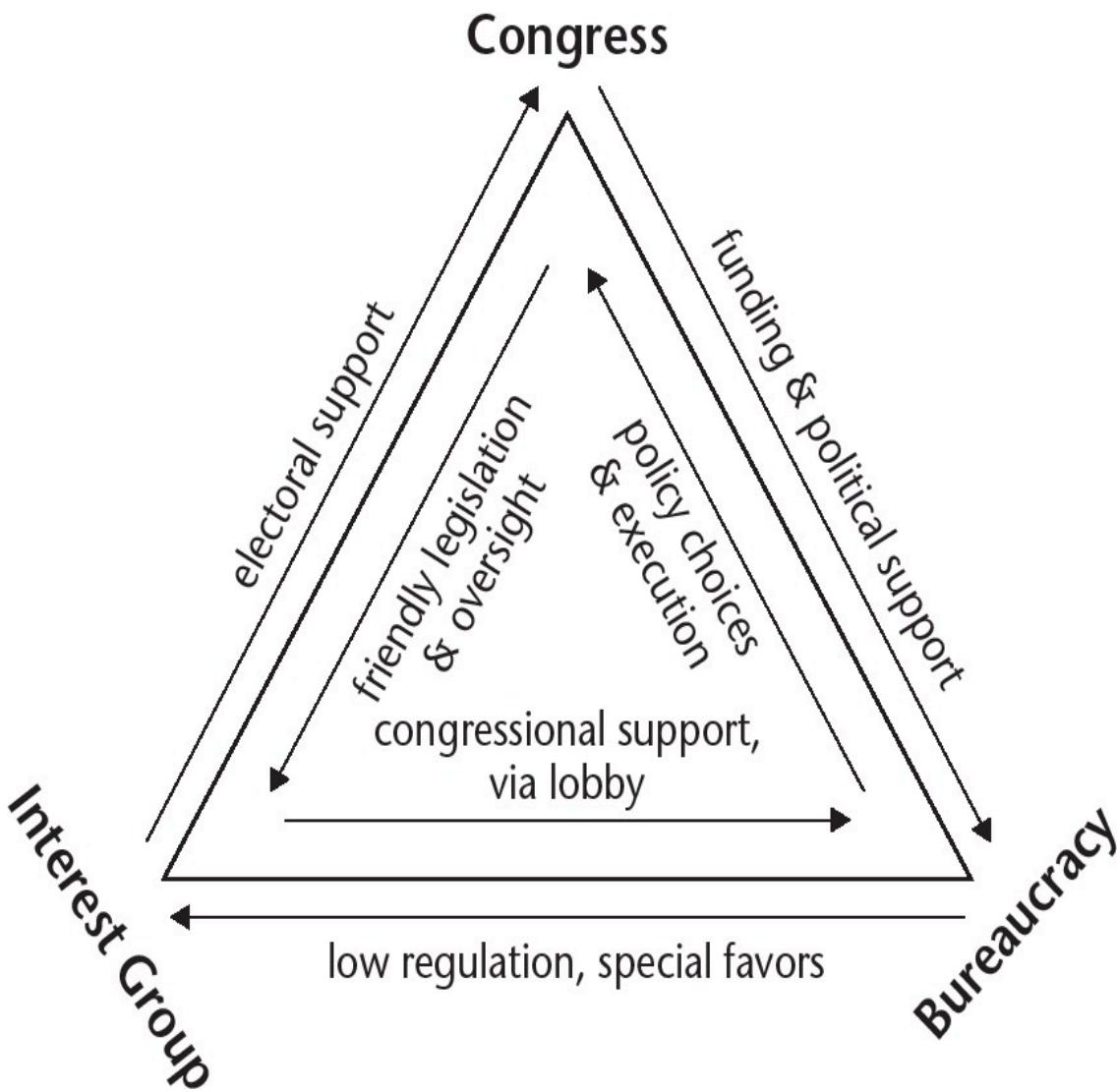
- To maintain the backing of powerful interest groups, congressional committees offer them friendly legislation and oversight in return for political support and contributions.
- 为了维持强大的利益集团的支持，国会委员会向他们提供友好的立法和监督，以换取政治支持和捐款。

d. Problems with iron triangles include:

d. 铁三角存在的问题包括：

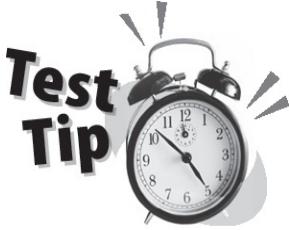
- Bureaucratic organizations may prioritize the desires of powerful interest groups over their “consumers,” the often marginalized and/or politically weak communities they serve.
- 官僚机构可能会优先考虑强大的利益集团的愿望，而不是他们的“消费者”，即他们所服务的往往处于边缘地位和/或政治弱势的群体。
- The revolving door refers to the movement of individuals between points on the iron triangle. For example, someone who has served in Congress or as a bureaucrat in a regulatory agency may be offered a lucrative job in the industry they are entrusted with regulating. They may then use their expertise and contacts on behalf of the industry. Those charged with protecting the public, therefore, may be motivated to act on behalf of special interests at the public’s expense.
- “旋转门”指的是人员在“铁三角”不同环节之间的流动。例如，曾在国会任职或担任监管机构官员的人，可能会被邀请到他们负责监管的行业内担任高薪职位。他们随后可能会利用自己的专业知识和人脉关系为该行业谋利。因此，那些肩负保护公众责任的人，可能会为了特殊利益而损害公众利益。

# Iron Triangle



2. **Issue Network:** A connected group of individuals that may include lobbyists, experts from universities and think tanks, the media, members of Congress, and bureaucrats who regularly discuss and advocate public policies.
2. **议题网络 :**一个由个人组成的联系群体，可能包括游说者、大学和智库的专家、媒体、国会议员和官僚，他们经常讨论和倡导公共政策。
  - a. Issue networks often form around narrower issues than iron triangles. For example, an iron triangle may exist between the House and Senate committees dealing with agriculture, the U.S. Department of Agriculture, and interest groups such as farmers and chemical producers. An issue network would be more likely to relate to a specific issue, such as the use of a particular class of pesticides in food production.
    - a. 议题网络通常围绕比“铁三角”更狭窄的议题形成。例如，“铁三角”可能存在众议院和参议院农业委员会、美国农业部以及农民和化肥生产商等利益集团之间。而议题网络则更可能与特定议题相关，例如在食品生产中使用某一类农药。
    - b. Issue networks may also be seen as broader than iron triangles in that they encompass not only congressional committees, interest groups, and agencies, but all interested and active players around an issue, including activists, scholars, consultants, lawyers, lobbyists, and anyone else with expertise and concern who

- participates in the regulatory process.
- b. 议题网络也可以被视为比铁三角更广泛，因为它不仅包括国会委员会、利益集团和机构，还包括围绕某个议题的所有感兴趣和积极的参与者，包括活动家、学者、顾问、律师、游说者以及任何其他具有专业知识和关注度并参与监管过程的人。
  - c. Issue networks tend to be of shorter duration, lasting only as long as necessary to resolve the issue in question.
  - c. 问题网络往往持续时间较短，仅持续到解决相关问题所需的时间。



***Both iron triangles and issue networks exemplify the concept of pluralism. The process of regulation results in policies that reflect the participation of numerous groups. Those with the greatest political power and financial resources, however, tend to have the greatest influence on policy outcomes.***

铁三角和议题网络都体现了多元主义的概念。监管过程最终形成的政策反映了众多群体的参与。然而，那些拥有最大政治权力和财政资源的群体往往对政策结果拥有最大的影响力。

## C. ENFORCEMENT

### C. 执法

- 1. Federal agencies administer or enforce federal policies. That is, they collect fees, conduct testing, issue licenses, monitor compliance, issue fines, and perform related administrative tasks.
- 1. 联邦机构负责管理或执行联邦政策。也就是说，它们收取费用、进行测试、颁发许可证、监督合规性、处以罚款以及执行相关的行政任务。
- 2. In some cases, federal agencies enforce the law through litigation against individuals or corporations who violate regulations. Agencies themselves may file lawsuits, but in other situations lawsuits are filed on behalf of an executive agency by the Justice Department.
- 2. 在某些情况下，联邦机构会通过诉讼来强制执行法律，起诉违反规定的个人或公司。机构本身可以提起诉讼，但在其他情况下，司法部会代表行政机构提起诉讼。
- 3. Implementation of policy is complex, frequently involving cooperation among multiple state and federal agencies with overlapping areas of jurisdiction.
- 3. 政策的实施很复杂，通常涉及多个州和联邦机构之间的合作，这些机构的管辖范围可能存在重叠。

## D. OTHER FUNCTIONS OF THE BUREAUCRACY

### D. 官僚机构的其他职能

1. Agencies within the bureaucracy are frequently tasked with the distribution of funds in accordance with legislation passed by Congress. Examples include distributing social security funds and veterans' benefits.
1. 官僚机构内部的各个部门经常负责根据国会通过的法律分配资金。例如，分配社会保障金和退伍军人福利金。
2. The bureaucracy is a source of subject matter expertise for the government. Professionals employed in the bureaucracy frequently draw on both their subject matter expertise and their experience working within their agencies in testifying before congressional committees.
2. 官僚机构是政府专业知识的来源。在官僚机构工作的专业人员经常会运用他们的专业知识和在各自机构的工作经验，在国会委员会作证时提供参考。

## E. CIVIL SERVICE

### E. 公务员

1. The bureaucracy employs millions of civilians in a diverse range of positions, including computer programmers, diplomats, clerks, investigators of all kinds, and thousands of other jobs.
1. 官僚机构雇佣了数百万平民，从事各种各样的职位，包括计算机程序员、外交官、职员、各种调查员以及数千种其他工作。
2. Before 1883, government jobs at all levels were filled largely from the ranks of those who supported the president and his party. The term *patronage* refers to the practice of filling jobs with one's political supporters. This was also known as the *spoils system*.
2. 1883 年以前，各级政府职位主要由支持总统及其政党人士担任。这种将职位安插在政治支持者手中的做法被称为“恩庇制”，也称为“分赃制”。
3. Following the assassination of President James Garfield by a disgruntled job seeker who felt he was owed a patronage job, Congress passed the Pendleton Act (1883), creating the civil service. The law created guidelines for merit-based employment and promotion for all but the highest levels of federal employment.
3. 在一名心怀不满的求职者刺杀詹姆斯·加菲尔德总统后，国会通过了《彭德尔顿法案》（1883 年），建立了公务员制度。该法案为除最高级别以外的所有联邦政府职位制定了基于绩效的雇佣和晋升准则。
4. The result has been the professionalization of the federal bureaucracy. Regular federal employees may not be hired or fired for political reasons. They are hired and promoted based on standardized qualifications and procedures.
4. 其结果是联邦政府机构的专业化。正式的联邦雇员不得因政治原因而被聘用或解雇。他们的聘用和晋升均基于标准化的资格和程序。
5. The civil service is overseen by the Office of Personnel Management.
5. 公务员制度由人事管理办公室监管。

6. The president appoints less than 1 percent of all federal workers, many of whom are high-level managers who develop and implement policy and work directly for the president.
  6. 总统任命的联邦雇员不到所有联邦雇员的 1%，其中许多是高级管理人员，他们制定和实施政策，并直接为总统工作。
7. There are benefits to a merit-based civil service system:
  7. 实行择优录用的公务员制度有诸多益处：
    - a. **Professionalism:** Employees are selected based on their professional qualifications and background, so that bureaucrats are skilled and knowledgeable experts. They also hold their jobs long-term, developing both in-depth knowledge of their jobs and fields and professional networks.
    - a. **专业性：** 员工根据其专业资格和背景进行选拔，因此公务员都是技能娴熟、知识渊博的专家。他们也长期任职，从而积累了对自身工作和领域的深入了解以及专业人脉。
    - b. **Specialization:** A civil service system allows for greater expertise as professional employees pursue qualifications in more specialized roles.
    - b. **专业化：** 公务员制度允许专业人员在更专业的角色中获得更高的专业技能。
    - c. **Neutrality:** Because they are not hired based on partisan loyalty, civil service professionals are more likely to perform their duties with less partisan favoritism.
    - c. **中立性：** 由于公务员的聘用并非基于党派忠诚，因此他们更有可能在履行职责时表现出较少的党派偏袒。
    - d. **Continuity:** Under the spoils system, employees were regularly replaced after each new administration took over, creating inconsistencies in policy administration. A professional bureaucracy creates continuity and uniformity since professional bureaucrats are career employees who remain in their positions even as presidential administrations change.
    - d. **连续性：** 在分赃制下，每届新政府上台后，员工都会定期更换，导致政策执行出现不一致。而职业官僚机构则能带来连续性和统一性，因为职业官僚是长期雇员，即使总统换届，他们也始终坚守岗位。
    - e. **Efficiency:** The components of professionalism, specialization, neutrality, and continuity create greater efficiency and productivity within the federal bureaucracy.
    - e. **效率：** 专业化、专业化、中立性和连续性等要素提高了联邦官僚机构的效率和生产力。
8. Federal employees are restricted in their ability to engage in certain political activities while on the job, including participation in political campaigns.
  8. 联邦雇员在工作期间参与某些政治活动的能力受到限制，包括参与政治竞选活动。

### III. 三、 POWERS OF THE THREE BRANCHES OVER THE BUREAUCRACY 三权分立对官僚机构的权力

## A. EXECUTIVE (PRESIDENTIAL) AUTHORITY OVER THE BUREAUCRACY

### A. 对官僚机构的行政（总统）权力

1. **Appointment:** The president exercises control over the bureaucracy by appointing the heads of executive departments, independent agencies, and regulatory commissions (with majority Senate approval).  
1. **任命：**总统通过任命行政部门、独立机构和监管委员会的负责人（需经参议院多数批准）来对官僚机构行使控制权。
2. **Removal:** The president may remove the heads of the executive departments and the heads of independent agencies, but not the heads of the regulatory commissions.  
2. **免职：**总统可以免去行政部门负责人和独立机构负责人的职务，但不能免去监管委员会负责人的职务。
3. **Executive Orders:** When the president issues an executive order, implementation becomes the responsibility of the relevant department or agency.  
3. **行政命令：**当总统发布行政命令时，执行责任就落到了相关部门或机构身上。
4. **Signing Statements:** These are comments, written by the president upon signing a bill, that express his or her interpretation of the legislation and provide guidance on implementation to the appropriate agency or agencies.  
4. **签署声明：**这是总统在签署法案时所写的评论，表达了他或她对立法的解释，并向相应的机构提供实施指导。

## B. CONGRESSIONAL AUTHORITY OVER THE BUREAUCRACY

### B. 国会对官僚机构的权力

1. **Oversight:** Congress is responsible for overseeing the rulemaking and discretionary functions of the agencies of the federal bureaucracy. Congress routinely looks into the activity of executive branch agencies but is also likely to launch an investigation in response to constituent complaints as part of casework.  
1. **监督：**国会负责监督联邦政府各机构的规则制定和自由裁量权。国会通常会审查行政部门的活动，但也可能根据选民的投诉，作为个案处理的一部分，启动调查。
  - a. **Committee Hearings:** Congressional committees review reports from related agencies and may call individual bureaucrats in to answer questions directly. Hearings can involve testimony and questioning of both bureaucrats and other witnesses.  
a. **委员会听证会：**国会委员会审查相关机构的报告，并可能传唤个别官员直接回答问题。听证会可能包括对官员和其他证人的证词和质询。
  - b. **Power of the Purse:** As a result of the expressed power to spend money, Congress has control over the various agencies because it determines the levels of funding in agency budgets.  
b. **拨款权：**由于国会拥有支配资金的权力，因此国会控制着各个机构，因为它决定了机构预算中的资金水平。

- c. The Government Accountability Office (GAO), often called the “congressional watchdog,” is an independent, nonpartisan agency that works for Congress to monitor the performance of executive agencies and programs. The GAO conducts audits, writes reports, and provides reliable, objective information to Congress to ensure the effective functioning of the bureaucracy.
  - c. 美国政府问责局（GAO），通常被称为“国会监督机构”，是一个独立的、无党派的机构，受国会委托监督行政机构和项目的运作情况。GAO 开展审计、撰写报告，并向国会提供可靠、客观的信息，以确保政府机构高效运作。
  - d. Senate approval (by majority vote) is required for department heads and certain other executive branch officers.
  - d. 部门负责人和某些其他行政部门官员的任命需要参议院批准（以多数票通过）。
2. **Legislation:** Congress has passed several key pieces of legislation that have limited the authority of the federal bureaucracy.
2. **立法：**国会通过了几项关键立法，限制了联邦官僚机构的权力。
- a. Congress may, through legislation, create, abolish, or make changes to any bureaucratic agency. Congress may also use very precise language when writing laws in order to eliminate or reduce bureaucratic discretion.
  - a. 国会可以通过立法设立、废除或修改任何官僚机构。国会在制定法律时也可以使用非常精确的措辞，以消除或减少官僚机构的自由裁量权。
  - b. The Freedom of Information Act (1996), also known as FOIA, requires that all federal executive branch agencies release information to journalists, researchers, and the public upon request unless the material is confidential (e.g., classified military or intelligence documents).
  - b. 《信息自由法》（1996 年），也称为 FOIA，要求所有联邦行政部门机构应记者、研究人员和公众的要求发布信息，除非该材料是机密的（例如，机密军事或情报文件）。
  - c. The Whistleblower Protection Acts of 1989 and 2012 and other laws protect government employees from retaliation for exposing corruption or inappropriate practices.
  - c. 1989 年和 2012 年的《举报人保护法》以及其他法律保护政府雇员免受因揭露腐败或不当行为而遭受的报复。

## C. JUDICIAL AUTHORITY OVER THE BUREAUCRACY

### C. 对官僚机构的司法管辖权

- 1. **Judicial Review:** Bureaucratic actions may be challenged in the federal courts, which interpret federal law and the Constitution. An action may be invalidated if a court finds that federal law has been incorrectly implemented or if the action is found to be unconstitutional.
- 1. **司法审查：**官僚机构的行为可能在联邦法院受到质疑，联邦法院负责解释联邦法律和宪法。如果法院认定联邦法律的执行有误，或者认定某项行为违宪，则该行为可能被宣告无效。