

What's Wrong with the Administrative State

As we mentioned in our August 2020 newsletter, our Editorial Board believes the federal government has simply grown too large and is becoming unmanageable. This is especially true in regards to the Administrative State - - the various departments within the unelected "fourth branch" of the federal government.

In this Conversation Piece, we will discuss those federal agencies that are appropriate, because they play a vital role in protecting our country's citizens and/or the department is needed for the proper functioning of the federal government. We will then discuss those departments that should be transformed into being a "knowledge resource" for the states. For these departments, the day-to-day operation of these functions should be moved to the state level, with appropriate "policy oversight" and support from the federal government. And lastly, we will list those departments that our Editorial Board believes should be eliminated.

Appropriate Federal Government Agencies

The Department of Defense
The State Department
The Treasury Department
The Attorney General and Department of Justice

Many of the following agencies listed below fall under the umbrella of these four major groupings and should be incorporated into the operations of these departments.

The Central Intelligence Agency (CIA), the National Security Agency (NSA), the Department of Homeland Security, Immigration and Customs Enforcement (ICE), and the US Arms Control and Disarmament Agency (ACDA) should all fall under the direction of the Secretary of Defense. The mandates for each individual agency should be clearly defined and redundancies eliminated. Coordination among these agencies is critical to ensure that our country's citizens are adequately protected.

The US Trade Representative and the United Nations Representative should be part of the State Department, which manages our country's diplomatic relationships with other countries around the world.

The US Mint, the Bureau of the Public Debt (BPD), the Securities and Exchange Commission (SEC), the Internal Revenue Service (IRS), and the Office of Management and Budget (OMB) should be part of the Treasury Department. The IRS should be fully staffed and fully funded to ensure that all tax revenues payable to the federal government are collected, so that the federal government can begin to pay down its existing debt balance.

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the Federal Bureau of Prisons (BOP), and the Federal Bureau of Investigations (FBI), are all integral parts of the Justice Department. Similar to the Department of Defense, coordination among these agencies is critical to ensure that our country's citizens are adequately protected.

The following agencies are "non-constitutional" but are appropriate within the context of protecting our country's citizens: the Centers for Disease Control and Prevention (CDC), the Food and Drug

Administration (FDA), the National Institute of Health (NIH), and the Surgeon General (SG). It is incumbent upon the Surgeon General to ensure that the activities of these federal agencies are clearly defined, coordinated, and executed efficiently.

One other agency is appropriate within the context of effectively operating the federal government: the Library of Congress (LOC).

“Knowledge Resource” Government Agencies

Over the years, the federal government has continued to expand outside of the parameters of the Limited government that was spelled out in the Constitution. This has primarily occurred because of a “mis-interpretation” of the General Welfare Clause and/or the Commerce Clause, and a violation of the Tenth Amendment. Having said that, our Editorial Board does not have any problem with keeping the following cabinet level departments and the associated agencies. However, the federal government agencies should be fundamentally transformed in order for these agencies to become a “best practices clearing house,” and the actual operations and administration of these functions should be performed at the state, not federal, level.

The Department of Agriculture

The Commerce Department

- Bureau of Economic Affairs (BEA)

- National Oceanic and Atmospheric Administration (NOAA)

The Department of Transportation (DOT)

- Federal Aviation Administration (FAA)

- Transportation Security Administration (TSA)

The Department of Labor (DOL)

- Bureau of Labor Statistics (BLS)

- Occupational Safety and Health Administration (OSHA)

The Education Department

The Federal Emergency Management Agency (FEMA)

The Department of Housing and Urban Development (HUD)

The Department of Energy (DOE)

The Department of the Interior (DOI)

- Bureau of Land Management (BLM)

The Department of Health and Human Services (HHS)

The Environmental Protection Agency (EPA)

The Small Business Administration (SBA)

The Department of Veteran Affairs (VA)

As we discussed in *The 2020 Initiative*, we also need to fundamentally transform the Social Security program over a multi-year transition period into a means-tested welfare benefit. If those changes were to be made, Social Security Administration employees could be re-trained to become counselors to welfare recipients. They would be able to provide information on where those individuals could go to receive the goods and services they need to address their own specific situation. SSA agents could become consultants who could work with these individuals / families to develop a life plan that could enable them to become “unpoor”. Ideally, the SSA should become an agency that provides consultation and coaching, to assist those citizens on their journey towards Personal Responsibility and financial independence (the best way to escape poverty).

Federal Government Agencies that should be eliminated

In our research of the following agencies, we could find no compelling reason to keep funding these groups. If any of these agencies' responsibilities include a "protection" role, we would support transitioning those responsibilities to one of the other agencies listed above. Once that review and transition has been completed, the following agencies should be eliminated: the Bureau of Primary Health Care (BPHC), the Biological Resource Division (BRD), the Business Transformation Agency (BTA), the Children's Bureau (CB), the Division of Extramural Research & Training (DERT), the Department of Economic and Social Affairs (DESA), the Division of Health Assessment and Consultation (DHAC), the Office of Federal Lands Highway (FLH), the Office of Legacy Management (LM), the Office of Animal Care and Use (OACU), and the Office of Affordable Housing Preservation (OAHP).

Please note that this is not an all-inclusive list. We are certain that there are several other federal agencies that could also be added to this list of agencies to be eliminated.

Our discussion would not be complete without addressing the US Postal Service. Our country has now come to the point where it is time to sell (privatize) the US Postal Service. It is true that Article 1 Section 8 of the US Constitution states that "The Congress shall have power to... establish Post Offices and post Roads". Well, the post offices and roads were established a long time ago. In today's world, the post office is simply one of many commercial enterprises that operate within that particular marketplace. Unfortunately, due to "operational issues" (i.e., the public employee unions and being shielded from marketplace competition) the US Postal Service is not competitive and has lost money in each of the last 13 fiscal years – losses that exceed \$75 billion. The simple fact of the matter is that the federal government is not equipped to efficiently operate a commercial enterprise, so it's time to move forward with this sale.