

BACKGROUND

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Reorganizing the Executive Branch: The Trump Administration's Plan and What Congress Should Do to Advance It

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Abstract

The Office of Management and Budget's reorganization plan, Delivering Government Solutions in the 21st Century—which was finalized in June after over one year of consultation between the Office of Management and Budget and cabinet-level department heads—consists of 32 specific recommended changes to the structure and operating procedures of the executive branch, including several independent agencies. If enacted into law, the plan would do much to improve the effectiveness and efficiency of government. Since its release, Congress has called for a hearing on the plan, but has not yet acted to implement any part of it.

Introduction

Rife with senseless duplication and arcane procedures, the executive branch is long overdue for a streamlined modernization. According to the Government Accountability Office (GAO), addressing overlap, duplication, and fragmentation of authority among the countless bureaus of the federal government could save taxpayers tens of billions of dollars.¹ Along with improving the efficiency of government services, these are the key goals of the Office of Management and Budget's (OMB's) reform and reorganization plan, *Delivering Government Solutions in the 21st Century*.

The plan—which was finalized in June after over one year of consultation between the Office of Management and Budget and cabinet-level department heads—consists of 32 specific recommended changes to the structure and operating procedures of the executive branch, including several independent agencies. If enacted into law, the plan would do much to improve the effectiveness and efficiency of

KEY POINTS

- The Office of Management and Budget's (OMB's) reorganization plan offers a great opportunity to improve the functioning of the executive branch.
- First, the baroque structure of the executive branch bureaucracy often does not correspond to the missions the executive branch carries out. The reform and reorganization plan addresses fragmentation and duplication, consolidating similar tasks into a single agency.
- Second, the plan attempts to refocus the federal government on effectiveness and customer service—rather than compliance with convoluted procedures that it has established for itself.
- Third, the plan attempts to save money by addressing wasteful practices and identifying unnecessary facilities.
- Congress should not let the structural deficiencies identified by the OMB go unaddressed. The costs to the American people are too great.

This paper, in its entirety, can be found at <http://report.heritage.org/bg3364>

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government. Since its release, Congress has called for a hearing on the plan, but has not yet acted to implement any part of it.

Without congressional action, the OMB's reform and reorganization plan is essentially a dead letter. While the President manages the executive branch, Congress largely determines its structure. Reorganizing independent agencies, several of which would be affected by the OMB's proposals, is even further outside the President's purview. Who reports to whom, how much money is allocated to each agency and office, and what procedures bureaucrats must follow in performing their duties are largely set forth in statutes. Thus, while President Donald Trump and his political appointees can and have changed the form and function of the executive branch in many ways, more comprehensive structural reforms, like those set forth in the OMB plan, will necessarily involve both executive and legislative action.

Given the need for coordination between the executive and legislative branches, there are several ways for Congress to enact the OMB's plan, from setting up fast-track parliamentary procedures for consideration of an executive reorganization proposed by the President to drafting legislation implementing each one of the OMB's proposals separately. However Congress decides to proceed, it should not let the structural deficiencies identified by the OMB go unaddressed. The costs to the American people are too great.

What Is in the OMB Reform and Reorganization Plan?

The OMB's plan addresses three distinct problems.

1. Mission alignment. First, the baroque structure of the executive branch bureaucracy often does not correspond to the missions the executive branch

carries out. The reform and reorganization plan addresses fragmentation and duplication, consolidating similar tasks into a single agency.

2. Service improvement. Second, the plan attempts to refocus the federal government on effectiveness and customer service—rather than compliance with convoluted procedures that it has established for itself.

3. Stewardship of public funds. Third, the plan attempts to save money by addressing wasteful practices and identifying unnecessary facilities.

1. Mission Alignment

Today, many of the missions in which the federal government engages—from disaster preparedness to workforce readiness training to food inspections—are splintered and distributed throughout the federal government. Job training programs are spread across 40 agencies; 15 agencies administer 30 different food-related laws; and climate change research funding spans 40 different agencies.² The Trump Administration's goal is to replace confusing divisions of labor and inefficient overlaps with “clear and aligned structures that allow Federal programs, staff, and agencies to deliver the outcomes the public expects.”³

Overlapping areas of responsibility and fragmented authority sometimes result in mission failure. For instance, the GAO determined that a 2010 nationwide recall of half a billion eggs due to *salmonella* contamination was largely the result of fragmented responsibility for food safety.⁴ With four agencies (the Food and Drug Administration, the U.S. Department of Agriculture's Food Safety and Inspection Service, Agricultural Marketing Service, and the USDA's Animal and Plant Health Inspection Service) overseeing

1. U.S. Government Accountability Office, *2018 Annual Report: Additional Opportunities to Reduce Fragmentation, Overlap, and Duplication and Achieve Other Financial Benefits*, GAO-18-375P, April 2018, <https://www.gao.gov/assets/700/691514.pdf> (accessed November 2, 2018).

2. U.S. Government Accountability Office, *Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue*, GAO 11-318SP, March 2011, <https://www.gao.gov/new.items/d11318sp.pdf> (accessed November 7, 2018), and U.S. Government Accountability Office, “Climate Change Funding and Management,” https://www.gao.gov/key_issues/climate_change_funding_management/issue_summaryeffective_coordination_and_inefficient_use_of_resources (accessed November 2, 2018).

3. Office of Management and Budget, *Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations*, p. 9, <https://www.performance.gov/GovReform/Reform-and-Reorg-Plan-Final.pdf> (accessed November 6, 2018).

4. Robert A. Robinson, “Fundamental Changes Needed to Ensure Safe Food,” testimony before the Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, Committee on Governmental Affairs, U.S. Senate, October 10, 2001, <https://www.gao.gov/assets/110/109016.pdf> (accessed November 6, 2018). See also U.S. Government Accountability Office, *Oversight of Food Safety Activities: Federal Agencies Should Pursue Opportunities to Reduce Overlap and Better Leverage Resources*, GAO-05-213, March 30, 2005, <https://www.gao.gov/products/GAO-05-213> (accessed November 7, 2018).

different aspects of egg production, occasional lapses in coordination are not surprising.⁵

The boldest proposal to address this sort of duplication and fragmentation within the OMB's proposal is to combine the Department of Education and the Department of Labor, creating a new cabinet-level agency called the Department of Education and the Workforce. All other cabinet-level consolidation proposals would combine or shift functions and offices without creating or dissolving departments. Some existing agencies, however, would be merged. For instance, the OMB's plan would merge the Department of Commerce's National Fisheries Service with the Department of the Interior's Fish and Wildlife Service, eliminating the latter agency.

2. Service Improvement

According to the American Customer Satisfaction Index, the federal government has the lowest customer satisfaction of any sector of the economy.⁶ As the Trump Administration's reorganization proposal notes, "federal customers...deserve a customer experience that compares to or exceeds that of leading private-sector organizations."⁷ If implemented, the OMB's plan would inject some of the private sector's emphasis on customer service into the federal government by creating a "customer experience improvement capability."⁸

Whether this would take the form of an office, an agency, or something else is not clear. The mandate of this new entity would be broad: It would act as an in-house consultant, identifying hard-to-navigate websites, duplicative forms, and other sources of delay and frustration. Then, with the help of the U.S. Digital Service and the General Services Administration, this new entity would suggest solutions to bring customer service up to a higher standard.

Complicating the effort to improve federal services is the lack of standardized measures to evaluate the success of federal programs and regulatory policies. This is a necessary prerequisite to service improvement. Before making budgetary decisions or inaugu-

rating new programs, the government should know, for example, whether existing anti-poverty programs actually lift people out of poverty, whether workplace safety regulations actually lead to safer workplaces, and whether workforce training programs actually help people get jobs. If enacted, the OMB plan would designate senior officials to coordinate each agency's internal evaluation efforts. It would also require Congress to consider program evaluations as part of the annual budget process. Of course, to be helpful, those evaluations must be conducted with unbiased rigor. Standardized, empirical evaluation measures would help identify and replicate effective programs and best practices—while removing or improving failed methods and programs.

3. Stewardship of Public Funds

Most conservative efforts to save money focus on ending expensive programs, shifting functions to the private sector, and reducing excessive federal compensation costs. The OMB's plan contains some proposals of this type, such as privatizing the Federal Aviation Administration and the U.S. Postal Service. The plan also suggests selling off many assets owned by the Tennessee Valley Authority and calls for a government-wide reassessment of federal real estate holdings.

These examples aside, most of the savings in the OMB's plan would come from consolidating functions and agencies rather than eliminating them completely. While this approach to financial savings is smaller-scale than many conservative proposals, it nevertheless moves in the right direction.⁹ As the plan rightly points out:

Government too often recreates similar administrative functions across programs and agencies, failing to take advantage of opportunities for shared services, centers of excellence, and other arrangements that leverage the highest-performing organizations and free up resources to focus on mission.¹⁰

5. Ibid.

6. American Customer Service Index, "National, Sector, and Industry Results," July 2018, <http://www.theacsi.org/national-economic-indicator/national-sector-and-industry-results> (accessed November 2, 2018).

7. U.S. Government Accountability Office, *2018 Annual Report: Additional Opportunities*.

8. Ibid., p.103.

9. David Muhlhausen, ed., *Blueprint for Reorganization: An Analysis of Federal Departments and Agencies*, Heritage Foundation Special Report No. 192, June 12, 2017, <https://www.heritage.org/budget-and-spending/report/blueprint-reorganization-analysis-federal-departments-and-agencies>.

10. Office of Management and Budget, *Delivering Government Solutions in the 21st Century*, p. 10.

Reorganizing the federal bureaucracy by consolidating functions saves money by creating economies of scale. Agencies and offices with similar functions often have similar needs; they may use the same supplies, computer systems, mobile applications, or contracted services. By combining agencies, a smaller number of agencies buy a larger amount of these goods and services. This lowers costs in several ways. Buying in bulk is always cheaper; fewer shipments mean lower shipping costs; fewer contracts mean less time spent shopping for and negotiating with vendors; and—because bigger consolidated agencies are negotiating bigger deals—agencies may even get lower prices due to their stronger bargaining position.

Consolidating programs would also help the federal government better gauge the amount of money it allocates to different tasks. Policymakers, who typically focus on the departments under their own committee’s jurisdiction, may not be aware of multiple different budget allocations going to the same purpose. Uniting funding for similar functions would help Members of Congress pare back unnecessary spending and better allocate limited resources to their intended purposes.

Several clear examples of such funding consolidation include the OMB’s proposal to put education and literacy programs, which currently operate across more than 20 federal agencies, into a single agency. Another proposal would move small grant programs currently managed by the Inter-American Foundation and the U.S. African Development Foundation into the larger U.S. Agency for International Development (USAID).

Obstacles to Reform

While critically important, many of the proposals in the OMB’s reform and reorganization plan do not have a clear constituency on Main Street or K Street.

Consolidating agencies, shifting programs from one office to another, and standardizing program assessments will have broad, rather than concentrated, benefits. Counterintuitively, the fact that much of the OMB’s plan would benefit a broad swath of the public rather than a targeted number of beneficiaries will likely *hurt* its chances of passage. The eliminated redundancies and saved revenues would certainly add up, but that money would likely be redistributed widely across federal agencies and programs, trickling down only indirectly to the public. The average American may not readily perceive the incremental improvements the plan augurs.

While the benefits of the OMB’s plans may not be great enough to spur support, the costs, borne by a targeted few, could enflame resistance. Any proposal to eliminate, consolidate, move, or downsize a program will likely run up against at least one so-called “iron triangle” consisting of the civil service employees that manage a program, the congressional committee that oversees it, and the interest groups that benefit from it.¹¹ Each element of the iron triangle has a strong motivation to fight for the status quo. Bureaucrats could be called upon to take on another role or lose their jobs entirely. Members of Congress have a strong incentive to safeguard the size and authority of the agencies under their committee’s jurisdiction. Even the most redundant agency or duplicative program allows Members of Congress to direct benefits and exert power. Lastly, interest groups will be suspicious of any change that could disrupt the flow of federal aid.

Political scientists have long held that policy changes that have concentrated costs and dispersed benefits are often very difficult to enact.¹² A fervently oppositional minority can ordinarily defeat a proposal with broad but tepid popular appeal. This is bad news for the OMB’s plan. As the Table 1 indicates,


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11. A. Grant Jordan, “Iron Triangles, Woolly Corporatism and Elastic Nets: Images of the Policy Process,” *Journal of Public Policy*, Vol. 1, No. 1 (1981), pp. 95–123; Thomas L. Gais, Mark A. Peterson, and Jack L. Walker, “Interest Groups, Iron Triangles and Representative Institutions in American National Government,” *British Journal of Political Science*, Vol. 14, No. 2 (1984), pp. 161–185; and Hugh Heclo and Anthony King, “Issue Networks and the Executive Establishment,” *Public Administration Concepts Cases*, No. 413 (1978), pp. 46–57.
 12. James Q. Wilson, “The Politics of Regulation,” in Thomas Ferguson and Joel Rogers, eds., *The Political Economy: Readings in the Political and Economics of American Public Policy* (Armonk, NY: M.E. Sharpe, Inc., 1984); James Q. Wilson, *Bureaucracy* (New York: Basic Books, 1989); F. R. Baumgartner, J. M. Berry, M. Hojnacki, B. L. Leech, and D. C. Kimball, *Lobbying and Policy Change: Who Wins, Who Loses, and Why* (University of Chicago Press, 2009); and Frank R. Baumgartner and Bryan D. Jones, *Agendas and Instability in American Politics* (University of Chicago Press, 2010).

TABLE 1

Who Bears the Costs and Reaps the Benefits of OMB’s Plan?

COSTS	DISPERSED	9% of OMB Proposals Example: Establish a “government-wide customer experience improvement capability”	n/a
	CONCENTRATED	67% of OMB Proposals Example: Consolidate and streamline financial education and literacy programs	17% of OMB Proposals Example: Reorganize primary federal food safety functions into a single agency
		DISPERSED	CONCENTRATED
		BENEFITS	

SOURCE: Heritage Foundation research.

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about 67 percent of the suggestions in the OMB’s plan fall into this category.¹³

Underscoring the difficulty of executive branch reform and reorganization, none of the OMB’s proposals have concentrated benefits and widely dispersed costs; changing the status quo is easier under these coinciding conditions.¹⁴ When a particular subset of the population, especially one represented by an interest group, will reap outsized rewards from a proposal, they will likely lobby hard on its behalf. And if the costs of a proposal are dispersed broadly such that no one individual or group is hit very hard, fierce

resistance is unlikely. This is the very phenomenon that makes earmarks and pork-barrel spending so prolific and pernicious.

While the OMB’s reorganization plan will not have the wind at its back, not every discrete proposal will face equally strong headwinds. About 17 percent of the specific proposals in the OMB’s plan will create concentrated benefits and concentrated costs in approximately equal proportion. For instance, the OMB’s proposal to combine the U.S. Department of Agriculture and the Food and Drug Administration’s food safety functions will clearly make life easier for

13. It is hard to determine the dispersion of costs and benefits of the OMB’s proposals with precision. Whether costs and benefits are dispersed or concentrated is partially subjective. After all, how many people must be affected by a proposal for its impact to be labelled dispersed? Conversely, how few need to be touched to call an impact concentrated? There is no sure answer to these questions. My researchers and I decided that if a policy directly impacts at least one significant organized constituency—that is, a trade association, corporate lobby, or union—we would categorize it as having a concentrated benefit or cost. While most of the OMB’s proposals have both concentrated and broadly dispersed effects, we categorized policies as having a dispersed impact *only* if the dispersed impact is the only impact. If even one organized interest is likely to be impacted, we considered a proposal’s impact to be concentrated. We adopted this coding strategy because we are primarily interested in the likelihood of a bill passing—and directly impacted organized interests are likely to be the greatest boon or burden these proposals face. The general public is unlikely to know of, far less form an opinion on, low-salience policy proposals like those contained in the OMB’s plan. Adding to the difficulty of categorizing the OMB’s plan is the relatively inchoate nature of some of its proposals. As these plans continue to take shape, it will become clearer what groups will be directly impacted. For now, my researchers and I used our best judgment as to what a more fully realized policy would look like and whom it would impact.

14. The OMB’s proposal to create a Government Effectiveness Advanced Research (GEAR) Center may migrate to the concentrated benefits and dispersed costs category once it becomes more concrete. According to the OMB’s plan, “this proposal would establish a public-private partnership to help the Government respond to innovative technologies, business practices, and research findings that present opportunities to improve mission delivery, services to citizens, and stewardship of public resources.” See Office of Management and Budget, *Delivering Government Solutions in the 21st Century*, p. 112. According to the OMB’s plan, the GEAR Center will most likely be a board consisting of experts drawn from academia, industry, nonprofits, and government. Among other things, the board will fund prize competitions and award research grants. When and if it becomes clearer what entities are likely to receive new grant money—universities, consulting firms, well-established government contractors, or all of the above—this proposal could attract some powerful proponents.

farmers—in addition to making the food supply safer (a widely dispersed benefit). If this reform is enacted, farmers will only have to deal with one set of inspections conducted by a single agency instead of interacting with numerous agencies, each of which has a separate inspection schedule. With a strongly supportive constituency behind it, Congress can more easily overcome a galvanized and oppositional iron triangle.

A few elements of the plan—totaling about 9 percent of the OMB’s discrete proposals—will have both broadly dispersed benefits and costs. These proposals will have neither die-hard supporters nor stalwart adversaries. For instance, the cost of creating a government-wide “customer experience improvement capacity” will be borne by the entire tax base, but the additional burden is unlikely to register much alarm. Nor will the proposal rankle bureaucrats, legislators, or interest groups since the plan calls for the creation of a new entity rather than eliminating a pre-existing office or agency. The major obstacle facing such proposals will likely be passive inaction, not active opposition.

What Congress Needs to Do to Implement the OMB’s Plan

Most Presidents have attempted to reorganize the executive branch. However, since 1984, when Congress let lapse the President’s authority to propose executive reorganization plans for fast-track con-

sideration, few have succeeded.¹⁵ Only in the midst of a major crisis has anything been done to address the dated architecture of the executive branch.¹⁶ To ensure that this plan is not swept immediately into the ash heap of history, Congress will need to take significant action that takes into consideration the unique obstacles facing each proposal within the OMB’s plan.

Without Congress’s determined efforts, little of the OMB’s plan can be implemented. Many changes will require extensive statutory changes. Combining the Department of Labor and the Department of Education, for instance, would involve at least a small change to almost every title of the U.S. Code. Only a small percentage of the OMB’s proposals could be accomplished without any legislation. Moreover, most of these extra-statutory proposals are only intermediary steps toward an ultimate objective that *would* require congressional action.¹⁷

The first step Congress needs to undertake to further the President’s reorganization authority is to determine what areas of the U.S. Code will be affected by each element of the President’s reform and reorganization plan. This will be an extremely labor-intensive endeavor. Many of the President’s 32 proposals have several subparts, each of which needs to be carefully reviewed for statutory implications. This would take time and the combined manpower of personal and committee staff members, as well as

15. In 1932, Congress drafted legislation to allow President Herbert Hoover to draft a plan for reorganization of the executive branch under very favorable parliamentary procedures. In short, the plan would go into effect automatically unless Congress approved a concurrent resolution to reject it within 60 days. From 1932 to 1983, Congress regularly reauthorized this statute (with some amendments over the years). With the exception of President Gerald Ford, every president during this period had authority to submit executive reorganization plans considered under similar fast-track procedures. Presidents made frequent use of this power, submitting, on average, four reorganization plans per year. Congress usually deferred to the president vis-à-vis the organization of the executive branch, approving 73 percent of the 126 plans submitted to it. The Supreme Court’s 1983 decision in *Immigration and Naturalization Services (INS) v. Chadha* [462 U.S. 919 (1983)] brought the period of regular President-led executive reorganization to a close. In that case, the Court ruled that Congress cannot give the President an order or grant him a power while maintaining an absolute veto over the use of that power. Hence, Congress could no longer empower the President to formulate reorganization plans that they could strike down later with a mere resolution. If Congress wants to restrict or redirect the use of executive power, they can do so by legislation, which the president, in his turn, can veto. In short, the Constitution outlines the means by which law is to be made and enforced. Allowing the President to submit a plan that Congress either accepts or vetoes reverses the steps in that process. Since *Chadha*, Congress can either ask the President to formulate a plan for executive reorganization, which they can consider as they would any other legislation, or they can authorize fast track for consideration of an executive reorganization plan from the President. For more on this option, see John W. York and Rachel Greszler, “A Model for Executive Reorganization,” Heritage Foundation *Issue Brief* No. 4782, November 3, 2017, <https://www.heritage.org/sites/default/files/2017-11/IB4782.pdf>.

16. For instance, after September 11, 2001, the Department of Homeland Security was created to facilitate better information sharing between intelligence agencies. Similarly, the Consumer Financial Protection Bureau was created to strictly enforce federal consumer financial laws after the 2008 financial crisis.

17. For instance, the OMB’s plan calls for the establishment of “an accelerated process for determining whether one or more of the National Aeronautics and Space Administration’s Centers should be converted to, or host, a Federally Funded Research and Development Center (FFRDC).” This process could be established without legislation. However, when this accelerated process determines where a FFRDC should be located, Congress will presumably need to allocate funds to make this happen.

the Congressional Research Service and Legislative Service Agency.

Given the amount of labor and time it would take to draft legislation addressing all of the OMB's recommendations, Congress may want to take on some of the less daunting recommendations with stand-alone bills. Several of the plan's 32 recommendations—for instance, a proposal to reintegrate the Office of Afghanistan and Pakistan Affairs into the USAID's Bureau for Asia and another proposal to transfer operations and care for 11 Army cemeteries to the Veterans Administration National Cemetery Administration—would require few statutory changes.

The challenge will be choosing proposals that do not have dispersed benefits and concentrated costs. Galvanized resistance from a policy iron triangle can kill even the most innocuous change unless there is a similarly motivated constituency fighting on its behalf. Congress should be sure to pick a proposal like the consolidation of food safety inspection services, which has a clear, organized set of beneficiaries that will lobby for its enactment.

Congress could also draft legislation that encompasses all the recommendations in the OMB's reform and reorganization plan. The benefit of this strategy is that proposals with concentrated benefits and dispersed costs, which constitute the majority of the plan and would likely die on their own, would be bundled together with proposals that are likely to generate public support or inspire interest group advocacy.¹⁸

One problem with this approach is the amount of time it would take to draft a piece of legislation of this scale. This could foreseeably take many months or even years. By the time this effort concludes, the partisan balance in Washington could shift. In this case, the fate of the Trump Administration's plan could hinge on a rare bipartisan compromise. Alternatively, supporters could wait until the partisan balance shifts yet again to push the legislation back onto Congress's docket.

A Fast-Track Alternative for Congress to Consider

If the 115th Congress wants to take decisive action during the lame-duck session between the midterm elections and the beginning of the 116th Congress, it could call on the President to submit a more specific, implementation-ready executive reorganization plan based on the provisions of the OMB report. If it follows this route, Congress should put in place fast-track procedures ensuring an up-or-down vote on the floor of Congress once such a plan is submitted.

The Reforming Government Act introduced in June 2018 by Senators Ron Johnson (R-WI) and James Lankford (R-OK) would do just this. If passed, this bill would give the President the power to draw up a broad plan for reorganization—the specifics of which could go far beyond what his Administration has already proposed—to be considered under designated fast-track parliamentary procedures.¹⁹

The benefit of this approach is that it builds upon the executive branch's intimate knowledge of its own inner workings and weaknesses. Senior Members of Congress and experienced staffers may know the agencies their committees oversee very well, but the granular details of the administrative apparatus are most clearly perceived by the career civil servants and political appointees who work within it every day. Some of the finely targeted reforms mentioned above give just a hint of the expertise required to properly diagnose and address the dysfunctions of the administrative state.

Giving the President authority to draft and submit a detailed, ready-for-implementation plan would help to overcome the incentive all Members of Congress have to protect the jurisdiction of the committees they sit on. Senators and Congressmen may find it more difficult to vote against a major overhaul touching many parts of the bureaucracy than to vote against a more circumspect bill that threatens to cut or move only one bureau or program under the jurisdiction of their committee. This is because a major

18. Leaders in the House of Representatives could close the bill to amendments in order to prevent proposals with fewer vocal allies from being stripped away. Senate leaders do not have as much power to block amendments but, hopefully, this Administration and the bill's supporters could emphasize that it would dampen the effect of the OMB's plan if portions of it were chipped away.

19. The Reforming Government Act specifies that a reorganization plan from the President would first go through committees in both the House and Senate. But unlike other bills, those committees would only have 75 days to consider the plan and provide their recommendations. Once the 75 days lapse, the reorganization plan would leave committees for the floor automatically—with or without the committees' recommendations. After moving to the floor of Congress, debate would be limited to 10 hours, after which Members would cast an up-or-down vote on final passage of the resolution. At no point would amendments be allowed. Essentially, once a President formulates a reorganization plan, Congress has two choices: take it or leave it.

government-wide reorganization effort would attract public attention in a way that a reform or reorganization of one office, bureau, or program would not. Given the resonance of the “drain the swamp” rallying cry, it may be difficult for Members of Congress to return home and explain why they voted against a reorganization plan aimed at making the government more effective and efficient.

Moreover, if an executive reorganization plan is guaranteed a single up-or-down vote with no amendments, as the Lankford bill specifies, legislators cannot simply allow a reorganization plan to die a quiet death in committee. And, finally, while Members of Congress may find it difficult to propose statutory provisions that would chip away at the jurisdiction of their colleagues’ committees, they may be more willing to accede to a plan put together by outside experts.²⁰

Like Members of Congress, career civil servants have obvious motives to oppose any reform that could curtail their influence or put their jobs at risk. But political appointees have much weaker incentives to defend the status quo. After all, they are creatures of an hour. Their time at any one agency or office is typically quite short so their job prospects and reputations are less tied to the perennial existence of an office, agency, or program. To the extent political appointees take the lead in drafting a reform plan, the status quo—affirming agenda of the career bureaucracy should not forestall useful proposals. The OMB’s reform and reorganization plan should give confidence that this approach can bear fruit.

Resurrecting the Idea of Reorganization

Some may argue that the Trump Administration’s reorganization plan is too narrowly focused. To be sure, the proposals are not as broadly transformative as those included in The Heritage Foundation’s *Blueprint for Reorganization* released in June 2017.²¹

But this plan need not, as the OMB recognizes, be the final word on executive reorganization. As OMB Deputy Director for Management Margaret Weichert made clear during the congressional hearing on the plan, this is meant to be the beginning, not the end, of a conversation about how to reshape the executive branch.²²

Perhaps the greatest advantage to enacting the OMB’s executive reorganization plan is to resurrect the idea that the structure of the executive branch is malleable. Departments and agencies should not be perceived as permanent institutions. They should exist to the extent they prove useful—but not beyond. Implementing a few relatively small changes would foster a sense that periodic reorganization is possible; subsequent savings and improved services will demonstrate it is advisable. Once minds have been opened to this possibility, bolder plans may well ensue.

Conclusion

According to the Government Accountability Office, addressing overlap, duplication, and fragmentation of authority among the countless bureaus of the federal government could save taxpayers tens of billions of dollars. The Office of Management and Budget’s plan to reform and reorganize the executive branch does much to not only reduce wasteful redundancies but also improve government service.

President Trump cannot implement this plan alone. Congress should work with the Trump Administration to determine what specific statutory changes are needed to fully implement the OMB’s plan and submit legislation before the end of President Trump’s first term.

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20. Turf protection is not unique to executive reorganization efforts. For example, as the Cold War came to a close, Members of Congress agreed to reduce the military’s physical infrastructure by closing outdated and unnecessary military facilities. But while Members of Congress who agreed in principle to reductions, they fought against any closures in their own backyard. To get around this turf protection problem and accomplish what everyone knew was necessary, Congress created the Base Realignment and Closure (BRAC) process in 1988. BRAC was composed of independent experts appointed by the President. Unless Congress passed a joint resolution asking the President to stop the plan in its entirety, the BRAC’s recommendations would go into effect. This system proved effective. From 1998 to 2005, BRAC closed 130 major bases and many more minor installations. See York and Greszler, “A Model for Executive Reorganization.”

21. Muhlhausen, *Blueprint for Reorganization*.

22. Margaret Weichert, Deputy Director of Management, U.S. Office of Management and Budget, “Reshaping American Government in the 21st Century,” testimony before the Committee on Government and Oversight Reform, U.S. House of Representatives, June 27, 2018, <https://oversight.house.gov/wp-content/uploads/2018/06/DDM-Weichert-OMB-Statement-Gov-Reorg-6-27.pdf> (accessed November 3, 2018).