Public Policy

- Public Policies are *purposive courses of (in)action* followed by governments in response to issues
- Important to study policymaking
- There are a variety of approaches
- Face methodological problems & use a mix of methods
- Will use the *policy process* as a guide

The Policy Process

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<tbody>
<tr>
<td>Definition</td>
<td>Those problems, among many, that receive the serious attention of public officials</td>
<td>Development of pertinent &amp; acceptable proposed courses of action for dealing with a public problem</td>
<td>Development of support for a specific proposal so that a policy can be legitimated or authorized</td>
<td>Application of the policy by government's administrative machinery</td>
<td>Efforts by government to determine whether the policy was effective &amp; why or why not</td>
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<tr>
<td>Common sense</td>
<td>Getting government to consider action on the problem</td>
<td>Getting proposed to be done about the problem</td>
<td>Getting government to accept a particular solution to the problem</td>
<td>Applying government's policy to the problem</td>
<td>Did the policy work?</td>
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Policymakers & Their Environment

- Nature of power in the American political system
- The policy environment
- The official policy-makers
- Nongovernmental participants
- Levels of politics
Public Policy Problem

• “condition or situation that produces needs or dissatisfaction among people and for which relief or redress by governmental action is sought” (Anderson, 2011: 85)
Problem Creation

- Standard or Value
- Condition
- Problem
- Government Action Possible

PROBLEMS IDENTIFIED BY CLASS MEMBERS, I
- "WE ARE LOSING THE ABILITY TO RUN OUR COUNTRY AS A PEOPLE"
- "AMERICA'S MASSIVE DEBT"
- "HH HILLER IS TOO PACKED AT LUNCH TIME"
- "EBT HASN'T BEEN LAYED OUT WELL, MANY RECEIVE IT THAT REALLY DON'T NEED IT"
- "TOO MANY RULES"
- "THE LACK OF WORK DONE BY U.S. CONGRESS & SC STATE LEGISLATURE"
- "THOSE THAT NEED WELFARE VS. THOSE THAT CHEAT THE SYSTEM"
- "HIGH TUITION COSTS"
- "ILLEGAL IMMIGRATION INTO THE U.S." (2)
- "NO ICE RINK IN CLEMSON"
- "DISCRIMINATION"
- "WELFARE, EBT, & THE GOVERNMENT'S HANDLING OF STUDENT LOANS/GRANTS"
- "I DON'T KNOW WHAT TO PUT HERE" (2)
- "2ND AMENDMENT RIGHT" (2)
- "LACK OF INFORMATION FOR USAGE OF FEDERAL FUNDS"
- "STUDENT LOANS, UNIVERSITY TUTION"
- "COLLEGE TUTION/SCHOLARSHIP PROCESS"
- "INCONSISTENCY OF WEALTH AS AN EVIL, AS SOMETHING THAT ALL ARE ENTITLED TO AND IF NOT, THOSE WHO HAVE IT ARE IMMORAL"
- "WHAT IS THE SECRET TO BEING SUCCESSFUL IN LIFE?"
- "GAY MARRIAGE"

PROBLEMS IDENTIFIED BY CLASS MEMBERS, II
- "LACK OF RESPONSIBILITY & ORGANIZATION"
- "GOVERNMENT TRANSPARENCY (OR LACK THEREOF)"
- "THE IDEA OF POPULAR VOTING WORKING CURRENTLY"
- "GAS PRICES & OUR DEPENDENCE ON FOREIGN OIL. WHY DOESN'T THE U.S. DRILL ON OUR OWN SOIL OR OFFSHORE?"
- "GAS PRICES"
- "THE FEDERAL GOVERNMENT TRYING TO DO TOO MUCH CONTROL"
- "RELIGION"
- "STUDENTS DROPPING OUT OF SCHOOL"
- "JOBS, MONEY, ROOMMATES, FOOD, & SHAKES"
- "PEOPLE PAY FOR CRIMINALS' SHELTER, FOOD, & OTHER"
- "THE AMOUNT OF TAXES PAID"
- "THE EFFECTIVENESS OF PROBLEM SOLVING BY GOVERNMENT"
- "FOCALIZING ON RE-ELECTION RATHER THAN COUNTRY'S INTEREST"
- "GAS PROBLEM"
- "PREJUDICE"
- "PARKING SERVICES" (2)
- "HEALTHCARE"
- "WORRIED ABOUT GRADING IN THIS CLASS"
- "FUNDING OF GOVERNMENT FINANCIAL PROGRAMS"
- "DETROIT MUNI BONDS"
- "UNEMPLOYMENT"
- "MOST AMERICANS DO NOT KNOW POLITICS"
Public Policy Agenda

- List of Problems Policy-makers Feel Compelled to Act Upon
- List of Problems Policy-makers Choose to Act Upon

Issue Creation

Problem → Issue

- Systematic Agenda
- Policy Entrepreneurs
- Mandatory Items
- Institutional Agenda

Public or Private?

- # of People Impacted
- Degree of Tolerance for Condition
- Tractability
- Implicit Causation
- Who is Impacted?
- Severity
- Socially/Politically Constructed
- Geographic Variation
- Change Over Time
Factors in Agenda Setting, I

• Disturbances: Interest groups try to maintain equilibrium, and react accordingly if this is threatened
• Political leadership
  - Presidential efforts
  - Policy entrepreneurs (perhaps in Congress, among candidates, or in “think tanks”)
• Supreme Court decisions

Factors in Agenda Setting, II

• Crisis/major event
• Protest activity
• Media attention
• Changes in statistical indicators
• Political changes
• Interbranch/Intergovernmental effects
• Priming

Agenda Denial

• Some groups work to keep items off the agenda
• Strategies
  - There is no problem
  - It is not appropriate for government
  - It will be worse if government acts
  - It is better solved by private means
  - Create a commission
  - Electoral activity
Nondecisions
• A problem or policy alternative is kept off of the agenda, by force, culture, or political skill

Loss of Agenda Status
• Items that reach the agenda disappear
• “Issue-attention cycle”
  - Some items do not go through this cycle (e.g., environmental protection)

Formulation of Policy Proposals
• The development of pertinent & acceptable proposed courses of action for dealing with public problems
Who Is Involved?

- President & advisors (leading source of policy initiatives)
- Governmental agencies
- Presidential organizations (task forces, commissions)
- Legislators
- Interest Groups

A Technical Process

- Two different activities involved in formulation
  - Decisions on what, if anything, should be done about a given problem
  - Adoption of legislation or administrative rules that appropriately enact the agreed upon principles

Policy Adoption

- Generally entails action on a preferred alternative that can win approval, not selection from among full-blown alternatives
- Adoption process gives policies the "weight of public authority"
  - Grants legitimacy to the policy
Decision Criteria

- Decision-making can be either individual or collective process
- Influenced by
  - Values
  - Party affiliation
  - Constituency interests
  - Public opinion
  - Deference
  - Decision rules

Values

- Organizational
- Professional
- Personal
- Policy
- Ideological

Political-Party Affiliation

- Party loyalty
- Best predictor to how members of Congress will vote on legislative issues
- Influences the decisions of federal judges
Constituency Interests

- Delegate v. Trustee v. Politico
- Agencies have constituencies comprised of interest groups

Public Opinion

- Public perspectives & viewpoints on policy issues that officials consider in making decisions
- Shapes general boundaries & direction of public policy
- Can be permissive

Deference

- Deferring to the judgment of others who are more experienced
  - Other legislators, party leaders, committee chairs, policy experts
**Decision Rules**

- Stare decisis
- Committee rules

**Science**

- Now an important consideration
- Decisions in the face of uncertainty?
  - Get more research
  - Precautionary principle

**Public Interest**

- Another criterion for decision making
- Normative term that can be tricky to define
  - Private interests & public interest are not always antithetical
  - Can be found in widely shared interests
  - Can also be found by looking at the need for organization & procedures to represent and balance interests
Styles of Decision-Making

• Bargaining
  – Most common form of decision-making
  – Process where two or more parties in positions of power adjust their goals to formulate an acceptable course of action for all involved
  – Explicit vs. Implicit bargaining
  – Involves: logrolling, side payments, & compromise

Styles (cont.)

• Persuasion
  – The marshaling of facts, data, & information
  – The skillful construction of arguments
  – The use of reason & logic to convince another of the correctness & wisdom of one’s position

Styles (cont.)

• Command
  – The ability of those in superior positions to make decisions that are binding upon those who come within their jurisdiction

In practice, all three styles run together in decisional situations
Majority Building in Congress

• Characteristics
  – Decentralization
  – Complex procedures
• Majorities must constantly be cobbled together through bargaining to enact important legislation

Presidential Decision-Making

• Presidents are policy adopters in their own right
  – Executive agreements, orders
  – Congress delegates authority to the president

Pres. Decision-Making (cont.)

• Shaped and limited by
  – Permissibility (legality & acceptability)
  – Available resources
  – Available time
  – Previous commitments
  – Available information
Budget & Accounting Act

• Passed in 1921
• Created the federal budget process
  - Executive budget formulation
  - Bureau of the Budget (now OMB) oversaw process
  - General Accounting Office (GAO) audited expenditures

The Budget and Public Policy

• Policy conflict continues in budgeting
• Funding decisions can
  - Allow policies to succeed
  - Cripple policies
  - Nullify policies
• Some policies do not require funding
  - E.g.: Defense of Marriage Act

Federal Government Spending
fiscal year 2010
chart: M. Hodges, data: U.S. Bureau of Economic Analysis

Social Security, Medicare, Health, Income Security

Foreign Aid
Other
Defense
Interest (net)

Grandfather Economic Report
http://grandfather-economic-report.com/
The Budget

• The federal budget has quadrupled
  - Due to a few policy areas
  - A handful of government activities account for 3/4 of total spending
    • National Defense, Medicare, Social Security, Income Security, Interest on Debt

The Budget

• Changes reflect changes in national priorities
• Funding decisions are typically incremental
• The process allows Congress and the president to review policies, but little incentive to cut

Fiscal Policy

• Budget also influences the economy
  - Can stimulate or restrain
The Budgetary Process

Formulation of the president’s budget for FY 2014

Budget preparation and transmittal

Congressional action on budget

Fiscal year begins

Budget execution

Audit

February - December 2012

December 2012 - February 2013

March - September 2013

October 1, 2013 - September 30, 2014

Before or after the end of the fiscal year
### Executive Preparation, I

- OMB manages process
  - Begins 18 months before budget takes effect
- Budget reflects presidential priorities

### Executive Preparation, II

- Actual influence is constrained
  - 2/3 of all expenditures are direct or mandatory
    - Requires changing law to change budget
  - Remaining is largely national security
- Focus is on “real” discretionary spending
  - Just 1/6 of budget!

### Congressional Action, I

- Two stages
  - Authorization: Establishes policy & authorizes expenditures
    - Controlled by legislative committees
    - May use “backdoor spending”
  - Appropriations: Makes money available
    - Controlled by Appropriations Committees
Congressional Action, II

• Budgetary decision-making
  – Incremental
  – Decremental
  – Baseline

Congressional Action, III

• Executive responses
  – Presidents do try to shape congressional budget decisions
    • Threaten to veto appropriations legislation
  – Most governors have line item vetoes
    • Can remove specific expenditures
• The president’s and Congress’s budgets usually differ not in size but in specific expenditures

Congressional Action, IV

• Rarely are all 13 appropriations bills done by 10/1
  – Continuing resolutions
  – Omnibus legislation
Congressional Budget Process

- Created by Congressional Budget and Impoundment Control Act of 1974
  - Also created the Congressional Budget Office (CBO)

Congressional Budget Process

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<th>The Congressional Budget Process</th>
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<td>February</td>
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<td>Presidential budget is sent to Congress on the first Monday of the month</td>
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<tr>
<td>March 15</td>
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<tr>
<td>Standing committees send their budget estimates to the House &amp; Senate budget committees</td>
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<tr>
<td>April 1</td>
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<tr>
<td>Budget committees report budget resolutions to House &amp; Senate</td>
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<tr>
<td>April 15</td>
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<td>Congress adopts a concurrent resolution setting targets for revenues, budget authorities, &amp; outlays</td>
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<td>May-July</td>
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<td>House completes action on appropriations bills</td>
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<td>July-September</td>
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<td>Senate acts on appropriations bills; conference committees resolve differences; appropriations are enacted</td>
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<tr>
<td>September</td>
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<tr>
<td>Reconciliation legislation enacted if needed</td>
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<tr>
<td>October 1</td>
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<td>Fiscal year begins; continuing resolutions are passed if all appropriations have not been passed</td>
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Budget Execution, I

- Agencies actually spend the money
  - Agency discretion is restricted by specific details in the appropriations statutes
    - "Hyde amendments"
    - Pork-barrel projects
Budget Execution, II

- Impoundment
  - President refuses to spend appropriated funds
- Legislative vetoes
  - Congress could veto an agency’s action
- Both found illegal/unconstitutional by the courts

Federal Budget Deficits

- Bilions (2000 $)
- Percent of GDP
Implementation

• What happens after a bill becomes law
  – Whatever is done to carry a law into effect, apply it to a target population, and achieve its goals
• Neither routine nor very predictable
  – Often hard to separate policy adoption from implementation
  – Agencies delegated discretion to fill in details
  – Previous political struggles continue

The Implementation Process

Statute

Agency Rules and Regulations

Official influences (e.g., congressional committees, the judiciary)

Unofficial influences (e.g., interest groups, the media)

Agency Enforcement Action

Outputs

Outcomes
  - Intended
  - Unintended

Where Do We Go From Here?

• Federalism and implementation
• Who implements policy?
• Administrative organization
• Administrative politics
• Administrative policymaking
• Techniques of control
• Compliance
Federalism, I
• Some policies are implemented only at national level
  BUT
• Many are implemented by state and local governments
  – Macro v. micro-implementation

Federalism, II
• Successful implementation requires coordination & cooperation among a web of national, state, & local governments & agencies

Who Implements?, I
• Administrative agencies (bureaucracies)
  – Do the day-to-day work
  – Often have discretion in implementation
    • Presented with ambiguous statutory mandates
    • However, legislatures can act with specificity, curtailing agency discretion
Who Implements?, II

- Legislatures
  - Hearings and investigations
  - Senatorial approval (confirmations)
  - Legislative veto
    - Deemed unconstitutional but has been used some 400 times since
  - Casework

Who Implements?, III

- Courts
  - Some legislation enforced primarily through judicial action
  - Some direct administration of policies
    - Naturalization, bankruptcy, divorce
  - Most important influence comes through statutory interpretation & judicial review

Who Implements?, IV

- Pressure groups
  - “Capture” agencies
  - Occupational licensing
  - Advisory bodies can add legitimacy
- Community organizations
  - Build program support through grassroots participation in administration
Administrative Organization, I

- Executive Departments
  - Fifteen Cabinet positions
  - Subdivided into bureaus
- Independent Regulatory Commissions (IRCs)
  - Engage in regulation of private economic activities, like stock markets
  - Somewhat free of presidential control & influence

Administrative Organization, II

- Government Corporations
  - Handle businesslike or commercial activities, e.g. USPS
- Independent Agencies
  - Located outside of executive departments
- New policies are usually given to existing agencies
  - Choice is strategic
The Political Environment

- Agency
- Executive
- Congress
- Judiciary
- Pressure Groups
- Other Agencies
- Other Constituents
- Communications Media

Administrative Policymaking

- Officials have capacity to shape policy subject to influence of constituency
  - Tension often exists between civil servants & political appointees

Patterns of Policymaking, I

- Rule-making
  - Substantive, interpretive, & procedural rules
  - Administrative Procedure Act (APA)
The Federal Rulemaking Process

1. Something triggers action—a law, research, an accident, interest group activity

2. The agency develops a proposed rule.

3. Proposed “major” rules are sent to OIRA for cost-benefit analysis.

4. A notice of proposed rulemaking is published in the Federal Register.

5. Oral/written comments sought on the proposed rule.

6. The agency drafts a final rule, taking comments into account.

7. The draft of the final rule is sent to OIRA, which asks for changes.

8. The agency issues the rule. The rule takes effect in 60 days.

9. Congress may review the rule & reject it, which is unlikely. More likely, legality of rule will be challenged in the courts by interest groups or others.

Patterns, II

• Adjudication
  - Case-to-case decision-making
  - Incremental nature

• Law Enforcement
  - Enforcement can be rigorous or lax
  - Capacity to carry out policies is affected by the authority & techniques available to the agency

Patterns, III

• Program Operations
  - Loans, grants, benefits, insurance, & services
Distribution of Tax Expenditures

- General purpose: 7%
- Education, training, employment, social services: 11%
- Income security: 16%
- Health: 18%
- Commerce and housing: 35%
- Other: 13%

Standards v. Incentives

- Command-and-control regulation
  - Uses standards, inspections, & sanctions to prescribe behavior
- Economic incentives
  - Uses monetary rewards to encourage behavior
- Which is better?

Compliance

- All policies are intended to influence or control human behavior
  - Not successful unless actually affect behavior
Causes of Compliance

• Respect for authority
• Reasoned acceptance
• Self-interest
• Possibility of punishment

Causes of Noncompliance

• Moral reasons
• Selective disobedience
• Perceptions of “bad law”
• Associations & group memberships
• Ambiguity in the law

Main Points

• Implementation is
  - Key to success of a public policy
  - Largely carried out by administrative agencies
  - A complex, political process involving a large number of actors
So What?

Policy Impact

- Policy outputs
  - Things done by agencies in pursuance of policy decisions & statements
  - Easy to count & analyze
- Policy outcomes
  - Consequences that stem from deliberate governmental action or inaction

Dimensions of Policy Impact, I

- Policies have effects on target populations
  - Intended & unintended consequences
- May affect situations or groups other than those at which they are directed
  - Third-party effects, spillover effects, externalities
  - May be positive or negative
Dimensions of Policy Impact, II
- Policies impact future as well as current conditions
  - Future effects may be diffuse or uncertain
- Have costs as well as benefits
  - Direct
  - Indirect
  - Opportunity

Dimensions of Policy Impact, III
- Effects can be material (tangible) or symbolic (intangible)
  - Policies intended to be material may, in practice, merely be symbolic

Policy Evaluation
- As old as policymaking itself
- Judgments about the worth or effects of policies, programs, & projects
Policy Evaluation Processes, I

• Much evaluation is performed by nongovernmental actors
• The policy evaluation industry:
  − University scholars
  − Think tanks
  − The media

Evaluation Processes, II

• Congressional Oversight
  − A primary function of Congress
  − Takes a number of forms
  − Members favor policy initiation/adoption over evaluation
  − Reauthorization of laws

Evaluation Processes, III

• Government Accountability Office (GAO)
  − Arm of Congress
  − Broad authority to
    • Audit the operations & financial activities of federal agencies
    • Evaluate their programs
    • Report its findings to Congress
Evaluation Processes, IV

- Presidential Commissions
  - Most involve themselves in evaluation regardless of the reason they are set up
  - Often reach conclusions agreeable to the appointing president
  - Often have little immediate influence

Evaluation Processes, V

- Administrative Agencies
  - Formative evaluations (process) vs. summative evaluations
  - Not prone to evaluate themselves
  - Frequent efforts to build evaluation into budgetary process