Chapter 11

1. Which of the following is *not* part of the federal bureaucracy?

\*a. congressional committees

b. cabinet departments

c. government corporations

d. independent regulatory commissions

2. What did the Supreme Court rule in *NLRB v. Noel Canning* (2014)?

a. Congress cannot block executive nominees for more than 90 days

\*b. The President cannot make a recess appointment during a *pro forma* session in the Senate

c. Executive branch officials cannot engage in campaign activities while on the government payroll

d. Executive orders must follow a strict protocol or will be considered unconstitutional

3. What is the Government Accountability Office (GAO)?

a. A think tank focused on government accountability

b. An office within the executive branch that investigates fraud

c. The office that helps Congress write a budget each year

\*d. Congress’s chief investigative agency

4. What does the Hatch Act do?

a. Set the salaries of government employees

b. Limited the number of political appointees in each agency

\*c. Restricted the partisan activities of federal employees.

d. Ended the spoils system and replaced it with the merit system

5. Which of the following is *not* a way that the size of the federal government is typically measured?

a. Share of GDP devoted to federal expenditures

b. Magnitude of federal budget

c. Number of federal employees

\*d. Number of complaints about the federal government

6. Which of the following agency-related tasks does Congress tend *not* to perform?

\*a. Detailed rule making

b. Creation of agencies

c. Providing funding for agencies

d. Defining the legal mandate of agencies

7. Which of the following is *not* a step in the rule-making process?

a. Notice in the Federal Register

\*b. Majority approval in the House

c. Public comment period

d. Cost-benefit analysis

8. Which of the following is *not* a form of congressional oversight?

a. Hearings

b. Legislative Vetoes

\*c. Conference Reports

d. Inspectors General

9. Which of the following is the most common method of congressional oversight?

a. Formal hearings

\*b. Nonstatutory controls

c. Impeachment

d. Appointment of Inspectors General

10. Which of the following situations encourages vigorous congressional oversight?

a. Conditional party government

b. Growing use of the filibuster

c. Unified government

\*d. Divided government

11. Which of the following is an example of police patrol oversight?

\*a. Requiring regular reports from agencies and reading them carefully to discover violations

b. Using casework as a form of oversight

c. Responding to an investigative report in the *New York Times* with congressional hearings

d. Using a complaint from the National Rifle Association to springboard an investigation into a federal agency

12. Which of the following is an example of fire alarm oversight?

\*a. Responding to a high volume of constituent complaints with an investigation into an agency

b. Appointing Inspectors General to perform regular inquiries into executive branch activities.

c. The Agriculture committee scheduling periodic hearings to audit the expenditures of the Department of Agriculture

d. Requiring regular reports from agencies and reading them carefully to discover violations

13. Impeachment is the most common form of congressional oversight.

a. True

\*b. False

14. Each year, executive agencies enact more “laws” through the rule-making process than does Congress.

\*a. True

b. False

15. Despite being ruled unconstitutional, Congress continues to use the legislative veto as a tool of oversight.

\*a. True

b. False

16. In the modern era, the size of the national government tends to grow under Democratic presidents and fall under Republican presidents.

a. True

\*b. False

17. According to some measures, the federal government’s size is growing, while by others it is holding relatively steady.

\*a. True

b. False

18. Because the bureaucracy is part of the executive branch, Congress has no control over it.

a. True

\*b. False

19. Executive branch appointments cannot be filibustered in the Senate.

\*a. True

b. False

20. Many members of Congress and high-ranking executive officials take lobbying jobs after leaving office.

\*a. True

b. False

21. The procedures of congressional oversight are clearly laid out in the Constitution.

a. True

\*b. False

22. An executive branch official has never been both impeached by the House and convicted by the Senate.

\*a. True

b. False

23. Recent interest and investment in oversight has resulted in a dramatic decrease in the size and scale of the executive branch.

a. True

\*b. False

24. Inspectors General are an example of police patrol oversight.

\*a. True

b. False

25. In what ways did the national government expand under President Bush?

\*a. Answers Vary

@Some of this expansion was prompted by 9/11 and involved expansion of the national security apparatus and military expenditures. This included the creation of the Department of Homeland Security as well as increased funding for the military. However, domestic programs were also expanded. Two key examples include new federal rules for state and local government and new federal requirements for every public school in the country.

26. What are some of the barriers to successful congressional oversight?

\*a. Answers Vary

@Students could address a variety of issues, including the following: unified government may dampen oversight; committees may develop friendly alliances with or biases toward the agencies they authorize, fund, and oversee; the fact that many oversight tools (such as appropriations or new statutes) are blunt tools; and difficulties with assessing when an agency is failing to follow the law.

27. Why is Congress willing to invest in oversight?

\*a. Answers Vary

@Students should identify and discuss some of the following reasons: public dissatisfaction with government, revelations of agency abuses, influx of new legislators who are skeptical of government, concern about growth of the regulatory state, availability of congressional staff, and electoral benefits (especially in terms of credit claiming and casework).

28. What is the difference between fire alarm and police patrol oversight, and which seems to be more attractive to members of Congress?

\*a. Answers Vary

@Police patrol oversight involves active, direct, planned surveillance of executive branch activities—essentially, Congress acting as a police officer patrolling agency behavior. Fire alarm oversight waits for others to sound the alarm that something has gone wrong, be they press, interest groups, aids, or constituents. Fire alarm oversight may be more attractive because it is more efficient/time- and cost-effective and it focuses oversight attention toward agency behavior that constituents and other interests care about.

29. How has the emerging idea of the “public as watchdog” impacted congressional oversight?

\*a. Answers Vary

@The public as watchdog is the idea that lawmakers along with civic-minded individuals and new technological developments can empower ordinary citizens to become government watchdogs. For example, citizens can monitor which projects are receiving federal dollars online. These developments may lessen the oversight burden on Congress by providing a broader based “police patrol” outside of Congress.

30. Why does Congress choose to delegate rule-making power to executive bureaucracies?

\*a. Answers Vary

@The biggest reason is time; Congress does not have enough time to hold hearings on, debate, and pass the number of rules that can be created through the rule-making process. Moreover, Congress does not necessarily have the expertise to do so; many rules are quite technical and it would be impossible for every member to become an expert on each topic. Finally, Congress is able to retain control over the rule-making process to at least some extent; although it may not review every rule (time constraints again), it can at least sometimes nullify individual regulations if they become particularly unpopular or controversial.

31. What are the main duties of an Inspector General?

\*a. Answers Vary

@IGs are independent offices that oversee agencies. They may conduct audits and investigations, prevent and detect fraud, and inform members of Congress through testifying and issuing written reports.

32. What are the three most important purposes of oversight?

\*a. Answers Vary

@First, checking the power of the executive branch. Second, determining how laws are being implements and whether they should be adjusted or refined. And finally, bringing to public attention executive actions and activities. Students could also mention political purposes.

33. What were Obama’s major initiatives of his first two years, and what were the electoral consequences of these initiatives in Congress?

\*a. Answers Vary

@The three major initiatives of Obama’s first two years were the economic stimulus of 2009, the Affordable Care Act, and financial regulatory reform. Public response to these laws was deeply divided and led to electoral losses in Congress for the Democrats. This meant that Obama’s final six years in office occurred under divided government, or a party split between the Presidency and Congress.

34. How might casework function as a type of congressional oversight?

\*a. Answers Vary

@Constituents come to their members of Congress when they have various types of problems, often those centering on interactions with federal agencies. This can bring problems with agencies to the attention of members of Congress, alerting them to various types of issues, such as burdensome rules and arbitrary application of rules. Because casework by definition focuses on problems important to a member’s constituency, it may help them focus their oversight activities on issues that will be critical for reelection (which could be a good or a bad thing).

35. Why can it be politically difficult for Congress and/or the President to shrink the size of government?

\*a. Answers Vary

@The emergence of wars and other crises that demand a growth in government is one reason; in the wake of terrorist attacks, it would be hard to imagine the public supporting a shrinking military response. However, public attitude toward the size of government is ambivalent when it comes to domestic policies. Many will respond that they generally support a smaller national government and a decrease in government spending/size. However, when it comes to specific goals and programs, government activity often has high approval from the public. People are especially likely to support government programs they personally benefit from, making it difficult for elected officials to vote for cuts in these programs.

36. What was the patronage system and what is its modern equivalent? How do the older and more modern systems compare?

\*a. Answers Vary

@The patronage system was the practice of handing out federal jobs to the supporters of the party that had won the presidency. The modern equivalent is political appointees, wherein the President can select whomever he/she chooses for certain administrative jobs and will often award these to supporters. However, the scope of political appointments is smaller than the patronage system. That said, the selection of employees on a basis other than merit can create problems if these individuals are not competent to perform the job.

37. What are the costs and benefits of privatizing government functions through outside contracts?

\*a. Answers Vary

@Benefits include the potential that contractors may be faster, more flexible, and less expensive. They may be able to fulfill specific services or needs that government agencies cannot. However, a major cost is that of accountability: Because these contractors are not responsible to Congress, they may be less accountable and engage in more fraud and waste.

38. What is “advice and consent” and how can the President bypass it?

\*a. Answers Vary

@This is the power of the Senate to approve (or disapprove) high-level administration nominees. Presidents can bypass this process in three ways (students should list and describe two of these for full credit): recess appointments, naming individuals as “temporary,” and naming “czars” who are not subject to Senate approval.

39. In what ways can Congress influence the structure and composition of the federal bureaucracy?

\*a. Answers Vary

@Lots of possible answers here; students should identify and discuss some of the following: enact statutes that establish or abolish executive agencies/departments, instructing agencies/departments to reorganize themselves, establishing outside commissions to make recommendations, authorizing the president to reorganize agencies/departments subject to congressional review, confirming presidential appointments of high-level officials, authorizing personnel systems, granting rule-making authority, and setting funding levels.

40. What are the limitations on political activity by government employees in the bureaucracy?  
\*a. Answers Vary

@These limitations were first established in the Hatch Act and today encompass a variety of partisan restrictions. Employees cannot run for a partisan office, use their authority to exert influence over an election, or wear political buttons while on duty. There are also special restrictions on the use of social media during election campaigns.

41. What are some of the costs and benefits of the current nomination and confirmation process for top-level executive appointments? Do you believe this system should be changed, and if so, how?

\*a. Answers Vary

@Costs might include loss of privacy deterring high-quality candidates, long delays during which no appointee is approved, expanding bureaucracy creates concerns about public accountability, and rough treatment in confirmation hearings in a polarized Congress. Benefits might include allowing a voice for two branches of government in selecting officials and providing a check on the President. Students should then make a clear argument about whether and how this system should be changed. Students should also mention the 2013 Senate rule change regarding the filibuster of executive appointments. They should also mention other ways of blocking appointees.

42. What are some of the major means Congress has to oversee the executive branch? Which of these seem to be most and least effective in the modern Congress? Overall, is the oversight process effective?

\*a. Answers Vary

@Students should identify and describe some of the major oversight tools of Congress: hearings investigations, the legislative veto, mandatory reports, nonstatutory controls, inspectors general, appropriations, and impeachment. They should then make a clear argument supported by evidence from the text about both which specific tools are more/less effective and the overall effectiveness of the oversight process.

43. Identify a recent example of congressional oversight of an executive agency. (Note: depending on the level of students, professor may wish to provide a list of topics.) What tools did members of Congress use in conducting the oversight? Were they successful in changing the behavior of the agency? How did the proceedings reflect the concept of “two Congresses”?

\*a. Answers Vary

@Students should use news and government sources to identify and describe a recent example of congressional oversight. In discussing the tools used by members of Congress, they might consider hearings, fire alarms versus police patrols, casework, funding decisions, and so forth. They should then assess whether (or to what extent) Congress was successful in changing agency behavior. Finally, students should consider how constituency interests and institutional interests played out in the process: Was one or the other predominant, or were they more balanced? Were these interests in conflict with one another or in line with one another? The best papers will draw the analysis together into an overarching, well-organized argument.