13.1 Domestic Policy Making (1994)

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Definitions of Policy

Because policies ultimately are what government is about, it is not surprising that definitions of policy and policy making are diverse and influenced by the beholder's eye. David Easton's celebrated definition of public policy as society's "authoritative allocations" of values or resources is one approach to the question. To put it another way, policies can be regarded as reflecting "who gets what, when, and how" in a society. A more serviceable definition of policy is offered by Randall Ripley and Grace Franklin: policy is what the government says and does about perceived problems. . . .

Stages of Policy Making

Whatever the time frame, policy making normally has four distinct stages: setting the agenda, formulating policy, adopting policy, and implementing policy.

Setting the Agenda At the initial stage, public problems are spotted and moved onto the national agenda, which can be defined as "the list of subjects to which government officials and those around them are paying serious attention." In a large, pluralistic country like the United States, the national agenda at any given moment is extensive and vigorously debated.

How do problems get placed on the agenda? Some are heralded by a crisis or some other prominent event—the hijacking of a plane by terrorists, the demise of savings and loan associations, or a campaign-funding scandal. Others are occasioned by the gradual accumulation of knowledge—for example, increasing awareness of an environmental hazard like acid rain or ozone depletion. Still other agenda items represent the accumulation of past problems that no longer can be avoided or ignored. Finally, agendas may be set in motion by political processes—election results, turnover in Congress, or shifts in public opinion. The 1994 election results are an example of how the GOP's control of the 104th Congress and its Contract with America drove the national agenda.

Agenda items are pushed by *policy entrepreneurs,* people willing to invest time and energy to promote a particular issue. Numerous Washington "think tanks" and interest groups, especially at the beginning of a new president's term, issue reports that seek to influence the economic, social, or foreign policy agenda of the nation. Usually, however, elected officials and their staffs or appointees are more likely to shape agendas than are career bureaucrats or nongovernmental actors. Notable policy entrepreneurs on Capitol Hill are congressional leaders who push their party's policy initiatives. Speaker Newt Gingrich with his advocacy of a min-

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imalist role for the central government (the "Republican revolution") is a good example.

Lawmakers frequently are policy entrepreneurs because they are expected to voice the concerns of constituents and organized groups and to seek legislative solutions. Politicians generally gravitate toward issues that are visible, salient, and solvable. Tough, arcane, or conflictual problems may be shunned because they offer few payoffs and little hope of success.

Sometimes only a crisis—such as the oil price increases in the 1970s—can force lawmakers to address difficult questions. Yet, despite enactment of legislation designed to ameliorate future energy problems, Americans today are as dependent on imported oil as they were two decades ago. Forecasters predict another energy crisis unless steps are taken to develop alternative fuels, change habits of consumption, and reduce the spiraling demand for oil, especially from the volatile Middle East. This kind of "creeping crisis" is often difficult for members of Congress to grapple with, in part because of the "two Congresses" dilemma. As conscientious lawmakers, members might want to forge long-term solutions. But as representatives of their constituents, they are deterred from acting when most citizens see no problems with the immediate situation.

Formulating Policy In the second stage of policy making, items on the political agenda are discussed and potential solutions are explored. Members of Congress and their staffs play crucial roles by conducting hearings and writing committee reports. They are aided by policy experts in executive agencies, interest groups, and the private sector.

Another term for this stage is *policy incubation,* which entails "keeping a proposal alive while it picks up support, or waits for a better climate, or while a consensus begins to form that the problem to which it is addressed exists." Sometimes this process takes only a few months; more often it requires years. During Dwight D. Eisenhower's administration, for example, congressional Democrats explored and refined policy options that, while not immediately accepted, were ripe for adoption by the time their party's nominee, John F. Kennedy, was elected president in 1960.

The incubation process not only brings policies to maturity but also refines solutions to the problems. The process may break down if workable solutions are not available. The seeming intractability of many modern issues complicates problem solving. Thomas S. Foley, D-Wash. (Speaker, 1989–1995), held that issues had become far more perplexing since he came to Congress in 1965. At that time "the civil rights issue facing the legislators was whether the right to vote should be federally guaranteed for blacks and Hispanics. Now members are called on to deal with more ambiguous policies like affirmative action and racial quotas."

Solutions to problems normally involve "some fairly simple routines emphasizing the tried and true (or at least not discredited)." A repertoire of proposals exists—for example, blue-ribbon commissions, trust funds, or pilot projects—that can be applied to a variety of unsolved problems. Problem solvers also must guard against recommending solutions that will be viewed as worse than the problem.

Adopting Policy Laws are ideas whose time has come. The right time for a policy is what scholar John Kingdon calls the *policy window:* the opportunity presented by circumstances and attitudes to enact a policy into law. Policy entrepreneurs must seize the opportunity before the policy window closes and the idea's time has passed.

Once policies are ripe for adoption, they must gain popular acceptance. This is the function of *legitimation*, the process through which policies come to be viewed by the public as right or proper. Inasmuch as citizens are expected to comply with laws or regulations—pay taxes, observe rules, or make sacrifices of one sort or another—the policies themselves must appear to have been properly considered and enacted. A nation whose policies lack legitimacy is in deep trouble.

Symbolic acts, such as members voting on the House or Senate floor or the president signing a bill, signal to everyone that policies have been duly adopted according to traditional forms. Hearings and debates, moreover, serve not only to fine-tune policies but also to cultivate support from affected interests. Responding to critics of Congress's slowness in adopting energy legislation, Sen. Ted Stevens, R-Alaska, asked these questions:

> Would you want an energy bill to flow through the Senate and not have anyone consider the impacts on housing or on the automotive industry or on the energy industries that provide our light and power? Should we ignore the problems of the miner or the producer or the distributor? Our legislative process must reflect all of the problems if the public is to have confidence in the government.

Legitimating, in other words, often demands a measured pace and attention to procedural details. (Another strategy is to move quickly—before opposition forces can mobilize—to enact bold changes and then work to gain the public's acceptance of them.)

Implementing Policy In the final stage, policies shaped by the legislature and the highest executive levels are put into effect, usually by a federal agency. Policies are not self-executing: they must be promulgated and enforced. A law or executive order rarely spells out exactly how a particular policy will be implemented. Congress and the president usually delegate most decisions about implementation to the responsible agencies under broad but stated guidelines. Implementation determines the ultimate effect of policies. Officials of the executive branch can thwart a policy by foot dragging or sheer inefficiency. By the same token, overzealous administrators can push a policy far beyond its creators' intent.

Congress therefore must exercise its oversight role. It may require executive agencies to report or consult with congressional committees or to follow certain formal procedures. Members of Congress get feedback on the operation of federal programs through a variety of channels: media coverage, interest group protests, and even constituent casework. With such information Congress can and often does pass judgment by adjusting funding, introducing amendments, or recasting the basic legislation governing a particular policy.

Types of Domestic Policies

One way to understand public policies is to analyze the nature of the policies themselves. Scholars have classified policies in many different ways. The typology we shall use identifies three types of domestic policies: distributive, regulatory, and redistributive.

Distributive Policies Distributive policies or programs are government actions that convey tangible benefits to private individuals, groups, or firms. Invariably, they involve subsidies to favored individuals or groups. The benefits are often called "pork" (special-interest spending for projects in members' states or districts), although that appellation is sometimes difficult to define. After all, "one person's pork is another person's steak." The projects come in several different varieties:

> Dams, roads and bridges, known as "green pork," are old hat. These days, there is also "academic pork" in the form of research grants to colleges, "defense pork" in the form of geographically specific military expenditures and lately "high-tech pork," for example the intense fight to authorize research into super computers and high-definition television (HDTV).

The presence of distributive politics—which makes many interests better off and few, if any, visibly worse off—is natural in Congress, which as a nonhierarchical institution must build coalitions in order to function. A textbook example was the $1-billion-plus National Parks and Recreation Act of 1978. Dubbed the "Park Barrel" bill, it created so many parks, historical sites, seashores, wilderness areas, wild and scenic rivers, and national trails that it sailed through the Interior (now Resources) Committee and passed the House by a 341-61 vote. "Notice how quiet we are. We all got something in there," said one House member, after the Rules Committee cleared the bill in five minutes flat. Another member quipped, "If it had a blade of grass and a squirrel, it got in the bill." Distributive politics of this kind throws into sharp relief the "two Congresses" notion: national policy as a mosaic of local interests.

The politics of distribution works best when tax revenues are expanding, fueled by high productivity and economic growth—characteristics of the U.S. economy from the end of World War II through the mid-1970s. When productivity declines or tax cutting squeezes revenues, it becomes difficult to add new benefits or expand old ones. Such was the plight of lawmakers in the 1980s and 1990s. Yet distributive impulses remained strong, adding pressure to wring distributive elements out of tight budgets. Even in the tight-fisted 104th Congress, lawmakers in both parties ensured that money would be spent for particular purposes in their districts or states. As one account noted:

> With Republicans cutting non-military spending but protecting the defense budget from reductions, the huge $243 billion Pentagon spending bill this year has taken the place of pork-barrel public works measures of old. Instead of seeking bridges and roads, members of Congress in both parties have been clamoring for defense contracts to protect home-state jobs and businesses.

House GOP freshman John Ensign of Nevada highlighted both the "two Congresses" and the prevailing legislative sentiments toward distributive policy making when he said, "I hate the idea of pork, but if there's a pot of money, I want to make sure that Nevada gets its fair share."

Regulatory Policies Regulatory policies are designed to protect the public against harm or abuse that might result from unbridled private activity. For example, the Food and Drug Administration (FDA) monitors standards for foodstuffs and tests drugs for purity, safety, and effectiveness, and the Federal Trade Commission (FTC) guards against illegal business practices, such as deceptive advertising.

Federal regulation against certain abuses dates from the late nineteenth century, when the Interstate Commerce Act and the Sherman Antitrust Act were enacted to protect against transport and monopoly abuses. As the twentieth century dawned, scandalous practices in slaughterhouses and food processing plants, colorfully described by reform-minded muckraking reporters, led to meatpacking, food, and drug regulations. The stock market collapse in 1929 and the Great Depression paved the way for the New Deal legislation that would regulate the banking and securities industries and labor-management relations. Consumer rights and environmental protection came of age in the 1960s and 1970s. Dramatic attacks on unsafe automobiles by Ralph Nader and others led to new laws mandating tougher safety standards. Concern about smog produced by auto exhausts led to the Clean Air Act of 1970. And concern about airline delays, congestion, and safety prompted Congress to consider new regulatory controls for the nation's air traffic system. . . .

Redistributive Policies Redistribution, which visibly shifts resources from one group to another, is the most difficult of all political feats. Because it is controversial, redistributive policy engages a broad spectrum of political actors—not only in the House and Senate chambers but also in the executive branch and among interest groups and the public at large. Redistributive issues tend to be ideological: they often separate liberals and conservatives because they upset relationships between social and economic classes. Theodore R. Marmor described the thirty-year fight over medical care for the aged as "cast in terms of class conflict":

> The leading adversaries . . . brought into the opposing camps a large number of groups whose interests were not directly affected by the Medicare outcome. . . . [I]deological charges and countercharges dominated public discussion, and each side seemed to regard compromise as unacceptable.

Most of the divisive socioeconomic issues of the past generation—civil rights, affirmative action, school busing, aid to education, homelessness, abortion, tax reform—were redistributive problems. Fiscal policy making has taken on a redistributive character as federal expenditures outpace revenues, and lawmakers are forced to find ways to close the gap. Cutting federal benefits and opening up new revenue sources both involve redistribution because they turn "haves" into "have nots." That is why politicians today find budget and revenue issues so burdensome. "I wasn't here in the glory days, when a guy with a bright idea of a scholarship program or whatever could get a few hundred million dollars to pursue it," lamented Rep. Richard J. Durbin, D-Ill. "Now you've got to take from one to give to the other."

Federal budgeting is marked not only by extreme conflict but also by techniques to disguise the redistributions or make them more palatable. Omnibus budget packages permit legislators to approve cuts *en bloc* rather than one by one, and across-the-board formulas (like "freezes") give the appearance of spreading the misery equally to affected groups. In all such vehicles, distributive elements are added to placate the more vocal opponents of change. Such is the unhappy lot of politicians consigned to lawmaking in a redistributive mode. ■