

**AP[®] UNITED STATES GOVERNMENT AND POLITICS
2006 SCORING GUIDELINES**

Question 3

6 points

Part (a): 2 points

One point is earned for explaining each of two reasons why Congress gives federal agencies policy-making discretion in executing federal laws.

- Congress lacks expertise/agencies have expertise.
- Congress does not want to be blamed for bad policy.
- Time-consuming.
- Easier to come to agreement.
- More efficient.

Part (b): 2 points

One point is earned for correctly identifying the policy area identified with the agency. One point is earned for providing an example. The response must include a correct, specific example of how the agency exercises policy-making discretion in order to earn the point.

Agency

Policy Area

The Environmental Protection Agency (EPA)	→	Clean air and water
Federal Communications Commission (FCC)	→	TV, radio, satellite, telephone, etc.
Federal Reserve Board	→	Monetary policy

Part (c): 2 points

One point is earned for each of two descriptions of ways Congress ensures that agencies follow legislative intent.

Acceptable descriptions may include:

- Oversight.
- Budget/appropriations.
- Hearings.
- Investigations.
- Government Accountability Office (GAO).
- Change law.
- Legislative veto.
- Casework.
- Sunset laws/reauthorization/dissolve agencies/create new agencies.

Note: If one of the above is only mentioned as an example of oversight, the response gets only 1 point.

A score of zero (0) is earned for an attempted answer that earns no points.

A score of dash (—) is earned for a blank or off-task answer.

Congress Gives Bureaucracies the ability to carry out their policies how they choose. This leaves the door wide open. Congress does this ~~in~~ because if the agency did not, then Congress would be swamped with trying to establish how to carry out the policy. ~~For all of the decisions~~ Another reason Congress has the agency do their own policy making is that they are experts on the topic, compared to Congress. Agencies know what needs to be done to uphold their ideas.

The FCC is a Federal agency charged with monitoring, and regulating television and airwaves. They filter out what is obscene and what is acceptable. And if something slips past, then the FCC places heavy fines on the company responsible for the slipup.

Congress does have control when it comes to ensuring the legislative intents of an agency. First of all, Congress can cut the funding of the agency. This will force them to reconsider their policy making. And another way Congress controls agencies is with their ability to dissolve them. Congress made the agency, and they can take it away if it gets too unruly.

Congress gives federal agencies policy-making discretion in executing federal laws because the agencies are experts in their field and congress assumes that they know what they are talking about. They also allow discretion because the agencies were created to regulate certain areas and without some power, the agencies cannot fix many problems. One agency that uses policy-making discretion is the Environmental Protection Agency or EPA. The EPA is in charge of protecting the environment by making national parks, game lands, and regulating pollution levels. It recently ~~passed a law~~ put restrictions on how much pollution could be made by cities and it ordered that changes had to be made to cities that did not pass the pollution test. Congress can regulate ~~the~~ federal agencies by controlling the funding that each agency receives. Congress can give block grants or other types of grants to the agency depending on how productive the agency is. Another way that congress controls federal agencies is by voting out its members and by replacing its members.

Question #3

Write in the box the number of the question you are answering on this page as it is designated in the examination.

3C

a) One reason that Congress restricts federal agencies is so that they don't become power-hungry. If a certain agency is always allowed to do whatever it wants, no questions asked, the agency as a whole, might get a little 'big-headed':

~~Another~~ Another reason is so that the agency doesn't become too large. It is much easier to have a small group working towards a common goal than hundreds.

b) The Federal Communications Commission exercises power over radio, television, and the internet, along with other modes of communication. One way that they exercise their power is by regulating profanity and vulgarity on television. This is to help protect young children from seeing/hearing things they aren't prepared to understand.

c) Congress

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2006 SCORING COMMENTARY

Question 3

Overview

This question was intended to test student knowledge and understanding of the discretionary power delegated by Congress to bureaucratic agencies in the implementation of federal law.

Sample: 3A

Score: 6

In part (a) the response earned 1 point for correctly explaining why Congress gives federal agencies policy-making discretion in executing federal laws: “if the agency did not, then Congress would be swamped.” The second point was earned for correctly explaining that agency personnel “are experts on the topic, compared to Congress.”

In part (b) the response earned 1 point for correctly identifying the policy area of the Federal Communications Commission (FCC): “monitoring and regulating television and airwaves.” A second point was earned for giving one specific example of how the FCC exercises that discretion: the agency has the authority to “filter out what is obscene” and “levy fines.”

In part (c) the response earned 1 point for correctly describing one way in which Congress ensures that federal agencies follow legislative intent: “Congress can cut the funding.” The second point was earned for correctly describing a second way Congress ensures that federal agencies follow legislative intent: it “controls agencies . . . with [the] ability to dissolve [*sic*] them.”

Sample: 3B

Score: 4

In part (a) the response earned 1 point for correctly explaining why Congress gives federal agencies policy-making discretion in executing federal laws: “agencies are experts in their field.” The response does not correctly explain a second reason.

In part (b) the response earned 1 point for correctly identifying the policy area of the Environmental Protection Agency: “The EPA is in charge of protecting the environment.” The second point was earned for giving one specific example of how the EPA exercises that discretion: the agency has the authority to “put restrictions on how much pollution could be made by cities.”

In part (c) the response earned 1 point for correctly describing one way in which Congress ensures that federal agencies follow legislative intent: “controlling the funding that each agency receives [*sic*].” The response does not correctly explain a second reason.

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Question 3 (continued)

Sample: 3C

Score: 2

In part (a) the response does not correctly explain any reasons why Congress gives federal agencies policy-making discretion in executing federal laws and therefore earned no points.

In part (b) the response earned 1 point for correctly identifying the policy area of the Federal Communications Commission (FCC): the agency “exercises power over radio, television, and the internet.” A second point was earned for giving one specific example of how the FCC exercises that discretion: “regulating profanity and vulgarity on television.”

In part (c) the response does not correctly describe any way in which Congress ensures that federal agencies follow legislative intent and therefore earned no points.