

What Makes an Agency Independent?

Jennifer L. Selin

Abstract

The responsiveness of government agencies to elected officials is a central question in democratic governance. A key source of variation in responsiveness is agency structure. Yet scholars largely ignore structural differences among agencies, often viewing agencies as falling into broad structural categories (e.g., cabinet departments or independent commissions) or fixate on some features of design (e.g. “for cause” protections). I develop a new measure of structural independence based on a multitude of structural features that are theorized to affect political influence based on new data on 50 different structural features of 321 federal agencies in the federal executive establishment. Using a Bayesian latent variable model, I estimate independence on two dimensions: limits on the appointment of key agency decision makers and limits on political review of agency policy. I illustrate the value of this new measure by using it to examine how structure affects political influence.

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In 1933, President Roosevelt asked William E. Humphrey, then 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.¹ 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 there are many other structural features that insulate agencies from political influence. For example, some agencies do not rely on the congressional appropriations process for funding and others bypass review by the Office of Management and Budget. 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. Agency structure serves to focus some policies for government attention and downgrade others, determines which government officials implement policies, and determines who has access to important decision makers. Because

¹ *Humphrey's Executor v. United States*, 295 U.S. 602, 618 (1935) (quoting the letter Roosevelt sent to Humphrey).

organizational structures influence the choices made within an organization, different agency design features affect an agency's willingness and 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 structural independence of federal agencies in three 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, few scholars survey the features of agency design that distinguish among agencies. In addition, 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). 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 operates today, 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. My data is unique in political science in that it captures *current* structure of each agency in the federal executive establishment. 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.

Finally, 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 influence and review. I demonstrate the usefulness of the model by comparing the estimates of five agencies that vary in terms of limitations on the qualifications and characteristics of key agency decision makers and limitations on political review of agency policy. In addition, I use the new measure of structural independence on both dimensions to explore whether structural design features influence perceptions of political responsiveness. I find 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?

In 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. For example, there has been a substantial amount of litigation over which government entities are exempt from laws such as the Administrative Procedure Act,

the Freedom of Information Act, and the Sunshine Act.² 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.³ 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 These agencies serve a regulatory function and tend to operate more like an appellate court of law in that they are collegial in their decision-making. Interestingly, by this definition, agencies such as the Commodity Futures Trade Commission and

² 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); *Washington Post v. Department of Homeland Security*, 459 F. Supp. 2d 61 (D.D.C. 2006); *Citizens for Responsibility and Ethics in Washington v. Office of Administration*, 556 F.3d 386 (D.C. Cir. 2009).

³ See Part 2.1 for further discussion.

⁴ 5 U.S.C. § 104 (2012).

⁵ 295 U.S. 602 (1935).

the Federal Communications Commission are improperly classified as independent agencies because the members of those commissions are not protected by statutory for-cause protections.

Scholars treat independent regulatory 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; Hammond and Knott 1996; Lewis 2003; Wood and Bohte 2004; MacDonald 2007). Yet there are structural features of commissions that are present in the design of agencies within cabinet departments and the organization of agencies aside from the three features traditionally associated with commissions is often very similar across independent agencies, commissions, and executive agencies (see Strauss 1984; Miller 1986; Devins 1993; Moreno 1994). For example, just like many independent commissions, six bureaus within executive departments have members who are protected from removal but for cause.⁶ 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 and agency responsiveness rather than place agencies in sparse, rigid categories (independent or not).

The current legal statutes that specify the structure of each federal agency contain a multitude of features underappreciated by scholars. The United States Code generally elaborates on two aspects of agency design – the qualifications and characteristics of individuals employed by an agency and the features insulating agency policy decisions from political influence or review. Both aspects have important implications for agency autonomy. Agency statutes that

⁶ Those agencies are the Board of Veterans Appeals, Federal Energy Regulatory Commission, Foreign Claims Settlement Commission, National Indian Gaming Commission, Surface Transportation Board, and United States Parole Commission.

place limitations on political officials' ability to appoint or remove individuals restrict principals' attempts to place individuals in key decision making positions on the basis of loyalty, ideology, or programmatic support. Similarly, statutes that place limits on principals' centralized review procedures 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 considering structural independence.

Limits on the Appointment of Key Agency Decision Makers

The first aspect of agency design that affects independence consists of statutory limitations or qualifications placed on the agency officials in leadership. Presidents use political appointees in an effort to gain control over federal policymaking (e.g. Hecl 1977; Moe 1985; Lewis 2008). However, an agency's statute can limit appointments in a number of ways. First, a statute can place limitations on the type of individual appointed, providing limitations related to expertise, conflict of interest, party, or geographic 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 that the president must appoint members who are civilians, respected experts in the field of nuclear safety, and do not have a significant financial relationship with the Department of Energy or any of its contractors.⁷

In addition to placing limitations on the appointment of federal officials, some statutes fix the terms of political appointees and prohibit the president from removing an official except for cause. This feature is most commonly recognized as related to structural independence. A statute can further limit opportunity for political influence if the terms of office are staggered. When the terms of members of a board expire at different times, such as the case for the Farm

⁷42 U.S.C. § 2286(b); (e) (2012).

Credit Administration,⁸ political principals cannot change the entire makeup of the agency's key decision makers at one time.⁹

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.¹⁰ 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. 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.

An agency's location in the bureaucracy also affects the ability of the president to exert 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 organizational structure is also important. Bureaus like the Defense Intelligence Agency in the Department of Defense receive direction not only from the President and Congress, but also from the Secretary of Defense.

⁸ 12 U.S.C. § 2242(b) (2012).

⁹ Note that some current agency statutes do not provide for staggered terms, but staggered terms are carried over from previous legislation. For example, the Federal Communications Commission's current authorizing statute does not provide for staggered terms, but the commissioners' terms are staggered due to the continuation of the structure set up by Pub. L. 97-259 § 103(a) (1982). In cases such as the FCC, I consider the members' terms staggered.

¹⁰ 19 U.S.C. § 1330(c) (2012).

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 and job definitions, 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.¹¹

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.¹² Submission of legislative materials and administrative rules allows the president to keep tabs on agency decisions. Knowledge of agency programs and

¹¹ Note that agencies exempted from the traditional merit system still have established personnel systems that often contain features that look like the traditional service principles.

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

activities (and the president's veto power) help the White House influence agency policy. Yet not all agencies are subject to this sort of review. In addition, agency litigation generally is centralized through the Attorney General's office (see, e.g., Devins 1993, Karr 2009).¹³ While control of federal litigation is typically centered in the Department of Justice in order to promote coherence and consistency in federal law enforcement, several agency statutes exempt the agency from this requirement and authorize the agency to litigate on its own.¹⁴

Arguably the most important congressional tool for controlling administrative agencies is the ability to appropriate funds.¹⁵ 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., Devins 1987, Stith 1988, MacDonald 2010; Note 2012). However, some agency statutes authorize the agency to collect and spend funds outside of congressional appropriations.

Some statutes specifically require that an agency submit policy to an administration official outside of the agency for approval before the policy can be implemented. 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

¹³ 28 U.S.C. § 516 (2012).

¹⁴ Some agencies may litigate independently only in lower courts but not in front of the Supreme Court and some may only have the authority to independently litigate on certain issues.

¹⁵ See Article I, section 9 of the Constitution.

¹⁶ 15 U.S.C. § 638(d)(2) (2012).

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, literally hundreds of legislative vetoes are still in the U.S. Code and have gone unchallenged. Agencies generally act as if these veto provisions are valid in order to avoid conflict with congressional committees.

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.¹⁸ 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 “fully and currently informed” concerning the administration of agency programs.¹⁹

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.²⁰ 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. The choice of adjudication often involves an Administrative Law Judge (ALJ). While an ALJ is technically an employee of the agency, agencies have little control over the hiring of ALJs and almost no influence over the firing of ALJs.²¹ An agency’s choice of whether to pursue rulemaking, adjudication, or some

¹⁸ See 5 U.S.C. app. 3 § 3 (2012).

¹⁹ 5 U.S.C. app. 3 § 4 (2012).

²⁰ See, e.g., 21 U.S.C. §§ 353a(d)(1); 360kk(f).

²¹ The Office of Personnel Management hires ALJs. OPM ranks candidates for an ALJ position within an agency. The agency then can choose only from the top three candidates for each vacancy and cannot pass over a veteran. Furthermore, ALJs have a right to a formal hearing in front of the Merit Systems Protection Board before they can be fired. See 5 U.S.C. § 1305 (2012).

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 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 affect structural independence. 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 measure 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. Just as those interested in agency autonomy must make do with observable agency design features, scholars seeking to capture democracy or to explore the ideology of various political actors within a government 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 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. I thus 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. In coding the structural features of these agencies, I focused on the agencies' top leadership. However, given the political importance of many agency bureaus (e.g., the Forest Service, 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 1996-2012²³; or (2) was both listed in 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) was an intelligence agency that was

²² In addition to allowing me to estimate the precision of my estimates, a Bayesian latent variable approach has two added benefits (see Clinton, Jackman, and Rivers 2004). First, the approach allows for a large number of parameters. In contrast to research that characterizes structural independence as a function of at most three structural features (multimember, fixed terms, for cause protections), I can include a much richer set of agency characteristics. Second, the approach 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 2012).

²³ 5 U.S.C. § 801(a)(1)(A).

excluded from all of the 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.²⁵ 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.²⁶ 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.²⁷ Where possible, I validated my data using a variety of different sources.²⁸

My dataset is unique because it captures the *current* structure of each agency and bureaus, 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, examination of the original public law is not as useful in understanding the current structural features that affect independence and responsiveness to political principals. 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

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

²⁵ For example, the Department of Energy Organization Act of 1977 (Public Law 95-91) established the Department of Energy. The current citation for that law in the U.S. Code is 42 U.S.C. § 7101 et seq.

²⁶ Some bureau structures are only established in regulation and are not established in U.S. Code. For those agencies, all variables relating to statutory characteristics are coded 0.

²⁷ Contact author for a full list of sources, the codebook describing the variables and their coding, and the statutory provisions justifying the coding.

²⁸ Sources include Breger and Edles (2000); Datla and Revesz (2012); *Free Enterprise Fund v Pub. Co. Accounting Oversight Bd.*, 130 S.Ct. 3138 (2012) (Breyer, J. Dissenting)

Department of Commerce has been amended at least 61 times since initially passed in 1903. In order to 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.²⁹ I rely solely on statutory law for the sake of consistent coding across all agencies and bureaus and to 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 $j = 1, \dots, J$ 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, $i \in 1 \dots N$, I assume:

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

²⁹ To account for bureaus not established structurally by the U.S. Code, I included an indicator variable.

This model assumes that the observed correlates of structural independence \mathbf{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.³⁰ 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 $\beta[2]=0$.³¹ 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

³⁰ 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).

³¹ 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.³²

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.³³ 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.³⁴

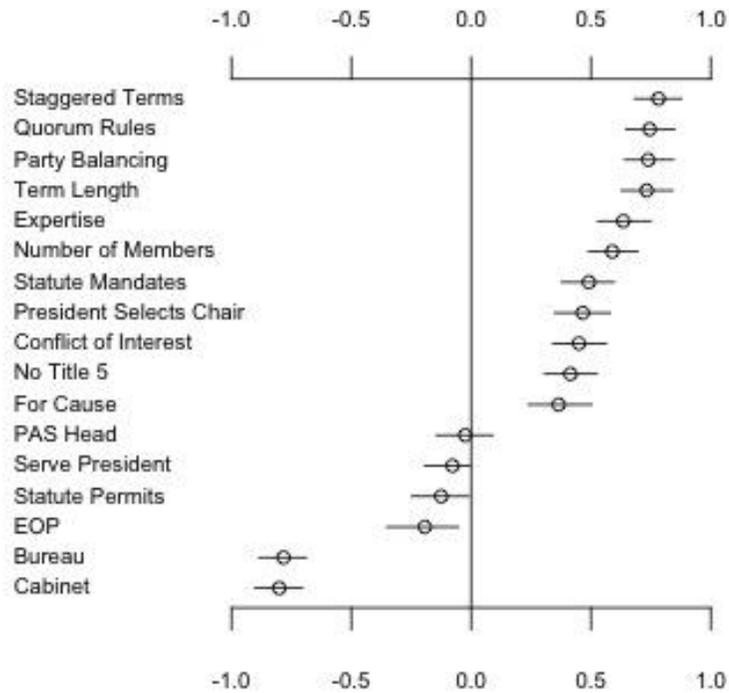
Figure 1 graphs the relationship between an agency’s structural features and the independence of that agency’s decision makers. The circles indicate coefficients and the lines estimate the precision associated with those coefficients. In general, the variables relate to the independence of an agency’s key leadership in expected ways. With respect to agency location, bureaus and 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. In contrast, mere statutory permission is negatively correlated with structural independence.

³² See appendix, Tables 1A and 2A, for analysis.

³³ The R code used to fit the model is included in the Appendix.

³⁴ See appendix, Table 3A for list of structural features and constraints included in each dimension. Alternative specifications are correlated at higher than .95.

Figure 1. Factor Loadings for Independence of Decision Makers



Variables associated with leadership structure are most strongly correlated with the independence of agency decision makers. Consistent with previous research on independent commissions, 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 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.³⁵

As expected, all limitations on appointments are positively correlated with the independence of decision makers. In addition, the presence of employee exemptions from civil service protections in Title 5 of the U.S. Code 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 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 federal employment is decentralized in exempt agencies.

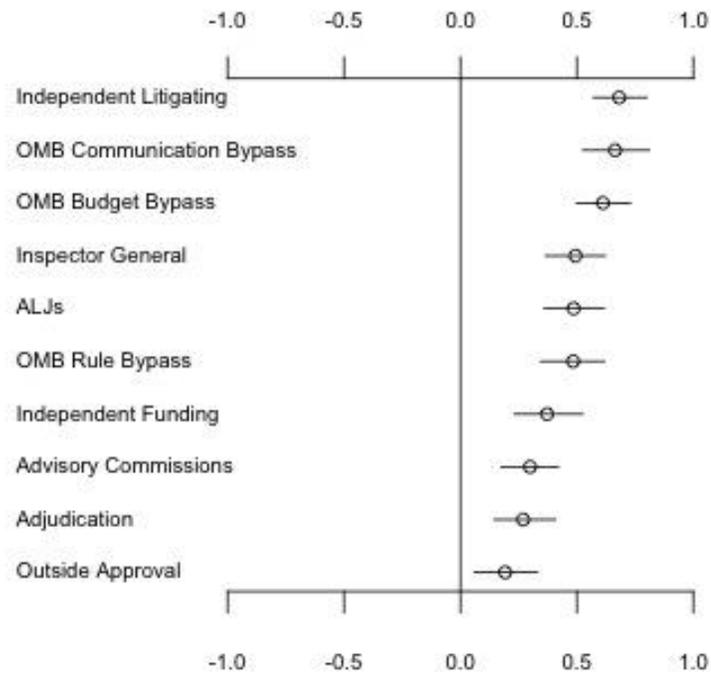
Finally, despite legal research theorizing that selection of an agency chair by the president decreases the independence of the chair, the estimate associated with presidential selection is positive and statutes that provide for the head of an agency to be appointed by the president and confirmed by the Senate are relatively uncorrelated with the independence. It appears that 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 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.

Insulation from political review has the strongest relationship to the independence of policy

³⁵ 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).

Figure 2. Factor Loadings for Independence of Policy Decisions



decisions made in an agency. 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 get 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

While the extent to which specific features are related to structural independence is interesting in its own right, the model of structural independence produces estimates of the independence of agencies in each of the two dimensions.³⁶ In exploring these estimates, I validate them in two ways. In order to assess the face validity of the estimates, I first highlight the estimates of five different agencies.³⁷ As a check on the predictive validity of the measure, I also 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 National Aeronautics and Space Administration (NASA), and the Federal Aviation Administration (FAA). In Figure 3, a black diamond indicates the point estimates each of the agencies and the ellipse around the estimates indicates the 95% confidence interval associated with the estimate. The dimension defined by restrictions on political principals' ability to select an agency's decision makers is on the x-axis and the insulation of an agency's policy decisions 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

³⁶ See Appendix, Table 4A, for a list of all agencies and the corresponding estimates on both dimensions.

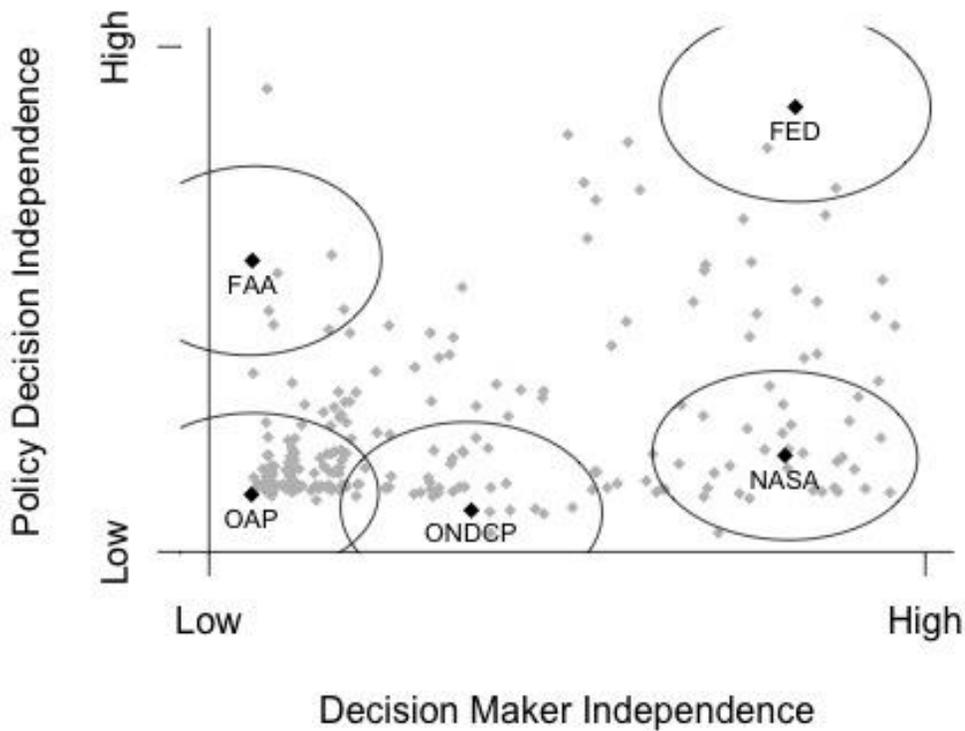
³⁷ I also compare the estimates of agencies located within the Executive Office of the President and compare them to the estimates of independent commissions. See Appendix, Figure 1A and accompanying text.

members of the Board are present.³⁸ This suggests that the estimate of the structural independence of the agency's decision makers should be quite high and, indeed, it is 1.865. 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. In fact, the Board and its bureau the Consumer Financial Protection Bureau have the two highest policy decision estimates at 3.819 and 4.025 respectively.

In contrast to the Federal Reserve Board, agencies located in the Executive Office of the President are traditionally considered some of the most political agencies in the federal executive establishment. One such agency is the ONDCP, which advises the president on drug control issues, coordinates drug control activities, and produces the administration's National Drug Control Strategy. 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 to be low in terms of the political independence of its key decision makers and low in terms of the political independence of its policy decisions. In fact, the estimate of the independence of ONDCP's decision makers is relatively low at 0.282 and estimate for the independence of the office's policy decisions is among the lowest of all federal agencies at -0.733.

³⁸ 12 U.S.C. § 241 (2012).

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 independence dimension. The vast majority of these agencies are bureaus that are not established in the United States 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. 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). However, the OAP does not undertake this effort alone – instead it must work in conjunction with many other agencies,

including the Department of Defense, NASA, and the OMB's Office of Federal Procurement Policy. The bureau describes its policy making process as "highly collaborative,"³⁹ and one would expect the structural independence estimates for the OAP to be low on both dimensions. The OAP has the lowest estimate of all agencies and bureaus on the decision maker dimension (-0.792) and one of the lowest on the policy decision dimension (-0.556).

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 Administrator of the FAA serves a five year term, he is not protected by for cause protections.⁴⁰ The FAA's decision maker dimension estimate is relatively low at -0.788. However, 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 dimension estimate is relatively high at 2.084.

In contrast to the FAA, the estimates of NASA 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. NASA is a federal agency located outside of the cabinet responsible for science and technology research and development relating to aeronautics. NASA's authorizing statute provides for specialized scientific and engineering personnel and requires that certain agency officials be appointed from civilian life, an attempt to avoid any conflict of

³⁹ <http://www.gsa.gov/portal/content/130471>.

⁴⁰ See 59 U.S.C. § 106 (2012).

interest with respect to the federal government's military operations.⁴¹ Thus, the agency has a relatively high estimate of decision maker independence of 1.815. Yet, perhaps because of the highly specialized nature of the agency's work, NASA's decisions are subject to much political review. The agency is subject to OMB review and the congressional appropriations process, cannot engage in adjudication, and does not employ ALJs. Not only does the agency's authorizing statute contain a legislative veto with respect to certain financial actions,⁴² but every NASA action is subject to review by the Secretary of Defense to ensure that NASA policy is not adverse to the interests of the Department of Defense.⁴³ As such, NASA's policy decision independence estimate is among the lowest at -0.115.

In summary, a detailed examination of five agencies that vary on the different dimensions demonstrates the face validity of the measure. These comparisons suggest that the measure allows us to distinguish among agencies that would otherwise look similar if we simply evaluated whether an agency is an independent commission or not, as all but the Fed are traditionally considered as structurally similar entities.

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 (1.048 and 3.422 respectively), in the wake of the financial crisis in 2008, recent SEC policy has 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 measure sets aside factors such as political saliency and simply takes into account the statutory barriers designed to limit political influence.

⁴¹ 51 U.S.C. §§ 20111; 20113(b).

⁴² 51 U.S.C. § 20117(2).

⁴³ 51 U.S.C. § 20114(b).

Application: Estimating Political Influence

The measure of structural independence is useful for exploring the relationship between an agency's design features as outlined in statutory law and the influence political principals have 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 structural considerations of whether an agency is a commission or an executive department.

I assess the predictive validity of my measure by exploring whether structural design features influence political responsiveness. To measure the influence of political principals, I use the Survey on the Future of Government Service,⁴⁴ a survey of nearly 2,400 appointed and career federal executives from across the federal bureaucracy. To measure the influence of political principals over agency policy decisions, 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).⁴⁵ 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 can range from 0

⁴⁴ 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. While the overall response rate was 33% (2,398 respondents), the response rate was higher among career professionals than among appointees. 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.

⁴⁵ See appendix for screen shots from survey (Figure 2A) and descriptive statistics (Table 5A).

(“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.

In order to explore whether an agency’s structural independence is correlated with perceptions of political influence, I use both dimensions of the new measure of independence. These two dimensions are correlated at 0.397. 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 the independence of decision makers should affect perceptions of influence. One of the benefits political principals, and most specifically the president, derive from the ability to place their own people in an agency 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 principals’ influence because the president and Congress should not have to exert influence over their own people. Similarly, 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 2013), I control for the number of committees that

have oversight jurisdiction over each agency.⁴⁶ Second, 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 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.

Table 2. 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	0.025 (0.094)		0.086 (0.088)		0.020 (0.088)	
Policy Decisions	-0.261** (0.063)		-0.158** (0.058)		-0.142** (0.058)	
Commission		-0.428** (0.193)		-0.161 (0.159)		-0.202 (0.157)
Bureau		0.154 (0.150)		0.006 (0.124)		0.154 (0.122)
Committees	0.014 (0.011)	0.008 (0.013)	-0.002 (0.009)	-0.009 (0.011)	0.000 (0.008)	-0.001 (0.010)
Agency Ideology	-0.223** (0.070)	-0.232** (0.069)	-0.040 (0.048)	-0.044 (0.057)	-0.100* (0.053)	-0.109* (0.056)
2007 Employment	0.140** (0.041)	0.133** (0.044)	0.091** (0.034)	0.089** (0.036)	0.084** (0.033)	0.074** (0.035)
Constant	1.372** (0.334)	1.386** (0.359)	1.346** (0.283)	1.390** (0.296)	1.655** (0.284)	1.655** (0.292)
Observations	86	86	86	86	86	86
R²	0.481	0.421	0.244	0.167	0.254	0.233

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

I estimate regression models using ordinary least squares.⁴⁷ In order to compare the utility of my measure against that of including an indicator variable for independent commissions, I include two separate models for each measure of influence – one with the two

⁴⁶ 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. There were a total of 5,819 unique hearing appearances by agency officials from agencies represented in the survey.

⁴⁷ 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 with the exclusion of these observations. See appendix, Table 6A.

dimensions of my measure and one with an independent commission indicator.⁴⁸ Table 2 presents the results of the models estimating the influence of the White House, Democrats in Congress, and Republicans in Congress over agency policy.

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 3.728 to 2.501. 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 positions 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 that structuring an agency as a commission removes the agency from presidential influence, respondents in independent commissions report less White House influence over policy than those in other agencies but do not perceive a

⁴⁸ See Appendix, Table 8A for models that include each dimension separately.

statistically different amount of congressional influence.⁴⁹ While the results regarding independent commissions are consistent with conventional wisdom, the models estimated with my measure 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 lack of influence is correlated with statutory provisions that insulate agency policy decisions from review by political principals. In fact, the correlation between independent commissions and the independence of policy makers is 0.657.

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.

Conclusion

The structure of the Federal Trade Commission presented an obstacle to President Roosevelt's desire to fill 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

⁴⁹ The models in Table 2 are somewhat limited in that only 86 agencies in the survey overlap with those in my dataset. When I estimate models with the commission indicator on a larger sample, the substantive and statistical effects on perception of influence are the same. See Table 7A in Appendix.

have remained largely the same.⁵⁰ 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 independent commissions. 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.

This paper introduces a new measure of structural independence that allows for the consideration of agency design both in terms of the restrictions placed on the ability of political principals to appoint key agency decision makers and in terms of restrictions on political review of agency policy. 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 influence political responsiveness. I find that insulating an agency's policy from political review decreases perceptions of the influence both Congress and the White House have over agency policy.

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

⁵⁰ 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.

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.

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Appendix

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 three variables from each dimension: fixed terms, for cause protections, and multimember body for dimension 1 and independent litigating authority, requirements for outside approval, and reporting requirements for dimension 2. Tables 2A and 3A 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 1A. Exploratory Factor Analysis/Correlation

	Eigenvalue	Difference	Proportion	Cumulative
Factor 1	2.389	1.146	0.398	0.398
Factor 2	1.242	0.402	0.207	0.605
Factor 3	0.840	0.178	0.140	0.745
Factor 4	0.662	0.074	0.110	0.856
Factor 5	0.588	0.310	0.098	0.954
Factor 6	0.278		0.046	1.000
N: 110				

Table 2A. Exploratory Analysis Factor Loadings

	Factor Loadings		Rotated Factor Loadings	
	Factor 1	Factor 2	Factor 1	Factor 2
Fixed Terms	0.851	0.068	0.842	-0.144
For Cause	0.644	0.028	0.631	-0.132
Multimember	0.832	0.097	0.830	-0.114
Indep. Litigating	0.466	0.659	0.614	0.524
Outside Approval	-0.260	0.714	-0.076	0.756
Reporting Requirements	-0.522	0.532	-0.374	0.644

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 3A 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 3A. 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+Term.Length+For.Cause+ServePresident+NumberMembers+Expertise+Conflict.of.Interest+Party.Balancing+Staggered.Terms+PAS.Head+President.Selects.Chair+Bureau+No.OMB.Budget.Review+No.OMB.Rule.Review+No.OMB.Communication.Review+Independent.Litigating+Independent.Funding+IG+Advisory.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.personnel=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),Staggered.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,"+"),Independent.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 4A provides the estimates and their precision for both dimensions of structural independence for each agency in my dataset.

Table 4A. Estimates of Structural Independence on Two Dimensions

Agency	Dimension 1 (Dec. Makers)		Dimension 2 (Pol. Review)	
	Score	Std. Dev.	Score	Std. Dev.
Administration for Children and Families	-0.352	0.282	-0.462	0.440
Administration for Community Living	-0.714	0.292	-0.441	0.454
Administrative Conference of the United States	0.777	0.071	-0.701	0.448
Agency for Healthcare Research and Quality	-0.720	0.283	-0.348	0.423
Agency for Toxic Substances and Disease Registry	-0.568	0.287	-0.489	0.442
Agricultural Marketing Service	-0.591	0.303	-0.455	0.434
Agricultural Research Service	-0.717	0.295	-0.491	0.442
Air Force	-0.605	0.295	-0.331	0.441
Alcohol and Tobacco Tax and Trade Bureau	-0.479	0.282	-0.454	0.457
Animal and Plant Health Inspection Service	-0.720	0.287	-0.475	0.439
Appalachian Regional Commission	1.469	0.315	-0.312	0.454
Army	-0.712	0.284	-0.330	0.439
Barry Goldwater Scholarship and Excellence in Educ. Program	0.895	0.302	-0.300	0.458
Benefits Review Board	-0.475	0.294	-0.619	0.450
Board of Directors of the Hope for Homeowners Program	0.002	0.295	-0.549	0.465
Board of Veterans Appeals	-0.178	0.285	0.143	0.449
Bonneville Power Administration	0.307	0.288	0.442	0.454
Border and Transportation Security Directorate	-0.601	0.297	-0.125	0.438
Broadcasting Board of Governors	1.641	0.287	-0.600	0.450
Bureau of Alcohol, Tobacco, Firearms, and Explosives	-0.590	0.304	-0.488	0.435
Bureau of Competition	-0.592	0.288	-0.524	0.444
Bureau of Economic Analysis	-0.348	0.290	-0.454	0.443
Bureau of Economics	-0.701	0.291	-0.541	0.440
Bureau of Engraving and Printing	-0.359	0.305	-0.241	0.465
Bureau of Indian Affairs	-0.580	0.288	-0.416	0.453
Bureau of Indian Education	-0.599	0.288	-0.474	0.440
Bureau of Industry and Security	-0.704	0.289	-0.453	0.445
Bureau of International Labor Affairs	-0.710	0.281	-0.445	0.447
Bureau of Labor Statistics	-0.711	0.286	-0.260	0.469
Bureau of Land Management	-0.280	0.295	-0.572	0.430
Bureau of Ocean Energy Management	-0.275	0.283	-0.441	0.443
Bureau of Prisons/Federal Prison System	-0.696	0.286	-0.406	0.446
Bureau of Reclamation	-0.582	0.296	-0.272	0.432
Bureau of Safety and Environmental Enforcement	-0.587	0.285	-0.473	0.432
Bureau of the Census	-0.702	0.287	-0.341	0.452
Bureau of the Public Debt	0.124	0.299	-0.481	0.448
Centers for Disease Control and Prevention	-0.593	0.290	-0.472	0.442

Centers for Medicare and Medicaid Services	-0.710	0.291	-0.449	0.451
Central Intelligence Agency	1.903	0.306	-0.086	0.457
Chemical Safety and Hazard Investigation Board	0.238	0.309	1.784	0.481
Citizen and Immigration Services	-0.704	0.299	-0.339	0.427
Civil Division	-0.410	0.275	-0.468	0.427
Civil Rights Division	-0.691	0.290	-0.461	0.443
Commodity Credit Corporation	-0.685	0.288	1.363	0.478
Commodity Futures Trading Commission	0.754	0.296	3.507	0.473
Community Development Financial Institutions Fund	-0.117	0.290	0.121	0.447
Consular Affairs	-0.327	0.288	-0.468	0.457
Consumer Financial Protection Bureau	-0.716	0.289	4.025	0.488
Consumer Product Safety Commission	1.729	0.311	3.355	0.484
Corporation for National Community Service	2.174	0.315	0.547	0.449
Corporation for Public Broadcasting	1.631	0.308	0.187	0.445
Council of Economic Advisors	1.489	0.302	-0.987	0.458
Council on Environmental Quality	0.636	0.311	-0.771	0.454
Criminal Division	0.250	0.301	-0.469	0.450
Customs and Border Protection	-0.705	0.289	-0.289	0.435
Defense Acquisition University	-0.572	0.293	-0.478	0.438
Defense Acquisitions Regulations System	-0.605	0.274	-0.449	0.430
Defense Advanced Research Projects Agency	-0.708	0.289	-0.474	0.442
Defense Commissary Agency	-0.694	0.280	-0.461	0.441
Defense Contract Audit Agency	-0.706	0.292	-0.436	0.438
Defense Contract Management Agency	-0.709	0.293	-0.439	0.436
Defense Finance and Accounting Service	-0.719	0.298	-0.457	0.430
Defense Information Systems Agency	-0.705	0.292	-0.433	0.442
Defense Intelligence Agency	-0.693	0.287	-0.234	0.434
Defense Legal Services Agency	-0.578	0.296	-0.480	0.440
Defense Logistics Agency	-0.703	0.297	-0.464	0.467
Defense Media Activity	-0.691	0.292	-0.449	0.464
Defense Nuclear Facilities Safety Board	0.635	0.310	0.611	0.452
Defense Prisoner of War/Missing Personnel Office	-0.710	0.276	-0.478	0.440
Defense Procurement and Acquisition Policy	-0.599	0.272	-0.461	0.442
Defense Security Cooperation Agency	-0.717	0.297	-0.451	0.427
Defense Security Service	-0.695	0.287	-0.466	0.435
Defense Technical Information Center	-0.711	0.286	-0.453	0.433
Defense Technology Security Administration	-0.737	0.306	-0.469	0.447
Defense Threat Reduction Agency	-0.705	0.292	-0.441	0.443
Delta Regional Authority	2.073	0.300	-0.522	0.420
Department of Agriculture	0.306	0.299	0.085	0.454
Department of Commerce	-0.312	0.295	0.494	0.475
Department of Defense	-0.353	0.287	-0.051	0.432
Department of Defense Education Activity	-0.680	0.291	-0.236	0.449

Department of Defense Human Resources Activity	-0.598	0.290	-0.448	0.441
Department of Defense Test Resource Management Center	-0.709	0.283	-0.519	0.443
Department of Education	-0.186	0.288	0.836	0.492
Department of Energy	-0.340	0.296	1.533	0.485
Department of Health and Human Services	-0.388	0.304	0.429	0.472
Department of Homeland Security	-0.367	0.304	0.603	0.463
Department of Housing and Urban Development	-0.532	0.287	0.460	0.452
Department of Justice	-0.310	0.292	1.267	0.481
Department of Labor	-0.336	0.313	0.487	0.454
Department of State	-0.349	0.297	-0.078	0.435
Department of the Interior	-0.282	0.286	0.598	0.470
Department of the Treasury	-0.328	0.291	0.260	0.460
Department of Transportation	-0.120	0.303	1.352	0.496
Department of Veterans Affairs	-0.353	0.278	0.348	0.467
Directorate of Defense Trade Controls	-0.638	0.285	-0.450	0.433
Division of Consumer and Community Affairs	-0.702	0.287	-0.529	0.427
Domestic Nuclear Detection Office	-0.334	0.287	-0.440	0.445
Drug Enforcement Administration	-0.422	0.285	-0.094	0.456
Economic Development Administration	-0.622	0.285	-0.492	0.462
Economic Research Service	-0.595	0.289	-0.462	0.437
Economics and Statistics Administration	-0.721	0.288	-0.459	0.438
Educational and Cultural Affairs	-0.708	0.293	-0.319	0.450
Employee Benefits Security Administration	-0.604	0.293	-0.437	0.433
Employees Compensation Appeals Board	-0.720	0.290	-0.494	0.454
Employment and Training Administration	-0.557	0.285	-0.456	0.437
Employment Standards Administration	-0.701	0.292	-0.437	0.442
Environmental Protection Agency	-0.363	0.303	0.316	0.445
Equal Employment Opportunity Commission	0.007	0.301	0.881	0.466
European and Eurasian Affairs	-0.727	0.290	-0.453	0.423
Executive Office for Immigration Review	-0.711	0.280	0.092	0.451
Executive Office for U.S. Attorneys	-0.637	0.302	-0.445	0.417
Executive Office for U.S. Trustees	-0.701	0.300	-0.475	0.433
Export-Import Bank of the United States	1.740	0.294	0.669	0.455
Farm Credit Administration	1.972	0.310	1.621	0.458
Farm Service Agency	-0.690	0.283	-0.309	0.435
Federal Agricultural Mortgage Corporation	2.272	0.309	0.726	0.488
Federal Aviation Administration	-0.788	0.294	2.084	0.498
Federal Bureau of Investigation	0.121	0.286	-0.538	0.440
Federal Communications Commission	1.642	0.299	1.226	0.477
Federal Deposit Insurance Corporation	2.013	0.308	2.598	0.449
Federal Election Commission	1.427	0.308	2.039	0.475
Federal Emergency Management Agency	-0.485	0.286	-0.313	0.459
Federal Energy Regulatory Commission	-0.400	0.288	2.148	0.459

Federal Highway Administration	1.228	0.315	-0.496	0.446
Federal Hospital Insurance Trust Fund Board	1.996	0.316	-0.523	0.439
Federal Housing Administration	-0.586	0.290	-0.460	0.441
Federal Housing Finance Agency	0.833	0.289	2.964	0.473
Federal Labor Relations Authority	0.968	0.313	1.124	0.462
Federal Law Enforcement Training Center	-0.604	0.292	-0.443	0.442
Federal Maritime Commission	1.040	0.298	1.397	0.480
Federal Mediation and Conciliation Service	1.953	0.308	-0.508	0.442
Federal Mine Safety and Health Review Commission	0.125	0.307	0.991	0.494
Federal Motor Carrier Safety Administration	-0.596	0.295	-0.515	0.450
Federal Prison Industries	-0.399	0.279	-0.502	0.448
Federal Railroad Administration	0.085	0.297	-0.496	0.458
Federal Reserve Board	1.866	0.308	3.819	0.499
Federal Retirement Thrift Investment Board	2.353	0.329	1.348	0.487
Federal Student Aid	-0.418	0.291	-0.452	0.438
Federal Supplementary Medication Insurance Trust Fund Board	1.592	0.296	-0.544	0.456
Federal Trade Commission	0.849	0.303	2.336	0.472
Federal Transit Administration	-0.696	0.294	-0.496	0.443
Field Policy and Management	-0.606	0.290	-0.432	0.444
Financial Crimes Enforcement Network	-0.696	0.276	-0.489	0.448
Financial Management Service	-0.590	0.285	-0.485	0.451
Financial Stability Oversight Council	-0.700	0.296	-0.369	0.451
Food and Drug Administration	0.524	0.306	0.627	0.470
Food and Nutrition Service	-0.612	0.297	-0.467	0.442
Food Safety and Inspection Service	-0.698	0.295	-0.468	0.412
Foreign Agricultural Service	-0.705	0.290	-0.471	0.442
Foreign Claims Settlement Commission of the United States	-0.714	0.295	-0.110	0.441
Forest Service	0.239	0.297	-0.068	0.425
General Services Administration	1.716	0.303	-0.049	0.446
Government National Mortgage Association	-0.415	0.283	1.305	0.462
Grain Inspection, Packers, and Stockyards Administration	-0.560	0.283	-0.266	0.447
Harry S Truman Scholarship Foundation	0.080	0.293	-0.418	0.440
Health Resources and Services Administration	-0.712	0.297	-0.448	0.455
Immigration and Customs Enforcement	-0.724	0.292	-0.511	0.444
Independent Payment Advisory Board	2.097	0.307	-0.134	0.464
Indian Health Service	-0.413	0.293	-0.291	0.447
Institute for Museum and Library Services	2.069	0.294	-0.183	0.436
Institute of American Indian Arts	0.630	0.300	0.536	0.464
Institute of Education Sciences	-0.400	0.290	-0.488	0.456
Intelligence and Counterintelligence	0.947	0.302	-0.478	0.433
Inter-American Foundation	1.845	0.283	0.230	0.461
Internal Revenue Service	-0.721	0.295	0.259	0.450
Internal Revenue Service Oversight Board	0.094	0.299	-0.575	0.431

International Trade Administration	0.996	0.309	-0.431	0.443
James Madison Memorial Fellowship Foundation	2.129	0.299	0.275	0.440
Justice Management Division	-0.711	0.280	-0.442	0.425
Legal Services Corporation	1.651	0.304	2.068	0.473
Maritime Administration	-0.696	0.292	-0.474	0.434
Merit Systems Protection Board	1.107	0.297	2.882	0.472
Metropolitan Washington Airport Authority	1.169	0.310	-0.096	0.447
Millennium Challenge Corporation	2.208	0.300	-0.490	0.437
Mine Safety and Health Administration	-0.586	0.290	-0.504	0.446
Minority Business Development Agency	-0.585	0.291	-0.428	0.422
Missile Defense Agency	-0.700	0.285	-0.469	0.446
Mississippi River Commission	1.137	0.292	-0.401	0.454
Morris K. Udall Scholarship Foundation	1.297	0.302	-0.209	0.437
National Aeronautics and Space Administration	1.815	0.302	-0.115	0.444
National Agricultural Statistics Service	-0.702	0.283	-0.481	0.440
National Archives and Records Administration	0.182	0.301	-0.208	0.469
National Cemetery Administration	-0.708	0.292	-0.114	0.452
National Consumer Cooperative Bank	0.404	0.307	0.689	0.477
National Council on Disability	0.873	0.306	-0.501	0.411
National Credit Union Administration	1.677	0.290	1.483	0.477
National Endowment for the Arts	2.283	0.309	0.084	0.442
National Endowment for the Humanities	0.365	0.296	-0.033	0.434
National Geospatial-Intelligence Agency	-0.610	0.289	-0.196	0.430
National Highway Traffic Safety Administration	-0.465	0.286	-0.485	0.443
National Indian Gaming Commission	-0.580	0.290	-0.084	0.457
National Infrastructure Protection Center	1.214	0.308	-0.487	0.450
National Institute of Building Sciences	0.378	0.289	-0.476	0.437
National Institute of Food and Agriculture	-0.581	0.291	-0.164	0.436
National Institute of Standards and Technology	0.191	0.298	-0.145	0.440
National Institute on Disability and Rehabilitation Research	-0.545	0.279	-0.457	0.436
National Institutes of Health	-0.384	0.276	-0.069	0.449
National Labor Relations Board	1.368	0.305	1.620	0.457
National Mediation Board	1.545	0.306	-0.233	0.448
National Nuclear Security Administration	-0.546	0.290	0.233	0.444
National Oceanic and Atmospheric Administration	-0.304	0.296	0.075	0.452
National Park Service	-0.612	0.288	0.056	0.443
National Railroad Passenger Corporation (AMTRAK)	1.309	0.296	0.455	0.451
National Reconnaissance Office	-0.439	0.294	-0.234	0.432
National Science Foundation	1.803	0.289	0.137	0.439
National Security Agency	-0.737	0.280	-0.269	0.446
National Security Education Board	1.419	0.295	-0.579	0.457
National Technical Information Service	-0.580	0.284	0.077	0.471
National Telecommunications and Information Administration	-0.594	0.282	-0.033	0.454

National Transportation Safety Board	0.891	0.296	2.771	0.467
Natural Resources Conservation Service	-0.606	0.291	-0.337	0.442
Navy	-0.781	0.307	-0.363	0.446
Nuclear Regulatory Commission	1.420	0.287	1.972	0.486
Occupational Safety and Health Administration	-0.457	0.291	-0.143	0.437
Occupational Safety and Health Review Commission	1.973	0.304	1.031	0.498
Office of Acquisition Policy	-0.792	0.289	-0.556	0.429
Office of A. Secretary for Community Planning and Development	-0.351	0.291	-0.472	0.435
Office of A. Secretary for Elementary and Secondary Education	-0.714	0.291	-0.488	0.445
Office of A. Secretary for Fair Housing and Equal Opportunity	-0.603	0.301	-0.458	0.424
Office of Assistant Secretary for Fossil Energy	-0.690	0.292	-0.455	0.428
Office of A. Secretary for Policy Development and Research	-0.690	0.291	-0.468	0.416
Office of Assistant Secretary for Post Secondary Education	-0.719	0.304	-0.480	0.430
Office of Economic Adjustment	-0.598	0.273	-0.448	0.446
Office of Electricity Delivery and Energy Reliability	-0.703	0.292	-0.459	0.443
Office of Energy Efficiency and Renewable Energy	-0.705	0.288	-0.468	0.427
Office of Energy Policy and New Uses	-0.705	0.289	-0.491	0.442
Office of Environmental Management	-0.593	0.293	-0.474	0.457
Office of Federal Contract Compliance Programs	-0.712	0.288	-0.459	0.458
Office of Federal Procurement Policy	-0.702	0.275	-0.542	0.459
Office of Financial Stability	-0.138	0.306	-0.486	0.441
Office of Fiscal Service	-0.598	0.300	-0.496	0.437
Office of Foreign Assets Control	-0.586	0.296	-0.478	0.469
Office of Government Ethics	1.826	0.303	-0.258	0.453
Office of Health, Safety, and Security	-0.598	0.294	-0.462	0.452
Office of Healthy Homes and Lead Hazard Control	-0.712	0.303	-0.445	0.450
Office of Justice Programs	-0.701	0.286	-0.296	0.433
Office of Labor-Management Standards	-0.617	0.284	-0.462	0.441
Office of Management and Budget	0.472	0.296	-0.732	0.461
Office of Minority Economic Impact	-0.710	0.299	-0.497	0.449
Office of National Drug Control Policy	0.282	0.298	-0.733	0.464
Office of Navajo and Hopi Indian Relocation	0.453	0.301	-0.429	0.450
Office of Nuclear Energy	-0.601	0.273	-0.461	0.442
Office of Nuclear Reactor Regulation	-0.692	0.288	-0.565	0.447
Office of Personnel Management	0.244	0.298	-0.080	0.446
Office of Rural Development	-0.237	0.287	-0.254	0.437
Office of Safe and Healthy Students	-0.755	0.293	-0.443	0.445
Office of Science and Technology Policy	0.373	0.304	-0.751	0.477
Office of Special Counsel	0.176	0.299	1.022	0.487
Office of Special Education and Rehabilitative Services	-0.718	0.280	-0.477	0.450
Office of Special Trustee for American Indians	-0.600	0.294	-0.354	0.451
Office of Surety Guarantees	0.192	0.302	-0.522	0.440
Office of Surface Mining, Reclamation and Enforcement	-0.362	0.287	-0.503	0.445

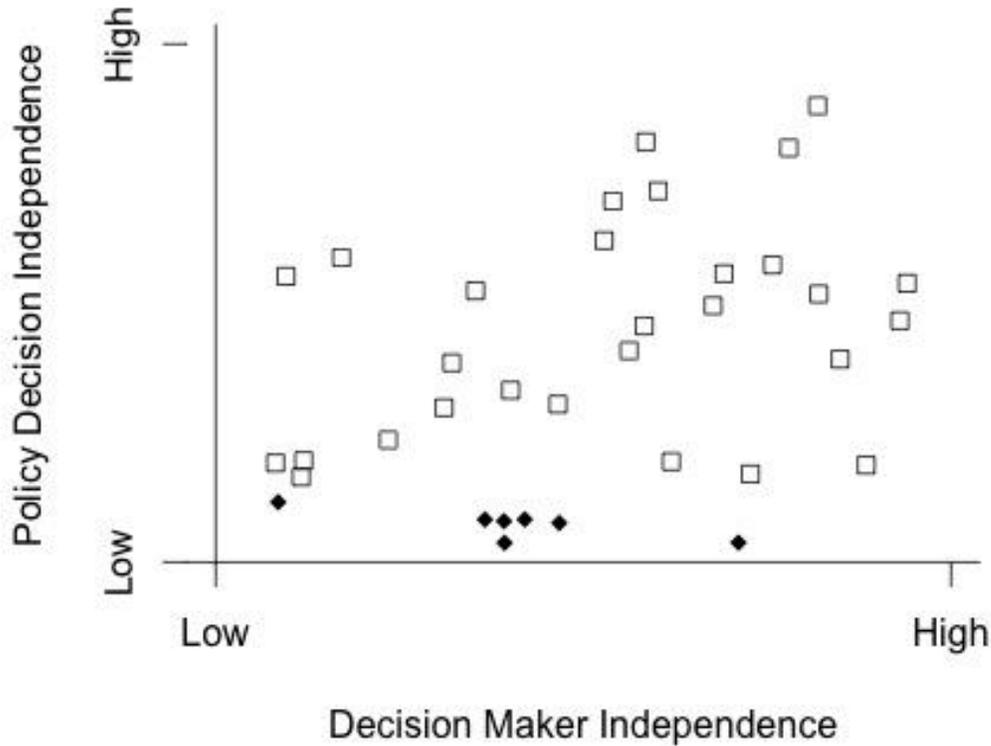
Office of the Assistant Secretary International Affairs	-0.448	0.285	-0.465	0.432
Office of the Assistant Secretary of Defense Health Affairs	-0.699	0.292	-0.462	0.438
Office of the Assistant Secretary Tax Policy	-0.721	0.292	-0.442	0.443
Office of the Comptroller of the Currency	-0.707	0.304	1.517	0.476
Office of the Director of National Intelligence	0.884	0.294	-0.298	0.441
Office of the Fed. Coord. for Alaska Natural Gas Transp. Projects	0.099	0.297	-0.058	0.441
Office of the Und. Sec. Arms Control and International Security	-0.119	0.288	-0.473	0.438
Office of the Under Secretary for Domestic Finance	-0.605	0.284	-0.471	0.446
Office of the Und. Sec. Food, Nutrition, and Consumer Services	-0.712	0.293	-0.454	0.439
Office of the United States Trade Representative	0.376	0.297	-0.990	0.483
Office of Thrift Supervision	-0.783	0.291	0.814	0.484
Office of Vocational and Adult Education	-0.557	0.286	-0.474	0.457
Office of Workers' Compensation Programs	-0.599	0.288	-0.437	0.447
Oklahoma City National Memorial Trust	-0.695	0.286	-0.240	0.446
Overseas Private Investment Corporation	0.463	0.297	0.327	0.444
Patent and Trademark Office	-0.590	0.282	-0.078	0.463
Peace Corps	1.831	0.290	-0.044	0.453
Pentagon Force Protection Agency	-0.266	0.287	-0.438	0.445
Pipeline and Hazardous Materials Safety Administration	-0.689	0.283	-0.533	0.444
Political-Military Affairs	-0.409	0.280	-0.456	0.444
Postal Regulatory Commission	0.088	0.290	0.497	0.476
Presidio Trust	-0.690	0.294	-0.329	0.451
Privacy and Civil Liberties Oversight Board	2.056	0.317	-0.479	0.443
Public and Indian Housing	-0.741	0.290	-0.443	0.443
Public Buildings Service	-0.697	0.295	-0.526	0.459
Public Health Service	-0.329	0.300	-0.089	0.470
Railroad Retirement Board	1.612	0.300	2.554	0.476
Rehabilitation Services Administration	-0.500	0.289	-0.509	0.439
Research and Innovative Technology Administration	-0.415	0.301	-0.488	0.448
Risk Management Agency	-0.596	0.283	-0.492	0.438
Rural Business and Cooperative Development Service	-0.591	0.300	-0.449	0.435
Rural Housing Service	-0.766	0.295	-0.444	0.434
Rural Utilities Service	-0.779	0.295	-0.507	0.447
Saint Lawrence Seaway Development Corporation	-0.441	0.286	0.374	0.455
Securities and Exchange Commission	1.048	0.294	3.422	0.468
Securities Investor Protection Corporation	1.416	0.304	0.333	0.453
Selective Service System	1.437	0.303	-0.481	0.442
Small Business Administration	0.083	0.301	1.269	0.483
Social Security Administration	0.195	0.292	1.218	0.480
Social Security Advisory Board	0.595	0.289	-0.717	0.456
State Justice Institute	2.258	0.305	1.455	0.444
Substance Abuse and Mental Health Services Administration	-0.363	0.302	-0.316	0.450
Surface Transportation Board	-0.665	0.287	1.944	0.462

Task Force on Lead-Based Paint Hazard Reduction and Financing	1.186	0.305	-0.529	0.442
Tennessee Valley Authority	1.909	0.301	0.986	0.471
Transportation Security Administration	-0.401	0.296	-0.095	0.452
Tricare Management Activity	0.224	0.291	-0.470	0.439
U.S. Coast Guard	-0.593	0.286	0.706	0.473
U.S. Fish and Wildlife Service	-0.110	0.284	-0.349	0.432
U.S. Geological Survey	-0.349	0.296	-0.166	0.435
U.S. Marshals Service	-0.455	0.282	-0.464	0.443
U.S. Mint	-0.601	0.297	-0.343	0.440
U.S. Secret Service	-0.133	0.289	-0.476	0.459
United States African Development Foundation	1.806	0.297	0.461	0.453
United States Agency for International Development	2.154	0.288	-0.270	0.428
United States Election Assistance Commission	0.072	0.294	-0.366	0.458
United States Institute of Peace	1.871	0.294	1.748	0.475
United States International Trade Commission	2.064	0.307	2.902	0.466
United States Parole Commission	-0.592	0.292	-0.264	0.450
United States Postal Service	2.292	0.300	1.867	0.481
United States Trade and Development Agency	2.328	0.304	-0.533	0.436
Veterans Benefits Administration	0.035	0.300	-0.530	0.449
Veterans Employment and Training Service	-0.391	0.289	-0.308	0.441
Veterans Health Administration	-0.623	0.292	-0.276	0.442
Wage and Hour Division	-0.405	0.288	0.221	0.440
Washington Headquarters Services	-0.667	0.289	-0.455	0.431
Western Area Power Administration	-0.703	0.307	-0.457	0.440
Womens' Bureau	-0.700	0.290	-0.496	0.438

As another illustration of the measure, Figure 1A plots the estimates from the model described above for agencies within the EOP⁵¹ 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.

⁵¹ The National Security Staff is not included due to missing data.

Figure 1A. 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 Council of Economic Advisors (1.489) and the Office of Federal Procurement Policy (-0.702) are distinguishable from the other EOP agencies on this dimension. The Council of Economic Advisors is led by three members who must be exceptionally well qualified to analyze and interpret economic policy, making it comparatively more difficult for the president to exert

influence.⁵² In addition the Council is authorized to employ specialized experts without regard to civil service laws. In contrast to the Council of Economic Advisors, the Office of Federal Procurement's dimension 1 estimate is much lower than the other EOP agencies. This is in part due to the fact that the OFPP is a bureau located within the Office of Management and Budget. The low dimension 1 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.⁵³ 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 dimension 2 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 (1.866, 3.819), Consumer Product Safety Commission (1.829, 3.355), and the Nuclear Regulatory Commission (1.420, 1.972) 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

⁵² As opposed to the Office of National Drug Control Policy, the Office of the United States Trade Representative, the Office of Science and Technology Policy, and the Office of Management and Budget, which are each run by a single administration official. See 15 U.S.C. § 1023(a) (2012).

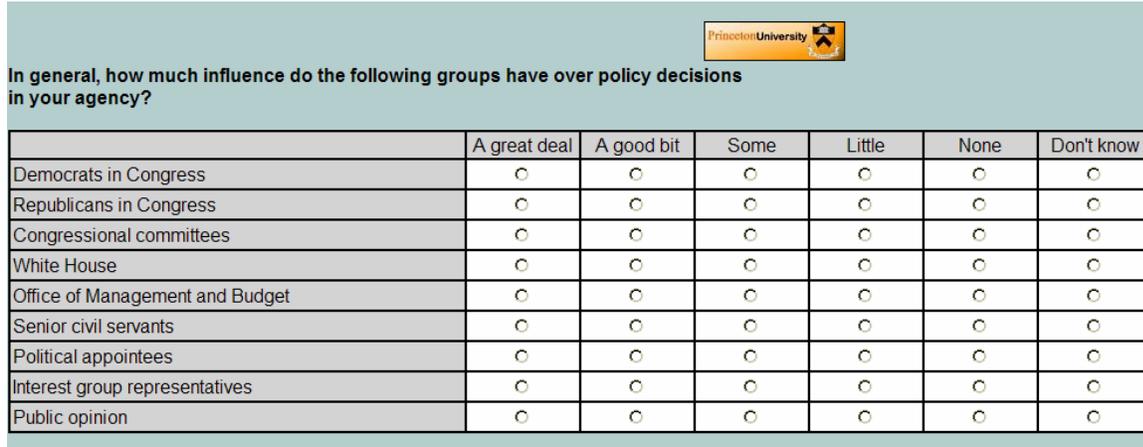
⁵³ See 41 U.S.C. § 1122 (2012).

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 (-0.178) and the National Indian Gaming Commission (-0.580) are generally low on the decision makers dimension. Estimates for agencies that cannot bypass OMB review and do not participate in adjudication or use ALJs like Independent Payment Advisory Board (-0.124) and the Metropolitan Washington Airport Authority (-0.096) 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 1A contains a screen shot of the applicable questions from the survey and Table 4A contains the summary statistics of all variables used in the analysis reported in Table 2 of the paper.

Figure 2A. Screen Shot of Influence Questions from Survey



	A great deal	A good bit	Some	Little	None	Don't know
Democrats in Congress	<input type="radio"/>					
Republicans in Congress	<input type="radio"/>					
Congressional committees	<input type="radio"/>					
White House	<input type="radio"/>					
Office of Management and Budget	<input type="radio"/>					
Senior civil servants	<input type="radio"/>					
Political appointees	<input type="radio"/>					
Interest group representatives	<input type="radio"/>					
Public opinion	<input type="radio"/>					

Table 5A. 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	320	0.004	0.926	-0.792	2.353
Policy Decisions	320	0.000	0.872	-0.980	4.025
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 2 of the paper, 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 5A 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 – Defense Logistics Agency, Federal Housing Finance Board, Federal Retirement Thrift Investment Board, National Mediation Board, U.S. Agency for International Development
- Model of Democratic Influence – U.S. Agency for International Development

Model of Republican Influence – Appalachian Regional Commission, Bureau of Labor Statistics, 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 – Export-Import Bank and Federal Retirement Thrift Investment Board

Model of Democratic Influence – Broadcasting Board of Governors, Corporation for National and Community Service, Export Import Bank, Food and Nutrition Service, and U.S. Agency for International Development

Model of Republican Influence – Appalachian Regional Commission, 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 6A. 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	0.041 (0.080)		0.026 (0.080)		-0.033 (0.075)	
Policy Decisions	-0.308** (0.056)		-0.126** (0.053)		-0.135** (0.055)	
Commission		-0.626** (0.187)		-0.237* (0.134)		-0.187 (0.133)
Bureau		0.096 (0.141)		0.067 (0.102)		0.315 (0.099)
Committees	0.013 (0.010)	-0.010 (0.012)	-0.005 (0.008)	-0.003 (0.009)	-0.002 (0.007)	-0.004 (0.008)
Agency Ideology	-0.167** (0.059)	-0.219** (0.066)	-0.033 (0.049)	-0.051 (0.047)	-0.125** (0.048)	-0.131** (0.046)
2007 Employment	0.112** (0.036)	0.098** (0.042)	0.087** (0.033)	0.091** (0.030)	0.059** (0.033)	0.061** (0.028)
Constant	1.668** (0.284)	1.749** (0.360)	1.383** (0.277)	1.248** (0.246)	1.913** (0.286)	1.640** (0.233)
Observations	81	84	85	81	82	79
R²	0.516	0.419	0.245	0.335	0.286	0.386

Notes: Dependent variable is the amount of influence each group has over policy decisions in the agency.

*p ≤ 0.10, **p ≤ 0.05

Table 2 in the paper estimates all models on the same sample of agencies: those agencies in the survey that overlap with my structural independence dataset. Table 6A estimates the models using the commission indicator on the full set of agencies in the survey.

Table 7A. 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** (0.185)	-0.223 (0.152)	-0.214 (0.147)
Bureau	0.107 (0.146)	-0.004 (0.120)	0.145 (0.116)
Committees	0.003 (0.012)	-0.001 (0.010)	0.005 (0.009)
Agency Ideology	-0.158** (0.061)	-0.051 (0.050)	-0.124** (0.049)
2007 Employment	0.102** (0.037)	0.056* (0.030)	0.059** (0.029)
Constant	1.819** (0.304)	1.630** (0.250)	1.739** (0.242)
Observations	101	101	101
R²	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 2 in the paper estimates models that include both dimensions of structural independence, Table 7A estimates models of political influence that include each dimension separately.

**Table 8A. 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	-0.112 (0.095)		0.002 (0.086)		-0.055 (0.084)	
Policy Decisions		-0.253** (0.051)		-0.132** (0.046)		-0.136** (0.047)
Committees	0.002 (0.011)	0.014 (0.011)	-0.009 (0.008)	-0.003 (0.009)	-0.006 (0.008)	-0.000 (0.008)
Agency Ideology	-0.246** (0.073)	-0.222** (0.070)	-0.054 (0.051)	-0.037 (0.049)	-0.113** (0.054)	-0.100* (0.053)
2007 Employment	0.170** (0.042)	0.135** (0.043)	0.109** (0.034)	0.075** (0.031)	0.100** (0.032)	0.080** (0.032)
Constant	1.112** (0.335)	1.417** (0.347)	1.188** (0.279)	1.497** (0.262)	1.513** (0.267)	1.690** (0.272)
Observations	86	86	86	86	86	86
R²	0.366	0.481	0.154	0.228	0.186	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