

# Revisiting Presidential Reorganization

Maria Ponomarenko\*

## ABSTRACT

*For much of the twentieth century, Congress repeatedly delegated to presidents the authority to “reorganize” the executive branch. Presidents from both parties used this authority to create agencies, consolidate functions, shift responsibilities across the bureaucracy, and otherwise reshape the administrative state. Although Congress reserved the right to “veto” proposals with which it disagreed, the streamlined process established under the various Reorganization Acts nevertheless smoothed the way for bureaucratic change. All of this came to an end in 1984 when Congress allowed the last of the Reorganization Acts to expire.*

*This Article revisits the fifty-year history of executive reorganization. It explains why it lasted as long as it did, why it ultimately came to an end, and why now might be the time to consider restoring the authority anew. It demonstrates that the Reorganization Acts offered a way for presidents to work with legislators to build new administrative capacity and improve agency governance in ways that were especially likely to stall in the ordinary legislative process. And it shows that the case for executive reorganization may, if anything, be even stronger today. In particular, it argues that executive reorganization has the potential to address, at least to some extent, a growing asymmetry in public law — namely, the degree to which the status quo makes it easier for presidents to destroy existing administrative capacity than to build it anew.*

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\* Professor of Law, University of Texas School of Law. I am grateful for their many comments and suggestions to Barry Friedman, Tara Grove, Thomas O. McGarity, and Wendy Wagner, as well as the participants at the American Bar Association’s Emerging Issues in Administrative Law webinar. This Article also greatly benefited from terrific research assistance by Nico Lewine and Claire Nevill.

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## INTRODUCTION

For over fifty years between 1932 and 1984, Congress repeatedly delegated to presidents the authority to “reorganize” the executive branch—to create new agencies and departments, to shift responsibilities from one agency to another, to consolidate multiple agencies into a single bureaucratic unit, or to eliminate certain agencies entirely.<sup>1</sup> Presidents from both parties routinely used their reorganization authority to leave their mark on the structure of the administrative state.<sup>2</sup>

Unlike traditional delegations, the various Reorganization Acts did not take Congress out of the loop entirely. Instead, the Acts authorized presidents to prepare and transmit to Congress one or more “Reorganization Plans” outlining proposed changes to the federal bureaucracy.<sup>3</sup> Unless one or both houses of Congress voted to reject a plan—a procedure known as the “legislative veto”—it automatically would go into effect.<sup>4</sup> Changes made pursuant to executive reorganization were incorporated into the U.S. Code, and could only be overturned either

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<sup>1</sup> See, e.g., Reorganization Plan No. 3 of 1970, 84 Stat. 2086 (creating the Environmental Protection Agency); Reorganization Plan No. 1 of 1966, 80 Stat. 1607 (transferring the Community Relations Service from the Department of Commerce to the Department of Justice (“DOJ”) and the Attorney General); Reorganization Plan No. 26 of 1950, 64 Stat. 1280 (consolidating functions within the Treasury Department under the authority of the Secretary of the Treasury); Reorganization Plan No. 1 of 1957, 71 Stat. 647 (abolishing the Reconstruction Finance Corporation). At this Author’s request, citations to Reorganization Plans throughout this Article depart from *Bluebook* citation conventions and cite exclusively to the Statutes at Large to ensure that the cited text reflects the Plans as enacted, rather than as subsequently amended.

<sup>2</sup> See HENRY B. HOGUE, CONG. RSCH. SERV., R42852, PRESIDENTIAL REORGANIZATION AUTHORITY: HISTORY, RECENT INITIATIVES, AND OPTIONS FOR CONGRESS 2, 4 (2012) (reporting that presidents submitted “more than 100 plans between 1932 and 1984” and “used this presidential reorganization authority regularly”).

<sup>3</sup> See *id.* at 1–2.

<sup>4</sup> See *id.* at 5–20 (discussing the Reorganization Acts and the legislative vetoes included therein). The 1939 and 1945 Acts provided for a “two-house” veto; the 1932 Act as well as those from 1949 onward included a one-house veto. Compare Reorganization Act of 1939, Pub. L. No. 76-19, 53 Stat. 561, and Reorganization Act of 1945, Pub. L. No. 79-263, 59 Stat. 613 (including a two-house veto), with Economy Act of 1932, Pub. L. No. 72-212, 47 Stat. 382 (allowing either chamber to nullify an executive order by passing a resolution of disapproval), and Reorganization Act of 1949, Pub. L. No. 81-109, 63 Stat. 203 (including a one-house legislative veto).

by a statute or another reorganization plan.<sup>5</sup> In short, the Acts created a streamlined lawmaking process that gave legislators a continued say over the structure of the federal bureaucracy, while placing a thumb on the scale in favor of bureaucratic change.<sup>6</sup> Multiple federal agencies—including the Environmental Protection Agency (“EPA”) and the Federal Emergency Management Agency (“FEMA”)—owe their existence to the Reorganization Acts.<sup>7</sup>

All of this came to a halt in 1984, a purported casualty of the Supreme Court’s 1983 decision in *INS v. Chadha*,<sup>8</sup> which invalidated the use of the legislative veto on separation of powers grounds.<sup>9</sup> Although Congress and the Reagan Administration quickly agreed on a work-around—a legislative fast-track process that sidestepped the usual committee process and guaranteed a vote in both chambers—the proposal never really took hold.<sup>10</sup> The last Reorganization Act<sup>11</sup> lapsed on December 31, 1984, and has not been renewed since.<sup>12</sup>

To be sure, reorganization itself did not die with *Chadha*. Much like it had in the pre-*Chadha* years, Congress continued occasionally to pass laws consolidating existing agencies and creating new ones—most notably the Department of Homeland Security (“DHS”) and the Consumer Financial Protection Bureau (“CFPB”).<sup>13</sup> But it undoubtedly became

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<sup>5</sup> Reorganization plans were codified at 5 U.S.C. supp. IV app. For easy access to linked reorganization plans, see 2022 U.S. Code Title 5—Government Organization and Employees Appendix Reorganization Plans, JUSTIA, <https://law.justia.com/codes/us/2022/title-5/appendix/reorganization-plans/> [<https://perma.cc/3RXT-LGUX>] (last visited June 13, 2026).

<sup>6</sup> As discussed in greater detail in Part II, one of the key advantages of the Reorganization Act process was that it bypassed the many “veto points” in the legislative process that made it difficult for majorities to enact their preferences into law. See, e.g., Aaron-Andrew P. Bruhl, *Using Statutes to Set Legislative Rules: Entrenchment, Separation of Powers, and the Rules of Proceedings Clause*, 19 J.L. & POL. 345, 354 (2003) (noting that by some estimates, a major piece of legislation may require “as many as fifty to sixty different majorities at various points in the legislative process before finally finding its way to the president’s desk”).

<sup>7</sup> See *infra* notes 61–89 and accompanying text (describing the various reorganization plans, and the changes they brought about); see also *infra* notes 91–132 and accompanying text (explaining why several of these changes would have been unlikely through the ordinary legislative process).

<sup>8</sup> 462 U.S. 919 (1983).

<sup>9</sup> See *id.* at 958–59. The *Chadha* Court explained that the problem with the legislative veto was that it enabled Congress to exercise “legislative power” without going through the constitutional requirements of bicameralism and presentment. See *id.* at 952. Going forward, any binding congressional action would need to pass both houses and then be sent to the President for his signature or veto. *Id.* at 958.

<sup>10</sup> See *infra* notes 156–72 and accompanying text.

<sup>11</sup> See Reorganization Act Amendments of 1984, Pub. L. No. 98-614, 98 Stat. 3192 (codified as amended at 5 U.S.C. §§ 901–912).

<sup>12</sup> See HOGUE, *supra* note 2, at 2 (explaining the President’s reorganization authority “expired at the end of 1984 and subsequently has not been available to the President” since).

<sup>13</sup> See *Creation of the Department of Homeland Security*, U.S. DEP’T OF HOMELAND SEC., <https://www.dhs.gov/creation-department-homeland-security> [<https://perma.cc/DE99-BVR5>] (last

harder for presidents and legislators to work together to alter the structure of the administrative state.<sup>14</sup>

In place of reorganization, presidents increasingly turned to various forms of unilateral executive action—through “interagency coordination” or “pooling”—to address fragmentation without having to get Congress on board.<sup>15</sup> Scholars championed these strategies as cheaper, more flexible, and less disruptive alternatives to reorganization.<sup>16</sup> Formal bureaucratic restructuring through the legislative process increasingly was dismissed as a relic from an earlier age.<sup>17</sup>

Reorganization briefly found its way back into the spotlight during the opening months of the second Trump Administration—albeit with a twist. Shortly after taking office, President Trump and his appointees launched an aggressive effort to remake the administrative state.<sup>18</sup> Through a series of executive orders, the President effectively shuttered dozens of federal agencies and offices by ordering agency heads to eliminate certain programs entirely, to shift certain functions to other entities, or simply to fire employees *en masse*.<sup>19</sup>

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visited June 1, 2026); Adam J. Levitin, *The Consumer Financial Protection Bureau: An Introduction*, 32 REV. BANKING & FIN. L. 321, 336 (2013).

<sup>14</sup> Two examples that routinely are mentioned as targets for consolidation are food safety and financial regulation. See Jody Freeman & Jim Rossi, *Agency Coordination in Shared Regulatory Space*, 125 HARV. L. REV. 1131, 1152–55 (2012) (highlighting the political obstacles to consolidating food safety functions through legislation); Jason Marisam, *Duplicative Delegations*, 63 ADMIN. L. REV. 181, 220 (2011) (citing food safety and financial regulation as two contexts in which some degree of consolidation may make sense).

<sup>15</sup> See Freeman & Rossi, *supra* note 14, at 1184; see also Daphna Renan, *Pooling Powers*, 115 COLUM. L. REV. 211, 218–19 (2015) (discussing pooling as a method of interagency coordination); Marisam, *supra* note 14, at 198–208 (discussing how the legislative and executive branches avoid duplication through interagency coordination); Abbe R. Gluck, Anne Joseph O’Connell & Rosa Po, *Unorthodox Lawmaking, Unorthodox Rulemaking*, 115 COLUM. L. REV. 1789, 1821–22 (2015) (discussing how presidents have increasingly relied on “special coordinating personnel” to restructure the administrative state without congressional action).

<sup>16</sup> See, e.g., Marisam, *supra* note 14, at 220 (suggesting that consolidation is typically “too costly and risky”); Renan, *supra* note 15, at 240 (“Pooling in this regard might be even more valuable for the executive than formal reorganization authority would be.”); Freeman & Rossi, *supra* note 14, at 1154 (noting “potential downsides to consolidation”).

<sup>17</sup> See sources cited *supra* note 16.

<sup>18</sup> See Exec. Order No. 14,210, 90 Fed. Reg. 9669 (Feb. 11, 2025) (titled “Implementing the President’s ‘Department of Government Efficiency’ Workforce Optimization Initiative”); Exec. Order No. 14,217, 90 Fed. Reg. 10,577 (Feb. 19, 2025) (titled “Commencing the Reduction of the Federal Bureaucracy”).

<sup>19</sup> See sources cited *supra* note 18; Exec. Order No. 14,238, 90 Fed. Reg. 13,043 (Mar. 14, 2025) (titled “Continuing the Reduction of the Federal Bureaucracy”) (ordering the elimination of several nonstatutory components of various agencies). President Trump also has created a small number of *new* entities, including most notably the Department of Government Efficiency, or “DOGE,” which he created by renaming and repurposing the United States Digital Service. See Exec. Order No. 14,210, 90 Fed. Reg. 9669 (Feb. 11, 2025); *The So-Called “DOGE,”* H. COMM. ON

Although the President at times described this effort as one of “reorganization,”<sup>20</sup> the Administration made all these changes *without* any formal reorganization authority.<sup>21</sup> And it refrained from arguing that the President has any inherent authority to “reorganize” the executive branch. Instead, the Administration pointed to narrower grants of statutory authority, relied on the President’s inherent power of removal, or simply argued that, merits aside, the plaintiffs in question lacked standing to challenge the President’s actions in federal court.<sup>22</sup> Federal district courts rejected many of these arguments and enjoined the actions in question.<sup>23</sup> But the Supreme Court and the Courts of Appeals stepped in to lift many of these injunctions, allowing a number of the mass firings at least to proceed.<sup>24</sup> Even if some of the President’s actions eventually are found to be unlawful, it is hard to imagine that the courts will be able to do much, if anything, to restore the pre-January 2025 status quo.

The upshot is that although everyone still agrees that presidents need formal legislative authorization in order to “reorganize” in ways that *build* new administrative capacity, it turns out that presidents can *dismantle* existing capacity entirely on their own.<sup>25</sup> Any future administration that tries to rebuild the various agencies and offices that have been shuttered will need to work through the ordinary (and often cumbersome) legislative process. A different administration that decides to demolish it once more can potentially do so by executive fiat.

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THE BUDGET (Mar. 11, 2025), <https://democrats-budget.house.gov/resources/fact-sheet/so-called-dodge> [<https://perma.cc/TN29-6K8Z>].

<sup>20</sup> See *Am. Fed’n of Gov’t Emps. v. Trump*, 139 F.4th 1020, 1028 (9th Cir. 2025) (describing a memorandum issued by the Office of Personnel Management regarding “an Agency RIF and Reorganization Plan”).

<sup>21</sup> Indeed, some of the changes have gone beyond what the Reorganization Acts would have allowed. See, e.g., *id.* at 1036 (“[E]ven if the President today were to have statutory reorganization authority such as that provided under the Reorganization Act—which he does not—his Executive Order would still violate the separation of powers.”).

<sup>22</sup> See, e.g., Defendants’ Opposition to Plaintiffs’ Motion for Summary Judgment and Cross-Motion for Summary Judgment at 15, 24–25, *Rhode Island v. Trump*, 810 F. Supp. 3d 283 (D.R.I. 2025) (No. 25-cv-00128) (challenging jurisdiction and standing, then pointing to statutory language supporting broad agency discretion).

<sup>23</sup> See, e.g., *Rhode Island v. Trump*, 810 F. Supp. 3d 283, 300–01, 309–10, 314 (D.R.I. 2025) (rejecting the Administration’s arguments regarding jurisdiction, standing, and the merits, then permanently enjoining it from dismantling the four agencies at issue).

<sup>24</sup> See, e.g., *Trump v. Am. Fed’n of Gov’t Emps.*, 145 S. Ct. 2635, 2635 (2025) (staying a preliminary injunction pausing the Administration’s efforts to dismantle certain agencies); *Maryland v. U.S. Dep’t of Agric.*, 151 F.4th 197, 215 (4th Cir. 2025) (vacating a preliminary injunction blocking federal layoffs).

<sup>25</sup> For more on the various ways in which presidents can “dismantle” agencies without formal congressional approval, see THOMAS O. MCGARITY, *Dismantling Agencies*, in *DEMOLITION AGENDA* 54 (2022).

This Article revisits the history of executive reorganization to better understand how we got here—and to argue for restoring a more streamlined interbranch process for reorganizing the administrative state.

Part I tells the fifty-year history of executive reorganization. It draws on a careful review of the 115 plans that presidents proposed under the various Reorganization Acts, as well as the changes they pursued legislatively, to demonstrate that presidents typically turned to reorganization to pursue the sorts of purely structural changes that tended to have the most difficult time making their way through the legislative process. It also highlights the ways in which reorganization could be used to build new administrative capacity, elevate the importance of various policy priorities, and strengthen executive control over the administrative state.

Part II then turns to the demise of executive reorganization in the wake of the Supreme Court's decision in *INS v. Chadha*. It argues that contrary to conventional wisdom, the elimination of the legislative veto need not have doomed executive reorganization—and that it likely would not have done so were it not for a broader intellectual and political shift away from bureaucratic reform. Part II also demonstrates that in the context of executive reorganization, the legislative fast-track process that Congress and the Reagan Administration proposed in *Chadha*'s aftermath is a much closer alternative to the legislative veto than the existing literature would suggest.

Part III makes the case for restoring some form of executive reorganization authority along the lines that presidents from both parties have asked for in recent decades. It highlights the challenges that administrations have faced in trying to pursue structural change through the legislative process, as well as the limits of the various "coordination" tactics that presidents have turned to as an alternative. It then considers the obvious objections to delegating still more power to the executive at a time when presidents already enjoy unmatched (and often unchecked) authority. But it argues that, if anything, executive reorganization via a legislative "fast-track" process may offer a promising alternative to the current pattern of governance-by-Executive-Order by making it easier for majorities to effectuate their policy preferences into law.

## I. FIFTY YEARS OF EXECUTIVE REORGANIZATION

### A. *The Push to Reorganize*

In his first State of the Union address in 1929, President Herbert Hoover called on Congress to give him the authority to "reorganize"

the executive branch.<sup>26</sup> In fact, since the early 1920s, Hoover—first as Secretary of Commerce and later as President—had been insisting on the need for some sort of executive reorganization authority to simplify the process for bureaucratic change.<sup>27</sup> According to Hoover, the bureaucracy over the years had grown unwieldy as Congress created one new agency after another to deal with the pressing problems of the day.<sup>28</sup> The result was a sprawling mass of departments, agencies, offices, commissions, and bureaus, with responsibility for critical government functions split up across a half-dozen or more separate units.<sup>29</sup> This, in turn, made it difficult to develop a coherent national policy and led to considerable duplication and waste.<sup>30</sup>

Although the Constitution assigns the power to restructure the executive branch to Congress,<sup>31</sup> Hoover argued that legislators had proven themselves unequal to the task.<sup>32</sup> Every attempt at reorganization had “invariably [been] met with opposition of some vested official, or it ha[d] disturbed some vested habit, and offended some organized minority.”<sup>33</sup> And each of these “vested officials” and “vested habits” had turned out to be “in favor of every item of reorganization except that which affects the bureau or the activity in which they are specially interested,” leaving Congress in “a confusing fog of opposition.”<sup>34</sup> There was, in short, “little hope for success” unless the task could be “placed in the hands of [someone] responsible for it, with authority and direction to act.”<sup>35</sup>

What Hoover failed to mention is that legislators themselves often made the problem worse because of their *own* vested interests in preserving the status quo. As later proponents of executive reorganization

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<sup>26</sup> President Herbert Hoover, Annual Message to the Congress on the State of the Union (Dec. 3, 1929), in 1 PUB. PAPERS: HERBERT HOOVER 404, 431–32 (1974) [hereinafter Herbert Hoover, Annual Message to the Congress].

<sup>27</sup> See Ellis W. Hawley, *Herbert Hoover, the Commerce Secretariat, and the Vision of an “Associative State,” 1921–1928*, 61 J. AM. HIST. 116, 121 (1974).

<sup>28</sup> See President Herbert Hoover, Special Message to the Congress on the Reorganization of the Executive Branch (Feb. 17, 1932), in 4 PUB. PAPERS: HERBERT HOOVER 56, 57 (1974) [hereinafter Herbert Hoover, Special Message to the Congress] (“There has been with the years a gradual growth of the Government by the accretion in its departments and by independent executive establishments, boards, and commissions as problems requiring solution confront the President and the Congress.”).

<sup>29</sup> See HERBERT HOOVER, *THE MEMOIRS OF HERBERT HOOVER: THE CABINET & THE PRESIDENCY 1920–1933*, at 282 (1952) (opining that the current administrative state consisted of “responsibility . . . split up among half a dozen different departments”).

<sup>30</sup> See *id.* at 281–84 (elaborating on his views on the need for executive reorganization).

<sup>31</sup> See U.S. CONST. art. I.

<sup>32</sup> HOOVER, *supra* note 29, at 71.

<sup>33</sup> *Id.* (quoting a public address made in May 1925).

<sup>34</sup> *Id.*

<sup>35</sup> Herbert Hoover, Special Message to the Congress, *supra* note 28, at 58.

would point out, anytime a particular office or function is transferred from one agency to another, legislators who sit on whatever committee has jurisdiction over the originating agency typically lose control over the office or function in question.<sup>36</sup> Because oversight authority generally is synonymous with power and influence, committee members have a strong incentive to resist reorganization for reasons that are completely independent of any outside pressure or of the merits of the proposal itself.<sup>37</sup>

Still, Hoover recognized that Congress was unlikely to abdicate its authority entirely, which is why he proposed to give legislators an opportunity to “veto” any plan that the President proposed.<sup>38</sup> Under Hoover’s proposal, the President would be authorized to prepare a reorganization plan and transmit it to Congress for its consideration.<sup>39</sup> If a majority of legislators in either chamber voted to disapprove of the plan within sixty days, the proposal would fail.<sup>40</sup> Absent congressional action, however, the President’s proposed changes would become binding law, overriding whatever statutory allocation of responsibility Congress had originally put in place.<sup>41</sup> Although the mechanism had never been used before—and indeed, Hoover himself would soon express some doubts about its constitutionality<sup>42</sup>—the legislative veto offered an attractive opportunity to shift the presumption in favor of bureaucratic change without taking Congress entirely out of the loop.

Hoover finally got his wish when Congress passed the Economy Act of 1932,<sup>43</sup> which adopted the basic structure that Hoover had proposed.<sup>44</sup> Unfortunately for Hoover, the 1932 Act came too late in his presidency to be of much use. By the time he had managed to draw

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<sup>36</sup> See, e.g., Brian Balogh, Joanna Grisinger & Philip Zelickow, *Making Democracy Work: A Brief History of Twentieth Century Federal Executive Reorganization* 57 (Miller Ctr. Working Paper in Am. Pol. Dev., Univ. of Va., 2002) (“Because reorganization threatens to alter established means of making public policy—indeed it is specifically designed to do so—established [interest groups and congressional committees] often forcefully resist changes in the policymaking status quo—especially if they entail changes in agency jurisdiction or congressional oversight.”).

<sup>37</sup> See *id.*

<sup>38</sup> See generally Herbert Hoover, Annual Message to the Congress, *supra* note 26, at 432 (“I can see no hope for the development of a sound reorganization of the Government unless Congress be willing to delegate its authority over the problem . . . to the Executive, who should act upon approval of a joint committee of Congress or with the reservation of power of revision by Congress within some limited period adequate for its consideration.”).

<sup>39</sup> See *id.*

<sup>40</sup> See Louis Fisher, *The Legislative Veto: Invalidated, It Survives*, 56 LAW & CONTEMP. PROBS. 273, 277–78 (1993) (outlining Hoover’s vision for the legislative veto).

<sup>41</sup> See *id.*

<sup>42</sup> *Id.* at 279.

<sup>43</sup> 31 U.S.C. § 1535.

<sup>44</sup> See generally Economy Act of 1932, ch. 314, § 407, 47 Stat. 382, 414 (adopting the proposed sixty-day window for Congress to disapprove and providing an avenue for disapproval by a resolution of disapproval from either chamber).

up his proposed plans, he already was a lame duck.<sup>45</sup> That November, Roosevelt won a decisive victory, and Democrats in the House voted to reject Hoover's proposed reorganizations so as to give Roosevelt the opportunity to redesign the bureaucracy as he saw fit.<sup>46</sup> For Roosevelt, however, reorganization initially took a back seat to economic recovery, and as a result, he made only limited use of his authority before it expired.<sup>47</sup>

By 1937, however, reorganization was back on the agenda. Indeed, a year earlier, Roosevelt had tasked the President's Committee on Administrative Management, better known as the Brownlow Committee, with developing a plan for organizational change.<sup>48</sup> In its final report, the Brownlow Committee called for a sweeping reorganization of some 100 executive agencies, boards, and commissions into just twelve executive departments, organized along functional lines.<sup>49</sup> It also urged Congress to permanently give presidents the unilateral authority to shift functions among those departments—and among the agencies within them—as they saw fit.<sup>50</sup>

Although legislators balked at quite so broad a delegation of authority,<sup>51</sup> Congress eventually enacted the Reorganization Act of 1939,<sup>52</sup> which formed the basis for every Act since.<sup>53</sup> Like the 1932 Act, the 1939 version authorized the President to make major changes to the

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<sup>45</sup> HOGUE, *supra* note 2, at 5.

<sup>46</sup> *Id.* at 6–8.

<sup>47</sup> For a summary of major changes under the Economy Act, see *id.* at 8–9.

<sup>48</sup> See *The Prehistory of ACUS, Part 1: The Brownlow Committee and the Concept of Administrative Procedure*, ADMIN. CONF. OF THE U.S., <https://www.acus.gov/newsroom/administrative-fix-blog/prehistory-acus-part-1-brownlow-committee-and-concept> [https://perma.cc/YG5E-LTGF] (last visited June 13, 2026).

<sup>49</sup> FRANKLIN D. ROOSEVELT, REORGANIZATION OF THE EXECUTIVE DEPARTMENTS: MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING A REPORT ON REORGANIZATION OF EXECUTIVE DEPARTMENTS OF THE GOVERNMENT, S. DOC. NO. 75-8, at 3 (1st Sess. 1937).

<sup>50</sup> See *id.* at 4. In his message to Congress transmitting the final report, President Franklin Delano Roosevelt, quoting President Theodore Roosevelt, described “reorganization” as “essentially executive in its nature.” *Id.*

<sup>51</sup> Roosevelt submitted his original proposal in 1937 as debates raged over his more ambitious “court packing” plan. In part because of that broader controversy, Congress was in no mood to give Roosevelt the unchecked reorganization authority he asked for. For a more thorough discussion of the 1937 Committee Report and the political wrangle that followed, see generally RICHARD POLENBERG, REORGANIZING ROOSEVELT’S GOVERNMENT: THE CONTROVERSY OVER EXECUTIVE REORGANIZATION 1936–1939, at 28–51 (1966) (detailing Congress’s response to Roosevelt’s request for unchecked reorganization authority and the complicated politics involved).

<sup>52</sup> Reorganization Act of 1939, ch. 36, Pub. L. No. 76-19, 53 Stat. 561 (codified at 5 U.S.C. § 133 (1940)).

<sup>53</sup> See *id.* As Hogue explains in a 2012 CRS Report, the various Reorganization Acts differed over the years in terms of the precise scope of authority delegated, as well as the precise mechanism for a congressional override. See HOGUE, *supra* note 2, at 2. The 1939 Act, for example, forbade the use of reorganization authority to create a new cabinet-level department. *Id.* at 12–13. However, it required Congress to muster majorities in both chambers to block a plan from going

structure of the federal bureaucracy and gave Congress an opportunity to override any changes by passing a resolution of disapproval within sixty days.<sup>54</sup> The authority granted under the Act was temporary in nature, set to expire just two years later at the end of Roosevelt's term.<sup>55</sup>

This time around, Roosevelt used his authority to submit five sweeping plans that created three new major agencies, significantly expanded the Executive Office of the President, and reallocated major responsibilities across the executive branch.<sup>56</sup> Although the plans drew some opposition, all ultimately went into effect.<sup>57</sup>

In the forty-five years that followed, Congress passed more than a dozen Reorganization Acts and extensions, including during periods of divided government.<sup>58</sup> Democratic majorities in both the House and Senate voted to extend Eisenhower's reorganization authority in both 1955 and 1957—and then did the same for Nixon in both 1969 and 1971.<sup>59</sup> On several occasions, Congress allowed the Reorganization Acts to expire, but prior to Watergate, legislators always voted to extend the authority anew within one or two years.<sup>60</sup>

### B. *Reorganization in Practice*

Between 1939 and 1984, presidents from both parties used their authority to submit 115 plans, ninety-two of which went into effect.<sup>61</sup>

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into effect. *See id.* at 12. Several of the later Acts allowed presidents to create new departments via reorganization but opted for a “one-house” veto to keep executive authority in check. *See id.* at 15.

<sup>54</sup> *See* Reorganization Act of 1939, ch. 36, 53 Stat. at 561–65.

<sup>55</sup> *See* HOGUE, *supra* note 2, at 13.

<sup>56</sup> *See id.* at 14. For details on the changes brought about by the five plans, see also *infra* Section I.B.

<sup>57</sup> *See* 84 CONG. REC. 2307 (1939) (statement of Rep. John Taber) (expressing disapproval for Reorganization Plan No. 1 of 1939 stating, “I for one do not believe that this Congress should delegate any further authority to the President”); 84 CONG. REC. 5550 (1939) (statement of Rep. Everett Dirksen) (stating, “I see a number of things that are illogical, and then I see one or two things that, in my judgment, are not in the public interest” in reference to the Reorganization Plan No. 2 of 1939); 86 CONG. REC. 4356 (1940) (statement of Rep. Patrick McCarran) (submitting a concurrent resolution disapproving of the Reorganization Plan No. 3 of 1940); 86 CONG. REC. 6027 (1940) (statement of Sen. Warren Austin) (disfavoring the Reorganization Plan No. 4 of 1940 and stating, in part, “[W]e are now observing a grave mistake made by us when we turned over to the Chief Executive the power to alter the very form of government”); 86 CONG. REC. 6715 (1940) (statement of Rep. Noah Mason) (disapproving of the Reorganization Plan No. 5 of 1940); *see also* HOGUE, *supra* note 2, at 13 (noting that all of President Roosevelt's reorganization plans were approved).

<sup>58</sup> *See infra* Appendix 1: Reorganization Acts and Amendments.

<sup>59</sup> *See id.*

<sup>60</sup> *See id.*

<sup>61</sup> The other twenty-three plans were disapproved by one or both chambers. *See infra* Appendix 2: Submitted Organization Plans. For a discussion at greater length on these plans, see *infra* notes 104–08 and accompanying text.

These plans varied dramatically in structure, ambition, and scope.<sup>62</sup> Indeed, virtually every administration used its reorganization authority to make changes both large and small.<sup>63</sup> Importantly, presidents also continued to work with Congress to create new agencies and offices through the traditional legislative process.<sup>64</sup> A careful review of the circumstances in which presidents turned to executive reorganization—and when they did not—suggests that the authority is best understood as a residual tool that enabled presidents to make the sorts of changes that, for a variety of reasons, would have had a difficult time making it to the floor for an up-or-down vote.<sup>65</sup> It also underscores how “reorganization” could be used to elevate the President’s policy priorities or build new administrative capacity without expanding the scope of federal regulation or establishing a new set of enforcement tools.<sup>66</sup>

Many of the changes that presidents made via executive reorganization were at once too small to warrant the extension of political capital, yet just big enough to draw opposition from one of the many vested interests to which President Hoover had referred back in 1925.<sup>67</sup> Consider, for example, Reorganization Plan No. 17 of 1950, which proposed to transfer responsibility for “advance planning of non-Federal public works” from the General Services Administration, an agency responsible for the management of federal buildings, to the Housing and Home Finance Agency, which supported various housing and urban planning activities.<sup>68</sup> The change involved the transfer of at most a couple hundred employees, who distributed less than twenty million dollars in planning grants to state and local governments each year.<sup>69</sup> And as proponents pointed out, the initial decision to assign this function to the General Service Administration a year earlier was supposed to have been “temporary.”<sup>70</sup> Yet even this minor transfer provoked a resolution of disapproval, along with vocal opposition from rural senators who worried that smaller jurisdictions might be disadvantaged

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<sup>62</sup> See *infra* Appendix 2: Submitted Organization Plans.

<sup>63</sup> See *id.*

<sup>64</sup> See David E. Lewis, *Books: Presidents and the Politics of Agency Design*, VAND. UNIV., <https://my.vanderbilt.edu/davidlewis/data-books/> [<https://perma.cc/BPZ9-BE9W>] (linking to a publicly available data set).

<sup>65</sup> See *infra* Appendix 2: Submitted Organization Plans.

<sup>66</sup> See *id.*

<sup>67</sup> See HOOVER, *supra* note 29, at 71.

<sup>68</sup> Reorganization Plan No. 17 of 1950, 64 Stat. 1269.

<sup>69</sup> See H.R. Doc. No. 82-186, at 2 (1949) (showing that in the 1.5 years since the program commenced, the Agency had approved just eighteen million in planning grants).

<sup>70</sup> *Reorganization Plans Nos. 17 and 18 of 1950: Hearing Before the S. Comm. on Expenditures in the Exec. Dep'ts on S. Res. 271 and S. Res. 270*, 81st Cong. 24 (1950) [hereinafter *Hearing on S. Res. 271 and S. Res. 270*] (statement of Sen. John J. Sparkman) (describing the decision as a “temporary expedient[] pending other action”).

by the shift.<sup>71</sup> It also apparently annoyed someone within the Administration enough to leak a portion of an internal Budget Bureau staff memorandum, which had implied that there may have been ulterior motives behind the proposal that the President had failed to disclose.<sup>72</sup> At the end of the day, these various maneuvers managed to generate just twenty-nine opposition votes in the Senate, well short of the majority needed to defeat the plan.<sup>73</sup> Yet this sort of opposition could very well have succeeded in activating one of the many "vetogates" that a bill must pass through in order to make its way to the President's desk.<sup>74</sup> Given how little ultimately was at stake, it is difficult to imagine that the White House would have expended much, if any, political capital to get it over the finish line.

Indeed, this is precisely what happened with another reorganization proposal, which had twice stalled in the ordinary legislative process before sailing through as a reorganization plan. In 1965, President Johnson used his reorganization authority to transfer locomotive inspection responsibilities from an office within the Interstate Commerce Commission ("ICC") to the Commission itself.<sup>75</sup> The goal of the transfer was to eliminate an outdated structure that had made it virtually impossible to adjust staffing based on workload demands.<sup>76</sup> The ICC had twice asked Congress to amend the existing structure, but both times the bills had stalled in committee.<sup>77</sup> As a reorganization plan, the measure passed without a recorded vote.<sup>78</sup>

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<sup>71</sup> The concern was that the housing agency tended to focus more of its efforts in urban areas. *See id.* at 6, 8–10; *see also* 96 CONG. REC. 7480–82 (1950) (statement of Sen. George Aiken) (speaking out against the plan on the floor of the Senate).

<sup>72</sup> One of the Plan's opponents introduced the memo at the Senate hearing. *See Hearing on S. Res. 271 and S. Res. 270, supra* note 70, at 16. Notably, the staffer appears to have leaked only a *portion* of the memorandum in question (which suggests that the rest of the memo probably described a variety of other purposes of the transfer that were more in line with public documents). *See id.* at 17.

<sup>73</sup> 96 CONG. REC. 7490 (1950).

<sup>74</sup> *See Bruhl, supra* note 6, at 357.

<sup>75</sup> *See* Reorganization Plan No. 3 of 1965, 79 Stat. 1320.

<sup>76</sup> In particular, the existing statutory regime required the ICC to allocate its sixty-five locomotive inspectors across fifty separate districts, despite the fact that some districts saw far more train traffic than others. *See Reorganization Plan No. 3 of 1965 (Locomotive Inspection): Hearing Before a Subcomm. of the H. Comm. on Gov't Operations*, 89th Cong. 35–36 (1965) (statement of Charles A. Webb, Chairman, Interstate Com. Comm'n).

<sup>77</sup> *Id.* at 8 (statement of Ernest Weiss, Assistant Managing Dir., Bureau of R.R. Safety & Serv.) (noting that the legislators had twice introduced analogous proposals at the request of the ICC—once in 1954, and again in 1957).

<sup>78</sup> *See* 111 CONG. REC. 18,245–47 (1965). The Brotherhood of Locomotive Firemen and Enginemen had initially objected to the plan but withdrew their opposition after assurances that the change would not affect the quality or rigor of inspection services. *See id.* at 18,245 (statement of Sen. Jacob Javits). At the end of the day, no resolution of disapproval was introduced in either chamber. *Id.* at 18,245–47.

All told, roughly a quarter of the plans effected these sorts of modest changes.<sup>79</sup> Some, like the 1950 plan,<sup>80</sup> shifted a single office or function from one agency to another.<sup>81</sup> Others reassigned functions within a single agency.<sup>82</sup> A handful of plans created new offices within an agency or abolished minor offices or entities that had outlived their utility.<sup>83</sup>

Most reorganization plans, however, worked far more significant changes. Presidents used their reorganization authority to create more than twenty agencies and departments, many of which persist to this day.<sup>84</sup> They also shifted major functions from one agency to another,<sup>85</sup> strengthened the hand of presidentially appointed agency directors or commission chairmen,<sup>86</sup> and moved a number of formerly independent

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<sup>79</sup> See *supra* note 61 and accompanying text. The totals in this paragraph include only those plans that went into effect. The disapproved plans are discussed *infra* notes 103–08 and accompanying text.

<sup>80</sup> See *supra* notes 68–74 and accompanying text.

<sup>81</sup> See, e.g., Appendix 2: Submitted Organization Plans (referencing Reorganization Plan No. 1 of 1966, 80 Stat. 1607 (transferring the Community Relations Service from the Department of Commerce to the Department of Justice); Reorganization Plan No. 1 of 1967, 81 Stat. 947 (transferring certain functions related to ship mortgages from the Secretary of Commerce to the Secretary of Transportation); Reorganization Plan No. 1 of 1963, 77 Stat. 869 (consolidating responsibility for managing the Franklin D. Roosevelt Library in the General Services Administration)).

<sup>82</sup> See, e.g., *id.* (referencing Reorganization Plan No. 4 of 1953, 67 Stat. 636 (transferring certain duties from the Solicitor General to the Deputy Attorney General); Reorganization Plan No. 1 of 1952, 66 Stat. 823 (making changes to the internal structure of the Internal Revenue Service)).

<sup>83</sup> See, e.g., *id.* (referencing Reorganization Plan No. 1 of 1957, 71 Stat. 647 (transferring the remaining, residual functions still vested in the Reconstruction Finance Corporation to other agencies); Reorganization Plan No. 5 of 1966, 80 Stat. 1611 (abolishing the National Capital Regional Planning Council, which by 1966 had become almost entirely duplicative of a separate regional planning council established by state and local governments in the region); Reorganization Plan No. 1 of 1979, 93 Stat. 1373 (creating the Office of the Federal Inspector for the Alaska Natural Gas Transportation System)).

<sup>84</sup> See, e.g., Appendix 2: Submitted Organization Plans (referencing Reorganization Plan No. 3 of 1946, 60 Stat. 1097 (creating the Bureau of Land Management); Reorganization Plan No. 3 of 1970, 84 Stat. 2086 (creating the Environmental Protection Agency); Reorganization Plan No. 2 of 1973, 87 Stat. 1091 (creating the Drug Enforcement Administration); Reorganization Plan No. 2 of 1978, 92 Stat. 3783 (creating the Office of Personnel Management, Merit Systems Protection Board, and Federal Labor Relations Authority); Reorganization Plan No. 3 of 1978, 92 Stat. 3788 (creating the Federal Emergency Management Agency)).

<sup>85</sup> See, e.g., *id.* (referencing Reorganization Plan No. 5 of 1940, 54 Stat. 1238 (transferring Immigration and Naturalization Service from the Department of Labor to the DOJ); Reorganization Plan No. 2 of 1949, 63 Stat. 1065 (transferring the Bureau of Employment Security from the Federal Security Agency to the Department of Labor); Reorganization Plan No. 24 of 1950, 64 Stat. 1280 (proposing a transfer to the Reconstruction Finance Corporation to the Department of Commerce); Reorganization Plan No. 2 of 1966, 80 Stat. 1608 (transferring functions from the Department of the Interior to the Department of Health, Education, and Welfare); Reorganization Plan No. 3 of 1979, 93 Stat. 1381 (transferring functions from the Department of Commerce to other agencies and departments)).

<sup>86</sup> See, e.g., Appendix 2: Submitted Organization Plans (referencing Reorganization Plan No. 3 of 1949, 63 Stat. 1066 (consolidating authority for Post Office officers and agencies under the

agencies into existing departments.<sup>87</sup> Presidents also strengthened existing agencies by consolidating related functions into a single bureaucratic unit.<sup>88</sup> And they significantly expanded the Executive Office of the President by transferring a variety of functions—including the Budget Bureau (later named the Office of Management and Budget) and the National Security Council—under the President's direct control.<sup>89</sup>

From a political perspective, however, executive reorganization still solved the same basic problem—namely, the difficulty of using the ordinary legislative process to effect purely structural change.

To see this dynamic at work, it helps to compare the agencies created *legislatively* with those that were established via executive reorganization. Despite the availability of executive reorganization authority for much of the postwar decades, the vast majority of agencies and offices were still established through the ordinary legislative process.<sup>90</sup> Between 1964 and 1972, for example, forty-four new agencies or offices were created through the legislative process as compared with just eight via executive reorganization.<sup>91</sup> But virtually all of these “statutory” agencies and departments were created to implement significant *new* regulatory programs, which had been the primary focus of

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Postmaster General); Reorganization Plan No. 2 of 1950, 64 Stat. 1261 (consolidating functions within the DOJ under the authority of the Attorney General); Reorganization Plan No. 3 of 1966, 80 Stat. 1610 (transferring the statutory functions of the Public Health Service to the Secretary of Health, Education, and Welfare); Reorganization Plan No. 1 of 1969, 83 Stat. 859 (transferring functions from the ICC to its Chairman)).

<sup>87</sup> See, e.g., Appendix 2: Submitted Organization Plans (referencing Reorganization Plan No. 4 of 1940, 54 Stat. 1234–35 (bringing the formerly independent Civil Aeronautics Authority under the Department of Commerce); Reorganization Plan No. 2 of 1946, 60 Stat. 1095 (abolishing the Social Security Board and bringing the Social Security Administration (“SSA”) under the Federal Security Agency—the precursor to the modern Department of Health and Human Services)).

<sup>88</sup> For example, President Carter significantly strengthened the Equal Employment Opportunity Commission (“EEOC”) by transferring a variety of civil rights enforcement functions from other agencies. See Appendix 2: Submitted Organization Plans (referencing Reorganization Plan No. 1 of 1978, 92 Stat. 3781).

<sup>89</sup> See, e.g., Appendix 2: Submitted Organization Plans (referencing Reorganization Plan No. 1 of 1939, 53 Stat. 1423 (transferring the Budget Bureau); Reorganization Plan No. 2 of 1939, 53 Stat. 1431 (abolishing the National Emergency Council and transferring its various functions to the Executive Office of the President); Reorganization Plan No. 4 of 1949, 63 Stat. 1067 (transferring the National Security Council and National Security Resources Board to the Executive Office of the President); Reorganization Plan No. 3 of 1953, 67 Stat. 634 (transferring functions from the National Security Resources Board to the Executive Office of the President)).

<sup>90</sup> See generally David E. Lewis, *Books: Administrative Agency Insulation Data Set*, VAND. UNIV., <https://my.vanderbilt.edu/davidlewis/data-books/> [<https://perma.cc/DSF4-Q526>] (last visited June 1, 2026) [hereinafter Lewis, *Insulation Data Set*] (linking to a publicly available data set detailing the creation of various administrative agencies). These figures are based on a data file that political scientist David E. Lewis compiled for his book, *PRESIDENTS AND THE POLITICS OF AGENCY DESIGN* (2003). He has made the data set publicly available on his website. I have added additional hand-coded variables to his data set (on file with Author).

<sup>91</sup> See Lewis, *Insulation Data Set*, *supra* note 90.

the legislative push.<sup>92</sup> Although some of these laws did indeed “reorganize” existing offices and functions as well, “reorganization” typically was not the primary goal.<sup>93</sup> Executive reorganization, on the other hand, gave presidents a way to build new administrative capacity by consolidating *existing* authority, a task that Congress generally seemed much less inclined to take up.

Indeed, even when it came to creating *new* regulatory functions, Congress often had a much easier time creating *new* entities than combining existing entities into a sensible whole. Consider, for example, the role of executive reorganization in creating the modern structure for environmental regulation. In 1965, President Johnson created the nation’s first “environmental” research agency by combining three scattered entities—the Coast and Geodetic Survey, the Weather Bureau, and the Central Radio Propagation Laboratory—to form the Environmental Science Services Administration (“ESSA”).<sup>94</sup> Five years later, President Nixon combined the ESSA with a handful of other entities to create the even larger National Oceanic and Atmospheric Administration (“NOAA”).<sup>95</sup> That same year, Nixon also combined nearly a dozen

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<sup>92</sup> Both the EEOC and the Community Relations Service, for example, were created as part of the Civil Rights Act of 1964. Civil Rights Act of 1964, Pub. L. No. 88-352, §§ 705, 1001, 78 Stat. 241, 258, 267 (codified as amended in scattered sections of 42 U.S.C.). The Department of Housing and Urban Development—first proposed, but rejected, via executive reorganization—was eventually created by Congress in 1965 in conjunction with the Housing and Urban Development Act, which dramatically expanded federal housing programs. *See* Department of Housing and Urban Development Act of 1965, Pub. L. No. 89-174, 79 Stat. 667 (1965) (codified as amended in scattered sections of 12 and 42 U.S.C.); *see also* Appendix 2: Submitted Organization Plans (discussing President Kennedy’s rejected reorganization plan to establish the Department of Urban Affairs and Housing). The Department of Transportation was created in 1966 to implement the new programs established by the 1966 Highway Safety Act. *See* Department of Transportation Act of 1966, Pub. L. No. 89-670, 80 Stat. 931 (codified as amended in scattered sections of 49 U.S.C.). The Council on Environmental Quality was created in 1970 to oversee the implementation of the new environmental impact and consultation requirements established by the National Environmental Policy Act. *See* National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1970) (codified as amended at 42 U.S.C. §§ 4321–4347).

<sup>93</sup> *See* sources cited *supra* note 92.

<sup>94</sup> *See* Reorganization Plan No. 2 of 1965, 79 Stat. 1318; *Origins*, NOAA CHEM. SCIS. LAB’y, <https://csl.noaa.gov/origins/> [<https://perma.cc/4VUU-SRDP>] (last visited June 1, 2026).

<sup>95</sup> *See* Reorganization Plan No. 4 of 1970, 84 Stat. 2090. The transfer included “the Bureau of Commercial Fisheries, the marine sport fish program, and the Marine Minerals Technology Center[,] . . . the Sea Grant program from the National Science Foundation, and elements of the Lake Survey from the Corps of Engineers[,] . . . the Oceanographic Data and Instrumentation Centers from the Navy Department and the Data Buoy Project from the Coast Guard.” *Reorganization Plan No. 4 of 1970 (National Oceanic and Atmospheric Administration): Hearing Before a Subcomm. of the H. Comm. on Gov’t Operations*, 91st Cong. 1 (1970). The latter two programs were not formally included as part of the reorganization plan but were to be transferred via executive order once the plan took effect. *See id.*

scattered offices and agencies to form the EPA, which, like the NOAA, persists to this day.<sup>96</sup>

During this same period, Congress also played a major role in crafting environmental policy by passing nearly a dozen statutes, including the National Environmental Policy Act (1969),<sup>97</sup> the Clean Air Act (1970),<sup>98</sup> and the Clean Water Act (1972).<sup>99</sup> As part of these efforts, Congress created several *new* entities, many of which Nixon later combined to create the EPA.<sup>100</sup> However, when it came to designing a cohesive governing structure to oversee these various authorities, Congress demurred. Individual legislators introduced bills to create one or more umbrella agencies to combine these various functions, but none managed to gain steam.<sup>101</sup> It is possible that Congress might *eventually* have gotten behind a proposal to consolidate these various functions, as it occasionally did in other contexts.<sup>102</sup> But it seems just as likely that without reorganization, the environmental policy landscape might have remained far more fragmented than it is today.

Although the reorganization process made it difficult for legislative minorities to block majoritarian change, it nevertheless gave Congress a meaningful role in restructuring the administrative state—which distinguishes reorganization from the sort of unilateral executive action that has increasingly become the norm.<sup>103</sup>

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<sup>96</sup> See Reorganization Plan No. 3 of 1970, 84 Stat. 2086.

<sup>97</sup> National Environmental Policy Act of 1969, Pub. L. No. 91-190, 83 Stat. 852 (1970).

<sup>98</sup> Clean Air Amendments of 1970, Pub. L. No. 91-604, 84 Stat. 1676 (codified as amended in scattered sections of 42 U.S.C.).

<sup>99</sup> Federal Water Pollution Control Act Amendments of 1972, Pub. L. No. 92-500, 86 Stat. 816 (codified as amended at 33 U.S.C. §§ 1251–1387); *see also* DAVID M. BEARDEN ET AL., CONG. RSCH. SERV., RL30798, ENVIRONMENTAL LAWS: SUMMARIES OF MAJOR STATUTES ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY 3–4 (2013), <https://www.congress.gov/crs-product/RL30798> [<https://perma.cc/8JY7-XW9P>] (listing four air quality control statutes enacted between 1965 and 1972); *id.* at 23 (listing four water pollution statutes); *id.* at 31 (referring to the Marine Protection, Research, and Sanctuaries Act of 1972, Pub. L. No. 92-532, 86 Stat. 1052 (codified as amended in scattered sections of 16 and 33 U.S.C.)); *id.* at 48 (listing two hazardous waste disposal acts).

<sup>100</sup> See *generally* Reorganization Plan No. 3 of 1970, 84 Stat. 2086 (listing the functions to be moved to the newly established EPA from other agencies).

<sup>101</sup> See, e.g., H.R. 19195, 91st Cong. (2d Sess. 1970), *reprinted in* 116 CONG. REC. 33,876–79 (1970) (statement of Rep. John D. Dingell) (proposing to create a “Department of Environmental Quality”).

<sup>102</sup> See *A Brief History of the Department of Energy*, U.S. DEP’T OF ENERGY, <https://www.energy.gov/lm/brief-history-department-energy> [<https://perma.cc/DGZ9-H7FQ>] (last visited June 1, 2026).

<sup>103</sup> This was less true in the first decade of reorganization when plans could only be defeated by a majority vote in both chambers—i.e., the “two-house legislative veto.” See HOGUE, *supra* note 2, at 12.

Between 1939 and 1984, legislators successfully blocked twenty percent of the plans that presidents proposed.<sup>104</sup> Notably, the vast majority of these votes took place during periods of *unified* government, when the President's party controlled both the House and Senate.<sup>105</sup> Perhaps unsurprisingly, the disapproved plans tended to involve more significant changes, though Congress occasionally voted down more modest plans as well.<sup>106</sup> Many of the most controversial plans involved efforts on the part of presidents to strengthen the hand of presidential appointees, either by transferring certain functions from multimember commissions to their chairmen, or by giving agency heads greater leeway to reorganize their own agencies as they saw fit.<sup>107</sup> Legislators also objected to several plans that would have elevated agencies to cabinet-level status, and indeed, later extensions of the Reorganization Act prohibited presidents from creating new cabinet-level departments via reorganization.<sup>108</sup>

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<sup>104</sup> Appendix 2: Submitted Organization Plans. Twenty-three of 115 plans were disapproved via legislative veto. Three of these plans were resubmitted some years later by a different administration and allowed to go into effect. *Id.*

<sup>105</sup> See *id.* To be sure, this is somewhat less surprising than it would be today given that political parties tended to be less ideologically cohesive, and congressional Democrats in particular tended to split from their party on a variety of issues.

<sup>106</sup> See, e.g., 102 CONG. REC. 8247 (1956) (statement of Sen. Lyndon B. Johnson) (relaying the later-rejected Reorganization Plan No. 1 of 1956, which proposed creating Assistant Secretary for Research and Development positions in all three branches of the armed forces); 105 CONG. REC. 8007–08 (1959) (relaying Reorganization Plan No. 1 of 1959, which proposed a minor transfer of certain functions from the USDA to the Department of Interior concerning the sales of public lands).

<sup>107</sup> See, e.g., Appendix 2: Submitted Organization Plans (referring to Reorganization Plan No. 5 of 1949, 63 Stat. 1067 (transferring powers from the Civil Service Commission to its Chairman)); see also 96 CONG. REC. 3242–43 (1950) (relaying Reorganization Plan No. 1 of 1950, which proposed a consolidation of functions within the Treasury Department under the authority of the Secretary); 113 CONG. REC. 5937 (1967) (relaying Reorganization Plan No. 2 of 1967, which proposed a transfer of functions from the U.S. Tariff Commission to the Commission's Chairman); 96 CONG. REC. 3242–43 (1950) (relaying Reorganization Plan No. 4 of 1950, which proposed a consolidation of functions with the Department of the Interior under the authority of the Secretary of Agriculture).

<sup>108</sup> Congress twice rejected Truman's efforts to elevate the Federal Security Agency to cabinet-level status as a Department of Welfare or a Department of Health, Education, and Security—but Eisenhower ultimately succeeded in making the change. See 95 CONG. REC. 10,389 (1949) (relaying Reorganization Plan No. 1 of 1949); 96 CONG. REC. 7834 (1950) (relaying Reorganization Plan No. 27 of 1950); Reorganization Plan No. 1 of 1953, 67 Stat. 631 (succeeding in elevating the Federal Security Agency to cabinet-level status). Congress also rejected Truman's proposal to create a Department of Defense and Kennedy's proposal to create a Department of Housing and Urban Affairs. See 95 CONG. REC. 9668–69 (1949) (relaying Reorganization Plan No. 8 of 1949); 108 CONG. REC. 1239–40 (1962) (relaying Reorganization Plan No. 1 of 1962). In both instances, Congress eventually created both departments via legislation. See National Security Act Amendments of 1949, Pub. L. No. 81-216, 63 Stat. 578; Department of Housing and Urban Development Act, Pub. L. No. 89-174, 79 Stat. 667 (1965).

In short, the advantage of executive reorganization was not that it enabled presidents to sidestep Congress entirely. Rather, the Acts made it easier to reorganize by allowing plans to get around the usual hurdles that tended to block bills from getting to the floor, even when they enjoyed majoritarian support.

Finally, the history of executive reorganization underscores how “reorganization” could be used to build *new* administrative capacity in ways that advanced specific policy goals.<sup>109</sup> As discussed above, presidents created more than twenty agencies through reorganization—often by combining offices and functions that previously had been scattered throughout the executive branch.<sup>110</sup> Although the mere fact of consolidation rarely was sufficient on its own to ensure meaningful coordination or policy cohesion,<sup>111</sup> it often was an important first step.

Again, the history of the EPA is especially instructive. Prior to 1970, the federal government had nearly a dozen environmental programs scattered throughout the federal bureaucracy, each charged with addressing just one dimension of the problem.<sup>112</sup> One agency dealt with air quality, another two with water, still another with pesticides, and so on.<sup>113</sup> By bringing them together to form the EPA, Nixon sought to make it easier to develop a “coordinated” attack on pollution, using the various statutory tools that each of the units brought with them in the merger.<sup>114</sup> The move also created an obvious place for Congress to lodge additional regulatory capacity in the future and likely “attracted more funds for environmental protection than could have been assembled by its various component programs had they remained separate.”<sup>115</sup>

One can tell a similar story with other reorganization plans as well.<sup>116</sup> In 1978, for example, President Carter transferred responsibility

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<sup>109</sup> See, e.g., Louis Fisher & Ronald C. Moe, *Presidential Reorganization Authority: Is It Worth the Cost?*, 96 POL. SCI. Q. 301, 309–10 (1981) (noting that everyone tacitly understood that the goals of reorganization were institutional and political and had very little to do with efficiency).

<sup>110</sup> See *supra* notes 84–89 and accompanying text.

<sup>111</sup> This has tended to be the most frequent criticism of reorganization—that combining agencies together may simply “convert an *interagency* coordination problem into an *intra-agency* problem.” Freeman & Rossi, *supra* note 14, at 1154.

<sup>112</sup> See RICHARD NIXON, MESSAGE FROM THE PRESIDENT OF THE UNITED STATES: RELATIVE TO REORGANIZATION PLANS NOS. 3 AND 4 OF 1970, H.R. DOC. NO. 91-366, at 1–3 (2d Sess. 1970), <https://archive.epa.gov/ocir/leglibrary/pdf/created.pdf> [<https://perma.cc/K4UH-Y7U3>].

<sup>113</sup> *Id.*

<sup>114</sup> *Id.* at 1–5.

<sup>115</sup> Richard A. Merrill & Jeffrey K. Francer, *Organizing Federal Food Safety Regulation*, 31 SETON HALL L. REV. 61, 144–45 (2000) (describing some of the likely effects of consolidation to form the EPA).

<sup>116</sup> In addition to the Plan discussed in this paragraph, see, e.g., Reorganization Plan No. 3 of 1978, 92 Stat. 3788 (establishing FEMA by consolidating a variety of agencies that previously had been responsible for various aspects of the federal government’s emergency preparedness and disaster response programs).

for enforcing a variety of fair employment laws to the Equal Employment Opportunity Commission (“EEOC”).<sup>117</sup> Congress had first created the EEOC in 1964 in order to help enforce the antidiscrimination provisions in Title VII of the Civil Rights Act of 1964.<sup>118</sup> The Labor Department, however, still was responsible for enforcing the Equal Pay Act of 1963,<sup>119</sup> and when Congress enacted the Age Discrimination in Employment Act of 1967,<sup>120</sup> it assigned responsibility for its enforcement to the Labor Department as well.<sup>121</sup> By 1978, fifteen agencies shared responsibility for enforcing the nation’s fair employment laws.<sup>122</sup> The reorganization plan brought that number down to three—in part by shifting responsibility for enforcing all antidiscrimination laws over to the EEOC.<sup>123</sup> When Congress enacted the Americans with Disabilities Act of 1990,<sup>124</sup> it tasked the EEOC with enforcing these new provisions as well.<sup>125</sup>

In this regard, the actual practice of executive reorganization differed in important ways from what Hoover had imagined when he called upon Congress to grant him the authority in 1932, as well as the rhetoric sometimes used to justify the Acts in the decades that followed.<sup>126</sup> Hoover had argued in favor of reorganization as a way to eliminate duplication and “waste” in tough economic times.<sup>127</sup> And subsequent administrations also occasionally justified reorganization on “efficiency” grounds.<sup>128</sup> Most political observers, however, agreed that reorganization was best understood as one of several policy levers that a president might use to build new administrative capacity or advance specific

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<sup>117</sup> Reorganization Plan No. 1 of 1978, 92 Stat. 3781; see also Jimmy Carter, *Equal Employment Opportunity Enforcement Remarks Announcing Reorganization Plan No. 1 of 1978*, THE AM. PRESIDENCY PROJECT (Feb. 23, 1978), <https://www.presidency.ucsb.edu/documents/equal-employment-opportunity-enforcement-remarks-announcing-reorganization-plan-no-1-1978> [<https://perma.cc/268H-KZAQ>] (last visited June 14, 2026) (explaining that the plan consolidates “fair employment enforcement” in the EEOC).

<sup>118</sup> Civil Rights Act of 1964, Pub. L. No. 88-352, §§ 705, 1001, 78 Stat. 241, 258, 267 (codified as amended in scattered sections of 42 U.S.C.); *EEOC History: 1964–1969*, EEOC, <https://www.eeoc.gov/history/eeoc-history-1964-1969> [<https://perma.cc/VP45-HB47>] (last visited June 14, 2026).

<sup>119</sup> Equal Pay Act of 1963, 29 U.S.C. § 206.

<sup>120</sup> Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621–634.

<sup>121</sup> *Id.* § 622.

<sup>122</sup> See 124 CONG. REC. 4483 (1978).

<sup>123</sup> See *id.*; Reorganization Plan No. 1 of 1978, 92 Stat. 3781.

<sup>124</sup> Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101–12213.

<sup>125</sup> See 42 U.S.C. §§ 12101, 12117.

<sup>126</sup> See Herbert Hoover, Special Message to the Congress, *supra* note 28, at 56.

<sup>127</sup> *Id.* at 57.

<sup>128</sup> See, e.g., HOGUE, *supra* note 2, at 19 (noting that the Hoover Commission, which was responsible for many of the proposals that President Truman incorporated into his various reorganization plans, listed “economy” and “efficiency” as among its goals).

policy goals.<sup>129</sup> Everyone understood, for example, that the decision to consolidate responsibility for environmental protection under the EPA was designed to strengthen the hand of environmental interests and lead to stepped-up enforcement of environmental standards.<sup>130</sup> They recognized, in short, that reorganization rarely was politically neutral. Rather, it offered an important opportunity for presidents to deliver on their campaign promises—and for governing majorities to enact their preferences into law.

## II. UNDERSTANDING THE DEMISE OF EXECUTIVE REORGANIZATION

The conventional wisdom is that presidential reorganization was a casualty of the Supreme Court's decision in *INS v. Chadha*, which invalidated the use of the "legislative veto" on separation of powers grounds.<sup>131</sup> But as this Part explains, *Chadha* offers at best a partial explanation for the demise of executive reorganization. Understanding why policymakers gave up on reorganization authority in the 1980s—and why presidents once again started to ask for it back in the 2000s—sheds light on the potential role that executive reorganization could once again play in building (and rebuilding) a more effective administrative state.

### A. Why *Chadha* (Probably) Did Not Kill Executive Reorganization

Given that the first Reorganization Act—the Economy Act of 1932—was the first congressional statute to provide for a legislative

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<sup>129</sup> See, e.g., HOGUE, *supra* note 2, at 9–10 (noting that President Roosevelt “did not believe . . . that government reorganization would be a source of much savings”); HAROLD SEIDMAN, *POLITICS, POSITION, AND POWER: THE DYNAMICS OF FEDERAL ORGANIZATION* 11 (2d ed. 1975) (noting that “[t]he more knowledgeable members of the Congress and the executive branch” have “generally [been] quite well aware” that reorganization “seldom [has] anything to do with economy and efficiency”); Herbert Kaufman, *Reflections on Administrative Reorganization*, in *SETTING NATIONAL PRIORITIES: THE 1978 BUDGET* 391, 403 (Joseph A. Pechman ed., 1977) (“[T]he profound, determinable consequences [of reorganization] do not lie in the engineering realm of efficiency, simplicity, size, and cost of government. Rather, the real payoffs are measured in terms of influence, policy, and communication.”).

<sup>130</sup> Reorganization Plan No. 3 of 1970, 84 Stat. 2086; 116 CONG. REC. 23,528, 23,530 (1970) (documenting President Nixon's message explaining that the goal of the plan was to strengthen existing enforcement efforts and to ensure that the agency responsible for designing environmental quality standards would be less likely to downplay environmental concerns in favor of “resource development, transportation, . . . urban growth or agriculture”); see also Kaufman, *supra* note 129, at 403 (“[I]f environmental protection were scattered among . . . units in other agencies instead of being lodged in the [EPA], chances are the views of environmentalists would have been swamped by oil interests in the Federal Energy Administration, air and highway interests in the Department of Transportation, coal interests in the Department of the Interior, and so on.”).

<sup>131</sup> 462 U.S. 919, 958–59 (1983).

veto,<sup>132</sup> it is not altogether surprising that the demise of the legislative veto would spell doom for executive reorganization as well. Indeed, scholars have largely taken this for granted, citing reorganization among *Chadha*'s casualties.<sup>133</sup>

In 1983, however, there was every reason to think that executive reorganization would survive the Supreme Court's decision—because unlike most contexts in which the legislative veto had been used, Congress actually had a perfectly viable alternative that would have preserved many of the procedural benefits of the Reorganization Acts.

As the *Chadha* Court explained, the problem with the legislative veto was that it enabled Congress to essentially make binding law without going through the constitutional requirements of bicameralism and presentment.<sup>134</sup> This meant that going forward, Congress had four options. At one extreme, it could decide to delegate the authority outright without any meaningful legislative checks. At the other, Congress could narrow substantially the scope of its delegations or refuse to delegate entirely. Between these two extremes, Congress had two other available mechanisms, both of which made use of legislative “fast-track” procedures to enable legislators to either approve or disapprove of an executive branch decision before it could take effect.

Comparing executive reorganization to the contexts in which these alternative mechanisms have worked, and where they have not, makes clear that in a different political environment, executive reorganization authority could very well have survived intact.

Consider, for example, one of the paradigmatic uses of the legislative veto prior to *Chadha*: congressional review of administrative rulemaking. Prior to *Chadha*, Congress had added legislative veto provisions to the enabling acts of more than a dozen federal agencies—including the Department of Education, the Environmental Protection Agency, and the Federal Trade Commission—which gave Congress an opportunity to overturn agency regulations before they went into effect.<sup>135</sup>

With the legislative veto off the table, Congress initially left the broad delegations in place without any formal opportunity for legislative

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<sup>132</sup> See HOGUE, *supra* note 2, at 5.

<sup>133</sup> See Josh Chafetz, *The Chadha Presidency*, 115 Geo. L.J. (forthcoming) (manuscript at 11) (on file with Author) (“[W]hen the Court took away the legislative veto in *Chadha*, Congress was unwilling to delegate the power without it.”); Renan, *supra* note 15, at 236–37 (noting that executive reorganization “lapsed in the aftermath of *INS v. Chadha*”); Fisher, *supra* note 40, at 286 (noting that alternatives to the legislative veto proposed in the wake of *Chadha* were “so onerous that the Reagan Administration decided not to request a renewal of reorganization authority after it expired”).

<sup>134</sup> See *Chadha*, 462 U.S. at 946.

<sup>135</sup> See *id.* at 1008–11 (White, J., dissenting) (listing examples).

input. By the mid-1990s, however, critics of the administrative state had started to look for alternative mechanisms to give Congress a say.

In 1996, Congress passed the Congressional Review Act (“CRA”),<sup>136</sup> which required agencies to submit all rules to Congress before they could go into effect.<sup>137</sup> Under the CRA, once an agency transmits a rule, legislators typically have sixty days to pass a joint resolution of disapproval, which the President can then sign or veto.<sup>138</sup> In order to enable quick congressional action, the CRA provides for a “fast-track” process that bypasses many of the procedural hurdles that make it difficult to bring a bill to the floor.<sup>139</sup>

The CRA, however, has proven to be of limited utility—at least when it comes to legislators’ ability to overturn rules with which they disagree.<sup>140</sup> The problem is that presidents tend to support the rules that their agencies adopt, which means that in practice, Congress needs veto-proof majorities in both chambers to overturn an administrative rule.<sup>141</sup> As a result, all but one successful use of the CRA has involved rules adopted by an outgoing administration on the eve of a presidential transition.<sup>142</sup> The only exception was in 2017, when President Trump approved a joint resolution to overturn a rule put forward by the CFPB.<sup>143</sup> Critics of administrative rulemaking have responded to the CRA’s shortcomings by proposing the Regulations from the Executive in Need of Scrutiny (“REINS”) Act, which, if adopted, would flip the procedural default by requiring Congress to *approve* certain

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<sup>136</sup> Congressional Review Act, 5 U.S.C. §§ 801–808.

<sup>137</sup> *See id.* § 801.

<sup>138</sup> *Id.* § 802.

<sup>139</sup> *Id.*

<sup>140</sup> Of course, as law professor Jesse Cross has argued, the CRA may be valuable to Congress even if, in practice, few rules are overturned. *See* Jesse M. Cross, *Revisiting the Congressional Review Act*, 11 TEX. A&M L. REV. 1, 48–49 (2023) (noting that the CRA has been used to “generate information on agency actions, . . . increase opportunities for public engagement with rulemaking, spur future opportunities to overturn rules via congressional action, . . . signal engagement to constituents, and establish a record of opposition to administration activity” (footnotes omitted)).

<sup>141</sup> *See* Jonathan H. Adler, *Placing “Reins” on Regulations: Assessing the Proposed REINS Act*, 16 N.Y.U. J. LEGIS. & PUB. POL’Y 1, 19–20 (2013) (noting the predictable shortcomings of the CRA’s structure).

<sup>142</sup> *See* Jack Jones & Richard L. Revesz, *The Weaponization of the Congressional Review Act in 2025*, REGUL. REV. (Feb. 3, 2026), <https://www.theregreview.org/2026/02/03/jones-revesz-the-weaponization-of-the-congressional-review-act-in-2025/> [<https://perma.cc/E5HH-C4AL>]; *Congressional Review Act*, GEO. WASH. REGUL. STUD. CTR., <https://regulatorystudies.columbia.gwu.edu/congressional-review-act> [<https://perma.cc/T4LK-UUC2>] (last visited June 15, 2026) (noting that the number of resolutions of disapproval increases following presidential transitions).

<sup>143</sup> *See* Susan E. Dudley, *Don’t Write Off the Congressional Review Act Yet*, YALE J. ON REGUL.: NOTICE & COMMENT BLOG (Nov. 6, 2017), <https://www.yalejreg.com/nc/dont-write-off-the-congressional-review-act-yet-by-susan-e-dudley/> [<https://perma.cc/4UJE-8D28>].

administrative rules before they go into effect.<sup>144</sup> Under the proposed Act, agencies would no longer have the authority to issue “major” rules on their own.<sup>145</sup> Rather, once an agency finalizes a “major” rule through its own administrative processes, Congress would have seventy legislative days to pass a concurrent resolution of approval, which the President then also would need to sign.<sup>146</sup> The concurrent resolutions would be “fast-tracked” past the usual procedural hurdles, all but guaranteeing an up-or-down vote.<sup>147</sup> Because a proposed rule would need to be approved by both the House and Senate, failure to secure a majority in either chamber would be enough to defeat it—a functional equivalent to a one-house veto.

In practice, however, the REINS Act would fundamentally alter the administrative rulemaking process in ways that the legislative veto did not. Whereas the legislative veto gave Congress the *option* of reviewing agency regulations, the REINS Act would *force* legislators to review every single one that qualifies as a “major” rule.<sup>148</sup> According to the Government Accountability Office (“GAO”), federal agencies issued 168 “major” rules in 2024.<sup>149</sup> During that same period, the House was in session for 167 days—meaning that, on average, legislators would need to vote on one rule per day.<sup>150</sup> Moreover, as law professor Jonathan Siegel points out, many of the rules that legislators would be asked to weigh in on are highly technical in character, which makes it unlikely that legislators and their staff would have either the time or expertise

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<sup>144</sup> The first REINS Act bill was introduced in 2009, and its supporters have introduced it in every session since. See H.R. 3765, 111th Cong. (2009); H.R. 10, 112th Cong. (2011); H.R. 367, 113th Cong. (2013); H.R. 427, 114th Cong. (2015); H.R. 26, 115th Cong. (2017); H.R. 3972, 116th Cong. (2019); H.R. 1776, 117th Cong. (2021); H.R. 277, 118th Cong. (2023); H.R. 142, 119th Cong. (2025).

<sup>145</sup> See H.R. 10, 112th Cong. (2011). The different versions of the REINS Act introduced over the years have generally defined a “major” rule as one that would impose “an annual effect on the economy of \$100,000,000 or more,” impose “a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions,” or otherwise impose “significant adverse effects on competition, employment, investment, productivity, [or] innovation . . . .” *Id.* § 804.

<sup>146</sup> *Id.* Though the REINS Act does not directly refer to obtaining a signature by the President, such approval is constitutionally required. See *INS v. Chadha*, 462 U.S. 919, 946 (1983) (noting the Constitution requires “all legislation be presented to the President before becoming law”).

<sup>147</sup> Jonathan R. Siegel, *The REINS Act and the Struggle to Control Agency Rulemaking*, 16 N.Y.U. J. LEGIS. & PUB. POL’Y 131, 164–65 (2013).

<sup>148</sup> See H.R. 10, 112th Cong. (2011).

<sup>149</sup> *Congressional Review Act: Search Database of Rules*, U.S. GOV’T ACCOUNTABILITY OFF., [https://www.gao.gov/legal/congressional-review-act/search-database-of-rules?processed=1&-type=Major&effective\\_start\\_date=2024-01-01&effective\\_end\\_date=2024-12-31&priority=all#s-skipLinkTargetForMainSearchResults](https://www.gao.gov/legal/congressional-review-act/search-database-of-rules?processed=1&-type=Major&effective_start_date=2024-01-01&effective_end_date=2024-12-31&priority=all#s-skipLinkTargetForMainSearchResults) [https://perma.cc/3PLE-C9LU] (last visited June 15, 2026).

<sup>150</sup> 172 CONG. REC. D19 (daily ed. Jan. 7, 2026), <https://www.congress.gov/119/crec/2026/01/07/172/4/CREC-2026-01-07-pt1-PgD18.pdf> [https://perma.cc/VR54-NJRJ] (listing a “Final Résumé of Congressional Activity” from January 3, 2024, through January 3, 2025).

to make sense of the rules before they came up for a vote.<sup>151</sup> Finally, the REINS Act would add yet another layer of politics to the administrative process, thereby diminishing still further the role of agency expertise. Although REINS Act proponents would likely describe this as a feature and not a bug, the central point remains: The rulemaking process would no longer be the same.

In short, when it comes to administrative rulemaking, the legislative veto addressed the problem in a way that neither of its alternatives could approximate. Unlike the CRA, the legislative veto gave Congress a meaningful opportunity to overturn rules to which it objected without the threat of a presidential veto. Unlike the REINS Act, it otherwise allowed the rulemaking process to proceed unencumbered. The legislative veto had facilitated what Professors McCubbins and Schwartz famously described as a “fire-alarm” model of congressional oversight—one that enabled Congress to intervene only when a bureaucratic “fire” needed to be put out.<sup>152</sup>

With respect to executive reorganization, however, a REINS-style fast-track process offers a much closer substitute to the system that *Chadha* had ruled out of bounds. In fact, this is precisely the model that Congress and the Reagan Administration had settled on immediately after *Chadha* came down.<sup>153</sup>

The 1984 Amendment to the Reorganization Act<sup>154</sup> was never intended to give the Reagan Administration an opportunity to reorganize. The Act was set to expire less than two months after it went into effect<sup>155</sup>—a time period that everyone understood to be too short to enable the Administration actually to submit a workable plan.<sup>156</sup> Instead, the purpose of the 1984 Act was to hammer out a deal regarding the process for executive reorganization going forward, which then could be authorized for a longer period at the Administration’s request.<sup>157</sup> Under the 1984 Act, an executive reorganization now would require a joint resolution of *approval*, using a “fast track” process that prohibited congressional amendments and guaranteed a floor vote in both chambers after time-limited committee review.<sup>158</sup>

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<sup>151</sup> See Siegel, *supra* note 147, at 178.

<sup>152</sup> Mathew D. McCubbins & Thomas Schwartz, *Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms*, 28 AM. J. POL. SCI. 165, 165–66 (1984).

<sup>153</sup> See Reorganization Act Amendments of 1984, Pub. L. No. 98-614, 98 Stat. 3192.

<sup>154</sup> Reorganization Act Amendments of 1984, Pub. L. No. 98-614, 98 Stat. 3192.

<sup>155</sup> See *id.*

<sup>156</sup> See generally, e.g., *Hearings Before the H. Subcomm. on Rules of the House: Hearing and Markup—H.R. 1314, Reorganization Act Amendments of 1984*, 98 Cong. 15, 18 (1984) (statement of Rep. Jack Brooks) (“The bill also extends the timeframe for consideration o[f] reorganization plans, the time during which the President can amend the proposal or withdraw a plan . . .”).

<sup>157</sup> See *id.* at 19.

<sup>158</sup> See Reorganization Act Amendments of 1984, 98 Stat. at 3192.

In the 1984 hearings, one of the legislators described the process as the “son of legislative veto,” a mechanism that promised to harness many, if not most, of the agreed-upon benefits of the Reorganization Acts.<sup>159</sup> The fast-track process guaranteed that the President’s proposals would bypass the traditional committee process and make it onto the floor. Indeed, by assigning all plans to a single committee in each chamber—Governmental Affairs in the Senate and Governmental Operations in the House—it limited the possibility of a committee turf battle derailing any given plan.<sup>160</sup> The ban on amendments proposed to eliminate still another source of political wrangling and preserve the President’s first-mover advantage.

Just as importantly, a fast-track process for executive reorganization would have generated few of the problems discussed above. Even at the height of executive reorganization, presidents rarely submitted more than a handful of plans in any given year, fewer still if one limits the universe to plans that effected significant change.<sup>161</sup> And although legislators technically were under no obligation to review the plans that came before them, in practice, they almost certainly did.<sup>162</sup> Unlike administrative regulations, the plans themselves were short and easy to parse—and they were *inherently* political.<sup>163</sup> As a practical matter, then, there is little reason to think that the new fast-track process would have been much more burdensome than the veto mechanism that it replaced.

To be sure, the legislative fast-track process was not a perfect substitute for the legislative veto. Whereas the legislative veto placed the burden on Congress to muster the necessary votes to defeat the President’s proposal, the new fast-track procedures would have required the President to muster the necessary votes for a plan to go into effect.<sup>164</sup>

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<sup>159</sup> 130 CONG. REC. 8489 (1984) (statement of Rep. Elliott Levitas).

<sup>160</sup> See H.R. REP. NO. 98-128, pt. 2, at 10 (1984) (outlining the process for how resolutions of approval were to be introduced in the House and Senate).

<sup>161</sup> For example, the Truman Administration submitted twenty-seven plans in 1950, but fifteen of these plans simply consolidated enforcement authority in the agency head. See *infra* Appendix 2: Submitted Organization Plans. The median number of plans submitted in any given year during which the authority was in effect is just 2.5. See *id.*

<sup>162</sup> Many if not most plans—including exceedingly minor ones—received a hearing. See, e.g., *Reorganization Plan No. 10 of 1953 (Payments to Air Carriers): Hearing Before a Spec. Subcomm. of the H. Comm. on Gov’t Operations*, 83d Cong. 1 (1953) (considering plan to transfer responsibility for airline subsidy payments from one agency to another); *Reorganization Plan No. 7 of 1961 (Maritime Functions): Hearing Before a Subcomm. of the H. Comm. on Gov’t Operations*, 87th Cong. 1 (1961) (considering a plan to abolish the Federal Maritime Board and replace it with a Federal Maritime Commission, and to transfer certain nonregulatory functions to the Department of Commerce). In addition, the fact that fully twenty percent of plans were voted down also suggests that legislators kept a close eye on the plans that came before them. See *infra* Appendix 2: Submitted Organization Plans.

<sup>163</sup> See HOGUE, *supra* note 2, at 21.

<sup>164</sup> See *id.* at 1–2.

This would indeed have made it “somewhat more difficult” to get a plan over the finish line, and would likely have required presidents to work more closely with allies in Congress from the get-go.<sup>165</sup> The 1984 Act also would have forced legislators to go on the record in ways that they previously might have been able to avoid: For a legislator who is on the fence about a particular plan, there may in fact be a meaningful difference between casting a vote of approval and simply refraining from casting a vote of disapproval.<sup>166</sup>

Still, from the President’s perspective, a fast-track process that preserved the President’s first-mover advantage—and bypassed the traditional committee structure that tended to doom structural legislation—should still have been preferable to not having the authority at all.<sup>167</sup> And from Congress’s perspective, a fast-track process would have given Congress *more* power over reorganization than the legislative veto had allowed.<sup>168</sup>

In this regard, the use of fast-track procedures to facilitate legislative approval of international trade agreements is instructive. Congress first introduced the fast-track mechanism, or “Trade Promotion Authority” (“TPA”), in 1974 as a compromise between giving presidents the authority to negotiate free trade agreements without the need for congressional approval—and requiring agreements to navigate the traditional legislative process where the possibility of amendment threatened to unravel whatever deal the President managed to strike.<sup>169</sup> Congress has since reauthorized the TPA on four occasions, most recently in 2015.<sup>170</sup> All but one of the sixteen free trade agreements negotiated since 1979 has been approved through a fast-track process.<sup>171</sup> Although the TPA has had its fair share of critics, the concern has never been that it makes it too difficult for presidents to enact their preferred trade policies into law. Instead, the chief criticism has always been that

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<sup>165</sup> *Id.* at 31.

<sup>166</sup> See John D. Millett & Lindsay Rogers, *The Legislative Veto and the Reorganization Act of 1939*, 1 PUB. ADMIN. REV. 176, 182 (1941) (making this point).

<sup>167</sup> Indeed, as discussed *infra* notes 199–204 and accompanying text, presidents from 2003 onward have repeatedly asked Congress to reinstate their authority to reorganize under a fast-track process, and the pushback has come from Congress—suggesting that legislators themselves understand full well that fast-track authority still gives presidents more room to maneuver than having no authority to begin with. See also Bruhl, *supra* note 6, at 348 (noting that in many contexts “fast track and the legislative veto approach a rough equivalence”).

<sup>168</sup> See HOGUE, *supra* note 2, at 2.

<sup>169</sup> See Bruhl, *supra* note 6, at 357–59 (describing the advantages of the fast-track process in the context of international trade).

<sup>170</sup> CATHLEEN D. CIMINO-ISAACS, CHRISTOPHER A. CASEY & CHRISTOPHER M. DAVIS, CONG. RSCH. SERV., R43491, TRADE PROMOTION AUTHORITY (TPA): FREQUENTLY ASKED QUESTIONS 3–4 (2019).

<sup>171</sup> *Id.* at 4.

the process makes it *too easy* for presidents to secure congressional approval by a simple majority vote.<sup>172</sup>

In sum, although *Chadha* undoubtedly changed the political dynamics around executive reorganization, it should not necessarily have brought about its demise.

### B. *Why Reorganization Fell Out of Favor*

So, what really happened to executive reorganization? A closer look at the historical record suggests that by the mid-1980s, executive reorganization had begun to fall out of favor for reasons that were largely unrelated to the Court's ruling.

First, legislators had begun to sour on executive reorganization well before *Chadha*—a shift that likely reflected a broader skepticism toward executive power in the post-Watergate years. Between 1973 and 1977, Congress refused both Nixon's and Ford's requests to extend the Reorganization Act, leaving the authority dormant for the longest period since World War II.<sup>173</sup> Although legislators voted overwhelmingly to restore the authority to Carter in 1977,<sup>174</sup> the Act imposed new limits on the sorts of changes that the President could propose, while making it easier for legislators to influence the content of reorganization plans before they came up for a vote.<sup>175</sup> The proposed 1981 extension, which passed the Senate but died in the House, would have curtailed the President's authority in still more dramatic ways. Under the 1981 version, the President would no longer have been able to use a reorganization plan to create a new independent agency, such as FEMA or the EPA.<sup>176</sup> That, coupled with the 1977 revisions, meant that the reorganization

<sup>172</sup> See, e.g., *More Information on Fast Track Trade Authority*, PUBLIC CITIZEN, <https://www.citizen.org/article/more-information-on-fast-track-trade-authority/> [<https://perma.cc/88SX-V29V>] (last visited June 15, 2026) (critiquing the fast-track as an “extreme delegation of Congress’ constitutional trade authority”).

<sup>173</sup> See Appendix 1: Reorganization Acts and Amendments. Indeed, because the War Power Act gave Roosevelt broad authority to reorganize as he saw fit—without the possibility of a legislative veto—the 1970s gap in reorganization authority was the longest since the Reorganization Act of 1939 went into effect. See *id.*; First War Powers Act of 1941, ch. 593, 55 Stat. 838 (repealed 1966).

<sup>174</sup> See HOGUE, *supra* note 2, at 27 n.118 (“[T]he Senate passed its initial version of the act by a vote of 94–0, and adopted the subsequent House-amended version by voice vote. The House passed the bill by a vote of 395–22.”).

<sup>175</sup> See *id.* at 28. Under the 1977 Act, the President was no longer permitted to use the Reorganization Act to “aboli[sh] or consolidat[e]” any independent agencies, which limited a president’s ability to use the Act to propose major restructuring. *Id.* The 1977 Act also for the first time authorized presidents to amend their proposed plans in the first thirty days after submission—meaning that legislators could now *insist* on amendments as a condition of their support. See *id.* Indeed, Carter submitted amendments to six of his ten plans. *Id.* at 29.

<sup>176</sup> See *Reorganization Act of 1981: Hearing Before a Subcomm. of the H. Comm. on Gov’t Operations on H.R. 3270, H.R. 2528, and H.R. 3943*, 97th Cong. 62 (1981) [hereinafter *Hearing on H.R. 3270, H.R. 2528, and H.R. 3943*] (statement of Dr. Ronald Moe, Specialist, Cong. Rsch. Serv.).

acts could no longer be used to build new administrative capacity—or effect significant change.<sup>177</sup> As one of the 1981 bill’s critics put it, “we really are confining reorganization to mostly swatting at gnats.”<sup>178</sup>

The Reagan Administration, for its part, showed little interest in pushing back. Unlike Carter, who had campaigned on a promise to undertake significant bureaucratic restructuring, Reagan set his sights primarily on slashing the federal budget through tax cuts, layoffs, and entitlement reform.<sup>179</sup> Although administration officials repeatedly testified in favor of Reorganization Act extensions, their support was half-hearted at best. When Office of Management and Budget Deputy Director Edwin Harper appeared before Congress in 1981, he acknowledged that “organizational improvements” were not a top priority for the administration.<sup>180</sup> He further explained that the administration had no objection to eliminating the President’s ability to create new independent agencies via reorganization because “there are too many separate agencies of government already.”<sup>181</sup> Two years later, Harper’s successor once again took no issue with the narrowness of the authority being considered.<sup>182</sup> Indeed, he admitted that the administration had in fact “disbanded its reorganizational capability” a year earlier.<sup>183</sup>

To the extent that the Reagan Administration had any interest in bureaucratic restructuring, it was in *dismantling* existing capacity as opposed to building something new. While on the campaign trail, for example, Reagan had pledged to abolish both the Department of Education and the Department of Energy.<sup>184</sup> But because these were

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<sup>177</sup> See *id.*; see also HOGUE, *supra* note 2, at 28 (“The prohibition against establishing, abolishing, transferring, or consolidating departments was expanded to prohibit also the abolition or consolidation of independent agencies.”).

<sup>178</sup> *Hearing on H.R. 3270, H.R. 2528, and H.R. 3943, supra* note 176, at 62 (statement of Rep. Elliot Levitas).

<sup>179</sup> See Ronald Reagan, *Address Before a Joint Session of Congress on the Program for Economic Recovery*, THE AM. PRESIDENCY PROJECT (Feb. 18, 1981), <https://www.presidency.ucsb.edu/documents/address-before-joint-session-the-congress-the-program-for-economic-recovery-0> [<https://perma.cc/39DY-WW2W>] (last visited June 15, 2026).

<sup>180</sup> *Reorganization Act of 1981: Hearing Before the S. Comm. on Governmental Affs. on S. 893*, 97th Cong. 3 (1981) (statement of Edwin L. Harper, Deputy Dir., Off. of Mgmt. & Budget).

<sup>181</sup> *Id.* at 7.

<sup>182</sup> See *Reorganization Act Amendments of 1983: Hearing Before a Subcomm. of the H. Comm. on Gov’t Operations on H.R. 1314*, 98th Cong. 17 (1983) (statement of Joseph R. Wright Jr., Deputy Dir., Off. of Mgmt. & Budget).

<sup>183</sup> *Id.*

<sup>184</sup> See Richard Stengel, *A Brief History of Efforts to End the Department of Education*, TIME (Feb. 15, 2025, at 07:00 ET), <https://time.com/7225339/history-efforts-end-department-of-education/> [<https://perma.cc/W8LK-GBGR>] (stating President Reagan “called for the dismantlement of the new Department of Education”); Milton R., *Why Reagan Should Keep His Word and Shut Down D.O.E.*, HERITAGE FOUND. (Mar. 30, 1983), <https://www.heritage.org/environment/report/why-reagan-should-keep-his-word-and-shut-down-doe> [<https://perma.cc/BVA3-WAWQ>] (stating President Reagan similarly called for “[a]bolish[ing] the Department of Energy”).

cabinet-level departments, these changes would have had to go through the ordinary legislative process, even under the most expansive authority granted by earlier Reorganization Acts.<sup>185</sup>

The Reagan Administration was not alone in questioning the value of organizational change. By the mid-1980s, both academics and policymakers had begun to express growing skepticism of reorganization generally, irrespective of the process through which those changes were made.<sup>186</sup>

The contrast between the recommendations put forward by two (Republican) presidential commissions—the Ash Council in 1971 and the Grace Commission in 1984—is especially telling in this regard.<sup>187</sup> The Ash Council, like several of the reorganization commissions that preceded it, put forward an ambitious proposal to restructure the federal bureaucracy by consolidating most domestic policy functions into just four cabinet-level departments: “natural resources, economic affairs, human resources, and community development.”<sup>188</sup> Although Congress ultimately rejected so drastic a change, the Council’s recommendations informed several of Nixon’s reorganization plans.<sup>189</sup> A decade later, however, the Grace Commission took a decidedly different approach. Although the Commission produced nearly 2,500 recommendations to address what it described as “a critical case of . . . ineffective management,” virtually none of its recommendations called for organizational change.<sup>190</sup> Instead, the Commission—like the Reagan Administration—focused almost exclusively on reducing federal expenditures by slashing entitlement programs, reducing federal employee pensions, privatizing various government functions, and enacting civil service reform.<sup>191</sup>

Importantly, reorganization skepticism was hardly confined to Republican critics of the administrative state. Political scientists and public administration scholars writing in the 1980s had likewise become increasingly dismissive of bureaucratic reorganization as a mechanism

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<sup>185</sup> See HOGUE, *supra* note 2, at 43 (noting that the limitation “has been part of all reorganization statutes thus far”).

<sup>186</sup> See, e.g., HAROLD SEIDMAN & ROBERT GILMOUR, *POLITICS, POSITION, AND POWER: FROM THE POSITIVE TO THE REGULATORY STATE 3* (4th ed. 1986) (criticizing reorganization and its proponents as akin to a “religion in Washington”).

<sup>187</sup> The Ash Council was formally known as the President’s Advisory Council on Executive Organization; the Grace Commission was the President’s Private Sector Survey on Cost Control. On the history of both commissions, see CONG. RSCH. SERV., RL31446, *REORGANIZING THE EXECUTIVE BRANCH IN THE 20TH CENTURY: LANDMARK COMMISSIONS 65–72, 82–86* (2002).

<sup>188</sup> Peri E. Arnold, *Reform’s Changing Role*, 55 PUB. ADMIN. REV. 407, 412 (1995).

<sup>189</sup> See *id.*

<sup>190</sup> See 1 PRESIDENT’S PRIVATE SECTOR SURVEY ON COST CONTROL: A REPORT TO THE PRESIDENT II-1 (1984) [hereinafter *Grace Commission Report*]; see also CONG. RSCH. SERV., *supra* note 187, at 84–85 (discussing how the Grace Commission produced “a list of some 2,478 specific recommendations”).

<sup>191</sup> See *Grace Commission Report*, *supra* note 190.

for reform. Harold Seidman and Robert Gilmour dismissively referred to reorganization as “almost a religion in Washington” with “[p]eriodic reorganizations . . . prescribed . . . for no other purpose than to purify the bureaucratic blood and to prevent stagnation.”<sup>192</sup> Lester Salamon argued that the goal of organizing a fragmented bureaucracy by major policy function was unattainable given the inherent complexity of the social problems that the federal government had increasingly endeavored to solve.<sup>193</sup> In place of reorganization, scholars emphasized the importance of policy, “flexibility,” and “effective cooperation” within the executive branch.<sup>194</sup>

By the time President Clinton convened his own blue-ribbon commission—the National Performance Review—the shift from bureaucratic reorganization to “flexible” management largely was complete. In its final report, the commission observed that “[t]he traditional solution” to bureaucratic dysfunction “is to shuffle the organizational chart.”<sup>195</sup> But as the authors explained, these sorts of structural reforms are too slow and too cumbersome to meet the needs of the day:

After years of struggle, one or two agencies are reorganized—or a new department is created. Meanwhile, the nation’s problems keep changing, so the new structure is soon out of date. In a rapidly changing world, the best solution is not to keep redesigning the organizational chart; it is to melt the rigid boundaries between organizations.<sup>196</sup>

Although the commission ultimately identified several areas that were ripe for consolidation, it placed far greater emphasis on a hodgepodge of management reforms, ranging from “empowering front-line employees” to promoting various forms of “interagency collaboration” through councils, task forces, and “cross-agency teams.”<sup>197</sup>

In sum, by the time the Court issued its decision in *Chadha*, the political appetite for executive reorganization already had started to dissipate—a trend that would only accelerate in subsequent years.<sup>198</sup> By making executive reorganization somewhat more difficult going forward, *Chadha* may indeed have been the final nail in the coffin. But it certainly was not the first.

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<sup>192</sup> SEIDMAN & GILMOUR, *supra* note 186, at 3.

<sup>193</sup> See Lester M. Salamon, *The Question of Goals*, in *FEDERAL REORGANIZATION: WHAT HAVE WE LEARNED?* 58, 77 (Peter Szanton & Aaron Wildavsky eds., 1981).

<sup>194</sup> SEIDMAN & GILMOUR, *supra* note 186, at 329.

<sup>195</sup> AL GORE, *FROM RED TAPE TO RESULTS: CREATING A GOVERNMENT THAT WORKS BETTER & COSTS LESS*, REPORT OF THE NATIONAL PERFORMANCE REVIEW 48 (1993).

<sup>196</sup> *Id.*

<sup>197</sup> *Id.* at 7, 53, 163.

<sup>198</sup> See *supra* Section II.B.

### III. THE CASE FOR EXECUTIVE REORGANIZATION

By the early 2000s, executive reorganization was back on the agenda. In 2003, a new presidential commission led by Paul Volcker once again called for a comprehensive reorganization of the executive branch.<sup>199</sup> That same year, Congress held hearings on whether to restore the President's reorganization authority.<sup>200</sup> In 2011, President Obama used his State of the Union address to highlight the need for comprehensive reorganization, arguing that it was no longer possible to “win the future with a Government of the past.”<sup>201</sup> Bills to restore some form of executive reorganization authority have periodically been introduced in both the House and Senate—most recently in 2025.<sup>202</sup>

To be sure, the new wave of interest in executive reorganization has been far more muted and episodic than in decades past.<sup>203</sup> And none of the bills have advanced very far in the legislative process.<sup>204</sup> Still, the renewed interest in executive reorganization—by both Republican and Democratic administrations—suggests that reorganization skeptics were perhaps too quick to dismiss bureaucratic restructuring as a relic of the past.

This Part draws on the debates surrounding various proposed reorganization efforts from 2003 onward—as well as the Trump Administration's efforts to “reorganize” through unilateral executive

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<sup>199</sup> See NAT'L COMM'N ON THE PUB. SERV., URGENT BUSINESS FOR AMERICA: REVITALIZING THE FEDERAL GOVERNMENT FOR THE 21ST CENTURY, at v, 14–17 (2003).

<sup>200</sup> *Toward a Logical Governing Structure: Restoring Executive Reorganization Authority: Hearing Before the H. Comm. on Gov't Reform*, 108th Cong. 1 (2003) [hereinafter 2003 Reorganization Hearings].

<sup>201</sup> President Barack Obama, Address Before a Joint Session of the Congress on the State of the Union, 1 PUB. PAPERS 48, 55 (Jan. 25, 2011), <https://obamawhitehouse.archives.gov/the-press-office/2011/01/25/remarks-president-state-union-address> [<https://perma.cc/V7CF-Y64G>].

<sup>202</sup> See H.R. 1295, 119th Cong. (2025); S. 583, 119th Cong. (2025); S. 3137, 115th Cong. (2018); H.R. 6787, 115th Cong. (2018); S. 2129, 112th Cong. (2012); H.R. 4409, 112th Cong. (2012).

<sup>203</sup> Compare *infra* note 204 and accompanying text, with *supra* Section I.B.

<sup>204</sup> In 2003, the House voted to restore the President's reorganization authority as part of the Department of Homeland Security overhaul, but the provision was cut from the Senate version of the bill. See HOGUE, *supra* note 2, at 32–33. The 2012 bills both died in committee. See S.2129—*Reforming and Consolidating Government Act of 2012: 112th Congress (2011–2012)*, CONGRESS.GOV, <https://www.congress.gov/bill/112th-congress/senate-bill/2129/all-actions> [<https://perma.cc/GJ4C-4HA5>] (last visited June 23, 2026); H.R.4409—*Government Agency Reform Act of 2012: 112th Congress (2011–2012)*, CONGRESS.GOV, <https://www.congress.gov/bill/112th-congress/house-bill/4409/all-actions> [<https://perma.cc/AE2X-8YD8>] (last visited June 23, 2026). The 2018 bill was reported favorably in the Senate but never came up for a vote; the House version died in committee. See S.3137—*Reforming Government Act of 2018: 115th Congress (2017–2018)*, CONGRESS.GOV, <https://www.congress.gov/bill/115th-congress/senate-bill/3137/all-actions> [<https://perma.cc/43CW-KDT3>] (last visited June 23, 2026); H.R.6787—*Reforming Government Act of 2018: 115th Congress (2017–2018)*, CONGRESS.GOV, <https://www.congress.gov/bill/115th-congress/house-bill/6787/all-actions> [<https://perma.cc/53VV-6866>] (last visited June 23, 2026).

action—to make the case for restoring a formal reorganization process along the lines that Congress had briefly enacted back in 1984.

### A. *The Limits of Informal Coordination*

The turn away from formal reorganization was premised in part on the notion that various forms of “interagency coordination” and “pooling” could accomplish many of the same goals at a much lower cost.<sup>205</sup> As a number of scholars have observed over the years, presidents and agencies have a variety of tools at their disposal—short of formal reorganization—to reduce fragmentation and build new administrative capacity.<sup>206</sup> Agencies, for example, routinely enter into interagency agreements or memoranda of understanding (“MOUs”) to “clarify jurisdictional lines,” allocate “responsibility for specific tasks,” or agree to “collaborate in a common mission.”<sup>207</sup> Agencies also sometimes engage in joint rulemaking or policymaking efforts, which can ease the problem of inconsistent guidance and enforcement.<sup>208</sup> And they overcome the problem of fragmented regulatory authority by “pooling” their congressionally assigned powers in ways that create *new* regulatory capacity that potentially goes beyond what Congress might have intended to bestow.<sup>209</sup> Presidents, meanwhile, encourage collaboration by creating interagency committees, policy councils, or policy “czars.”<sup>210</sup>

These informal mechanisms offer several advantages. Because interagency councils and MOUs do not alter the underlying structure of the federal bureaucracy, they tend to be much cheaper to put in place and require none of the upheaval that necessarily comes with structural

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<sup>205</sup> Freeman & Rossi, *supra* note 14, at 1134, 1164, 1191.

<sup>206</sup> See generally Freeman & Rossi, *supra* note 14 (discussing the different tools available to Congress, the President, and agencies for interagency coordination purposes); Renan, *supra* note 15, at 213 (discussing pooling as “a significant tool of the executive” in executive structuring); Jason Marisam, *Interagency Administration*, 45 ARIZ. STATE L.J. 183, 220–22 (2013) (highlighting the advantages of coordination over consolidation).

<sup>207</sup> Freeman & Rossi, *supra* note 14, at 1161–62.

<sup>208</sup> See *id.* at 1165. In May 2009, for example, the EPA and the National Highway Traffic Safety Administration collaborated on a joint set of fuel efficiency and greenhouse gas emission standards for automobiles—which eliminated some of the inconsistencies in the regulations that each agency had previously imposed. *Id.* at 1169.

<sup>209</sup> See Renan, *supra* note 15, at 255–57 (providing examples of pooling as a capacity-building tool).

<sup>210</sup> Freeman & Rossi, *supra* note 14, at 1176–78 & 1177 n.226; see also CONG. RSCH. SERV., R41803, INTERAGENCY COLLABORATIVE ARRANGEMENTS AND ACTIVITIES: TYPES, RATIONALES, CONSIDERATIONS 11–12 (2011) (detailing various collaboration and coordination efforts). Congress has likewise taken steps to ease bureaucratic fragmentation by requiring agencies operating in related domains to consult or collaborate with one another in various ways. See Freeman & Rossi, *supra* note 14, at 1158–60 (listing various examples of consultation and concurrence requirements).

change.<sup>211</sup> As critics of reorganization have emphasized, merging two agencies together is not nearly as simple as printing a new organizational chart.<sup>212</sup> Agencies must establish new shared processes, eliminate various redundancies, and create new shared bureaucratic cultures.<sup>213</sup> They also must work through myriad mundane tasks—such as securing shared office space in order to house agency personnel.<sup>214</sup> Indeed, studies suggest that it can take decades for separate units to come together as a truly integrated whole, to the extent that they ever fully do.<sup>215</sup> Just as importantly, because policy councils and MOUs typically do not require congressional sign-off—and do not affect committee jurisdiction—they do not require presidents to incur any of the *political* costs that come with reorganization.<sup>216</sup> As discussed above, any reorganization proposal—however modest—inevitably draws opposition from the many “vested interests” that have come to rely on the status quo.<sup>217</sup> Councils and MOUs sidestep all of these concerns.

Proponents of informal coordination also have argued that bureaucratic redundancy may in fact be desirable. Professors Jody Freeman and Jim Rossi note, for example, that duplicative delegations can “generat[e] productive interagency competition and prompt[] agencies to produce ‘policy-relevant information’” to facilitate public oversight.<sup>218</sup> Duplication also can “reduce congressional monitoring costs by, in effect, creating a system of interagency ‘fire alarms.’”<sup>219</sup> And legislators may actually prefer some degree of redundancy as a way to prevent undue concentration of authority in the President’s hands.<sup>220</sup> In this regard, interagency coordination offers a happy medium—a way to preserve some of the benefits of fragmentation while mitigating its attendant costs.

Still, as the remainder of this Section makes clear, there are a number of drawbacks to relying almost exclusively on these sorts of informal tools.

First, although policy councils and MOUs are easier to establish, they also are easier for agencies and presidents to abandon as priorities

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<sup>211</sup> See Freeman & Rossi, *supra* note 14, at 1192 (highlighting the informality, ease of enactment, and adaptability of MOUs); Marisam, *supra* note 14, at 220 (noting that consolidation is not always optimal and may still prove “too costly and risky” in many situations).

<sup>212</sup> See *supra* note 16 and accompanying text.

<sup>213</sup> See Merrill & Francer, *supra* note 115, at 132.

<sup>214</sup> See *id.* at 161–62 (discussing the challenges of combining geographically dispersed agencies such as the FDA and USDA).

<sup>215</sup> See *id.* at 139 (discussing the consolidation of the EPA).

<sup>216</sup> See Freeman & Rossi, *supra* note 14, at 1161.

<sup>217</sup> See *supra* notes 67–78 and accompanying text.

<sup>218</sup> Freeman & Rossi, *supra* note 14, at 1139 (footnote omitted).

<sup>219</sup> *Id.* (footnote omitted).

<sup>220</sup> See *id.* at 1140.

change.<sup>221</sup> This is a familiar shortcoming of governance by executive order—and it is no less of a problem when it comes to organizational change.<sup>222</sup>

Consider, for example, the repeated efforts to address the fragmented food safety bureaucracy through informal means. As the National Academy of Sciences (“NAS”) explained in a scathing 1998 report, responsibility for ensuring the safety of the nation’s food supply is shared among twelve separate agencies, with three agencies—the U.S. Department of Agriculture (“USDA”), the Food and Drug Administration (“FDA”), and the EPA—accounting for the lion’s share.<sup>223</sup> Some of the divisions among these agencies are arbitrary to say the least. Frozen pizza, for example, is regulated by the FDA—unless it is topped with meat or poultry, in which case it falls under the USDA’s jurisdiction.<sup>224</sup> As a result, products that present comparable risks are subject to wildly disparate regulatory regimes.<sup>225</sup> Producers of packaged, open-faced sandwiches, for example, are inspected daily by the USDA; closed-face sandwich manufacturers are inspected by the FDA roughly once every five years.<sup>226</sup> Shared responsibility also means that serious problems invariably fall through the cracks.<sup>227</sup>

In its 1998 report, the NAS proposed four possible ways to address the fragmented regulatory structure, three of which entailed some degree of formal consolidation.<sup>228</sup> Predictably, the Clinton Administration quickly settled on the fourth option—an interagency Council on

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<sup>221</sup> See *id.* at 1164–65.

<sup>222</sup> See, e.g., Peter M. Shane, *Lessons in Presidential Authority*, REGUL. REV. (Mar. 29, 2021), <https://www.theregreview.org/2021/03/29/shane-lessons-presidential-authority/> [https://perma.cc/MU4Q-BGMY]. This is not to suggest, of course, that issuing an executive order is entirely costless. Legal scholar Tara Grove notes, for example, that “[a]lthough it is easier to issue a presidential directive than to enact legislation, the process takes a good deal longer than one might expect—anywhere from several weeks to several months (or even years).” Tara Leigh Grove, *Presidential Laws and the Missing Interpretive Theory*, 168 U. PA. L. REV. 877, 910 (2020).

<sup>223</sup> NAT’L ACAD. OF SCIS., ENSURING SAFE FOOD FROM PRODUCTION TO CONSUMPTION 26–28 (1998) [hereinafter 1998 NAS REPORT]; see also Merrill & Francer, *supra* note 115, at 90 (discussing the major agencies responsible for food safety). The two sources agree that the USDA, FDA, and EPA are three of the major agencies involved. The NAS Report lists the National Marine Fisheries Service of the Department of Commerce as the fourth major player, 1998 NAS REPORT, *supra*, at 26; the Merrill & Francer article lists the Centers for Disease Control. Merrill & Francer, *supra* note 115, at 90.

<sup>224</sup> 1998 NAS REPORT, *supra* note 223, at 27.

<sup>225</sup> See Merrill & Francer, *supra* note 115, at 130–32.

<sup>226</sup> U.S. GOV’T ACCOUNTABILITY OFF., GAO-02-47T, FOOD SAFETY AND SECURITY: FUNDAMENTAL CHANGES NEEDED TO ENSURE SAFE FOOD 3 (2001) [hereinafter 2001 GAO REPORT]; see also Merrill & Francer, *supra* note 115, at 131 (noting that poultry and meat products face rigorous inspection requirements whereas seafood products do not).

<sup>227</sup> See 2001 GAO REPORT, *supra* note 226, at 3–10 (documenting the various consequences of fragmentation).

<sup>228</sup> See 1998 NAS REPORT, *supra* note 223, at 99.

Food Safety, tasked with developing a “comprehensive strategic plan” for addressing the various concerns that the NAS and other critics had flagged.<sup>229</sup> Although the Council included among its members the leaders of the various federal agencies, it lacked any formal authority to force collaboration, drastically limiting its utility.<sup>230</sup> The Council disbanded less than three years later when George W. Bush took office.<sup>231</sup> In 2009, President Obama established a Food Safety Working Group designed to perform a similar coordinating function, but that entity likewise “stopped meeting after an estimated 2 years.”<sup>232</sup> As the GAO observed in 2014, “Without . . . formalization, centralized collaborative mechanisms for food safety may continue to be short-lived.”<sup>233</sup>

Second, there are limits to what coordination can accomplish in the absence of structural change. Interagency councils, for example, can typically do little to address the misallocation and duplication of resources that often results from having multiple agencies operating in the same policy domain.<sup>234</sup> One recurring criticism of our prevailing system of food safety bureaucracy is that the frequency of inspections of different manufacturing facilities is wildly out of proportion to the underlying risk.<sup>235</sup> Although Congress could reallocate budgets and adjust inspection regimes without formal consolidation, this is highly unlikely to happen so long as there are multiple agencies, whose budgets are controlled by different congressional subcommittees, each zealously guarding their share of the pie.<sup>236</sup> Similarly, coordination can only go so far in addressing the diffusion of political accountability that is typical of a fragmented state.<sup>237</sup> And although coordination can mitigate concerns over regulatory arbitrage—i.e., the tendency on the part of regulated entities to “play one agency against another . . . or to forum

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<sup>229</sup> Merrill & Francer, *supra* note 115, at 124.

<sup>230</sup> *See id.* at 125.

<sup>231</sup> U.S. GOV'T ACCOUNTABILITY OFF., GAO-15-180, FEDERAL FOOD SAFETY OVERSIGHT: ADDITIONAL ACTIONS NEEDED TO IMPROVE PLANNING AND COLLABORATION 29 (2014).

<sup>232</sup> *Id.* at 29.

<sup>233</sup> *Id.* at 30–31.

<sup>234</sup> *See* Merrill & Francer, *supra* note 115, at 133.

<sup>235</sup> *See id.* at 133–35 (citing a variety of sources over many years articulating this critique). To be sure, reorganization alone would not solve this problem because the disparate inspection regimes are themselves codified into law. However, as Merrill and Francer acknowledge, consolidation would make it more politically feasible for Congress to address the imbalance by reducing some of the interagency (and intercommittee) turf battles that tend to impede change. *See id.* at 135 (“With just one agency seeking funding, competition among programs for funds might prove easier to control.”).

<sup>236</sup> *See id.* at 135 n.473 (noting that one of the benefits of consolidation would be to create a single unified budget, which could facilitate a more “rational balancing of risks and costs”).

<sup>237</sup> *See, e.g., id.* at 127 (acknowledging that consolidation would likely increase political accountability over the food safety system).

shop among regulators”—it typically cannot eliminate them entirely.<sup>238</sup> From the perspective of the many beneficiaries of various federal programs, there likewise is a big difference between having a single federal point of contact and having to work through multiple agencies and programs, no matter how well they are aligned in their goals.<sup>239</sup> Further, as a political matter, establishing an interagency council to coordinate various disparate programs offers far less visibility and focus than creating a standalone agency or department to consolidate the programs into a unified whole.<sup>240</sup>

Perhaps unsurprisingly, many proponents of informal coordination recognize that at least in some contexts, bureaucratic restructuring would indeed be a first-best solution. Freeman and Rossi note, for example, that some degree of consolidation may be desirable—but also that “it is rarely politically feasible for Congress to consolidate agencies or reassign their functions.”<sup>241</sup> Daphna Renan similarly notes that bureaucratic “[p]ooling is not a perfect substitute” for executive reorganization, but suggests that after *Chadha*, it may be the only available second best.<sup>242</sup>

As the discussion in Part II makes clear, however, *Chadha* need not have put an end to reorganization.<sup>243</sup> To the extent that the principal objections to reorganization are *political*, it may be worth exploring a fast-track mechanism that can help restore the political viability of bureaucratic change.

### B. *The Continued Infeasibility of Legislative Reorganization*

Perhaps the best evidence of the inherent limits of informal coordination is that presidents and legislators from both parties have

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<sup>238</sup> See, e.g., Freeman & Rossi, *supra* note 14, at 1183, 1185–87.

<sup>239</sup> See, e.g., U.S. GOV'T ACCOUNTABILITY OFF., GAO-12-491, HOMELESSNESS: FRAGMENTATION AND OVERLAP IN PROGRAMS HIGHLIGHT THE NEED TO IDENTIFY, ASSESS, AND REDUCE INEFFICIENCIES 21 (2012) (citing various concerns raised by local service providers about the difficulty of “managing multiple applications and reporting requirements”); Press Release, Off. of the Press Sec'y, The White House, Government Reorganization Fact Sheet (Jan. 13, 2012), <https://obamawhitehouse.archives.gov/the-press-office/2012/01/13/government-reorganization-fact-sheet> [<https://perma.cc/CJL6-KDV8>] (citing similar concerns as an argument for consolidating various trade and small business regulatory functions).

<sup>240</sup> As discussed in greater detail in Part I, presidents routinely used their reorganization authority to elevate a particular policy issue by consolidating various scattered programs and offices to form a new agency or elevate the stature of an existing unit. See *supra* notes 112–25 and accompanying text (offering FEMA, the EEOC, and the EPA as prominent examples).

<sup>241</sup> See, e.g., Freeman & Rossi, *supra* note 14, at 1151–52. For example, the authors point to a 2010 GAO Report which identified thirty-four program areas ripe for consolidation and acknowledge that “[m]any of these programs present sensible opportunities to eliminate waste with little loss of functionality.” *Id.* at 1151.

<sup>242</sup> Renan, *supra* note 15, at 238.

<sup>243</sup> See *supra* Section II.A.

continued to advocate for various forms of bureaucratic restructuring. The legislative process, however, has not become any more hospitable to organizational change.

Two policy domains that have prompted repeated calls for consolidation are food safety and financial regulation.<sup>244</sup> Proposals to create a single food safety regulator have been introduced in nearly every Congress since 1997.<sup>245</sup> Both the Obama and Trump Administrations included food safety consolidation in their annual budgets or other major policy agenda documents.<sup>246</sup> None of these proposals advanced.<sup>247</sup> In 2010, Congress passed the FDA Food Safety Modernization Act<sup>248</sup>—described as “the largest expansion and overhaul of FDA’s food safety authorities since the 1930s.”<sup>249</sup> But it left the existing structure of the food safety bureaucracy largely intact.<sup>250</sup> As was true of environmental regulation in the 1960s, Congress appears to have had a much easier time creating new regulatory powers than amending the structural status quo.

Congress proved somewhat more willing to rethink portions of the financial bureaucracy in the wake of the 2008 financial crisis, but only up to a point. As the crisis unfolded, many observers pointed to fragmentation as one of its contributing causes.<sup>251</sup> In 2008, the Trea-

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<sup>244</sup> See generally ALEJANDRO E. CAMACHO & ROBERT L. GLICKSMAN, REORGANIZING GOVERNMENT: A FUNCTIONAL AND DIMENSIONAL FRAMEWORK 59–62, 174–79 (2019) (summarizing various proposals to restructure food safety and financial regulation).

<sup>245</sup> A version of the Safe Food Act was introduced in every Congress between 1997 and 2007, and again between 2015 and 2019. H.R. 2801, 105th Cong. (1997); H.R. 2345, 106th Cong. (1999); H.R. 1671, 107th Cong. (2001); H.R. 5259, 108th Cong. (2004); H.R. 1507, 109th Cong. (2005); H.R. 1148, 110th Cong. (2007); H.R. 609, 114th Cong. (2015); H.R. 7338, 115th Cong. (2018); H.R. 4755, 116th Cong. (2019). A version of the Food Safety Administration Act was introduced in 2022, 2024, and 2025. H.R. 8358, 117th Cong. (2022); H.R. 9099, 118th Cong. (2024); H.R. 6567, 119th Cong. (2025).

<sup>246</sup> See, e.g., OFF. OF MGMT. & BUDGET, EXEC. OFF. OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2016, at 81–82, 85 (2015) (proposing to consolidate the “two largest food-safety related agencies into a single agency” under the Department of Health and Human Services); EXEC. OFF. OF THE PRESIDENT, DELIVERING GOVERNMENT SOLUTIONS IN THE 21ST CENTURY 32–34 (2018) (proposing to consolidate food inspection authorities under the USDA).

<sup>247</sup> See RENÉE JOHNSON & AGATA DABROWSKA, CONG. RSCH. SERV., IF10974, PROPOSED REORGANIZATION OF U.S. FEDERAL FOOD SAFETY AGENCIES 2 (2018) (noting the Obama Administration’s proposal was not enacted); Bernice Yeung, Michael Grabell & Mollie Simon, *The Low-and-Slow Approach to Food Safety Reform Keeps Going Up in Smoke*, PROPUBLICA (Dec. 23, 2021, at 06:00 ET), <https://www.propublica.org/article/the-low-and-slow-approach-to-food-safety-reform-keeps-going-up-in-smoke> [<https://perma.cc/8JVS-YU54>] (noting the Trump Administration’s proposal was not enacted).

<sup>248</sup> FDA Food Safety Modernization Act, Pub. L. No. 111-353, 124 Stat. 3885 (2011) (codified as amended in scattered sections of 21 U.S.C. §§ 301–399).

<sup>249</sup> JOHNSON & DABROWSKA, *supra* note 247, at 2.

<sup>250</sup> See *id.*

<sup>251</sup> See, e.g., U.S. GOV’T ACCOUNTABILITY OFF., GAO-09-216, FINANCIAL REGULATION: A FRAMEWORK FOR CRAFTING AND ASSESSING PROPOSALS TO MODERNIZE THE OUTDATED U.S. FINANCIAL

surey Secretary Henry Paulson issued a “Blueprint for a Modernized Financial Regulatory Structure” that called for sweeping reorganization of the financial regulatory system, including mergers of several agencies along functional lines.<sup>252</sup> A year later, the Treasury Department—now under President Obama—released another, somewhat more modest, proposal that nevertheless called for several major changes, including the creation of a single National Bank Supervisor to oversee all federally chartered lenders.<sup>253</sup> The 2010 Dodd-Frank Act<sup>254</sup> did indeed make a number of important changes, and it created several *new* regulatory entities, but it once again left much of the existing structure in place.<sup>255</sup>

By far the most significant changes to the structure of the federal bureaucracy have been in the area of national security. In the wake of 9/11, Congress undertook by far the largest reorganization effort since the 1940s—eventually bringing together twenty-two separate agencies to form a behemoth Department of Homeland Security.<sup>256</sup> Many have since criticized the move.<sup>257</sup> And reorganization skeptics routinely cite DHS as an example of why consolidation is not always desirable.<sup>258</sup> At the same time, there is widespread agreement that the creation of DHS during an unprecedented moment in American history is by no means indicative of Congress’s ability to effect structural change in

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REGULATORY SYSTEM 2 (2009) (describing the existing regulatory system as “fragmented and outdated”); DEP’T OF TREASURY, FINANCIAL REGULATORY REFORM: A NEW FOUNDATION 5 (2009) (noting that “responsibility for supervising the consolidated operations of large financial firms was split among various federal agencies” and that “[f]ragmentation of supervisory responsibility and loopholes in the legal definition of a ‘bank’ allowed owners of banks and other insured depository institutions to shop for the regulator of their choice”); Freeman & Rossi, *supra* note 14, at 1185–86 (noting that various accounts of the financial crisis have listed regulatory arbitrage as one of its causes).

<sup>252</sup> See DEP’T OF TREASURY, BLUEPRINT FOR A MODERNIZED FINANCIAL REGULATORY STRUCTURE 14 (2008); see also Eric J. Pan, *Four Challenges to Financial Regulatory Reform*, 55 VILL. L. REV. 743, 749–51 (2010) (comparing the “modest” proposals put forward by the Obama Administration to the more “ambitious” and “aggressive” solutions put forward in the Paulson “Blueprint”).

<sup>253</sup> See DEP’T OF TREASURY, *supra* note 251, at 32.

<sup>254</sup> Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 111-203, 124 Stat. 1376 (2010) (codified in scattered sections of the U.S. Code).

<sup>255</sup> See Freeman & Rossi, *supra* note 14 at 1148 (“Congress did not substantially reduce or consolidate existing federal regulators, as some had proposed.”); CAMACHO & GLICKSMAN, *supra* note 244, at 179–82 (criticizing the Dodd-Frank Act for failing to take sufficient steps to address the various problems of regulatory arbitrage that Congress had identified).

<sup>256</sup> Dara Kay Cohen, Mariano-Florentino Cuéllar & Barry R. Weingast, *Crisis Bureaucracy: Homeland Security and the Political Design of Legal Mandates*, 59 STAN. L. REV. 673, 676 (2006). The authors note that it was the largest such effort since the 1947 creation of the Department of Defense. *Id.*

<sup>257</sup> See, e.g., *id.* at 718–20 (summarizing existing criticism); RICHARD A. POSNER, PREVENTING SURPRISE ATTACKS: INTELLIGENCE REFORM IN THE WAKE OF 9/11, at 10 (2005) (describing the creation of DHS as “an unalloyed disaster”).

<sup>258</sup> See, e.g., Freeman & Rossi, *supra* note 14, at 1153–54 (summarizing criticism).

less extraordinary times.<sup>259</sup> Indeed, in hearings over the desirability of restoring executive reorganization authority, both legislators and White House officials cited the DHS process in arguing for a more streamlined approach.<sup>260</sup> Virginia Republican Tom Davis, for example, described the legislative battle over DHS as a “fiasco” that underscored the need for a simpler process going forward.<sup>261</sup>

To be sure, Congress has made other changes as well. In 1994, for example, legislators voted unanimously to move the Social Security Administration out from under the Department of Health and Human Services and make it an independent agency.<sup>262</sup> The following year, Congress once again voted by overwhelming margins to abolish the Interstate Commerce Commission, which by that point had been made largely obsolete through deregulation.<sup>263</sup> Even still, proponents only managed to get the bill through by initially reframing it as an appropriations measure in order to circumvent the House committee that had jurisdiction over the ICC and was reluctant to give it up.<sup>264</sup>

Meanwhile, the vast majority of reorganization proposals have stalled at conception.<sup>265</sup> At the various reorganization hearings, legislators and administrative officials have pointed to a variety of scattered programs and offices as prime targets for consolidation or restructuring, virtually none of which have come to pass.<sup>266</sup> One can, of course, quibble

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<sup>259</sup> See, e.g., *id.* at 1152 (“This combination seemed politically possible only because of the sense of national emergency at the time.”).

<sup>260</sup> See 2003 Reorganization Hearings, *supra* note 200, at 21–23; see also *Retooling Government for the 21st Century: The President’s Reorganization Plan and Reducing Duplication: Hearing Before the Comm. on Homeland Sec. and Governmental Affs.*, 112th Cong. 20 (2012) [hereinafter 2012 Reorganization Hearings] (emphasizing that the creation of the DHS “is not sufficient evidence that the Executive Branch and the Congress are ready to be transformative in government reorganization”).

<sup>261</sup> 2003 Reorganization Hearings, *supra* note 200, at 21–23.

<sup>262</sup> *Historical Background and Development of Social Security*, SOC. SEC. ADMIN., <https://www.ssa.gov/history/briefhistory3.html> [<https://perma.cc/N634-FQK9>] (last visited June 1, 2026) (noting that the vote to establish the SSA as an independent agency was unanimous).

<sup>263</sup> See HENRY B. HOGUE, CONG. RSCH. SERV., R47897, ABOLISHING A FEDERAL AGENCY: THE INTERSTATE COMMERCE COMMISSION 19 (2024).

<sup>264</sup> See *id.*

<sup>265</sup> See, e.g., 2012 Reorganization Hearings, *supra* note 260, at 106 (statement of Daniel Werfel, Comptroller, Off. of Mgmt. & Budget) (noting that “the vast majority of reorganizations proposed by the President, Members of Congress, or independent commissions have either not been taken up by Congress or have failed to be passed”).

<sup>266</sup> See, e.g., 2003 Reorganization Hearings, *supra* note 200, at 72 (noting that the Bush Administration had proposed roughly a dozen small-scale transfers as part of its 2003 budget, all but one of which fell apart due to “very limited resistance”); 2012 Reorganization Hearings, *supra* note 260, at 1–2 (statement of Sen. Joseph Lieberman, Chairman, Comm. on Homeland Sec. & Governmental Affs.) (citing various GAO proposals for consolidation); *id.* at 3 (statement of Sen. Susan Collins, Ranking Member, Comm. on Homeland Sec. & Governmental Affs.) (pointing out that “there are 11 agencies running 94 initiatives trying to foster green buildings in the non-Federal sectors”).

with any of the proposed changes on the merits.<sup>267</sup> And as discussed above, reorganization is almost never politically neutral.<sup>268</sup> But it is hard to imagine that anyone is better off in an environment in which almost nothing can change.

### C. *Designing a Viable Reorganization Act*

Were Congress to consider restoring the President's power to reorganize, there still is the question of what form that authority ought to take. Any proposal would need to address three basic design features: (1) the structure of the legislative approval process, (2) the permitted content and scope of any proposed reorganization plan, and (3) the duration of authority. This Section briefly considers each in turn.

Of the three, the structure of the legislative approval process appears to be the least controversial. As discussed in Part II, the 1984 extension to the Reorganization Act responded to the Supreme Court's decision in *Chadha* by replacing the legislative veto with a legislative "fast-track" process that all but guaranteed that any proposed reorganization would make its way to the floor.<sup>269</sup> Notably, every proposal introduced in the years since has preserved the basic structure of the 1984 Act.<sup>270</sup> Each of the proposed bills would have authorized the President to submit up to three plans at any given time.<sup>271</sup> The plans would then be referred to the governmental affairs committee in each chamber and would automatically be "discharged" from committee consideration after a maximum of seventy-five days.<sup>272</sup> At that point, *any* member of either chamber would be permitted to bring the plan to the floor for an up-or-down vote.<sup>273</sup>

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<sup>267</sup> See, e.g., Roger Pielke Jr., Editorial, *Science, Sea Grant and the Slippery Slope*, WEATHERZINE (Feb. 2002), <https://sciencepolicy.colorado.edu/zine/archives/32/zine.pdf> [https://perma.cc/RZM3-R9US] (raising concerns about the proposed transfer of various environmental education programs from the EPA to the National Science Foundation).

<sup>268</sup> See *supra* note 109 and accompanying text.

<sup>269</sup> See *supra* Section II.A.

<sup>270</sup> Although the various bills have proposed changes to the scope and duration of reorganization authority, none have amended the basic procedural requirements of the 1984 Act. See Reorganization Act Amendments of 1984, Pub. L. No. 98-614, 98 Stat. 3192; H.R. 1295, 119th Cong. (2025); S. 583, 119th Cong. (2025); S. 3137, 115th Cong. (2018); H.R. 6787, 115th Cong. (2018); S. 2129, 112th Cong. (2012), H.R. 4409, 112th Cong. (2012).

<sup>271</sup> None of the proposed bills would have made a change to the existing portion of the U.S. Code allowing the President to submit up to three plans at a time. See sources cited *supra* note 270; 5 U.S.C. § 903(b).

<sup>272</sup> Similarly, the proposed bills do not make changes to the existing portion of the U.S. Code regarding discharging plans. See sources cited *supra* note 270; 5 U.S.C. §§ 910(a)–(b), 911.

<sup>273</sup> No proposed bill amends the relevant section of the U.S. Code providing for an up-or-down vote. See sources cited *supra* note 270; 5 U.S.C. § 912(a)–(c).

In the intervening years, legislators have seriously considered only one change to the approval process: the number of votes needed in the Senate for a plan to go into effect.<sup>274</sup> When the Senate considered the Reforming the Government Act of 2018, Senate Democrats successfully pushed through an amendment that would have required any proposed reorganization plan to secure five Senate cosponsors from the minority party in order to be eligible to pass by a simple majority vote on the Senate floor.<sup>275</sup> Otherwise, the plan would need to be approved by three-fifths of the Senate—i.e., sixty votes.<sup>276</sup>

Although there is much that is nominally attractive about the bipartisanship requirement, in practice it could very well end up raising the political costs to reorganization beyond what an administration would reasonably be willing to bear. Even in the pre-*Chadha* years, reorganization necessarily faced an uphill battle given the many vested interests that inevitably would rise up in opposition.<sup>277</sup> Although the legislative fast-track process is a more viable alternative than the existing literature might suggest, it still would reduce the likelihood of passage at least to some degree.<sup>278</sup> Any additional barriers should therefore be approached with extreme caution (which probably is why the idea had never seriously been considered prior to 2018, and was once again omitted from bills introduced since).<sup>279</sup>

When it comes to the scope of any proposed reorganization act, there likewise appears to be near-universal agreement that the post-Watergate extensions of the Reorganization Acts had imposed far too many restrictions on the sorts of changes that could be accomplished through executive reorganization.<sup>280</sup> Under the 1984 version, the President could no longer use a reorganization plan to create or abolish an independent agency; to create, abolish, or *rename* a cabinet-level department; or to consolidate multiple independent agencies into a larger whole.<sup>281</sup> As

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<sup>274</sup> S. 3137, 115th Cong. § 3 (2018).

<sup>275</sup> *Id.*

<sup>276</sup> *Id.*

<sup>277</sup> See *supra* Section I.B (explaining the various reasons why reorganization measures in particular tend to face strong political headwinds).

<sup>278</sup> See *supra* notes 136–52 and accompanying text.

<sup>279</sup> Notably, although a 2012 report prepared by the Congressional Research Service considered *dozens* of possible tweaks and modifications to the Reorganization Act, it did not list a bipartisanship (or supermajority vote) requirement as one of them. See HOGUE, *supra* note 2, at 48–49 (considering other potential tweaks to the fast-track process); *id.* at 35–49 (considering all potential changes that Congress might want to make to the Act as a whole).

<sup>280</sup> See *supra* notes 173–78 and accompanying text. The 1977 Act prohibited the President from using a reorganization plan to abolish a statutory program or to abolish or consolidate an independent agency. A 1981 Amendment, which was never enacted, but which became the basis for the 1984 extension, prohibited the President from *creating* a new independent agency, or changing the name of a cabinet-level department. See HOGUE, *supra* note 2, at 27–30.

<sup>281</sup> 5 U.S.C. § 905.

critics pointed out at the time, many of the more notable plans advanced by prior administrations would no longer have been possible under the revised Act.<sup>282</sup> Notably, all of the bills introduced since 2003 have proposed to once again broaden the permissible scope of reorganization to where it stood in the 1950s and 1960s—thereby paving the way for far more consequential bureaucratic change.<sup>283</sup>

There are, however, several provisions in the 2025 reorganization bills that threaten to transform the power to “reorganize” into a one-way ratchet to dismantle large swaths of the regulatory state. Both the House and Senate versions of the Reorganizing Government Act of 2025 include new provisions that would permit the President to use a reorganization plan to “eliminat[e] . . . operations determined to be unnecessary for the execution of constitutional duties”; “to eliminate unnecessary and burdensome rules, regulations, and other requirements”; or to abolish an “enforcement function or statutory program.”<sup>284</sup> A President could not, however, use a reorganization plan to create *new* regulatory functions or strengthen existing enforcement programs.<sup>285</sup> Although couched in the language of “reorganization,” these provisions would make it possible for the executive branch—backed by simple majorities in both the House and Senate—to repeal entire regulatory programs, all of which effectively required supermajorities to enact in the first place.<sup>286</sup> These provisions should not be part of any serious conversation over restoring the President’s power to reorganize the executive branch.

On the other hand, when it comes to the *duration* of reorganization authority, existing proposals—and the prior Acts on which they draw—may not go far enough. As discussed above, all but one of the prior Reorganization Acts were set to expire well before the conclusion of the sitting President’s term in office, and most extended the authority for just two years.<sup>287</sup> Similarly, although the 2002 proposal put forward

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<sup>282</sup> *Hearing on H.R. 3270, H.R. 2528, and H.R. 3943, supra* note 176, at 62 (noting that four of the ten plans approved during the Carter Administration would no longer have been possible under the revised Act).

<sup>283</sup> *See* HOGUE, *supra* note 2, at 32–34 (describing the key provisions in the 2003 and 2012 bills); HENRY B. HOGUE, CONG. RSCH. SERV., R48763, PRESIDENTIAL REORGANIZATION AUTHORITY: POTENTIAL APPROACHES FOR CONGRESSIONAL CONSIDERATION 13–16 (2025) (describing key provisions of the 2018 and 2025 bills).

<sup>284</sup> H.R. 1295, 119th Cong. (2025); S. 583, 119th Cong. (2025).

<sup>285</sup> *See* sources cited *supra* note 284.

<sup>286</sup> *See id.*; Josh Chafetz, *The Phenomenology of Gridlock*, 88 NOTRE DAME L. REV. 2065, 2075 n.63 (2013) (“[B]ecause of the routinization of the filibuster, it is arguably the case that achieving unified government in practice requires a Senate supermajority, as well as the presidency and a House majority.”).

<sup>287</sup> *See* HOGUE, *supra* note 2, at 4; Appendix 1: Reorganization Acts and Amendments. The one exception was the Reorganization Act of 1949, which was set to expire in April of 1953, a few months after a new President would have been sworn in. *See* Appendix 1: Reorganization Acts

by the Bush Administration had asked Congress to make the authority permanent, all subsequent bills have limited the authority to just two years.<sup>288</sup>

Although legislators are right to be wary of delegating permanent reorganization authority given that it would be virtually impossible for Congress to claw it back at a later date, the proposed two-year extensions have transformed reorganization into a partisan exercise that has more or less doomed it to failure.<sup>289</sup> When President Bush sought the power to reorganize in 2003, Republicans in Congress largely praised the effort, whereas Democrats expressed a variety of doubts regarding the wisdom of ceding greater authority to the executive branch.<sup>290</sup> When President Obama made a similar request in 2012, however, it was the Republicans' turn to push back.<sup>291</sup> None of this is the least bit surprising. In our increasingly polarized times, it is unrealistic to expect the minority party to give up its only serious leverage—namely, the threat of a Senate filibuster—without getting anything in return.

Prior reauthorizations of the President's Trade Promotion Authority, which established a fast-track process for certain kinds of trade agreements, offer a more viable model. Congress first introduced the TPA "fast-track" process in 1975 as a way to balance the desire for congressional input with the need for swift and amendment-free approval of negotiated agreements.<sup>292</sup> The original TPA was set to expire in 1980—i.e., well into the next President's term.<sup>293</sup> In 1979, Congress extended the Act for an additional nine years, which meant that it was guaranteed

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and Amendments. However, Congress voted in February of 1953 to renew the Act for another two years, so all the reorganization plans that Eisenhower submitted were pursuant to a new grant of authority. *See id.*

<sup>288</sup> HOGUE, *supra* note 283, at 9–15.

<sup>289</sup> A permanent reauthorization would be virtually impossible to claw back because any future repeal act would require the President's support—or supermajorities in both chambers to override a presidential veto. And as Professor Chafetz points out, presidents, regardless of their partisan leanings, have traditionally been unwilling to give up authority once delegated. Chafetz, *supra* note 133 (manuscript at 18).

<sup>290</sup> *See, e.g.*, 2003 Reorganization Hearings, *supra* note 200, at 3–4 (statement of Republican Rep. Tom Davis) (praising the effort); *id.* at 17–18 (statement of Republican Rep. Tom Delay) (stressing the importance of restoring executive reorganization authority); *id.* at 6–7 (statement of Democrat Rep. Henry Waxman) (suggesting the task of reorganizing should be left to Congress); *id.* at 116–17 (statement of Democrat Rep. Chris Van Hollen) (arguing that Congress is perfectly capable of passing reorganization legislation on its own).

<sup>291</sup> *See, e.g.*, 2012 Reorganization Hearings, *supra* note 260, at 3 (statement of Republican Sen. Susan Collins) (describing any proposed extension of the Reorganization Act as a "mistake").

<sup>292</sup> *See* Michael A. Carrier, *All Aboard the Congressional Fast Track: From Trade to Beyond*, 29 GEO. WASH. J. INT'L L. & ECON. 687, 702–03 (1996) (describing the origins of the TPA fast-track).

<sup>293</sup> *See* Trade Act of 1974 § 101, 19 U.S.C. § 2111 (granting the President the authority to negotiate trade agreements subject to a fast-track approval process for five years after the date of enactment, which was January 3, 1975).

to remain in effect for at least two additional administrations.<sup>294</sup> A 2015 extension negotiated at the tail end of the Obama Administration was likewise set to expire well after he left office.<sup>295</sup> Similarly, a five-year—or even ten-year—extension of reorganization authority could potentially diminish some of the partisan posturing around reorganization by obscuring the likely political valence of any future uses to which that authority might be put.

#### D. *Executive Reorganization in the Age of the Unitary Executive*

One obvious objection to executive reorganization is that it would shift greater authority to the President at a time when presidents already exercise unprecedented control over the administrative state.<sup>296</sup> After taking office in January of 2025, President Trump embarked on an aggressive plan to dismantle the federal bureaucracy.<sup>297</sup> The Administration shuttered dozens of federal agencies and offices, either by eliminating programs entirely or by firing employees *en masse*.<sup>298</sup> The Administration also slashed various programs by simply refusing to disburse appropriated funds.<sup>299</sup> The Republican-controlled Congress did virtually nothing to rein in these efforts—leaving the initiative almost entirely in the President’s hands.<sup>300</sup> Against this backdrop, one might reasonably wonder whether it is wise for Congress to cede still more of its authority to the executive branch.<sup>301</sup>

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<sup>294</sup> See Carrier, *supra* note 292, at 707.

<sup>295</sup> The extension was set to expire on July 1, 2018, but was extended for an additional three years, ultimately expiring in July of 2021. See Bipartisan Congressional Trade Priorities and Accountability Act of 2015, Pub. L. No. 114-26, § 103(a)(1)(A)(i)–(ii), 129 Stat. 320, 333.

<sup>296</sup> Scholars have routinely described the modern presidency as “imperial,” “overweening,” and “unbound”—though they differ as to whether the transformation is desirable (or perhaps inevitable). See, e.g., ERIC A. POSNER & ADRIAN VERMEULE, *THE EXECUTIVE UNBOUND: AFTER THE MADISONIAN REPUBLIC* 113, 177 (2011) (arguing that consolidation of executive authority is an inevitable byproduct of the growing complexity of the modern world); Stephen I. Vladeck, *The Imperial Presidency’s Enablers: Why Executive Power Grows Unchecked*, 100 *FOREIGN AFFS.* 195, 195–96 (2021) (book review) (documenting the Supreme Court’s role in facilitating the expansion of presidential authority); Ashraf Ahmed, Lev Menand & Noah A. Rosenblum, *The Making of Presidential Administration*, 137 *HARV. L. REV.* 2131, 2134 (2024).

<sup>297</sup> See MCGARTY, *supra* note 25, at 54.

<sup>298</sup> See *supra* notes 18–19 and accompanying text.

<sup>299</sup> See Zachary S. Price, *Trumpian Impoundments in Historical Perspective*, 78 *STAN. L. REV.* ONLINE 19, 20–21 (2025).

<sup>300</sup> See Chafetz, *supra* note 133 (manuscript at 3).

<sup>301</sup> Indeed, this was precisely the Democrat’s objection to President Bush’s proposal to establish a fast-track reorganization process. See, e.g., 2003 Reorganization Hearings, *supra* note 200, at 15 (statement of Democratic Rep. William Lacy Clay) (lamenting that Congress had “already conceded much of its constitutional powers to the executive branch,” and questioning whether it made sense to concede still more); *id.* at 5 (statement of Democratic Rep. Henry A. Waxman) (noting that it “may not be the wisest course” to shift responsibility from Congress to the Executive).

In reality, these various developments may in fact make the case for executive reorganization even stronger than it once was. Indeed, executive reorganization via legislative fast-track may, in practice, give Congress *more* of a say in the structure of the federal bureaucracy—and bring some much-needed balance to the deregulatory status quo.

First, as the preceding discussion makes clear, the alternative to presidential reorganization is not *congressional* reorganization.<sup>302</sup> Rather, the prevailing pattern has been one of congressional *inaction*, coupled with informal “coordination” within the executive branch.<sup>303</sup> Although Congress has on occasion managed to pursue major reorganization efforts—typically in response to moments of crisis—the vast majority of proposals to alter the structure of the federal bureaucracy have failed to get off the ground, even in periods of unified party control.<sup>304</sup> In the absence of congressional action, presidents and agencies have turned instead to various forms of coordination and pooling, which typically give Congress *even fewer* opportunities to play a meaningful role.<sup>305</sup> By streamlining the process for formal reorganization, legislators may in fact make it more likely that future presidents work *with* Congress rather than around it in shaping the administrative state.

Second, restoring some form of executive reorganization authority can potentially serve as a counterweight to what has become an increasingly deregulatory status quo. As professors Jody Freeman and Sharon Jacobs observed back in 2021, it is far easier for presidents to destroy administrative capacity than to build it anew.<sup>306</sup> Focusing primarily on the first Trump Administration, the authors documented a variety of strategies that presidents can use to undermine an agency’s ability to pursue its statutory mandates, ranging from hiring freezes and staff relocations to “make-work” requirements that take up scarce agency time.<sup>307</sup> In practice, these sorts of changes can have lasting effects on agency performance.<sup>308</sup> They do not, however, require congressional buy-in—and they rarely trigger the various requirements of administrative law, such as notice-and-comment rulemaking or judicial review.<sup>309</sup>

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<sup>302</sup> See *supra* notes 90–102 and accompanying text.

<sup>303</sup> See *supra* Section III.A.

<sup>304</sup> See *supra* notes 244–67 and accompanying text.

<sup>305</sup> See, e.g., Renan, *supra* note 15, at 255–67 (describing pooling as a mechanism to build capacity without legislative input, and at times to circumvent congressional oversight).

<sup>306</sup> Jody Freeman & Sharon Jacobs, *Structural Deregulation*, 135 HARV. L. REV. 585, 636–37 (2021); see also MCGARITY, *supra* note 25, at 4–7 (making a similar observation regarding President Trump’s vigorous dismantling of the administrative state).

<sup>307</sup> See Freeman & Jacobs, *supra* note 306, at 591–623 (discussing various mechanisms used to undermine agency capabilities).

<sup>308</sup> See *id.* at 636–37.

<sup>309</sup> See *id.* at 650–51.

The first two years of the second Trump Administration suggest that, if anything, the problem is far more acute than their account would suggest. Whereas the first Trump Administration largely confined itself to various subtle forms of bureaucratic undermining, the second Trump Administration made far more aggressive use of mass layoffs and funding cuts to bring agency operations to a halt.<sup>310</sup> Although courts blocked some of these moves, others have thus far been permitted to stand.<sup>311</sup> Congress, meanwhile, did little to check the President's power grab.<sup>312</sup> With slim Republican majorities in both the House and Senate, the Trump Administration predictably faced little pushback from the legislative branch.<sup>313</sup>

The problem is that although slim majorities can shield unilateral executive action from legislative scrutiny, they typically are insufficient to enact *new* legislation—which is what it would take to build new regulatory capacity by consolidating existing agencies or creating new ones.<sup>314</sup> In this regard, too, it is far easier for a party that enjoys bare majoritarian support to dismantle existing administrative capacity than it is to establish something more effective and streamlined in its place. Restoring executive reorganization via legislative fast-track would be a small step toward rebalancing this state of affairs.

Of course, were Congress to grant presidents the authority to reorganize, there is no guarantee that future administrations would use that authority in ways that improve administrative governance—as opposed to abolishing those agencies whose missions are unpopular with their base. Had the Trump Administration had access to a legislative fast-track process, would it already have used it to permanently eliminate the Department of Education instead of relying on layoffs and inter-agency agreements to take the Agency apart in piecemeal fashion?<sup>315</sup>

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<sup>310</sup> See *supra* notes 306–09 and accompanying text; see also Chafetz, *supra* note 133 (manuscript at 45) (discussing how the second Trump Administration “has engaged in even more aggressive impoundment attempts” than the first).

<sup>311</sup> See, e.g., *Nat'l Treasury Emps. Union v. Vought*, 149 F.4th 762, 775–76, 794 (D.C. Cir. 2025) (dismissing challenge to mass layoffs and funding cuts at the CFPB on jurisdictional grounds), *vacated and reh'g en banc granted*, No. 25-5091, 2025 WL 3659406 (D.C. Cir. Dec. 17, 2025); *Dep't of State v. AIDS Vaccine Advoc. Coal.*, 146 S. Ct. 19 (2025) (staying a lower court order directing the Administration to disburse some four billion dollars in frozen foreign aid funds).

<sup>312</sup> See generally Chafetz, *supra* note 133 (examining these events).

<sup>313</sup> See Chafetz, *supra* note 133 (manuscript at 41).

<sup>314</sup> As discussed above, between the committee system and the Senate filibuster, legislation typically requires more than a simple majority in order to make its way to the President's desk. See *supra* Sections I.A, III.C.

<sup>315</sup> See Mackenzie Wilkes, Juan Perez Jr. & Rebecca Carballo, *Why Republicans Are Worried About Trump's Plans to Split the Education Department*, POLITICO (Nov. 18, 2025, at 22:21 ET), [https://www.politico.com/news/2025/11/18/why-republicans-are-worried-about-trumps-plans-to-split-the-education-department-00658588? \[https://perma.cc/95TF-577B\]](https://www.politico.com/news/2025/11/18/why-republicans-are-worried-about-trumps-plans-to-split-the-education-department-00658588? [https://perma.cc/95TF-577B]).

Although this is a fair concern, the tradeoffs may nevertheless be worth the risk. First, it is by no means clear that the Administration's various moves to dismantle the federal bureaucracy actually enjoy majoritarian support. The same members of Congress who have been willing to stand by and allow the President to act unilaterally may think twice before registering their approval via a recorded vote in favor of a reorganization plan.<sup>316</sup> Second, and far more importantly, there are significant benefits to making it easier for majorities to govern, even if we may not always like the choices that prevailing majorities might make. As professors Samuel Issacharoff and Richard Pildes point out, there is an inherent tradeoff between process and efficacy—and as it stands, our system tends to offer too much of the former at the expense of the latter.<sup>317</sup> Congressional “vetogates” may make it easier for the minority party to block undesirable changes to the federal bureaucracy.<sup>318</sup> But that comes at the expense of their own ability, once back in power, to “deliver effective outcomes on the major issues of the day.”<sup>319</sup>

Of course, to the extent that our system makes it too difficult to enact majoritarian policy preferences, one might reasonably ask whether *reorganization* is the place to start. After all, any benefits from bureaucratic restructuring will necessarily take time to materialize. And even in the long run, they are likely to be relatively modest as compared with major substantive reform. Why not aim higher—by getting rid of the filibuster, for example, which critics on both the left and right have long singled out as an obstacle to getting things done?<sup>320</sup>

Although a complete answer to that question is well beyond the scope of this Article, there are a number of reasons to think that executive reorganization authority is worth pursuing—either on its own, or as part of a broader package of democratic reform. First, as the discussion in Part II suggests, proposals to restructure the federal bureaucracy may be *especially* susceptible to legislative gridlock in ways that make the legislative fast-track process especially fitting.<sup>321</sup> Second, the history of environmental legislation suggests that executive reorganization can potentially be used in tandem with major substantive policy reform to

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<sup>316</sup> See *id.* With respect to the Department of Education, for example, multiple Republicans have expressed concern about the President's use of interagency agreements to shift functions to other departments. *Id.*

<sup>317</sup> Samuel Issacharoff & Richard H. Pildes, *Participation Versus Effective Government*, 26 THEORETICAL INQUIRIES L. 235, 236 (2025).

<sup>318</sup> See William N. Eskridge Jr., *Vetogates and American Public Law*, 31 J.L. ECON. & ORG. 756, 758–59 (2015).

<sup>319</sup> Issacharoff & Pildes, *supra* note 317, at 235.

<sup>320</sup> See, e.g., Chafetz, *supra* note 286, at 2065, 2083 (listing the filibuster as a key source of democratic dysfunction).

<sup>321</sup> See *supra* notes 167–72 and accompanying text.

magnify its long-term impact.<sup>322</sup> Finally, after decades of deprioritizing structural change, there undoubtedly are a variety of changes presidents could pursue that have the potential to deliver tangible wins.

### CONCLUSION

Since at least the turn of the twentieth century, politicians from both parties have lamented the many obstacles to bureaucratic reform. In 1932, Congress and the President devised a workaround that promised to minimize at least some of these hurdles, while ensuring that both political branches would continue to play a meaningful role in designing the structure of the administrative state. For the next fifty years, presidents used their authority to propose a variety of changes to the federal bureaucracy. Reorganization was hardly a panacea. And even with a streamlined process, efforts to reshape the bureaucracy often faced an uphill battle. Still, at least at the margins, the Reorganization Acts made it easier to effect structural change.

By the time the Supreme Court decided *Chadha* in 1984, commentators across the political spectrum had already begun to sour on the desirability of reorganization. This was a mistake. Coordination may indeed be easier and less disruptive. But there also are limits to what it can achieve. Without a viable political mechanism for pursuing formal reorganization, however, coordination is all we are ever going to get.

Admittedly, restoring the President's reorganization authority would require Congress to give up some measure of control over the design of the federal bureaucracy—a prospect that may seem altogether dubious at a time when presidents already exercise far too much control. However, there is good reason to think that a legislative fast-track process could actually encourage *more* interbranch collaboration by making it more advantageous for presidents to work with legislators to effect permanent structural change.

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<sup>322</sup> Recall that although Congress enacted several pieces of environmental legislation in the 1960s and 1970s, efforts to combine the various environmental agencies into a coherent whole took place exclusively via reorganization plans. *See supra* notes 94–101 and accompanying text.

## APPENDIX 1: REORGANIZATION ACTS AND AMENDMENTS

Appendix 1 below presents the various Reorganization Acts, their amendments, and the political context in which both arose. The partisan breakdown in both houses reflects the composition of the legislature on the date when any given Reorganization Act or Amendment was passed by the chamber in question.

| Reorganization Act                        | Start Date (or Enactment) to Sunset Date (or Presidency/Congress End Date) | President and Party | Congress (with Years) | Senate Party and Breakdown          | House Party and Breakdown             |
|-------------------------------------------|----------------------------------------------------------------------------|---------------------|-----------------------|-------------------------------------|---------------------------------------|
| Reorganization Act of 1939                | 4/3/1939–1/20/1941                                                         | Roosevelt (D)       | 76th (1939–1941)      | Dem.<br>69 Ds,<br>23 Rs,<br>4 other | Dem.<br>262 Ds,<br>169 Rs,<br>4 other |
| No Authority <sup>323</sup>               | 1/21/1941–4/12/1945                                                        | Roosevelt (D)       | 77th (1941–1943)      | Dem.<br>66 Ds,<br>28 Rs,<br>2 other | Dem.<br>267 Ds,<br>162 Rs,<br>6 other |
|                                           |                                                                            |                     | 78th (1943–1945)      | Dem.<br>57 Ds,<br>38 Rs,<br>1 other | Dem.<br>222 Ds,<br>209 Rs,<br>4 other |
| No Authority <sup>324</sup>               | 4/12/1945–12/19/1945                                                       | Truman (D)          | 79th (1945–1947)      | Dem.<br>57 Ds,<br>38 Rs,<br>1 other | Dem.<br>244 Ds,<br>189 Rs,<br>2 other |
| Reorganization Act of 1945                | 12/20/1945–3/31/1948                                                       | Truman (D)          | 79th (1945–1947)      | Dem.<br>57 Ds,<br>38 Rs,<br>1 other | Dem.<br>244 Ds,<br>189 Rs,<br>2 other |
| No Authority                              | 4/1/1948–6/19/1949                                                         | Truman (D)          | 80th (1947–1949)      | Rep.<br>45 Ds,<br>51 Rs,            | Rep.<br>188 Ds,<br>246 Rs,<br>1 other |
| Reorganization Act of 1949 <sup>325</sup> | 6/20/1949–3/31/1953                                                        | Truman (D)          | 81st (1949–1951)      | Dem.<br>54 Ds,<br>42 Rs             | Dem.<br>263 Ds,<br>171 Rs,<br>1 other |

<sup>323</sup> The War Powers Acts of 1941 and 1942 gave the President expansive authority to reorganize the federal bureaucracy to prosecute the war effort, without a legislative veto; the authority lapsed at the end of the war. *See* First War Powers Act of 1941, ch. 593, 55 Stat. 838 (repealed 1966); Second War Powers Act of 1942, ch. 199, 56 Stat. 176 (repealed 1946).

<sup>324</sup> Same as previous.

<sup>325</sup> The Act was set to expire after the conclusion of Truman's presidency on April 1, 1953, but Congress voted in February of 1953 to extend the Act for another two years. *See* Act of Feb. 11,

| <b>Reorganization Act</b> | <b>Start Date (or Enactment) to Sunset Date (or Presidency/Congress End Date)</b> | <b>President and Party</b> | <b>Congress (with Years)</b> | <b>Senate Party and Breakdown</b>   | <b>House Party and Breakdown</b>      |
|---------------------------|-----------------------------------------------------------------------------------|----------------------------|------------------------------|-------------------------------------|---------------------------------------|
| Amendment of 1953         | 2/11/1953–3/31/1955                                                               | Eisenhower (R)             | 83rd (1953–1955)             | Rep.<br>47 Ds,<br>48 Rs,<br>1 other | Rep.<br>213 Ds,<br>221 Rs,<br>1 other |
| Amendment of 1955         | 3/25/1955–5/31/1957                                                               | Eisenhower (R)             | 84th (1955–1957)             | Dem.<br>48 Ds,<br>47 Rs,<br>1 other | Dem.<br>232 Ds,<br>203 Rs             |
| Amendment of 1957         | 9/4/1957–5/31/1959                                                                | Eisenhower (R)             | 85th (1957–1959)             | Dem.<br>49 Ds,<br>47 Rs             | Dem.<br>232 Ds,<br>203 Rs             |
| No Authority              | 6/1/1959–1/20/1961                                                                | Eisenhower (R)             | 86th (1959–1961)             | Dem.<br>65 Ds,<br>35 Rs             | Dem.<br>282 Ds,<br>153 Rs,<br>1 other |
| No Authority              | 1/21/1961–4/6/1961                                                                | Kennedy (D)                | 87th (1961–1963)             | Dem.<br>64 Ds,<br>36 Rs             | Dem.<br>264 Ds,<br>173 Rs             |
| Amendment of 1961         | 4/7/1961–5/31/1963                                                                | Kennedy (D)                | 87th (1961–1963)             | Dem.<br>64 Ds,<br>36 Rs             | Dem.<br>264 Ds,<br>173 Rs             |
| No Authority              | 6/1/1963–11/22/1963                                                               | Kennedy (D)                | 88th (1963–1965)             | Dem.<br>66 Ds,<br>34 Rs             | Dem.<br>258 Ds,<br>176 Rs,<br>1 other |
| No Authority              | 11/23/1963–7/1/1964                                                               | Johnson (D)                | 88th (1963–1965)             | Dem.<br>66 Ds,<br>34 Rs             | Dem.<br>258 Ds,<br>176 Rs,<br>1 other |
| Amendment of 1964         | 7/2/1964–5/31/1965                                                                | Johnson (D)                | 88th (1963–1965)             | Dem.<br>66 Ds,<br>34 Rs             | Dem.<br>258 Ds,<br>176 Rs,<br>1 other |
| Amendment of 1965         | 6/18/1965–12/30/1968                                                              | Johnson (D)                | 89th (1965–1967)             | Dem.<br>68 Ds,<br>32 Rs             | Dem.<br>295 Ds,<br>140 Rs             |
| No Authority              | 12/31/1968–1/20/1969                                                              | Johnson (D)                | 91st (1969–1971)             | Dem.<br>57 Ds,<br>43 Rs             | Dem.<br>243 Ds,<br>192 Rs             |

| <b>Reorganization Act</b>  | <b>Start Date (or Enactment) to Sunset Date (or Presidency/ Congress End Date)</b> | <b>President and Party</b> | <b>Congress (with Years)</b> | <b>Senate Party and Breakdown</b>   | <b>House Party and Breakdown</b> |
|----------------------------|------------------------------------------------------------------------------------|----------------------------|------------------------------|-------------------------------------|----------------------------------|
| No Authority               | 1/21/1969–3/26/1969                                                                | Nixon (R)                  | 91st (1969–1971)             | Dem.<br>57 Ds,<br>43 Rs.            | Dem.<br>243 Ds,<br>192 Rs        |
| Amendment of 1969          | 3/27/1969–3/31/1971                                                                | Nixon (R)                  | 91st (1969–1971)             | Dem.<br>57 Ds,<br>43 Rs             | Dem.<br>243 Ds,<br>192 Rs        |
| No Authority               | 4/1/1971–12/9/1971                                                                 | Nixon (R)                  | 92nd (1971–1973)             | Dem.<br>54 Ds,<br>44 Rs,<br>2 other | Dem.<br>255 Ds,<br>180 Rs        |
| Amendments of 1971         | 12/10/1971–3/31/1973                                                               | Nixon (R)                  | 92nd (1971–1973)             | Dem.<br>54 Ds,<br>44 Rs,<br>2 other | Dem.<br>255 Ds,<br>180 Rs        |
| No Authority               | 4/1/1973–8/9/1974                                                                  | Nixon (R)                  | 93rd (1973–1975)             | Dem.<br>56 Ds,<br>42 Rs,<br>2 other | Dem.<br>243 Ds,<br>192 Rs        |
| No Authority               | 8/10/1974–1/20/1977                                                                | Ford (R)                   | 93rd (1973–1975)             | Dem.<br>56 Ds,<br>42 Rs,<br>2 other | Dem.<br>243 Ds,<br>192 Rs        |
|                            |                                                                                    |                            | 94th (1975–1977)             | Dem.<br>61 Ds,<br>37 Rs,<br>2 other | Dem.<br>291 Ds,<br>144 Rs        |
| No Authority               | 1/21/1977–4/5/1977                                                                 | Carter (D)                 | 95th (1977–1978)             | Dem.<br>61 Ds,<br>38 Rs,<br>1 other | Dem.<br>292 Ds,<br>143 Rs        |
| Reorganization Act of 1977 | 4/6/1977–4/6/1980                                                                  | Carter (D)                 | 95th (1977–1979)             | Dem.<br>61 Ds,<br>38 Rs,<br>1 other | Dem.<br>292 Ds,<br>143 Rs        |
| Amendment of 1980          | 4/8/1980–1/20/1981                                                                 | Carter (D)                 | 96th (1979–1981)             | Dem.<br>58 Ds,<br>41 Rs,<br>1 other | Dem.<br>278 Ds,<br>157 Rs        |
| Amendment of 1980          | 1/21/1981–4/6/1981                                                                 | Reagan (R)                 | 97th (1981–1983)             | Rep.<br>46 Ds,<br>53 Rs,<br>1 other | Dem.<br>243 Ds,<br>192 Rs        |

| Reorganization Act | Start Date (or Enactment) to Sunset Date (or Presidency/Congress End Date) | President and Party | Congress (with Years) | Senate Party and Breakdown          | House Party and Breakdown |
|--------------------|----------------------------------------------------------------------------|---------------------|-----------------------|-------------------------------------|---------------------------|
| No Authority       | 4/7/1981–11/7/1984                                                         | Reagan (R)          | 97th (1981–1983)      | Rep.<br>46 Ds,<br>53 Rs,<br>1 other | Dem.<br>243 Ds,<br>192 Rs |
|                    |                                                                            |                     | 98th (1983–1985)      | Rep.<br>45 Ds,<br>55 Rs             | Dem.<br>269 Ds,<br>166 Rs |
| Amendments of 1984 | 11/8/1984–12/31/1984                                                       | Reagan (R)          | 98th (1983–1985)      | Rep.<br>45 Ds,<br>55 Rs             | Dem.<br>269 Ds,<br>166 Rs |

## APPENDIX 2: SUBMITTED ORGANIZATION PLANS

Appendix 2 below presents the Reorganization Plans, a brief description of their contents, information about congressional treatment of the Plans, and the political makeup on Congress at the time.

| Plan ID | President       | Title                     | Short Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Approved/Disapproved | Party in Power                                 |
|---------|-----------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------|
| 1       | Roosevelt, 1939 | Reorganization Plan No. 1 | Multipart plan: Part I transferred budget authority to Executive Office of the President; Part II created the Federal Security Agency by consolidating functions from multiple agencies; Part III created the Federal Works Agency by consolidating functions from multiple agencies; Part IV consolidated various lending programs under the Department of Agriculture.                                                                                                                                                                                                                       | Approved, 1939-07-01 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 2       | Roosevelt, 1939 | Reorganization Plan No. 2 | Multipart plan: Part I transferred several functions, some major and some minor, between various departments, including a substantial buildup of the Department of the Interior; Part II transferred additional functions to the Federal Security Agency from various independent agencies; Part III abolished the National Emergency Council and transferred its functions to the Executive Office of the President; Part IV made clear that functions transferred among departments were to be transferred to the department head, thereby allowing subsequent reorganization to take place. | Approved, 1939-07-01 | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President       | Title                     | Short Description                                                                                                                                                                                                       | Approved/Disapproved    | Party in Power                                 |
|---------|-----------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 3       | Roosevelt, 1940 | Reorganization Plan No. 3 | Multipart plan that made a variety of intra-agency reorganizations (i.e., consolidating functions/offices, eliminating some offices entirely, shifting authority up to secretary, etc.).                                | Approved, 1940-06-30    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 4       | Roosevelt, 1940 | Reorganization Plan No. 4 | Multipart plan that made a variety of interagency transfers, most of which were relatively minor except the transfer of the Civil Aeronautics Authority (which was formerly independent) to Commerce, which was bigger. | Approved, 1940-06-30    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 5       | Roosevelt, 1940 | Reorganization Plan No. 5 | Transferred the Immigration and Naturalization Service from the Department of Labor to the DOJ.                                                                                                                         | Approved, 1940-06-14    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 6       | Truman, 1946    | Reorganization Plan No. 1 | Multipart plan that proposed a variety of interagency transfers and proposed to consolidate a variety of housing-related functions in a National Housing Agency.                                                        | Disapproved, 1946-07-15 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 7       | Truman, 1946    | Reorganization Plan No. 2 | Consolidated various functions under the Federal Security Agency; abolished the Social Security Board and replaced it with an administrator responsible to the head of the FSA.                                         | Approved, 1946-07-16    | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                     | Short Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Approved/Disapproved | Party in Power                                 |
|---------|--------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------|
| 8       | Truman, 1946 | Reorganization Plan No. 3 | Multipart plan that made a variety of interagency transfers and reorganizations, some of which had previously been done under the War Powers Act and some that were new; also created the Bureau of Land Management and consolidated various functions.                                                                                                                                                                                                                                                                                                                                                    | Approved, 1946-07-16 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 9       | Truman, 1947 | Reorganization Plan No. 1 | Plan made permanent some of the temporary transfers and reorganizations that were authorized under the War Powers Act, which gave the President authority to reorganize the executive branch however he saw fit to prosecute the war effort—without a legislative veto hanging over him—provided that everything reverted back to where it stood. Most of the changes in this Plan were relatively minor, e.g., consolidating various agricultural research offices under the Secretary of Agriculture, transferring war-time contract settlement responsibilities to the Department of the Treasury, etc. | Approved, 1947-07-01 | President: Dem.<br>Senate: Rep.<br>House: Rep. |

| Plan ID | President    | Title                     | Short Description                                                                                                                                                                                                                                                                                                                                                                | Approved/Disapproved    | Party in Power                                 |
|---------|--------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 10      | Truman, 1947 | Reorganization Plan No. 2 | Transferred the U.S. Employment Service to the Department of Labor. The Service had been transferred from the Federal Security Agency to the Labor Department under the wartime authority; this plan would have kept it there permanently. The proposed transfer would have strengthened the Department of Labor, which was perceived to favor the interests of organized labor. | Disapproved, 1947-06-30 | President: Dem.<br>Senate: Rep.<br>House: Rep. |
| 11      | Truman, 1947 | Reorganization Plan No. 3 | Focused exclusively on the creation of a central organization for housing-related functions. The National Housing Agency had consolidated housing-related functions, but it was formed under the War Powers Act and was set to expire.                                                                                                                                           | Approved, 1947-07-27    | President: Dem.<br>Senate: Rep.<br>House: Rep. |
| 12      | Truman, 1948 | Reorganization Plan No. 1 | Proposed to make permanent the U.S. Employment Service's location in the Department of Labor—where it had been temporarily located during wartime—and also proposed to transfer unemployment insurance (Bureau of Employment Security) from the Social Security Administration to the Department of Labor.                                                                       | Disapproved, 1948-03-16 | President: Dem.<br>Senate: Rep.<br>House: Rep. |

| Plan ID | President    | Title                     | Short Description                                                                                                                                                            | Approved/Disapproved    | Party in Power                                 |
|---------|--------------|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 13      | Truman, 1949 | Reorganization Plan No. 1 | Proposed establishment of a Department of Welfare to “perform the functions and conduct the programs now administered by the Federal Security Agency.”                       | Disapproved, 1949-08-16 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 14      | Truman, 1949 | Reorganization Plan No. 2 | Transferred the Bureau of Employment Security from the Federal Security Agency to the Department of Labor, along with the functions of the Veterans Placement Service Board. | Approved, 1949-08-20    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 15      | Truman, 1949 | Reorganization Plan No. 3 | Consolidated authority for Post Office officers and agencies under the Postmaster General.                                                                                   | Approved, 1949-08-20    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 16      | Truman, 1949 | Reorganization Plan No. 4 | Transferred the National Security Council and the National Security Resources Board to the Executive Office of the President.                                                | Approved, 1949-08-20    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 17      | Truman, 1949 | Reorganization Plan No. 5 | Transferred powers from the Civil Service Commission to its Chairman.                                                                                                        | Approved, 1949-08-20    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 18      | Truman, 1949 | Reorganization Plan No. 6 | Transferred powers from the U.S. Maritime Commission to its Chairman.                                                                                                        | Approved, 1949-08-20    | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                     | Short Description                                                                                                                                                           | Approved/Disapproved    | Party in Power                                 |
|---------|--------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 19      | Truman, 1949 | Reorganization Plan No. 7 | Transferred the Public Roads Administration to the Department of Commerce.                                                                                                  | Approved, 1949-08-20    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 20      | Truman, 1949 | Reorganization Plan No. 8 | Unified the armed services into the Department of Defense, replacing the National Military Establishment.                                                                   | Disapproved, 1949-08-10 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 21      | Truman, 1950 | Reorganization Plan No. 1 | Consolidated functions within the Department of the Treasury under the authority of the Secretary of the Treasury (allowing the Secretary to reorganize them).              | Disapproved, 1950-05-11 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 22      | Truman, 1950 | Reorganization Plan No. 2 | Consolidated functions within the DOJ under the authority of the Attorney General (allowing the Attorney General to reorganize them); created Deputy Attorney General role. | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 23      | Truman, 1950 | Reorganization Plan No. 3 | Consolidated functions within the Department of the Interior under the authority of the Secretary of the Interior (allowing the Secretary to reorganize them).              | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 24      | Truman, 1950 | Reorganization Plan No. 4 | Consolidated functions within the Department of Agriculture under the authority of the Secretary of Agriculture (allowing the Secretary to reorganize them).                | Disapproved, 1950-05-18 | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                      | Short Description                                                                                                                                      | Approved/Disapproved    | Party in Power                                 |
|---------|--------------|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 25      | Truman, 1950 | Reorganization Plan No. 5  | Consolidated functions within the Department of Commerce under the authority of the Secretary of Commerce (allowing the Secretary to reorganize them). | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 26      | Truman, 1950 | Reorganization Plan No. 6  | Consolidated functions within the Department of Labor under the authority of the Secretary of Labor (allowing the Secretary to reorganize them).       | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 27      | Truman, 1950 | Reorganization Plan No. 7  | Transferred powers from the Interstate Commerce Commission to its Chairman.                                                                            | Disapproved, 1950-05-17 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 28      | Truman, 1950 | Reorganization Plan No. 8  | Transferred powers from the Federal Trade Commission to its Chairman.                                                                                  | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 29      | Truman, 1950 | Reorganization Plan No. 9  | Transferred powers from the Federal Power Commission to its Chairman.                                                                                  | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 30      | Truman, 1950 | Reorganization Plan No. 10 | Transferred powers from the Securities and Exchange Commission to its Chairman.                                                                        | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 31      | Truman, 1950 | Reorganization Plan No. 11 | Transferred powers from the Federal Communications Commission to its Chairman.                                                                         | Disapproved, 1950-05-17 | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                      | Short Description                                                                                                                                                                                                                       | Approved/Disapproved    | Party in Power                                 |
|---------|--------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 32      | Truman, 1950 | Reorganization Plan No. 12 | Transferred powers from the National Labor Relations Board and from its General Counsel to its Chairman.                                                                                                                                | Disapproved, 1950-05-11 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 33      | Truman, 1950 | Reorganization Plan No. 13 | Transferred powers from the Civil Aeronautics Board to its Chairman.                                                                                                                                                                    | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 34      | Truman, 1950 | Reorganization Plan No. 14 | Directed the Secretary of Labor to create standards, regulations, and procedures for administration of labor standards, and to investigate noncompliance.                                                                               | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 35      | Truman, 1950 | Reorganization Plan No. 15 | Transferred functions relating to public works in Alaska and the Virgin Islands from the General Services Administration to the Secretary of the Interior.                                                                              | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 36      | Truman, 1950 | Reorganization Plan No. 16 | "[T]ransfer[red] to the Federal Security Agency the functions of the General Services Administration relating to assistance to local school districts and grants and loans for water-pollution-control projects."                       | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 37      | Truman, 1950 | Reorganization Plan No. 17 | "[T]ransfer[red] the functions of the General Services Administration relating to the advance planning of non-Federal public works and the management and disposal of certain war public works to the Housing and Home Finance Agency." | Approved, 1950-05-24    | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                      | Short Description                                                                                                                                                                                                                                  | Approved/Disapproved | Party in Power                                 |
|---------|--------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------|
| 38      | Truman, 1950 | Reorganization Plan No. 18 | “[T]ransfer[red] to the Administrator of General Services the functions of the various Federal agencies with respect to leasing and assigning general-purpose space in buildings and the operation, maintenance, and custody of office buildings.” | Approved, 1950-07-01 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 39      | Truman, 1950 | Reorganization Plan No. 19 | Transferred the Bureau of Employees' Compensation and the Employees' Compensation Appeals Board from the Federal Security Agency to the Department of Labor.                                                                                       | Approved, 1950-05-24 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 40      | Truman, 1950 | Reorganization Plan No. 20 | Transferred the Secretary of State's duties with respect to publication of domestic legislative and executive documents to the Administrator of General Services.                                                                                  | Approved, 1950-05-24 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 41      | Truman, 1950 | Reorganization Plan No. 21 | Established the Federal Maritime Board and Maritime Administration within the Department of Commerce and transferred some duties from the U.S. Maritime Commission.                                                                                | Approved, 1950-05-24 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 42      | Truman, 1950 | Reorganization Plan No. 22 | Transferred the Federal National Mortgage Association from the Reconstruction Finance Corporation to the Housing and Home Finance Agency.                                                                                                          | Approved, 1950-09-07 | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                      | Short Description                                                                                                                                                                                                                | Approved/Disapproved    | Party in Power                                 |
|---------|--------------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 43      | Truman, 1950 | Reorganization Plan No. 23 | Transferred certain lending functions of the Reconstruction Finance Corporation to the Housing and Home Finance Agency.                                                                                                          | Approved, 1950-09-07    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 44      | Truman, 1950 | Reorganization Plan No. 24 | Transferred the Reconstruction Finance Corporation to the Department of Commerce.                                                                                                                                                | Disapproved, 1950-07-06 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 45      | Truman, 1950 | Reorganization Plan No. 25 | Transferred the powers of the National Security Resources Board to its Chairman.                                                                                                                                                 | Approved, 1950-07-09    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 46      | Truman, 1950 | Reorganization Plan No. 26 | Consolidated functions within the Department of the Treasury under the authority of the Secretary of the Treasury. (Identical to Plan No. 1 of 1950, except it fixed the one issue that had caused the Senate to disapprove it.) | Approved, 1950-07-31    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 47      | Truman, 1950 | Reorganization Plan No. 27 | Created the Department of Health, Education, and Security and transferred all components of the Federal Security Agency to it.                                                                                                   | Disapproved, 1950-07-10 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 48      | Truman, 1951 | Reorganization Plan No. 1  | Replaced the Board of Directors of the Reconstruction Finance Corporation with a single Administrator and a new Loan Policy Board.                                                                                               | Approved, 1951-05-01    | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President        | Title                     | Short Description                                                                                                                                            | Approved/Disapproved    | Party in Power                                 |
|---------|------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------|
| 49      | Truman, 1952     | Reorganization Plan No. 1 | Reshuffled key offices and administrators within the Bureau of Internal Revenue.                                                                             | Approved, 1952-03-15    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 50      | Truman, 1952     | Reorganization Plan No. 2 | Replaced tiered system of postmasters and consolidated authority with the Postmaster General.                                                                | Disapproved, 1952-06-18 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 51      | Truman, 1952     | Reorganization Plan No. 3 | Gave the Secretary of the Treasury authority to appoint officials in the Bureau of Customs.                                                                  | Disapproved, 1952-06-18 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 52      | Truman, 1952     | Reorganization Plan No. 4 | Gave the Attorney General the authority to appoint U.S. Marshals.                                                                                            | Disapproved, 1952-06-18 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 53      | Truman, 1952     | Reorganization Plan No. 5 | Transferred several functions within the D.C. government to the D.C. Board of Commissioners.                                                                 | Approved, 1952-07-01    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 54      | Eisenhower, 1953 | Reorganization Plan No. 1 | Created a Department of Health, Education, and Security and transferred all components of the Federal Security Agency to it.                                 | Approved, 1953-04-11    | President: Rep.<br>Senate: Rep.<br>House: Rep. |
| 55      | Eisenhower, 1953 | Reorganization Plan No. 2 | Consolidated functions within the Department of Agriculture under the authority of the Secretary of Agriculture (allowing the Secretary to reorganize them). | Approved, 1953-06-04    | President: Rep.<br>Senate: Rep.<br>House: Rep. |

| Plan ID | President        | Title                     | Short Description                                                                                                                                                                                 | Approved/Disapproved | Party in Power                                  |
|---------|------------------|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------------------------------------------|
| 56      | Eisenhower, 1953 | Reorganization Plan No. 3 | Created the Office of Defense Mobilization within the Office of the President and transferred functions from the National Security Resources Board, which it abolished, and certain other boards. | Approved, 1953-06-12 | President: Rep.<br>Senate: Rep.<br>House: Rep.  |
| 57      | Eisenhower, 1953 | Reorganization Plan No. 4 | Transferred duties from the Solicitor General to the Deputy Attorney General.                                                                                                                     | Approved, 1953-06-20 | President: Rep.<br>Senate: Rep.<br>House: Rep.  |
| 58      | Eisenhower, 1953 | Reorganization Plan No. 5 | Abolished the Board of Directors of the Export-Import Bank of Washington and replaced it with a single Managing Director.                                                                         | Approved, 1953-06-30 | President: Rep.<br>Senate: Rep.<br>House: Rep.  |
| 59      | Eisenhower, 1953 | Reorganization Plan No. 6 | Abolished some defense-related offices and transferred their powers and duties to the Secretary of Defense; created new Assistant Secretary roles.                                                | Approved, 1953-06-30 | President: Rep.<br>Senate: Rep.<br>House: Rep.  |
| 60      | Eisenhower, 1953 | Reorganization Plan No. 7 | Abolished the Mutual Security Agency and established the Foreign Operations Administration in its place; also transferred functions from the Institute of Inter-American Affairs.                 | Approved, 1953-08-01 | President: Rep.<br>Senate: Split<br>House: Rep. |
| 61      | Eisenhower, 1953 | Reorganization Plan No. 8 | Established the U.S. Information Agency and transferred certain functions from the Secretary of State and the Director for Mutual Security.                                                       | Approved, 1953-08-01 | President: Rep.<br>Senate: Split<br>House: Rep. |

| Plan ID | President        | Title                      | Short Description                                                                                                                                                                                                      | Approved/Disapproved    | Party in Power                                  |
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| 62      | Eisenhower, 1953 | Reorganization Plan No. 9  | Transferred functions from the Council of Economic Advisors to its Chairman.                                                                                                                                           | Approved, 1953-08-01    | President: Rep.<br>Senate: Split<br>House: Rep. |
| 63      | Eisenhower, 1953 | Reorganization Plan No. 10 | Transferred responsibility for airline subsidy payments from the Postmaster General to the Civil Aeronautics Board.                                                                                                    | Approved, 1953-10-01    | President: Rep.<br>Senate: Split<br>House: Rep. |
| 64      | Eisenhower, 1954 | Reorganization Plan No. 1  | Abolished the War Claims Commission and the International Claims Commission and established the Foreign Claims Settlement Commission in their place.                                                                   | Approved, 1954-07-01    | President: Rep.<br>Senate: Rep.<br>House: Rep.  |
| 65      | Eisenhower, 1954 | Reorganization Plan No. 2  | "Liquidat[ed]" certain remaining functions of the Reconstruction Finance Corporation by transferring them to the Export-Import Bank, the Small Business Administration, and the Federal National Mortgage Association. | Approved, 1954-07-01    | President: Rep.<br>Senate: Rep.<br>House: Rep.  |
| 66      | Eisenhower, 1956 | Reorganization Plan No. 1  | Established Assistant Secretary for Research and Development Positions in each of three military branches.                                                                                                             | Disapproved, 1956-07-05 | President: Rep.<br>Senate: Dem.<br>House: Dem.  |
| 67      | Eisenhower, 1956 | Reorganization Plan No. 2  | Established new governance for the Federal Savings and Loan Insurance Corporation.                                                                                                                                     | Disapproved, 1956-07-05 | President: Rep.<br>Senate: Dem.<br>House: Dem.  |

| Plan ID | President        | Title                     | Short Description                                                                                                                                                                  | Approved/Disapproved                             | Party in Power                                 |
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| 68      | Eisenhower, 1957 | Reorganization Plan No. 1 | Abolished the Reconstruction Finance Corporation and transferred its residual duties to other agencies.                                                                            | Approved, 1957-06-30                             | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 69      | Eisenhower, 1958 | Reorganization Plan No. 1 | Established the Office of Defense and Civilian Mobilization; transferred the functions of various other offices and directors to the President (such that he could reorganize it). | Approved, 1958-07-01                             | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 70      | Eisenhower, 1959 | Reorganization Plan No. 1 | Transferred certain functions from the Department of the Interior to the Department of Agriculture relating to sales from public forest lands.                                     | Disapproved (later approved as bill), 1959-07-07 | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 71      | Kennedy, 1961    | Reorganization Plan No. 1 | Gave the Securities and Exchange Commission the authority to delegate functions to a division or employee.                                                                         | Disapproved, 1961-06-21                          | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 72      | Kennedy, 1961    | Reorganization Plan No. 2 | Gave the Federal Communications Commission the authority to delegate functions to a division or employee.                                                                          | Disapproved, 1961-06-15                          | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 73      | Kennedy, 1961    | Reorganization Plan No. 3 | Gave the Civil Aeronautics Board the authority to delegate functions to a division or employee.                                                                                    | Approved, 1961-07-03                             | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 74      | Kennedy, 1961    | Reorganization Plan No. 4 | Gave the Federal Trade Commission the authority to delegate functions to a division or employee.                                                                                   | Approved, 1961-07-09                             | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President     | Title                     | Short Description                                                                                                                                                                                                                         | Approved/Disapproved    | Party in Power                                 |
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| 75      | Kennedy, 1961 | Reorganization Plan No. 5 | Gave the National Labor Relations Board the authority to delegate functions to a division or employee.                                                                                                                                    | Disapproved, 1961-07-20 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 76      | Kennedy, 1961 | Reorganization Plan No. 6 | Transferred functions from the Federal Home Loan Bank Board to its Chairman. Some of the functions transferred to the Chairman by Reorganization Plan No. 3 of 1947 had been returned to the Board by statute in 1955.                    | Approved, 1961-08-12    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 77      | Kennedy, 1961 | Reorganization Plan No. 7 | Abolished the Federal Maritime Board and replaced it with the Federal Maritime Commission. Transferred certain nonregulatory responsibilities to the Department of Commerce.                                                              | Approved, 1961-08-12    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 78      | Kennedy, 1962 | Reorganization Plan No. 1 | Established the Department of Urban Affairs and Housing and transferred functions from the Housing and Home Finance Agency and the Public Housing Administration.                                                                         | Disapproved, 1962-02-21 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 79      | Kennedy, 1962 | Reorganization Plan No. 2 | Established the Office of Science and Technology within the Executive Office of the President and transferred certain functions from the National Science Foundation. Also reorganized the leadership of the National Science Foundation. | Approved, 1962-06-08    | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President     | Title                     | Short Description                                                                                                                                                                                                  | Approved/Disapproved                             | Party in Power                                 |
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| 80      | Kennedy, 1963 | Reorganization Plan No. 1 | Consolidated responsibilities with respect to the Franklin D. Roosevelt Library in the Administrator of General Services.                                                                                          | Approved, 1963-07-27                             | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 81      | Johnson, 1965 | Reorganization Plan No. 1 | Consolidated functions that had been allocated to specific offices within the Bureau of Customs in the Secretary of the Treasury, allowing him to reorganize the Bureau of Customs.                                | Approved, 1965-05-25                             | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 82      | Johnson, 1965 | Reorganization Plan No. 2 | Consolidated the Weather Bureau and the Coast and Geodetic Survey Agency into a single Environmental Science Services Administration within the Department of Commerce.                                            | Approved, 1965-07-13                             | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 83      | Johnson, 1965 | Reorganization Plan No. 3 | Transferred locomotive inspection functions to the Interstate Commerce Commission.                                                                                                                                 | Approved (later repealed by statute), 1965-07-27 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 84      | Johnson, 1965 | Reorganization Plan No. 4 | Abolished nine inter-agency committees (e.g., National Housing Council, Civilian-Military Liaison Committee) in the name of efficiency and transferred their functions to individual Secretaries or the President. | Approved, 1965-07-27                             | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President     | Title                     | Short Description                                                                                                                                                                             | Approved/Disapproved | Party in Power                                 |
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| 85      | Johnson, 1965 | Reorganization Plan No. 5 | Gave the Director of the National Science Foundation the authority to delegate; abolished committees within the National Science Foundation and transferred their functions to the Secretary. | Approved, 1965-07-27 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 86      | Johnson, 1966 | Reorganization Plan No. 1 | Transferred the Community Relations Service from the Department of Commerce to the Department of Justice and the Attorney General.                                                            | Approved, 1966-04-22 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 87      | Johnson, 1966 | Reorganization Plan No. 2 | Consolidated functions related to water pollution control under the Department of the Interior; transferred such functions from the Department of Health, Education, and Welfare.             | Approved, 1966-05-10 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 88      | Johnson, 1966 | Reorganization Plan No. 3 | Transferred the statutory functions of the Public Health Service to the Secretary of Health, Education, and Welfare (enabling the Secretary to reorganize them).                              | Approved, 1966-06-25 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 89      | Johnson, 1966 | Reorganization Plan No. 4 | Transferred a single function relating to the National Zoo from the D.C. Board of Commissioners to the Smithsonian Institution.                                                               | Approved, 1966-08-23 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 90      | Johnson, 1966 | Reorganization Plan No. 5 | Abolished the National Capital Regional Planning Council so that its duties would be taken up by state and local governments themselves.                                                      | Approved, 1966-09-08 | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President     | Title                     | Short Description                                                                                                                                                                                                                                                                                                                         | Approved/Disapproved    | Party in Power                                 |
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| 91      | Johnson, 1967 | Reorganization Plan No. 1 | Transferred certain functions relating to ship mortgages from the Secretary of Commerce to the Secretary of Transportation.                                                                                                                                                                                                               | Approved, 1967-05-09    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 92      | Johnson, 1967 | Reorganization Plan No. 2 | Transferred functions from the U.S. Tariff Commission to the Commission's Chairman.                                                                                                                                                                                                                                                       | Disapproved, 1967-05-15 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 93      | Johnson, 1967 | Reorganization Plan No. 3 | Reorganized the D.C. Government by replacing the Board of Commissioners with a single Commissioner and a Council.                                                                                                                                                                                                                         | Approved, 1967-08-11    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 94      | Johnson, 1968 | Reorganization Plan No. 1 | Established the Bureau of Narcotics and Dangerous Drugs in the Department of Justice; transferred functions from the Bureau of Narcotics in the Department of the Treasury and the Bureau of Drug Abuse Control in the Department of Health, Education, and Welfare; abolished the Bureau of Narcotics in the Department of the Treasury. | Approved, 1968-04-08    | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 95      | Johnson, 1968 | Reorganization Plan No. 2 | Established the Urban Mass Transportation Administration within the Department of Transportation; transferred functions from the Department of Housing and Urban Development.                                                                                                                                                             | Approved, 1968-06-30    | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President     | Title                     | Short Description                                                                                                                                                                                             | Approved/Disapproved | Party in Power                                 |
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| 96      | Johnson, 1968 | Reorganization Plan No. 3 | Abolished the D.C. Recreation Board and transferred its duties to the D.C. Commissioner.                                                                                                                      | Approved, 1968-06-30 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 97      | Johnson, 1968 | Reorganization Plan No. 4 | Consolidated the D.C. Redevelopment Land Agency under the power of the D.C. Commissioner; removed federal involvement.                                                                                        | Approved, 1968-05-23 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 98      | Nixon, 1969   | Reorganization Plan No. 1 | Transferred functions from the Interstate Commerce Commission to its Chairman.                                                                                                                                | Approved, 1969-10-11 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 99      | Nixon, 1970   | Reorganization Plan No. 1 | Established the Office of Telecommunications Policy in the Executive Office of the President and endowed it with the power to assign frequencies to radio stations (previously conferred upon the President). | Approved, 1970-04-20 | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 100     | Nixon, 1970   | Reorganization Plan No. 2 | Created the Office of Management and Budget by renaming the Bureau of the Budget; created the Domestic Council composed of the President, Vice President, Attorney General, and several Secretaries.          | Approved, 1970-07-01 | President: Rep.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President   | Title                     | Short Description                                                                                                                                                                                                                                                                                           | Approved/Disapproved | Party in Power                                 |
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| 101     | Nixon, 1970 | Reorganization Plan No. 3 | Created the Environmental Protection Agency; transferred functions to it from the Federal Water Quality Administration in the Department of the Interior, the Environmental Health Service in the Health, Education, and Welfare Department, and others.                                                    | Approved, 1970-12-02 | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 102     | Nixon, 1970 | Reorganization Plan No. 4 | Created the National Oceanic and Atmospheric Administration within the Department of Commerce; transferred functions to it from the Environmental Science Services Administration in the Department of Commerce, the Bureau of Commercial Fisheries in the Department of the Interior, and others.          | Approved, 1970-10-03 | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 103     | Nixon, 1971 | Reorganization Plan No. 1 | Created the "Action" Agency; transferred functions to it relating to volunteer programs from other agencies.                                                                                                                                                                                                | Approved, 1971-07-01 | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 104     | Nixon, 1973 | Reorganization Plan No. 1 | Abolished the Office of Science and Technology and the Office of Emergency Preparedness within the Executive Office of the President; transferred their duties to the National Science Foundation, the Department of Housing and Urban Development, and the General Services Administration (respectively). | Approved, 1973-07-01 | President: Rep.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                     | Short Description                                                                                                                                                                                                                                                                                                                      | Approved/Disapproved | Party in Power                                 |
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| 105     | Nixon, 1973  | Reorganization Plan No. 2 | Established the Drug Enforcement Administration within the Department of Justice to act as the “unified command for drug enforcement”; transferred functions to it from the Department of the Treasury as needed.                                                                                                                      | Approved, 1973-07-01 | President: Rep.<br>Senate: Dem.<br>House: Dem. |
| 106     | Carter, 1977 | Reorganization Plan No. 1 | Abolished four offices within the Executive Office of the President and transferred their duties to other Departments; created or redesignated two more (Office of Administration and Domestic Policy Council).                                                                                                                        | Approved, 1977-10-20 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 107     | Carter, 1977 | Reorganization Plan No. 2 | Created the Agency for International Communication to “consolidate certain international communication, educational and cultural, and broadcasting activities of the United States Government”; transferred functions from the State Department’s Bureau of Educational and Cultural Affairs and the United States Information Agency. | Approved, 1977-12-12 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 108     | Carter, 1978 | Reorganization Plan No. 1 | Consolidated “fair employment enforcement” in the Equal Employment Opportunity Commission; transferred functions from the Secretary of Labor, the Civil Service Commission, and others.                                                                                                                                                | Approved, 1978-05-06 | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                     | Short Description                                                                                                                                                                                                                                | Approved/Disapproved | Party in Power                                 |
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| 109     | Carter, 1978 | Reorganization Plan No. 2 | Separated the Civil Service Commission into the Office of Personnel Management and the Merit Systems Protection Board; also created the Federal Labor Relations Authority.                                                                       | Approved, 1978-08-12 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 110     | Carter, 1978 | Reorganization Plan No. 3 | Established the Federal Emergency Management Agency; transferred functions to it from the Secretary of Commerce, the Secretary of Housing and Urban Development, and others.                                                                     | Approved, 1978-09-17 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 111     | Carter, 1978 | Reorganization Plan No. 4 | "Simplif[ied] and improve[d] the unnecessarily complex administrative requirements of the Employee Retirement Income Security Act of 1974 (ERISA)" by shifting responsibilities between the Secretary of Labor to the Secretary of the Treasury. | Approved, 1978-12-31 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 112     | Carter, 1979 | Reorganization Plan No. 1 | Created the Office of Federal Inspector for the Alaska Natural Gas Transportation System.                                                                                                                                                        | Approved, 1979-07-01 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 113     | Carter, 1979 | Reorganization Plan No. 2 | Created the U.S. International Development Cooperation Agency; transferred functions from the Agency for International Development.                                                                                                              | Approved, 1979-10-01 | President: Dem.<br>Senate: Dem.<br>House: Dem. |

| Plan ID | President    | Title                     | Short Description                                                                                                                                                                                                                                             | Approved/Disapproved | Party in Power                                 |
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| 114     | Carter, 1979 | Reorganization Plan No. 3 | Consolidated trade functions under the Department of Commerce by transferring functions from other agencies and departments; also converted the Office of the Special Representative for Trade Negotiations into the Office of the U.S. Trade Representative. | Approved, 1979-11-29 | President: Dem.<br>Senate: Dem.<br>House: Dem. |
| 115     | Carter, 1980 | Reorganization Plan No. 1 | In response to the Three Mile Island accident, transferred certain functions from the Nuclear Regulatory Commission to the Commission's Chairman.                                                                                                             | Approved, 1980-06-12 | President: Dem.<br>Senate: Dem.<br>House: Dem. |