

Analysis of Executive Branch *vs* Congress Regarding Reorganization of a Single Government Agency



VS



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Abstract

This paper looks at the demographics and congressional committee membership in order to discern the relative inability of the Executive Branch to make radical changes to the make-up and/or mission of a given Federal agency. The National Aeronautics and Space Administration is used as a test case for the analyses. Based on either the demographics or committee memberships, it appears that any attempt of the Executive Branch to make any changes is severely handicapped from the onset.

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I. Definition of the Issue.

Periodically (usually coincident with a change of administration, sometimes as occasioned by the occurrence of a radical/catastrophic event), the Executive Branch of the Federal Government contemplates changes in its structure. For example, the Interstate Commerce Commission has been eliminated, as has the Civil Aeronautics Agency. Following World War II, the Departments of Army and Navy became the Department of Defense, to which was added the Department of the Air Force). Following the USSR's launch of Sputniks I & II, the National Aeronautics and Space Administration was formed from the old National Advisory Council on Aeronautics and elements of the defense establishment (notably the Research and Development Division of the long gone Army Ballistic Missile Agency and the Jet Propulsion Laboratory). There were good and sufficient reasons for each of these changes, which may be summed up as being a recognizing of the changing times and circumstances. From time to time, changes are contemplated on the basis of adding new services, as was the case with the Veteran's Affairs and Housing and Urban Development.

However, there is at least one other factor that emerges from time to time, which is that government agencies ought to be re-organized in order to be (1) more accountable; (2) more efficient; and, (3) more effective. This factor may indeed cover a myriad of reasons on the part of the Executive Branch, some of which may be legitimate and some of which are often petty. Whatever the reasons, the Executive Branch rightly thinks it has the prerogative to organize as it best sees fit, consistent within the limitations of governing legislation. The Congress, while it seldom offers advice upon the structure of the Government, nonetheless believes that it is at least an equal partner in organizational matters. This belief stems from two factors: (1) Congress is responsible for providing the budget for each executive agency, bureau, and department; and (2) many of these organizational elements are located in various Congressional districts, providing constituents with assistance and employment. Further, the budgets of the various elements may reach far beyond a local congressional district.

While it is beyond the scope of this analysis to consider the extent to which the Government has been increased – and this is the case beginning with the Great Depression and the New Deal in the early 1930's – it is not the enlargement of the Federal establishment that is of interest. Indeed, a case can be made that it is in the interest of

both the Executive Branch and the Congress to add to the Federal establishment, and this interest is best expressed as increased influence and/or power. Niccolo Machiavelli has discussed this in detail in his advice to his Prince (Reference 1), and it is hardly necessary to pursue that further. What is of interest, however, is the issue of removing, reducing the responsibilities, or the downsizing of an element of the government. This is a different matter than enlarging or adding an element, even though the purposes listed in the preceding paragraph surely are justifiable, even sufficient, for implementing a reduction. The first case that came to the author's attention was the closing of the Mobile Area Air Materiel Area (MOAMA) in the late 1960's. The facility was no longer required, in the view of the Air Force management, but it took almost a decade of effort before the facility finally was closed for good. Nonetheless, the closure was fought at all levels, in the face of evidence that the facility really was no longer needed. Decades later, the issue of base closing became such a problem that Congress formed a special committee to review and recommend base closings, indicating that the matter was very much of interest to the Congress. What is it, then, that this matter is such a problem, given the authority of the Chief Executive over the Executive Branch?

In order to address this question, the National aeronautics and Space Administration was selected as a test agency. There are several factors that make this a good choice. First, it is an aging agency that is, or recently has been, in search of a *raison d'etre*. Secondly, it has, currently, arguably more facilities and personnel than the workload requires. Thirdly, there is a serious problem with skill mixes and an aging workforce. Fourthly, the accounting and accountability practices have been seriously questioned by the agency's own Inspector General, the General Accounting Office, and the Office of Management and Budget. Fifthly, even the most ardent of agency supporters in the Congress acknowledge that the agency has a serious credibility problem. Each of these issues have frequently been described at www.nasawatch.com. On the face of it, the necessity to institute changes into the make-up of the agency should be a "no brainer". As a matter of fact, there have been various exercises, both real and "imagined" that purport to eliminate one or more of the extant agency field centers. To date, this has not occurred, although there have been some cosmetic changes, but these have been mostly inconsequential.

The question, then, is how likely is the Executive Branch to prevail in a re-structuring this agency, considering the present climate of a

split government, in which majority control is by a varnishing small margin in the Senate, not a lot greater in the House, and the Executive Branch purportedly is united in focus? This question will be considered from a demographic point of view, one which derives from a repeated comment from the three preceding courses in Congressional Operations in which the author has been enrolled. This comment, which has been stated in various ways, is “What most folks do not understand is how the members look at an issue. They divide by two and add one.” That is, are there enough votes to carry (or to defeat) a given bill, resolution or other act? Given that Congress, by constitutional direction has oversight for all governmental operations, this means then that no action of the executive branch will be without congressional review. That being the case, it might be expected that additions to the Federal structure might even be welcome, depending upon the particulars of a circumstance, but any attempt to reduce the structure can be expected to met with resistance. In part, this is a reflection of the way in which the two chambers act. In the house both a favorable committee action and favorable chamber action are required to enact anything, whereas a simple majority can kill anything, either in committee or in the full chamber. In the Senate, a single member can stop action on virtually any matter, without having to lodge a reason. This, then, apparently is the explanation for NASA’s being unable to effect organizational downsizing. In order to test this conjecture, demographic and committee analyses were made. In order to arrive at an answer, the agency will be looked at from two perspectives – that of the executive Branch and that of the Congress.

II. The Agency as Seen by The Executive Branch

The agency actually appears in two different aspects to the Executive Branch. First, from the point of view of the organizational structuralist, the Agency appears as shown in Figure 1. From this point of view, the agency is little more than just another block on the chart. Even when more detail is added, such as the budget associated with each block, or staffing level, or importance/function, the agency is still just one more block. Not only that, it isn’t even a significantly large block. It is also noteworthy that the agency is not a part of a larger entity (such as the Department of Army being a subordinate of the Department of Defense). Indeed, for budget purposes the Agency is lumped with HUD and Veteran’s Affairs, so even though it has had world

prominence in its glory days, it almost appears as an after-thought as far as both the Executive Branch and the Congress are concerned. That being the case, it would appear that the Executive Branch could instigate considerable change within and to the Agency without it attracting much public notice. Certainly, there has been no question but that the Executive Branch has attempted to strengthen its ability to manage itself, as the Office of Management and Budget (OMB) has lately been attempting to exercise more management over the various departments, bureaus, and agencies that make up the Executive Branch. This is a change from the more traditional role of exercising budget authority (which in itself is a powerful management capability) and program oversight. However, as the current debate over establishing the Office of Homeland Security shows, any issue that affects the creation or elimination of positions, nominally a strategic management function, cannot be exercised solely by the Executive Branch alone (Reference 2, Chapter 6). On this point alone, it appears that the Executive Branch and the Congress must act in concert or not act at all.

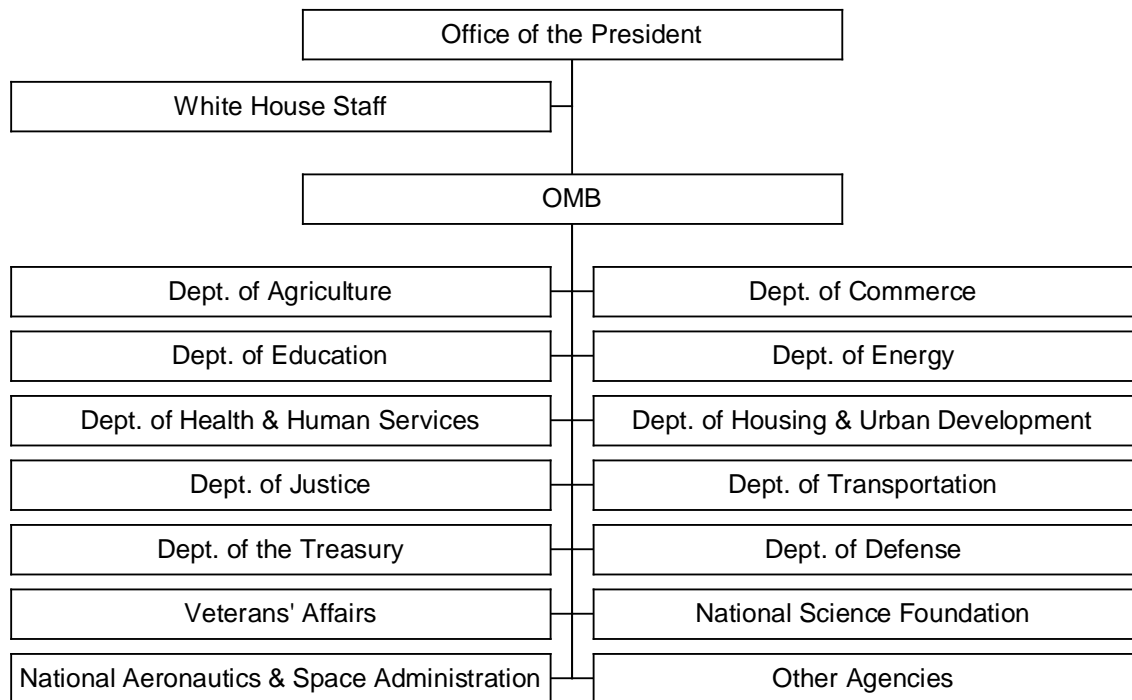


Figure 1. A block diagram of the Executive Branch.

Given that the balance of power between the political parties is so closely matched, a second view of the agency is that shown in Figure 2. This view, while apparently not always recognized by the Executive Branch, has been nonetheless more and more the prevalent view. Here, the geographical location by congressional district becomes an important factor. At first glance, it would seem that there are only ten congressional districts involved, as there are only ten field centers (NASA Headquarters does not count, as it is located in the District of Columbia, which has no voting representative(s) in the Congress). There are only a total of sixteen senators to be considered, since California has three of the ten NASA field centers. While a four per cent difference may not seem important, in a closely divided chamber this can be in reality a very large difference indeed. At this resolution, a consideration of the state delegations may seem to be a minor aspect. In part, this is because the state congressional delegations themselves are often split between the two parties. Thus, there may be a tendency to discount the cohesiveness of the state delegations. If so, then the perspective of the Executive Branch may be simplistic and a bit myopic.



Figure 2. Locations of the Ten NASA Field Centers.

III. The Agency as Seen by the Congress.

Congress, on the other hand, employs a different calculus than the Executive Branch. As it has been described, this calculus is based upon dividing by two and adding one; that is, are there enough votes to pass, sustain, or reject a bill? Accordingly, the view depicted in Figure 2. must be altered to take into account who benefits from each field center? Certainly, the local congressional district and themselves are prime beneficiaries? Does that mean that these are the only states with an interest in NASA's affairs? The answer is decidedly negative, as there are substantial NASA sponsored activities in several other states. These are depicted in Figure 3., and when the potential impact of those congressional delegations are tallied, an entirely different view emerges. Now there are a total of 19 states. Note that in the former instance, the states shown in yellow have an identifiable NASA presence.

In terms of congressional impact, Table I and II, below, are instructive. Clearly, a distinct pattern has emerged, and not one of advantage to the Executive Branch. As indicated, Table I is a simple tabulation of the representation in the two houses of Congress for the indicated states in Figures 2., above. Note that this is a simple depiction of the total possible number of votes that would be available if unanimity within and among delegations were attained on a single issue. Percentage-wise, Table I indicates that the ten field centers could affect (or be affected by) 33% of the House membership and 16% of the Senate's membership. By any standard, this can be a potent bloc.

Adding those states in which NASA has an interest through contracted activities and/or grants and other mechanisms (Table II), the totals rise to 229 and 40, respectively. Given the Senate's penchant for acting under unanimous consent**, these totals represent a distinct majority of votes in both chambers. In addition to the states shown, an argument can be made for including the states of Arizona, Missouri and Washington, as these states have contractors and major universities that receive NASA funding from time to time. Such inclusion, would of course further strengthen the demographics. While with these totals it might be difficult to obtain agreement *in favor* of a bill, issue, resolution or other matter, it does not take a wild stretch of imagination to understand that obtaining agreement *to oppose* a bill, issue, resolutions or other matter can generate a formidable amount of political clout. Indeed, the totals represented by these two tables appear to be borne out by

the most recently published budget marks*. That this budget contains increases over that requested by the Executive Branch speaks even more tellingly of the apparent influence that can be exerted on the behalf of a single agency of the government. Admittedly, this is a demographic view. It does, however represent what is possible, and politics, after all, is the art and practice of what is possible.



Figure 3. States with the Ten NASA Field Centers and/or a Presence.

IV. The Role of Congressional Committee Membership.

Instructive as the foregoing may be, it is even more instructive to look at the various committees on which the members of the state delegations sit. These are tabulated in Tables III, IV, and V for the House and the Senate, respectively. There are a number of observations that might be made.

The first observation is that the members representing the districts in which the ten field centers lie sit on key committees in the House.

Table I. States, NASA Centers and Congressional Representation.

State	Center	Repr.	Senators
Alabama	Marshall	7	2
California	Ames Dryden JPL	52	2
Florida	Kennedy	23	2
Maryland	Goddard	8	2
Mississippi	Stennis	5	2
Ohio	Glenn	19	2
Texas	Johnson	30	2
Virginia	Langley	11	2
Sub-Total		155	16

Notable, of course are the memberships on the Appropriations and Science committees, but equally interesting are the memberships on the Armed Services Committee and the Ways and Means Committees. While these two committees nominally are nominally uninterested in NASA's affairs, the member representatives are ardent supporters of NASA and can be expected to exert their influence on other members. Taken as a group, these several representatives are in positions that allow them to exert considerable influence and oversight on NASA's budget and activities. Further, when the addition of the state delegations and their respective memberships (as well as those of those states in which NASA has noticeable influence) are taken into account, then the potential impact of these groups appears to be extremely notable.

In the Senate, an even stronger case can be made. Tables IV and V indicate that of the sixteen senators, eight sit on the Senate's Appropriations Committee. As such, they can exert a hammerlock on matters affecting the Agency. As if that were not enough, seven of the sixteen also sit on the Science and Transportation Committee. The overwhelming conclusion is that either through careful planning and maneuvering or sheer good fortune, the senators representing the states in which the ten field centers reside are in positions to exert tremendous influence on behalf of the Agency.

Accordingly, any changes to the make-up and structure of the Agency by the Executive Branch are going to require considerable interaction with the Senate, if not with both houses of the Congress.

Table II. States in Which NASA Has a Presence.

State	Repr.	Senators
Colorado	6	2
Georgia	11	2
Iowa	5	2
Louisiana	7	2
Massachusetts	10	2
Montana	1	2
New Mexico	3	2
North Carolina	12	2
Tennessee	9	2
Utah	3	2
West Virginia	3	2
Wisconsin	9	2
Sub-Total	68	22
Total	229	40

Table III. Committee Memberships for Representatives of the Districts of the Ten NASA Field Centers

Center	Representative	Committee
Ames	Lofgren	Science
Dryden	Radanovich	Energy & Commerce
Glenn	Jones	Financial Services., Small Business
Goddard	Hoyer	Appropriations
JPL	Schiff	Judiciary
Johnson	Lampson	Science, Transportation & Infrastructure
Kennedy	Weldon	Science
Langley	Davis	Armed Services
Marshall	Cramer	Appropriations
Stennis	Taylor	Armed Services, Transportation & Infrastructure

Table IV. Committee Memberships for One Senator of the Ten NASA Field Centers.

Center	Senator	Committee
Ames	Feinstein	Appropriations
Dryden	Feinstein	Appropriations
Glenn	DeWine	Appropriations
Goddard	Sarbanes	Budget
JPL	Feinstein	Appropriations
Johnson	Gramm	Housing & Urban Affairs
Kennedy	Graham	Energy & Natural Resources
Langley	Warner	Armed Services
Marshall	Shelby	Appropriations
Stennis	Lott	Commerce, Science & Transportation

Table V. Committee Memberships for the Second Senator of the Ten NASA Field Centers.

Center	Senator	Committee
Ames	Boxer	Commerce, Science & Transportation
Dryden	Boxer	Commerce, Science & Transportation
Glenn	Vionovich	Environment & Public Works
Goddard	Mikulski	Appropriations
JPL	Boxer	Commerce, Science & Transportation
Johnson	Hutchison	Appropriations, Commerce, Science & Transportation
Kennedy	Nelson	Armed Services, Commerce, Science & Transportation
Langley	Allen	Commerce, Science & Transportation
Marshall	Sessions	Armed Services
Stennis	Cochran	Appropriations

With the appointment of an Agency administrator with very close ties to both the President and with the OMB and the Department of Defense (DoD), the Agency has been forging alliances within the DoD. Such alliances range from development of technologies and programs of mutual interest to both activities (the Strategic Launch Initiative) to the more mundane sharing of technology data. Indeed, the creation of such a strategic alliance promises to be of great benefit to NASA, while the benefit to the DoD may be of lesser importance. This also marks a shift in the focus of the space program, as until the present Administrator came into office, the Agency has taken considerable pains to maintain a policy of peaceful pursuit of space exploration. While the DoD has had some form of a "space" organization, it now has a Space Command and it is clear that whatever the next generation of vehicle, it will undoubtedly have both a civilian and a military application, as may also be the case for any supporting technologies that are developed (This has also been reported upon at various times during the past year by www.nasawatch.com, Reference 3).

As a matter of interest, it is worth reviewing the committee assignments of the house members of the states which have the NASA field centers. Inarguably, the committees of interest to the agency are the Science, Appropriations, Armed Services, and Ways & Means committees. The house delegations of the eight states involved have a total of 15 members on the Science Committee, out of a total of 47 members. Adding the members from those states with a NASA influence, there is a total of 25 members. Whether these members agree to act on behalf of the Agency is, of course, a problematic matter, but certainly these numbers practically guarantee that they can effectively stop any action that might be against the wishes of the agency.

In the case of the Appropriations Committee, there are 24 members from the eight states, and a total of 32 members from states with centers or a NASA influence. The Appropriations Committee itself is composed of a total of 64 house members, so the same observation as was made about the Science Committee would appear to hold for this committee as well. Similar results exist for the Ways and Means Committee and the Armed Services Committee. In the case of the former, there are a total of 13 house members from the eight field center states, and a total of 20 when the states with a NASA influence are added. This committee totals 41 members. The Armed

Services committee shows a total of 17 house members, 29 counting those states with a NASA influence, out of a committee total of 41.

A review of similar committees in the Senate indicates proportionate totals. For the Commerce, Science and Transportation Committee, there are 10 senators from the states with NASA centers and/or NASA influence, out of a total of 23 committee members. The Appropriations Committee has a total of 13 members from the states with NASA centers and/or NASA influence, out of a total of 29 committee members. The Armed Services Committee has a total of 7 members from the states with NASA centers and/or NASA influence, out of a total of 25 committee members. AS is the case with the House committees, there does not seem to be a sufficient number of members from states with a NASA interest to propose beneficial legislation for the Agency, but there are more than enough members to oppose legislation or Executive Branch actions that might be detrimental to the Agency.

V. Distribution of NASA's Activities

While the nineteen states that have been identified obviously enjoy the benefits of the NASA budget, a further review of the distribution of NASA funding discloses that every state gets some portion of the Agency budget. To a great degree, then, the agency certainly has at least some influence in nearly every congressional district. It is hardly likely, however, that the amount of funding is sufficiently significant in the majority of states to attract the interest of the two state senators. Still, it is indicative that the Agency is aware of the political benefits to be gained by distributing its funding as broadly as practicable.

Of some interest, too, are the census data for the most affected states. The eight states contain 31.2% of the nation's population, an appreciable percentage. Adding the states with a heavy NASA influence brings the total to 46.6%. These numbers, of course, simply add weight to the political clout held by these states' congressional delegations, even though through the committee memberships there may be an increased impact of these states within the legislative body. Again, these numbers do not indicate a preponderance of ability to initiate beneficial legislation, but there is again an indication that non-beneficial legislation can be effectively resisted.

VI. Conclusions

There are a couple of conclusions that can be drawn. First, the fact is that it takes both the Executive Branch and the Congress to make government work. In the case of NASA, the Agency must depend upon the Congress for funding authority, whatever the Executive Branch may think. In the private sector, after the CEO, the most important post is that of CFO. Congress fills that position for the Executive Branch, and while the Executive Branch (or at the very least, the Chief Executive, the President, and his implementing arm, the OMB) may decry meddling and interference, the fact is that the golden rule still is in effect. Congress is in a better position to determine what courses of action will be taken by Executive Branch elements than can the Executive Branch itself. Should a department or program be as well represented in the CFO's domain as NASA appears to be represented within the congressional committees, then one would suppose that department or program to be in an extraordinarily favorable position. Indeed, the most recent mark-up of the Agency's budget appears to bear this out (again, this has been reported by www.nasawatch.com).

Aside from the dependence upon the Congress for funding, there is another factor, which is that in order to start an initiative, it is necessary to obtain general agreement from a majority in both chambers of the Congress. This is difficult, with the margin available to the majority party in either chamber. On the other hand, it takes just a few nay-sayers to kill an initiative. In the case that there is a desire to stop a program or activity, the same is also true. Thus, many are needed to begin a new venture, but almost literally anyone can stop anything going on.

Thus, after reviewing both the extant literature, the make-up of the state delegations in those states having a NASA presence or influence, and the committee assignments of the members of the several state delegations, there is no reason to wonder why it took almost a decade to close down the installation cited at the start of this paper. Rather, the wonder is that MOAMA was closed at all.

Admittedly, demographics are not everything. However, one must have the numbers before an understanding of what is possible can be determined. There seem to be two underlying factors that, at the beginning of the analysis, did not seem as obvious as it now appears. One is, notwithstanding the numbers, it is through the importance and the understanding of the committee structure of the

two chambers of the Congress that control of results occurs. This is not an original observation, but it is one that can be overlooked, and often has been by several presidents. The second factor is that a particularly astute senator can exert an influence over the Executive Branch out of proportion to the influence of the state to which the senator hails. Thus, in reviewing the formation of NASA, it is noteworthy that Johnson Space Center came about, purportedly, as the result of the efforts of a Senator (later President) Johnson; Marshall Space Flight Center came from the efforts of Senator John Sparkman of Alabama; and Stennis Space Center resulted from efforts by Senator John Stennis of Mississippi.

References

1. Niccolo Machiavelli, (David Woolton, Translator), **The Prince**, Hackett Publishing Company, Incorporated, January 1995.
2. Jones, Charles O., **Separate But Equal Branches: Congress and the Presidency**, Chatham House Publishers, New York, 1999, 2nd Ed.
3. **www.nasawatch.com**, a web site that provides general news and comment about NASA activities.
4. Baker, Ross K., **House and Senate**, W. W. Norton & Company, New York, 2001, 3rd Ed.
5. Bond, Jon R., and Richard Fleisher, Editors, **Polarized Politics: Congress and the President in a Partisan Era**, CQ Press, Washington, DC, 2000.
6. **Congressional Directory of the 107th Congress**, The Government Affairs Institute at Georgetown University, Washington, DC, 2002.
7. **Congressional Operations Seminar**, The Government Affairs Institute, George Town University, Washington, DC, Feb. 4 – 7, 2002.
8. **Quickfacts.census.gov/qfd**, an on-line source of census data and facts from the census of 2000.