

of statutes covering lobbying reform, paperwork reduction, and electronic freedom of information.

The Executive Office Accountability Act of 1996 may be the best example of all. Under that statute, Congress applied 11 existing statutes to all components of the Executive Office of the President, including the Fair Labor Standards Act, Title VII of the Civil Rights Act, Title I of the Americans with Disabilities Act, and federal laws relating to veterans' employment. The act also prohibited retaliation against any whistleblowers making a charge under any of the 11 statutes. The original proposal even created a White House Office of Inspector General to make sure the laws were obeyed, but Congress backed off at the Clinton administration's insistence.

The Return of Structural Reform

September 11 sparked a renewed interest in structural reform as the answer to the nation's vulnerability to terrorist attacks. Pressed to show they were doing more than just tinkering with existing structures, Congress and the president created three entirely new organizations within 18 months: the Transportation Security Administration, the Department of Homeland Security, and the Office of the National Intelligence Director.

All three statutes reflected an emerging consensus among study groups, think tanks, and blue-ribbon commissions that the structure of government was ill suited for the war on terrorism. As the second National Commission on the Public Service, chaired by former Federal Reserve Board chairman Paul A. Volcker, argued in 2003.

Federal agencies that share closely related missions should be administered by the same organizational entity. A few large departments in which those agencies are grouped should enhance their employees' sense of purpose and loyalties, provide opportunities for advancement and job mobility, and encourage interagency cooperation. It is a much more sensible approach to government organization than the current pattern in which agencies with similar responsibilities have been scattered throughout the government (2003, 6).

Such reorganizations are fraught with risk, however, partly because past reforms create their own sediment of administrative inertia in the form of implementing rules, agencies, and new personnel, and partly because an increasingly active Congress often imposes its own preferences on the organizational chart. The Department of Homeland Security has struggled to integrate the customized administrative systems that its 22 agencies brought into the merger, and the Transportation Security Administration has operated under persistent hiring and spending caps imposed by congressional appropriators who opposed the creation of a federal screener workforce. Both the TSA and DHS have also struggled to implement the new personnel systems that many in Congress hoped would accelerate the hiring and disciplinary process and that some also expected to weaken employee bargaining rights.

It is too early to predict whether reorganization will become fashionable for other government endeavors such as food safety, job training, and childhood education, all of which have been the subject of recent congressional hearings on possible structural reform. What is clear is that today's reorganizations are markedly different from the reorganizations of the 1950s and 1960s, which created a host of new agencies such as the U.S. Departments of Health, Education, and Welfare, Housing and Urban Development, and Transportation, the National Aeronautics and Space Administration, the National Science Foundation, and the Environmental Protection Agency.

First, the newly created organizations have been far more narrowly specified in terms of what they will look like and how they will work. The Airport Security Act was loaded with deadlines on everything from the choice of logos and uniforms to the installation of baggage-screening equipment, and the Homeland Security Act carried a long list of instructions on how the new department would operate. All three statutes also contained precise language naming officers, duties, and chains of command. Because all three statutes originated in Congress, they also carried instructions from a host of committees and subcommittees, all of which were designed to ensure timely service to the many constituencies involved while

protecting congressional turf through spending formulas and oversight schedules.

Second, the new organizations carried all the accoutrements of the war on waste and watchful eye, including offices of inspector generals, long lists of required studies and reports, and repeated language about spending priorities. The Transportation Security Administration was to spend as little as possible on the new federal screener workforce, and the Department of Homeland Security was to be neutral on revenue and personnel by using expected economies of scale to reduce budget demand. As a result, the statutes gave the president relatively little authority to design the new agencies.

Thus, even if reorganization is back (as California governor Arnold Schwarzenegger might say), it is back in a very different form. Because the Bush administration resisted all three new agencies created in the war on terrorism, Congress was very much the designer, producing a mix of reform philosophies that has required a much greater focus on congressional politics than the reorganizations that came through the first Hoover Commission of the late 1940s.

The Market for Reform

The broad patterns in the tides of reform reflect deep shifts in the market for administrative reform that are rooted in changing public attitudes, rising congressional involvement in administrative reform, and declining presidential engagement in either generating legislative initiatives or resisting Congress. The following section describes this marketplace for reform.

The Rhetoric of Reform

There is little doubt that the war on waste and watchful eye rose in tandem with increasing public distrust of government. In 1945–54, for example, 59 percent of statutes carried a trusting view of government, meaning that legislative text or history conveyed a sense of confidence in the ability of government to achieve its mission. Watergate and Nixon's resignation marked a significant change in tone. In 1975–84, 73 percent of statutes were wrapped in retrenchment

and antigovernment rhetoric, a percentage that is not significantly different from the 75 percent in 1985–94 and 70 percent in 1995–2002.

Some of the harshest rhetoric has been reserved for the reform of specific agencies, such as the Internal Revenue Service (IRS), which was reorganized in 1998 following a long investigation of taxpayer abuse. Rising to support passage of his Internal Revenue Service Restructuring and Reform Act, Senate Finance Committee chairman William Roth (R-DE) described the agency as a "hall of mirrors" in which taxpayers have no place to turn:

What we bring with this important legislation is a new era of openness to an agency that has too long been able to operate beyond the view of Congress. . . . We bring a new era of accountability to an agency marked by a culture that protects even the most lawless employees from the consequences of their actions. We bring an era of efficiency and modern management to an organizational structure that dates back to before the industrial age.

Ironically, there is good reason to argue that at least some of the taxpayer abuse was provoked by the implementation of an earlier reform sponsored by Senator Roth. Under the 1993 Government Performance and Results Act, the IRS had created the Field Office Performance Index to measure progress toward agency-wide goals. Pressured to increase their property-seizure rates, some IRS managers set productivity quotas that led to increasingly aggressive collection tactics. In a letter to the Finance Committee, then-Deputy Treasury Secretary Lawrence H. Summers said, "Not a single staff member or member of Congress expressed any concern about the IRS's use of revenue measurements, or suggested that there should be less emphasis on the revenue-related goals" (Barr 1997). Thus, one reform begot another and another.

It is hardly surprising to find antigovernment rhetoric toward the IRS, which remains one of the nation's least popular agencies in spite of an aggressive effort to improve citizen satisfaction (Rossotti 2005). It is more surprising, perhaps, to find such rhetoric surrounding the creation of entirely new agencies, particularly ones established after the September 11 terrorist attacks.