



The federal **bureaucracy**, collectively, the set of institutions that carry out the day-to-day tasks of government, encompasses fifteen cabinet departments and over 100 independent agencies. It employs more than two million civilian workers.¹ The Constitution grants Congress broad powers to establish units within the executive branch, and to designate which appointed officials require the approval of (“advice and consent” from) the U.S. Senate.²

Congress has established fifteen cabinet departments, each of which is headed by an official appointed by the president and confirmed by the Senate.³ Major departments include Defense, Justice, State, and Treasury. Although some presidents have declared that they will give other agencies such as the Environmental Protection Agency or the Office of the U.S. Trade Representative “cabinet rank”, they cannot officially elevate an agency to department status without the approval of Congress.

Outside of the departments, Congress has created dozens of independent agencies with authority over distinct areas. These include the National Aeronautics and Space Administration (NASA), the Securities and Exchange Commission (SEC), the Smithsonian Institution, and many others.

Federal agencies and departments are often in charge of writing and enforcing **rules** (also called **regulations**) that fill in gaps in Congressional enactments when such enactments are not specific. For example, the Occupational Health and Safety Act of 1970, enacted by Congress, requires that employers must have job sites that are “free from recognized hazards.” In the years following the Act, the Occupational Health and Safety Administration has issued many specific

rules explaining what this means, such as that employees must wear “eye protection that provides side protection when there is a hazard from flying objects.”⁴ Proposed rules first must, per the Administrative Procedure Act of 1946, be published and made available for comment by members of the public. Commenters may include anyone – including interest groups, businesses, lobbyists, or ordinary citizens.⁵

The president is the head of the executive branch, but because Congress has authority over budgeting, agencies and departments are also accountable to legislators. To ensure accountability, Congressional committees hold frequent **oversight hearings** at which agency officials must testify about the duties of their agencies. Committees are structured to parallel the structure of the bureaucracy: the House and Senate Agriculture Committees oversee the Agriculture Department, and so on.

Elected officials also use their budgetary authority to ensure the accountability of bureaucrats, threatening cuts if agencies perform poorly. Because the president and Congress both have a role in preparing and approving budgets, however, there arises the possibility that bureaucrats may get mixed signals from the people’s elected representatives. The president submits an annual budget request, prepared by the **Office of Management and Budget**, setting the agenda for Congressional discussions of funding. But committees in the House and Senate inevitably alter this request, asserting their own authority over the budgeting process. Funding outcomes therefore reflect some combination of executive branch and congressional priorities.

¹ Office of Personnel Management, <https://www.fedscope.opm.gov>.

² Constitution, Article II, Section 2.

³ These officials hold the title “Secretary”, with the exception of the head of the Justice Department, who is known as the Attorney General.

⁴ United States Department of Labor, Occupational Health and Safety Administration, <https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.102>.

⁵ See <https://www.federalregister.gov/> for recent proposed regulations, and to comment.