

Independent Regulatory Agencies

When learning about the three branches of the U.S. government, one is often taught that the legislative branch makes the laws, the executive branch enforces the laws, and the judicial branch interprets the laws. But what does “enforces the laws” actually mean? Who is responsible for this enforcement?

The executive branch encompasses more than 4 million employees. Much of the enforcement responsibility of the executive branch falls to **independent regulatory agencies**. The purpose of these agencies is to take the broader policies and laws enacted by Congress and develop and enforce rules and regulations in their assigned area. They supervise areas that are often too complex to regulate through laws and statutes alone. For example, the very first independent agency created in the U.S. government was the Interstate Commerce Commission in 1887. Their purpose was to regulate the vastly growing railroad industry.



The role and relationship between independent regulatory agencies and the three branches of government is where things get interesting and complicated. Congress creates independent regulatory agencies through legislation. Congress grants them authority to regulate a particular area. These areas range from communications, elections, labor, and more. Congress will also outline how much rulemaking authority each one has to create and enforce regulations within their designated areas. This allows independent regulatory agencies to play a vital role in ensuring compliance with laws, safeguarding consumer rights, and maintaining safety standards.

While gaining authority from Congress, independent regulatory agencies organizationally fall under the executive branch. However, unlike other executive agencies, like Cabinet departments, independent regulatory agencies are, as the name implies, more independent. They are not subject to the control of the president or the executive branch. In fact, the heads of these agencies often remain in their positions through numerous presidential administrations. This ensures that they can do their jobs without having to worry about politics. Most independent regulatory agencies are bipartisan, meaning they are made up of members from different political parties.



Independent regulatory agencies present both advantages and disadvantages. One of the largest advantages is the expertise and focus these agencies bring to their areas of responsibility. Their independence from the executive departments and direct presidential authority allows them to make decisions based on their expert knowledge of the issues at hand without bowing to immediate political interests. Having “experts” and not “politicians” make up the workforce of these agencies also allows for continuity in these policy areas from one government administration to the next. This provides more public trust in the regulations and rules they create. The ability of these independent agencies to regulate industries like financial markets or telecommunications helps prevent the concentration of power into just a few hands and helps ensure fair practices for all Americans.



However, this independence can also present challenges. Some critics argue that because Congress has delegated some of its authority, and these agencies aren't directly accountable to the president, they aren't democratically responsive. Their independence may also lead to a lack of coordination with other government branches or conflicts in decision-making. Another concern is that independent agencies, due to their expertise, can sometimes be subject to undue influence by the industries they are supposed to oversee.

Striking the right balance between autonomy and oversight is crucial to making the system of independent regulatory agencies beneficial to American citizens and our constitutional republic.

Reading Questions

- 1. What is an independent regulatory agency?**

- 2. How do independent regulatory agencies interact with the branches of government?**

- 3. What are 2 advantages of delegating power to independent regulatory agencies?**

- 4. What are 2 disadvantages of delegating power to independent regulatory agencies?**

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