

Congressional Oversight Hearings and Policy Control*

Robert J. McGrath

Assistant Professor

Department of Public and International Affairs

George Mason University

4400 University Drive, MSN 3F4

Fairfax, VA 22030

703.993.4567

rmcgrat2@gmu.edu

<http://mason.gmu.edu/~rmcgrat2>

Abstract

Oversight hearings should be an important congressional tool for controlling recalcitrant agencies, but it is not clear that this should always be equally true. The logic of principal-agent models of legislative policy control implies that oversight might sometimes, but not always, be superfluous to said control. Here, I reintroduce oversight hearings to theories of policy control and argue that congressional committees conduct oversight hearings primarily as a response to the extent to which agencies have different policy preferences from them and as a function of their capacity to conduct hearings cheaply. I test these hypotheses using committee hearings data (Policy Agendas Project) from both the U.S. House of Representatives and the Senate from 1947-2006 and provide support for theoretical arguments about the institutional nature of legislative policymaking strategies and ultimately help clarify the role of oversight in legislative-executive relations.

Quite as important as legislation is vigilant oversight of administration – Woodrow Wilson (Wilson, 1885, p. 297)

Woodrow Wilson's most significant contribution to academic political science is his formulation of a politics-administration dichotomy to govern efficient, yet democratic, policymaking (Wilson, 1887). The above quotation reflects the intersection of his interest in congressional behavior with his concern that policy implementation be routinely and faithfully carried out by ideologically neutral administrators. Although the empirical existence of such a stark division of labor has been vigorously questioned and denied (e.g., Waldo, 1948), it has no doubt contributed to the ideal that top-down democratic control of policy implies command and control of bureaucrats by their political principals (Moe, Forthcoming). Wilson, along with other political philosophers of the time and their contemporary offspring, considered legislative oversight to be a necessary condition for democratic governance. However, there is no prescribed formula for how much and what kind of oversight is required. In fact, political scientists have a very limited understanding of why and when legislators have incentive to elucidate with public hearings the halls of governmental policymaking. This paper attempts to improve our understanding of this important democratic activity by explaining variation in oversight hearings in a particular legislature, the United States Congress, over time.

Generally, oversight is made necessary by the ubiquity of delegation in a modern system of government. Elected legislators have time and experience only to write legislation, thus leaving implementation up to unelected bureaucrats. Congressional oversight of the executive branch is an integral part of the system of checks and balances and, as such, is derived from the implied powers of the Constitution of the United States (Kaiser, 2001). Echoing Wilson's appraisal, Rep. Henry Waxman, the visible former chairmen of the House Oversight and Government Reform Committee, adds a contemporary voice of praise: “oversight is just as important, if not more important, than legislation.” Oversight is critically important in that it is meant to ensure accountability and transparency and provide a link between policy and the will of the people.¹

Beyond the normative appeal of oversight, legislative monitoring of executive action is intriguing to positive theorists as an expression of interbranch politics. Recent studies (Epstein and O'Halloran, 1999; Huber and Shipan, 2002) have questioned the point of view that broad delegation of policymaking authority from elected representatives to unelected administrators is indicative of a

helpless abdication to an omnipotent “administrative state” (Buchanan, 1962; McConnell, 1966; Downs, 1967; Lowi, 1969; Niskanen, 1971; Peters, 1981; Aranson, Gellhorn and Robinson, 1982). Instead, legislators deliberately and strategically delegate these powers to agencies. Similarly, they should conduct oversight hearings strategically in order to maintain the normatively good and subjectively preferred control over bureaucratic policymaking.

In this paper I test hypotheses derived from an intuitive principal-agent model of legislative-executive policymaking which holds that oversight's democratic importance is contingent on institutional variables.² In so doing I can better account for variation in oversight activity over time than previous studies that either focus almost exclusively on individual, as opposed to institutional, incentives for oversight, or assume away the importance of ex post controls with the introduction of hegemonic ex ante strategies. Ultimately, I seek to bring scholarly attention back to oversight meant “to review and control policy implementation by the agencies and officials of the executive branch” (Dodd and Schott, 1986, p. 156) and show how this is consistent with the more recently dominant principal-agent approach. I review each of these strands of previous literature in the next section. I then summarize my theoretical approach and present hypotheses regarding variation in oversight activity over time in Congress. Importantly, this approach synthesizes elements of the literature and allows me to specify a comprehensive empirical model in the third section. Ultimately, I show that oversight activity critically depends on the ideological relationship between congressional standing committees and the executive branch, as well as the policymaking expertise of each committee, but only under certain conditions. These findings allow me to conclude that oversight is often, although *not always*, necessary for effective congressional control of policy.

Variation in Oversight and Efforts to Explain It

There is great variation, both temporal and spatial, in oversight activities across legislatures (Dodd and Schott, 1986; Rosenthal, 1981; Aberbach, 2002). For example, we know that Congress had kept a more “watchful eye” on administrative agencies during the 105th Congress than it did in the 87th (Aberbach, 1990, 2002). Figure 1 demonstrates variation in the number of oversight hearing days by congressional chamber for each year from 1947-2006. Despite this extensive variation, relatively little is known about what drives it. Specifically, while extant studies show support for certain covariates of oversight activity (Scher, 1963; Ogul, 1976; Aberbach, 1990, 2002, Ogul and Rockman,

1990; Smith, 2003), they do not propose institutional conditions under which we would expect to see more or less oversight.

[FIGURE 1 ABOUT HERE]

For the most part, the theoretical orientation of the studies on oversight of the 1970s and 1980s was behaviorist and focused on individual legislators and their incentives. Ogul (1976) and Ogul and Rockman (1990) explicitly incorporate Fenno's (1973) and Mayhew's (1974) insights into the reelection-centered goals of individual legislators. Oversight is but an activity, like any other that a legislator carries out, that can either help or harm their chances of reelection. Importantly, these approaches do not explicitly consider oversight to be an established step in the policymaking process. The predominant conclusion is that oversight is a less popular activity than is sponsoring constituent-friendly legislation or partaking in constituency service. Consistent oversight activity is simply not public enough for voters to notice it or to care very much if and when it occurs. Indeed, although oversight may have been increasing during the time of these early studies, it was still commonly referred to as "Congress's neglected function" (Bibby, 1968).

In contrast, Dodd and Schott (1986) take institutional oversight more seriously as a policy tool. They argue that the decentralization of Congress and the concomitant development of "policy subsystems" made oversight hearings relatively unlikely unless agencies implemented policies inconsistent with the preferences of mobilized interest groups. This approach holds that variation in oversight activity is driven by variation in agency behavior across policy area and over time. As we will see, this type of explanation is consistent with the ideologically-centered account presented here.

While the studies reviewed thus far have done much to enhance our understanding of executive-legislative relations over the past half century, they possess clear flaws as well. For one, they do not adequately consider the extent to which oversight may be unnecessary under certain conditions. The 1980s saw a series of studies from the "new economics of organization" (Moe, 1984) tradition that directly confronted this theoretical limitation. These scholars saw legislative behavior as more strategic, if perhaps still myopically directed toward electoral goals. After all, oversight can represent a symbolic dog and pony show for attentive constituents, or it can be a mechanism for controlling the behavior of autonomous policy implementers such that policy better reflects the desires of politicians. The rational choice theorists thus recognized the democratic importance of top-down political control, but

approached the relationship between politics and administration as an arena for self-interested strategic conflict between principals and agents.³ Principal-agent theory seeks to understand the institutional structures under which politicians can retain control over policymaking despite being on the ignorant end of serious informational asymmetries. In the context of legislative-executive relations, the principal can try and harness the agent's expertise while at the same time attempting to avoid deleterious "agency drift." The canonical insight of principal-agent theory is that principals can manipulate an agent's incentives so as to benefit from their expertise, but at the same time keep them from drifting too far from the principal's preferences over outcomes.

The focus of this more recent literature (Moe, 1990; Kiewiet and McCubbins, 1991; Banks and Weingast, 1992; Epstein and O'Halloran, 1994, 1999; Bawn, 1995, 1997; Balla, 1998; Balla and Wright, 2001, Huber and Shipan, 2000, 2002; Huber, Shipan and Pfahler, 2001) has been on such ex ante (before the fact) controls at the expense of ex post (after the fact) mechanisms, such as oversight hearings--the focus of the previous literature.⁴ But as the earlier studies were missing half the story by considering only oversight, this more recent research is missing the other half--almost assuming away any need for ex post oversight to enforce the limits of ex ante controls. The simple fact is that oversight hearings *do* occur and the extant principal-agent accounts are unable to specify the conditions under which they do or to explain variation in the extent to which legislators conduct them. The theoretical goal of the present paper is to resurrect the insights of the oversight literature in the context of a strategic principal-agent account of executive-legislative relations.

A Theory of Policy Oversight

My theoretical approach seeks to ameliorate the mentioned deficiencies in the oversight literature and explicitly embraces the "separation-of-powers" tradition of studying American politics. According to de Figueiredo, Jacobi and Weingast (2008), this approach is well-suited to understanding external constraints on institutional actors since, "to further their goals, actors in each branch must anticipate the reactions of actors in the other branches" (p. 200). They recognize that normative approaches to bureaucratic policymaking behavior have been treated by public administration literature as independent of political factors. Likewise, the behavioral literature reviewed above has been stifled by its reliance on an internal Congress-centered logic. My research builds on important work in this tradition (McCubbins, Noll, and Weingast, 1987, 1989; Bawn, 1995; Epstein and O'Halloran, 1994,

1999; Huber and Shipan, 2002), with the goal of formulating more specific testable hypotheses about when oversight should be more or less likely to occur.

To preview, the argument is quite straightforward and intuitive. Congressional committees should be unwilling to conduct costly oversight when they see agencies as their ideological allies. However, when agency preferences diverge from a committee's, they should hold oversight hearings with a frequency that is a function of the ideological distance between them. In addition, this relationship should be conditioned by the varying policy expertise of different committees. In what remains of this section, I build this argument in explicit principal-agent terms to show that a concern for ex post congressional oversight is not precluded by the rational choice approach that arguably led to the disappearance of oversight studies in the past thirty years.

The theoretical model from which I derive the empirical expectations tested in this paper is influenced by the delegation models in Huber and Shipan (2002). This work emphasizes the importance of statutory means for controlling bureaucratic action. Legislators write laws that delegate variably broad authority to bureaucrats. If they want to more closely control agency behavior, they can write more detailed legislation to constrict the scope of an agency's discretion. Constricting such discretion can sometimes be superfluous--if legislators think that bureaucrats, acting with their own self-interest in mind, will implement policies in line with the preferences of the legislators. In such a context of complete delegation, oversight may be an even more essential tool for legislators than it would be if they had delegated less discretion. Under different conditions, though, oversight may be just as superfluous as these statutory constraints. In order to determine whether this is the case and to establish the conditions, I consider both ex ante (delegation of statutory discretion) and ex post (legislative oversight) mechanisms of control simultaneously in my theoretical model. This is an extension of Huber and Shipan's (2002) model where I consider oversight to be a strategic choice of the legislature, rather than an exogenously determined event. The full treatment of the model can be found in the online Appendix to this article, but I will briefly summarize its logic and propose empirical hypotheses.

There are two types of players in the model, "Legislators" and "Bureaucrats." The Legislator is considered to be a pivotal legislator in a unicameral legislature or committee and the Bureaucrat a key decision-maker in an executive agency. Quite simply, Legislators design *policy*, which the Bureaucrats

implement, resulting in *policy outcomes*. I assume that both players care solely about policy outcomes, but that Bureaucrats are always better informed about the mapping of policy to outcomes. This idea is captured by the fact that Bureaucrats always know how to achieve any outcome, but Legislators only know this with some probability. Legislators and Bureaucrats need not have the same policy preferences, but they may.

Writing statutes is costly for the Legislator and the cost increases as the capacity of the Legislator to write detailed laws decreases and with the extent to which these laws are increasingly specific. It is costly for a Legislator to investigate a Bureaucrat if she thinks that he has acted in ways inimical to legislative preferences. This cost is also increasing with the extent to which the Legislator lacks expertise. For simplicity, there is one variable (call it a) for both types of legislative capacity. Bureaucrats are not literally bound by delegated limits on discretion and may or may not choose to implement the policy chosen by the Legislator. Nevertheless, acting in a way that the Legislator disapproves of can lead to an investigation (i.e., an oversight hearing), which will be costly to the Bureaucrat. I assume that both players have linear spatial utilities and that the Legislator has an ideal point, $x_L=0$, and that the Bureaucrat has an ideal point at some $x_B \geq 0$.

In general, the sequence is simple and the details are included in the Appendix, so I will briefly outline how the game is played out. First, Nature⁵ determines a policy shock. Either the policy outcome will equal what the Bureaucrat implements or the outcome will shift one unit to the left of where it is implemented. The Legislator uses the Bureaucrat's behavior to infer this value. The first strategic action is taken by the Legislator who writes a law delegating an amount of policymaking discretion to the Bureaucrat. She takes into account how costly it is to write the law and her expectations that more restrictive laws could constrain the Bureaucrat's behavior in ways favorable to her. Next, the Bureaucrat implements a policy, be it either outside or inside the bounds of discretion set in the previous stage. Finally, the Legislator observes which policy has been implemented and can choose to investigate or not. If she investigates, with cost a , then the outcome goes to her ideal point, but if she does not, the outcome is what the Bureaucrat implements with or without the policy shock. If the Legislator investigates and the Bureaucrat has acted illegally, he must also pay a cost, so he prefers to not be investigated. As the rounds of play are completed, there is an exogenous chance that some nonstatutory, nonoversight mechanism benefits the Legislator and reverts the outcome to her ideal

point (Huber and Shipan, 2002).

Having introduced the model in broad strokes, I will now characterize the equilibrium outcomes that lead to oversight hypotheses. First, when legislative and bureaucratic preferences are sufficiently close, each can consider the other branch an ideological ally and behave accordingly. The legislature neither limits discretion nor conducts oversight hearings because they can count on the agency to implement a policy close to their liking. That said, the availability of these tools of control can cause the agency to moderate its policy choices in light of the threat of ex post oversight. In these preference-determined situations, the outcomes from the model conform to common intuition: principals need not work very hard to control agents who want the same outcomes they do. Importantly though, the threshold at which policy differences become consequential for legislative strategy is conditioned by the cost (a) of either strategy (ex ante/ex post). Taken together, the equilibria presented in the Appendix (Propositions 1 and 2) lead to this formulation of related empirical hypotheses:

Hypothesis 1a: When ideological conflict between an executive agency and a congressional committee is sufficiently low,⁶ changes in neither ideological conflict nor committee expertise should lead to changes in the probability of oversight hearings.

Hypothesis 1b: When the cost of holding a hearing is sufficiently high, changes in neither ideological conflict nor legislative expertise should lead to changes in the probability of oversight hearings.

Algebraically, these are the same, but I present them in this way to highlight the importance of the relationship between the two variables determining the regions whereby institutional variables should not affect the probability of oversight.

When policy disagreements between the legislature and agency become too large relative to the cost of oversight, legislators and bureaucrats can no longer be considered ideological allies and legislators have an incentive to monitor agency behavior. In this preference-determined situation, oversight will occur with positive probability.⁷

Hypothesis 2a: When ideological conflict between an executive agency and congressional committee is sufficiently high, or the cost of holding a hearing sufficiently low, oversight hearings will occur with positive probability.

And since the probability of oversight is positively related to the value of x_B (the magnitude of policy conflict) and negatively related to a , the following hypotheses reflect the expectations concerning the

empirical referents for these theoretical concepts.⁸

Hypothesis 2b: When ideological conflict between an executive agency and congressional committee is sufficiently high, or the cost of holding a hearing sufficiently low, increases in ideological conflict should have a positive effect on the probability of oversight hearings.

Hypothesis 2c: When ideological conflict between an executive agency and congressional committee is sufficiently high, or the cost of holding a hearing sufficiently low, increases in committee expertise should have a positive effect on the probability of oversight hearings.

In the next section, I develop empirical measures of both of these theoretical variables and use them to test the hypotheses that neither x_B nor a should have an effect on the probability of oversight when x_B is sufficiently low, but that both should have positive effects when ideological conflict becomes sufficiently large. These predictions stipulate that Congress should conduct oversight hearings when it needs to do so to control policy, and when it has the institutional capacity to respond to the preference orderings which make oversight necessary for control. Tying the explication of this theory back to the literature review presented above, these expectations recognize that there are regularly varying institutional determinants of oversight. However, the extent to which these (ideological conflict and legislative expertise) affect oversight is conditional on their relationship to each other. This approach therefore ameliorates problems endemic to Congress-centric behaviorist studies of oversight. In addition, the full model takes into account both ex ante and ex post strategies of control and does not, as have many of the previous principal-agent accounts, assume away the efficacy of ex post strategies such as oversight hearings.

Data and Methods

Although there are many ways in which legislatures can review, monitor, and supervise executive action, I focus exclusively on formal oversight hearings. The main reason for this is that these formal hearings most closely resemble the “investigations” from the model. In addition, they are the easiest to quantify and categorize as oversight and were the primary dependent variable in earlier studies (Dodd and Schott, 1986; Aberbach, 1990; Smith, 2003). The data are structured by standing committee and year. I use standing committee-years as the unit of analysis instead of committee-years (including special committees) or subcommittee-years because it is the format that allows for the most complete array of control variables to be merged with the hearings data. There are a total of 40 standing

committees in these data from 1947-2006.

I use the number of hearing days as the dependent variable. I created this variable based on the “Congressional Hearings” data from the Policy Agendas Project (<http://www.policyagendas.org>).⁹ In a related empirical study, Smith (2003) considers a hearing to be concerned with oversight if it is about neither legislation nor the creation of a new agency or program. This is a sensible strategy, but close inspection of the Policy Agendas data reveals that this would include many hearings that are not focused on the “review or control of policy implementation” (Dodd and Schott, 1986, p. 156). To ensure that I am measuring oversight hearings and only oversight hearings, I narrow this operationalization by filtering the hearings using keywords from the Policy Agendas hearing descriptions.¹⁰ Since committees often hold more than one oversight hearing in a day, there are observations where hearing days exceed the session length or even the number of days in a year. Figure 1 displays the number of hearing days in each chamber for each year in the dataset, while the mean number of hearing days per committee-year is 21.59 (SD = 41.63, 0-417).

I operationalize x_B from the theoretical model as the absolute value of the distance between each committee's median (the “Legislator” from the model)¹¹ DW-NOMINATE (Poole and Rosenthal, 1997) score (Available at <http://voteview.com/>) and the president's DW-NOMINATE score (the “Bureaucrat” from the model). The president's ideology is used here as an inexact proxy for the location of the investigated agency's ideal point. Although this is not an ideal proxy, this empirical strategy is used in previous literature and relies on the president's ability to “reorganize agencies, alter jurisdictions, and, in many cases, make appointments to key positions... without needing the cooperation of Congress” (Shipan, 2004, p. 471). In addition, this is a more nuanced and theoretically sound operationalization than is a simple indicator for divided government (as in Epstein and O'Halloran, 1999; Huber and Shipan, 2002; Kriner and Schwartz, 2008; and Parker and Dull, 2009). Future research may seek to measure agency preferences directly in this kind of setup, but the existing data on bureaucratic ideal points (see e.g., Clinton et. al., 2012) cover neither the range of agencies nor the time period used in this study. To capture the a parameter from the model, I collected data on the mean number of terms served in each committee during a given year (Stewart and Woon, 2009). Although committee chairs handle the scheduling of oversight hearings, they must rely on the competence and policy-specific expertise of committee members to effectively investigate agencies.

The assumption in the model is that for committee hearings to work (i.e., affect policy), they must be held at some institutional cost. I have operationalized this cost as the expertise required to conduct oversight hearings effectively and argue that this expertise increases with experience working in a particular committee's purview. This empirical approach is consistent with Aberbach's (1990, Chapter 6) findings that committee staff capacity to review casework increases the efficacy of oversight activity. An alternative approach that could fruitfully be incorporated into future work is a measure of committee resources (staff, budget, number of party leaders in committee, etc.) as an indicator of legislative capacity--unfortunately, these data are not now feasibly available going back through 1947.

It is not straightforward to capture empirically the distinction between the critical preference-determined regions from the theoretical model. Ideally, the above empirical measures for x_B and a would perfectly capture the theoretical constructs and be on the same natural scale. In this perfect world, I could simply create an indicator for whether the value of the x_B variable was greater than the value of the a variable plus 1/2 (the formal definition of "sufficiently high"--see note 6). Instead, the empirical measures I have identified ("Ideological Divergence" and "Mean Terms in Committee") are not perfect and to construct a threshold indicator in this way would falsely assume they were. The key problem with operationalizing the distinction between the regions is that it simultaneously depends on the value of both variables. An alternative way to think about this is that neither x_B nor a should have an effect on the probability of oversight when policy disagreement is sufficiently low (Hypothesis 1a), or when the cost of holding a hearing is sufficiently high (Hypothesis 1b). This approach does not explicitly consider that the regions depend on an interaction of the two variables, but it does still recognize a threshold point where the effects of either variable should change. Hypotheses 1a, 1b, 2b, and 2c are conditional in that together they propose effects for both ideological divergence and committee expertise, but only for values past the mentioned critical threshold. The most natural way to operationalize this threshold in terms of ideological disagreement is with an indicator for divided control of government.¹²

Motivated by the analytical concept of a critical threshold at which the effects of the primary independent variables should change, I pursue something of a regression discontinuity design whereby I include multiplicative interaction terms between the two theoretical variables and an indicator variable for whether committees are controlled by the presidential out-party (that is, the concept of

divided government disaggregated by chamber-year). When committees are controlled by the party of the president, neither cross-committee variation in ideological divergence from the president nor committee expertise should significantly determine oversight activity. However, when congressional committees are controlled by the presidential out-party, it becomes much more likely that they see policy disagreement to be sufficiently large to conduct oversight. When policy disagreement is sufficiently large, increasing the extent of the ideological conflict or increasing committee expertise should positively affect oversight activity. In addition, the constitutive term for the different party variable captures the possibility that parties use oversight hearings to attack the president if they are from a different party, regardless of ideological conflict.¹³

It is important to highlight the distinction between my approach and some previous studies on the partisan determinants of congressional investigatory activity (Mayhew, 2005; Kriner and Schwartz, 2008; Parker and Dull, 2009). In his classic probe into the consequences of divided government in the United States, David Mayhew finds that in periods of divided government, we, counterintuitively, do not see more congressional investigations of executive action.¹⁴ Kriner and Schwartz (2008) use the same sample of data as Mayhew and find that, although divided government may not drive the frequency of congressional investigations, hearings held under divided government tend to be more protracted and more extensively reported in the media than those that are held under unified government. Parker and Dull (2009) criticize these studies on the grounds that high profile hearings are determined by media coverage and are plagued by its changing nature. These authors instead examine the effect of divided government on the number of hearings reported by the Congressional Information Service Index and find that divided government does in fact lead to an increased congressional focus on oversight investigations. This partisan conflict literature expresses the rudimentary idea of the importance of ideological conflict from my model, but does so in an unconditional way. In addition, by using the disaggregated by chamber-year version of divided government (the different party variable) and committee-level ideological divergence from the president, I can better account for committee- and chamber-specific determinants of oversight activity than can the previous literature.

In terms of control variables and alternative explanations, it may be the case that since they generally distrust the federal government more than Democrats, Republicans are ideologically more prone to conducting oversight hearings. I control for this potential effect by including an indicator for

Republican controlled chambers. Previous research (e.g., Aberbach, 1990; Smith, 2003; Kriner and Schwartz, 2008; Parker and Dull, 2009) has found the House of Representatives to hold more investigatory hearings than the Senate. To the extent that oversight may be driven by electoral considerations, this is not surprising, so I control for congressional chamber as well. As suggested by Ogul and Rockman (1990), I also include an indicator for whether or not the Subcommittee Bill of Rights was in full effect during the committee-year. If decentralization leads to more oversight activity by giving subcommittee autonomous policy jurisdiction, this indicator should have a positive and significant coefficient. As a final political control, I include the average presidential job approval from available national surveys for each year in the dataset. This controls for the potential unwillingness of even an ideologically hostile committee to investigate an agency headed by a popular president.

I operationalize potential environmental (Galbraith, 1977) influences on oversight activity in a number of ways. Each is a measure of the size and complexity of the federal government and may have diminishing effects on hearing days, so I take the natural log of each before including them in the empirical models below. First, I use the total number of committee staff for each chamber in each year (Malbin, Ornstein and Mann, 2008, Table 5.5). Second, I include the number of federal agencies, bureaus, and commissions appearing in each year's version of the *United States Government Manual*. The final environmental variable is the number of fulltime non-defense civilian employees (*Historical Tables, Budget of the United States Government*, Table 17.1). These variables are highly intercorrelated. The lowest correlation among them is between the number of agencies and the total committee staff (at 0.82) and the highest is between the number of agencies and the federal FTEs (0.92). To avoid problems of multicollinearity in the empirical models, I create an cumulative and equally weighted index of the three--what I call a proxy for the size of government.¹⁵

Two variables are used to represent potential fiscal determinants of oversight. The first is the percentage of federal spending that is discretionary. Spending is coded as discretionary if it is not a mandatory payment to individuals, like Social Security or Medicare, or an interest payment on the federal debt (*Historical Tables, Budget of the United States Government*, Table 3.2). I code the yearly deficit (negative values) or surplus (positive values) as a percentage of the total budget for a given year (*Historical Tables, Budget of the United States Government*, Table 1.1). I also include the number of days in each congressional session, an indicator for chamber, and an indicator for the second session of

each Congress as controls. For the most part, besides the variables representing the theoretical variables x_B and a , these choices for control variables are influenced by a relatively recent and similar empirical study (Smith, 2003).

Generally, count data such as these are characterized by the Poisson distribution (Long, 1997); however, for these particular data, a negative binomial regression model is more appropriate than a Poisson model because it allows for the clear overdispersion of the dependent variable. There is a potential time component to trends in the number of oversight hearing days, but a time counter is correlated with the size of government index at 0.94, so I include the latter to capture time trends.¹⁶

Results

If either of the conditions from Hypotheses 1a or 1b hold, then the model predicts that the probability that a committee holds a hearing should be zero. Since we know from previous literature that legislatures may hold hearings for reasons external to policy preferences, this theoretical prediction overstates the empirical one. I would, however, expect there to be fewer total hearings when either policy disagreement or committee expertise is very low than if they are higher (Hypothesis 2a). Table 1 assesses this expectation that oversight hearings should be more prevalent when there is either sufficient policy disagreement or committee expertise. Here we see that there are significantly more oversight hearing days for committees controlled by the presidential out-party than for those controlled by the party of the president. Similarly, there are significantly fewer hearings when the value of mean terms in committee--an operationalization of expertise--is in the lower 25th percentile of that variable's range than when it is in the upper 75th.

[TABLE 1 ABOUT HERE]

Table 2 presents estimates for different specifications of the determinants of congressional oversight activity. These models add significantly to the information provided in Table 1. First, the multivariate models allow me to control for potential determinants of oversight activity other than ideological divergence and committee expertise. Second, these simple difference of means tests are consistent with continuous linear effects of the main institutional variables. The models presented below clearly demonstrate that the effects of ideological divergence and committee expertise are partially conditioned by the different party variable and, therefore, the likelihood that ideological divergence is large enough to be consequential. These models do much to provide support for

Hypotheses 2b and 2c. For these model specifications, the standard errors are clustered by standing committee to ameliorate potential negative effects of heteroskedasticity on estimate efficiency.

I begin by including the “Ideological Divergence” (x_B) and “Mean Terms in Committee” (a) variables in Smith's (2003) basic model of oversight hearings. These results are presented in the leftmost column of Table 2. I then assess my expectation that both of these variables should have positive effects when x_B is sufficiently large (Hypotheses 2b and 2c) and no effect when x_B is not sufficiently large (Hypotheses 1a and 1b). I do this by eventually including an indicator variable for different party control of a committee and the presidency and by interacting this with both of the theoretical variables of interest.

The extent to which a committee's median ideology score differs from the president's appears to be a significant determinant of oversight hearing days across the full data (the “No Interaction” column). This result comports with the common wisdom: as policy conflict between a particular committee and the executive branch increases, the committee becomes more likely to try to affect policy ex post via the mechanism of oversight hearings. Similarly, when unmodified by the different party indicator, mean terms in committee has a positive and significant effect on congressional oversight activity. Although the theoretical model makes no predictions about the unconditional effect of either of these variables, it is useful to see confirmation of the conventional wisdom regarding policy conflict and to see that committees with more policy-specific experience conduct more oversight hearings than less experienced committees.

[TABLE 2 ABOUT HERE]

This first model suggests that a number of the control variables exert effects consistent with reasonable expectations. Committee decentralization brought on by the Subcommittee Bill of Rights appears to determine oversight activity in this model. It also appears that oversight is generally more prevalent in the House of Representatives than in the Senate and in the second session of a Congress than in the first--neither of these effects would surprise scholars of interbranch relations. In addition, it appears that Republican-controlled committees systematically conduct more hearings than Democratically-controlled ones.¹⁷ In this first model, it appears that the different party variable does not exert an independent effect on oversight activity. This indicates that ideological conflict may significantly influence oversight above and beyond specifically partisan concerns. The second column

of Table 2 reports results from a model that excludes the ideological divergence variable and uses the different party indicator as the sole measure of policy conflict. We see here that this blunt measure does not affect oversight on its own.

After estimating the no interaction model in the first column as a baseline, I sought to test the implications of the theoretical model and have reported results in the rightmost column of Table 2. In support of Hypothesis 1a, the insignificant coefficient on the ideological divergence variable tells us that it has no effect on oversight hearings when the value of the different party variable is zero (i.e., when committee chairs and presidents are of the same party). In contrast, when this term is interacted with different party, the effect switches signs from negative to positive and gains statistical significance. Therefore, this model shows support for the expectation (Hypothesis 2b) that x_B only has a positive and significant effect on oversight hearings when it is sufficiently far from a committee's ideal point.

Mean terms in committee, however, does have a positive and significant effect on oversight when a committee and president are of the same party. This is despite the expectation (Hypotheses 1a and 1b) that there should be no effect in this region. In support of Hypothesis 2c, however, the significant coefficient (0.064 (0.027)) on the interaction term indicates that this positive effect does increase under different party. Although this does not perfectly conform to the expectations of the theoretical model, it does suggest that there is something about the increased policy conflict between a committee and the president--indicated by different party--that conditions the way in which committee expertise affects oversight.

While these statistical results show support for the predictions of the theory of legislative-executive policymaking, they do little to give us a sense of their substantive meaning. Since maximum likelihood models based on the negative binomial probability distribution are log-linear, it is simple to convert a vector of difficult-to-interpret coefficients into substantively meaningful quantities. The output of this model is a prediction of the expected number of oversight hearing days given the values of the independent variables (the conditional mean). Since the model is log-linear, we can exponentiate the product of an independent variable's coefficient and a chosen value of an observation for each variable and sum them to obtain the linear prediction of hearing days for that vector of independent variables and coefficients (Long, 1997, p. 237). These substantive relationships are convenient to

present graphically.

[FIGURE 2 ABOUT HERE]

Figure 2 plots the effects--for each value of the different party variable--of changes in ideological divergence on the expected number of hearing days in the House of Representatives, holding other interval variables at their means and indicator variables at their medians. This figure clearly shows that the ideological divergence variable has distinct effects depending on party control of the branches. The left panel of this figure shows effects for changes in divergence when the same party controls committees and the presidency. As indicated on the coefficient for divergence in the “Interaction” column of Table 2, the effect is negative and necessarily linear. This indicates that increases in policy conflict actually lead to decreases in oversight activity, holding the effects of the other variables constant. The rightmost panel shows that this relationship inverses its direction when there is party conflict between the branches. We see here that changes in ideological divergence can have substantively meaningful effects on oversight hearing days. For example, if a House committee's distance from the president were to change from .4 to .8, we would expect to see about a 56 percent increase in hearing days (from 25 to 39).

These results suggest support for the theoretical expectations that the effect of ideological divergence is nonlinear, having one effect for low values of its range and a starkly different effect for higher values. Figure 3 provides confirmation of this nonlinearity without relying on the regression discontinuity design presented above. This figure was generated by first estimating a negative binomial regression model identical to that in the leftmost column of Table 2, with additional variables for *ideological divergence*² and *ideological divergence*³. After estimating this model, I plotted the marginal effects of ideological divergence on oversight hearing activity. The pattern demonstrated in this figure is broadly consistent with that which was expected--with little effect for low values, but strong positive effects for higher values.

[FIGURE 3 ABOUT HERE]

These basic models and their interpretations provide support for the key insights of the theoretical approach taken in this paper. Table 3 presents evidence that these results are robust to different model specifications. Although I have clustered the standard errors of the coefficients in the models in Table 2, I have not directly controlled for the possibility that some committees might tend to

hold more hearings due to the nature of their jurisdictions. The first column of Table 3 presents results for when I add indicators for each committee (save for one, for model identification) as fixed effects to control for unmodeled committee-specific determinants of oversight activity. We see here little change in statistical or substantive significance among coefficients in this model and those from the previous table. Of particular note, controlling for fixed effects makes the constitutive term for mean terms in committee negative and significant. This effect, just as does that for ideological divergence, predictably switches signs when partisan policy conflict is present. Also of note, the size of government seems to have a positive effect on oversight when controlling for committee fixed effects, where this variable never significantly determined hearings in the models from Table 2. In addition, the measure (DW-NOMINATE) used for ideological conflict contains well known measurement error, especially when compared across institutions and time. To assuage concerns related to potential measurement uncertainty, I have reported the comprehensive model estimated with bootstrapping the clustered standard errors. These results are presented in the rightmost column of Table 3. Taken together with the totality of the results presented herein, I am confident in the general pattern of empirical results.

[TABLE 3 ABOUT HERE]

Discussion

This research has contributed to the study of legislative-executive relations in a number of ways. First, it approaches congressional oversight with a general policymaking framework. Previous literature had too often overlooked the fact the members of Congress use oversight hearings to positively affect policy. The theoretical approach I take recognizes that legislators have multiple and potentially substitutable strategies for policy control, but it also posits that these legislators should use oversight under some regularly variable institutional conditions. In particular, I reemphasize the logic of the “ally principle”—that when legislators and agencies have sufficiently similar preferences, oversight is unnecessary from a policymaking perspective. I extend this insight into the empirical realm and argue that when this is the case, neither changes in ideological conflict nor the cost of holding hearings should spur more oversight activity. In contrast, I argue that when policy conflict becomes sufficiently large, changes in either of these critical variables should affect the legislative calculus of when and how often to conduct oversight. An implication of this argument is that observations of low oversight activity need not mean legislative abdication. For example, the relatively low levels of

oversight seen from 1946 to 1969 can be attributed not to abdication, but to widespread policy agreement between committee medians and presidents. Even during periods of divided government, oversight activity was relatively low in this period. For example, from 1955-1961, Democrats controlled Congress while Dwight Eisenhower sat in the Oval Office. The mean number of hearing days per committee was a meager 15.28. In contrast, the Democratic Congresses of 1969-1974 vigorously oversaw Richard Nixon's administrations to the tune of an average of 23.5 hearing days per committee. The argument presented above makes sense of this disparity by drawing attention to the fact that the mean divergence between committee and presidential ideology more than doubled in this latter period (0.53 for 1969-1974, compared to 0.21 for 1955-1961). In addition, this research demonstrates that the trend in increasing oversight from 1969 can be at least partially attributed to the effects of incumbency advantage thus leading to more experienced and institutionally capable legislators in Congress.

Additionally, it is possible for a lack of such legislative capacity to drive cross-sectional variation in oversight and thus, the theory might fruitfully be extended to explain such variation across state or national legislatures. Dating back at least to the famous 1940s debates between Carl Friedrich and Herman Finer, discussion of legislative oversight has been bound up with the inherent tensions between bureaucracy and democracy (Meier and Krause, 2003). Friedrich, preferring the mechanism of the “inner check” to legislative oversight argued for the normative importance of discretion. Finer, while conceding certain efficiency losses that may come with democratic control, held responsiveness to be morally superior to expertness. Importantly, this view takes for granted the ability of legislatures to exert control when responsiveness is at risk. The research presented in this paper underscores the importance of legislative competence to oversee the administration of popularly promulgated polices. Without the threat of oversight hearings, the “inner check” is hardly likely to maintain the balance between bureaucracy and democracy, thereby likely affecting policy outcomes across institutional contexts.

This paper constitutes the most extensive empirical study of the determinants of oversight hearings to date. I find support for the conditional hypotheses derived from the theory and find that there are few other variables (Republican chamber, House of Representatives, second session, the relative size of the deficit/surplus) that have consistent effects on oversight activity. It may be the case

that when one adequately accounts for institutional determinants of oversight, the effects of environmental, fiscal, and other proposed determinants become less important. Importantly, these analyses show that it is likely that legislators consider the actions of agencies to be signals about likely policy outcomes. This kind of explicit separation of powers consideration is novel for empirical studies of oversight. In particular, the empirical results presented here help us make sense of recent competing claims (Mayhew, 2005; Kriner and Schwartz, 2008; Parker and Dull, 2009) regarding the relative effects of partisan conflict and ideological disagreement on investigatory activity. Specifically, I have argued that ideological conflict|along with legislative expertise|should have but a conditional effect of oversight and have operationalized that condition as the presence of divided control of the branches. In adding this nuance to the aforementioned literature, this paper adds to our our understanding of oversight as a policymaking strategy. Finally, due to the use of committee-specific|rather than simply chamber-specific--measures, this paper can more adequately explain within year peaks and valleys in oversight across committees, in addition to comparing individual committees to themselves over time.

Despite these contributions, there is ample room for future work. The most obvious direction for future research is to better specify the empirical measures of the theoretical concepts of ideological divergence and policy expertise. Such work would require the collection of extensive committee- and agency- specific information (e.g., number of committee staff and ideological position of agencies themselves, rather than the presidents they serve) that would allow for a more precise operationalizations of these concepts. In addition to better specifying the theoretical and empirical determinants of oversight, perhaps the most interesting extension of this research would be to generate predictions about agency behavior given the model sketched in the Appendix. In conjunction with the forthcoming advances in the estimation of agency ideal points (e.g., Clinton et. al, (2012)), the next logical step in the development of separation of powers models of policymaking is to model agency behavior directly, rather than making the simplified assumptions that permeate the field (present paper included). This model, for example, yields predictions about the extent to which bureaucrats are likely to act illegally to try and fool ideologically distant legislators. To study this would involve collecting a large amount of novel data, but would be an important and unique undertaking. Finally, while trying to explain congressional oversight is useful, the most interesting implications of this theory must be tested at the level of the U.S. states. There is much more institutional variation in the states than across time in

Congress and at least as much variation in oversight activity (Rosenthal, 1981). If the pattern of findings found herein hold, we can increase our confidence in the ability of legislatures to act strategically within separation of powers systems, which should contribute to more incisive theories on the institutions determinants of policy outcomes.

References

- Aberbach, Joel D. 1990. *Keeping a Watchful Eye: The Politics of Congressional Oversight.* Washington, D.C.: Brookings Institution Press.
- Aberbach, Joel D. 2002. "What's Happened to the Watchful Eye?" *Congress & the Presidency* 29:3–23.
- Aranson, Peter, Ernest Gellhorn and Glen Robinson. 1982. "A Theory of Legislative Delegation." *Cornell Law Review* 68:55–63.
- Balla, Steven J. 1998. "Administrative Procedures and Political Control of the Bureaucracy." *The American Political Science Review* 92(3):663–673.
- Balla, Steven J. and John R. Wright. 2001. "Interest Groups, Advisory Committees, and Congressional Control of the Bureaucracy." *American Journal of Political Science* 45(4):799–812.
- Banks, Jeffrey S. and Barry R. Weingast. 1992. "The Political Control of Bureaucracies under Asymmetric Information." *American Journal of Political Science* 36(2):509–524.
- Bawn, Kathleen. 1995. "Political Control Versus Expertise: Congressional Choices about Administrative Procedures." *The American Political Science Review* 89(1):62–73.
- Bawn, Kathleen. 1997. "Choosing Strategies to Control the Bureaucracy: Statutory Constraints, Oversight, and the Committee System." *Journal of Law, Economics, & Organization* 13(1): 101– 126.
- Bendor, Jonathan, Serge Taylor and Roland Van Gaalen. 1987. "Politicians, Bureaucrats, and Asymmetric Information." *American Journal of Political Science* 31(4):796–828.
- Bibby, John F. 1968. Congress's Neglected Function. In *The Republican Papers*, ed. Melvin R. Laird. New York: Praeger.
- Buchanan, James and Gordon Tullock. 1962. *The Calculus of Consent*. Ann Arbor, MI: University of Michigan Press.
- Clinton, Joshua D., Anthony Bertelli, Christian Grose, David E. Lewis and David C. Nixon. 2012. "Separated Powers in the United States: The Ideology of Agencies, Presidents, and Congress."

American Journal of Political Science 56(2):341–354.

de Figueiredo Jr., Rui J. P., Tonja Jacobi and Barry R. Weingast. 2008. The New Separation-of-Powers Approach to American Politics. In *The Oxford Handbook of Political Economy*, ed. Barry R. Weingast and Donald Wittman. Oxford University Press.

Dodd, Lawrence C. and Richard L. Schott. 1979. *Congress and the Administrative State*. New York: John Wiley & Sons.

Downs, Anthony. 1967. *Inside Bureaucracy*. Boston: Little, Brown and Company.

Epstein, David and Sharyn O'Halloran. 1994. "Administrative Procedures, Information, and Agency Discretion." *American Journal of Political Science* 38(3):697–722.

Epstein, David and Sharyn O'Halloran. 1999. *Delegating Powers: A Transaction Cost Politics Approach to Policymaking Under Separate Powers*. Cambridge: Cambridge University Press.

Fenno, Richard F. 1973. *Congressmen in Committees*. Boston: Little, Brown.

Galbraith, Jay R. 1977. *Organizational Design*. Reading, MA: Addison-Wesley.

Historical Tables, Budget of the United States Government, Fiscal Year 2008. 2007. Washington, D.C.: U.S. GPO.

Huber, John D. and Charles R. Shipan. 2000. "The Costs of Control: Legislators, Agencies, and Transaction Costs." *Legislative Studies Quarterly* 25(1):25–52.

Huber, John D. and Charles R. Shipan. 2002. *Deliberate Discretion? The Institutional Foundations of Bureaucratic Autonomy*. Cambridge: Cambridge University Press.

Huber, John D., Charles R. Shipan and Madelaine Pfahler. 2001. "Legislatures and Statutory Control of Bureaucracy." *American Journal of Political Science* 45(2):330–345.

Kaiser, Frederick M. 2001. Congressional Oversight. In *CRS Report for Congress 97-936*. Washington, D.C.: Congressional Research Service, Library of Congress.

Kiewiet, Roderick and Mathew McCubbins. 1991. *The Logic of Delegation: Congressional Parties and the Appropriation Process*. Chicago: University of Chicago Press.

- Kriner, Douglas and Liam Schwartz. 2008. "Divided Government and Congressional Investigations." *Legislative Studies Quarterly* 33:295–322.
- Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, CA: Sage.
- Lowi, Theodore. 1969. *The End of Liberalism: The Second Republic of the United States*. New York: W.W. Norton.
- Malbin, Michael J., Norman J. Ornstein and Thomas E. Mann. 2008. *Vital Statistics on Congress*. Washington, D.C.: Brookings Institution Press.
- Mayhew, David R. 1974. *Congress: The Electoral Connection*. New Haven: Yale University Press.
- Mayhew, David R. 2005. *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-1990*. 2nd ed. New Haven, CT: Yale University Press.
- McConnell, Grant. 1966. *Private Power and American Democracy*. New York: Vintage Books.
- McCubbins, Mathew D., Roger G. Noll and Barry R. Weingast. 1987. "Administrative Procedures as Instruments of Political Control." *Journal of Law, Economics, & Organization* 3(2):243–277.
- McCubbins, Mathew D., Roger G. Noll and Barry R. Weingast. 1989. "Structure and Process, Politics and Policy: Administrative Arrangements and the Political Control of Agencies." *Virginia Law Review* 75:431–482.
- McCubbins, Mathew D. and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms." *American Journal of Political Science* 28(1):165–179.
- Meier, Kenneth J. and George A. Krause. 2003. "The Scientific Study of Bureaucracy: an Overview" in Meier, Kenneth J. and George A. Krause. (eds.) *Politics, Policy, and Organization*. Ann Arbor, MI: University of Michigan Press.
- Miller, Gary J. 2005. "The Political Evolution of Principal-Agent Models." *Annual Review of Political Science* 8:203–25.
- Moe, Terry M. 1984. "The New Economics of Organization." *American Journal of Political Science* 28(4):739–777.

- Moe, Terry M. 1990. The Politics of Structural Choice: Toward a Theory of Public Bureaucracy. In *Organization Theory: From Chester Barnard to the Present and Beyond*, ed. Oliver E. Williamson. New York: Oxford University Press pp. 116–153.
- Moe, Terry M. Forthcoming, 2012. Public Bureaucracy and the Theory of Political Control. In *Handbook of Organizational Economics*, ed. Robert Gibbons and John Roberts. Princeton University Press.
- Niskanen, William. 1971. *Bureaucracy and Representative Government*. Chicago: Aldine-Atherton.
- Ogul, Morris S. 1976. *Congress Oversees the Bureaucracy*. Pittsburgh: University of Pittsburgh Press.
- Ogul, Morris S. and Bert A. Rockman. 1990. “Overseeing Oversight: New Departures and Old Problems.” *Legislative Studies Quarterly* 15:5–24.
- Parker, David C.W. and Matthew Dull. 2009. “Divided We Quarrel: The Politics of Congressional Investigations.” *Legislative Studies Quarterly* 34:319–345.
- Peters, B. Guy. 1981. “The Problem of Bureaucratic Government.” *Journal of Politics* 43:56–82.
- Poole, Keith T. and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll-Call Voting*. New York: Oxford University Press.
- Rosenthal, Alan. 1981. “Legislative Behavior and Legislative Oversight.” *Legislative Studies Quarterly* 6(1):115–131.
- Scher, Seymour. 1963. “Conditions for Legislative Control.” *Journal of Politics* 25:526–51.
- Shipan, Charles R. 2004. “Regulatory Regimes, Agency Actions, and the Conditional Nature of Congressional Influence.” *American Political Science Review* 98(3):467–480.
- Smith, Keith. 2003. “The Growth of Congressional Oversight.” Paper presented at the 2003 meeting of the American Political Science Association, Philadelphia, PA.
- Stewart, Charles III and Jonathan Woon. 2009. *Congressional Committee Assignments, 103rd to 111th Congresses, 1993–2009*: [House and Senate], [accessed March 20, 2010].
- United States Government Manual*. 1974 to 2006. Washington, D.C.: Office of the Federal Register,

National Archives and Records Service, General Services Administration.

United States Government Organization Manual. 1946 to 1973. Washington, D.C.: Division of the Federal Register, National Archives Establishment.

Waldo, Dwight. 1948. *The Administrative State*. Holmes & Meier Publishers.

Wilson, Woodrow. 1885. *Congressional Government*. Boston: Houghton-Mifflin.

Wilson, Woodrow. 1887. "The Study of Administration". In *Classics of Public Administration, 6th edition*, ed. Jay M. Shafritz and Albert C. Hyde. Boston: Thomson Wadsworth.

Wood, B. Dan and Richard W. Waterman. 1991. "The Dynamics of Political Control of the Bureaucracy." *The American Political Science Review* 85(3):801–828.

Table 1. Difference of Means Tests (Two-tailed)

	Same party as president	Different party from president
Mean # of hearing days	17.91	24.31
SD	33.41	43.25
N	790	1063
<i>t</i> -statistic	-3.27	
<i>p</i> -value	0.001	
	Mean terms < 3.5	Mean terms ≥ 3.5
Mean # of hearing days	16.5	22.89
SD	31.9	45.3
N	379	1474
<i>t</i> -statistic	-3.09	
<i>p</i> -value	0.001	

Table 2. Negative Binomial Models of Determinants of Oversight Hearings

	No Interaction	S.E.	No Divergence	S.E.	Interaction	S.E.
Ideological Divergence	0.52*	0.25	---	---	-0.39	0.37
Mean Terms in Committee	0.18***	0.02	0.18***	0.02	0.15***	0.024
Different Party	-0.037	0.098	0.078	0.086	-0.94***	0.28
Divergence*Different Party	---	---	---	---	1.24**	0.42
Mean Terms*Different Party	---	---	---	---	0.064*	0.027
Republican Chamber	0.18	0.11	0.22*	0.11	0.26*	0.11
Subcommittee BoR	0.30**	0.12	0.30*	0.12	0.29*	0.11
Presidential Approval	-0.0016	0.0032	-0.0016	0.003	-0.0014	0.0031
Size of Government	0.26	0.35	0.41	0.34	0.23	0.37
% Discretionary Spending	0.64	0.73	0.52	0.75	0.87	0.75
Deficit/Budget	1.84***	0.52	1.72**	0.53	1.64**	0.52
Session Days	-0.00078	0.0014	-0.00038	0.001	-0.0014	0.0015
House of Representatives	1.11***	0.13	1.15***	0.12	1.17***	0.13
2nd Session	-0.15*	0.075	-0.16*	0.076	-0.16*	0.075
Constant	-0.48	2.59	-1.36	-2.56	0.20	2.7
Overdispersion (α)	1.08***		1.09***		1.07***	
Observations	1534		1534		1534	
Log-likelihood	-6224.5		-6228.4		-6215.1	
χ^2	200.5		189.2		216.2	
df	12		11		14	

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$, two-tailed tests

Table 3. Negative Binomial Models of Determinants of Oversight Hearings

	Fixed Effects	Bootstrapped SE		
Ideological Divergence	-0.29	0.24	-0.39	0.52
Mean Terms in Committee	-0.12***	0.018	0.15	0.087
Different Party	-0.42*	0.19	-0.94*	0.43
Divergence*Different Party	0.51	0.27	1.24	0.65
Mean Terms*Different Party	0.057**	0.018	0.064*	0.028
Republican Chamber	0.16*	0.075	0.26*	0.11
Subcommittee BoR	-0.0076	0.065	0.30*	0.15
Presidential Approval	0.002	0.002	-0.001	0.003
Size of Government	0.46*	0.19	0.22	0.39
% Discretionary Spending	-1.10*	0.44	0.85	1.16
Deficit/Budget	1.06***	0.30	1.62**	0.52
Session Days	-0.0011	0.00082	-0.0013	0.0012
House of Representatives	4.14***	0.12	1.17	0.60
2nd Session	-0.25***	0.041	-0.16**	0.057
Constant	-3.34*	1.41	0.13	2.84
Overdispersion (α)	0.5**		1.07***	
Observations	1534		1534	
Log-likelihood	-5615.0		-6215.3	
χ^2	.		94.6	
df	52		13	

* $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$, two-tailed tests

Figure 1. Oversight Hearing Days, by Chamber (1947-2006)

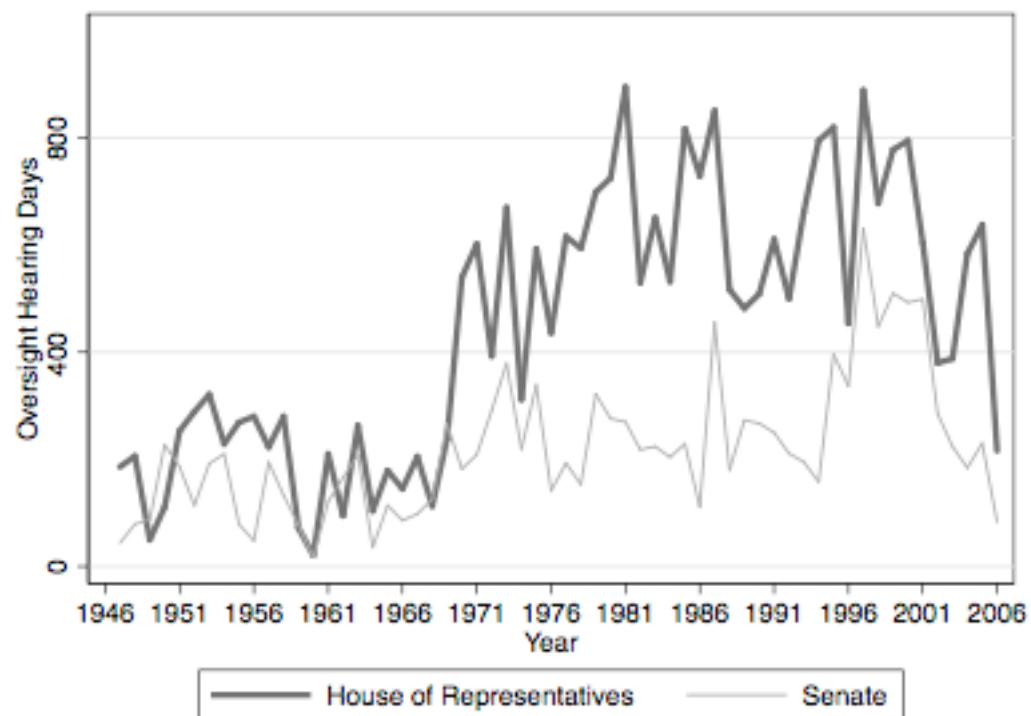
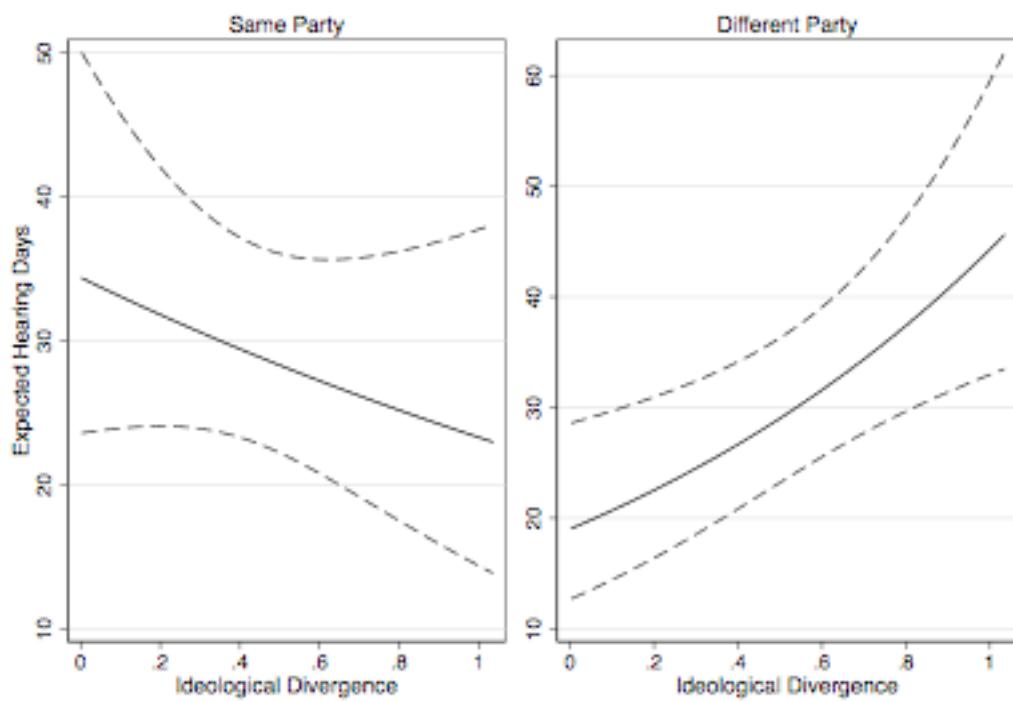
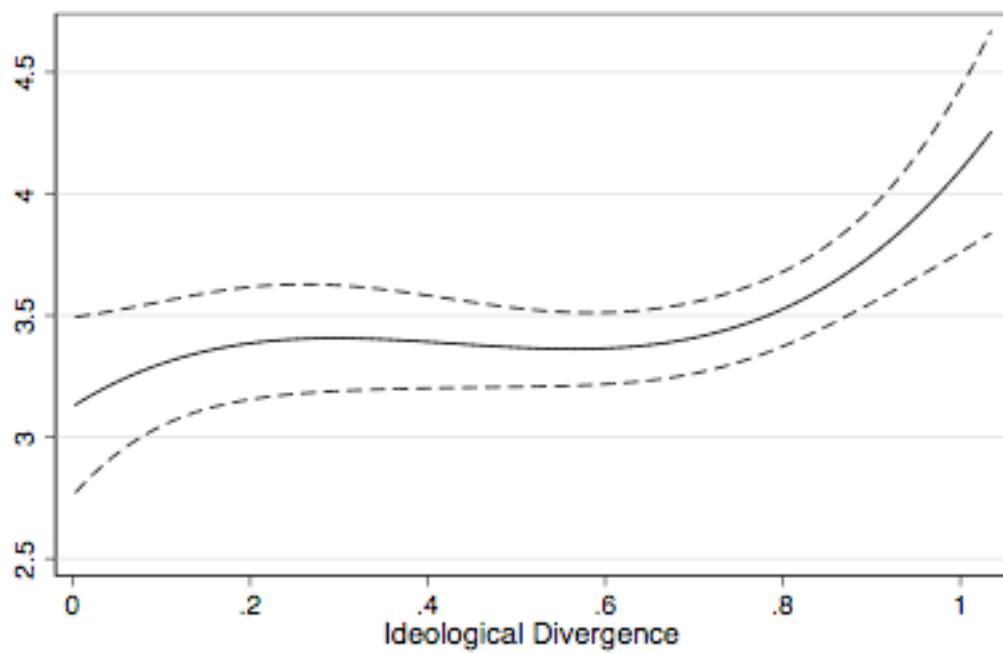


Figure 2. Effects of Ideological Divergence on Expected Hearing Days in the House



Dashed lines represent 95% confidence intervals.

Figure 3. Marginal Effects of Ideological Divergence on Oversight Activity (House)



Dashed lines represent 95% confidence intervals.

Generated by negative binomial model with controls from models in Tables 2 and 3
and squared and cubed transformations of Ideological Divergence

* A previous version of this paper was presented at the 2010 annual meeting of the Midwest Political Science Association, Chicago, IL. I thank Fred Boehmke, Doug Dion, Chuck Shipan, Chris Jensen, and Josh Ryan for their close readings of and comments on the manuscript. I also thank participants at the 2009 EITM summer program at the University of Michigan and members of the Formal Theory Research Group at the University of Iowa for their questions and insights regarding the argument presented here. This article contains simplified descriptions of a theoretical model which can be found as supplementary appendix material at http://mason.gmu.edu/~rmcgat2/GMU/research_files/TheoreticalAppendix.pdf. Errors are mine and mine alone.

¹ Besides this, since the Legislative Reorganization Act of 1946, Congress itself has required standing committees to “exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committees.” So oversight is mandated by statute as well as acclaimed by political philosophers and important politicians, past and present.

² There are essentially two ways in which to view oversight. The first emphasizes the primary importance of oversight as a monitoring of the executive branch. McCubbins and Schwartz (1984, p. 165) define oversight as “attempts to detect and remedy executive-branch violations of legislative goals.” The second more narrowly sees oversight in terms of effective legislative control. Ogul (1976, p. 11) defines oversight thusly: “behavior by legislators and their staffs, individually, which results in an impact, intended or not, on bureaucratic behavior.” Since it is difficult to measure such control, previous research has followed the Congressional Research Service’s definition of oversight, which (as in McCubbins and Schwartz (1984)) focuses on monitoring: “the review, monitoring, and supervision of federal agencies, programs, activities, and policy implementation” by Congress (Kaiser, 2001, p. 1).

³ See Moe (1984, Forthcoming), Bendor, Taylor and van Gaalen (1987), and Miller (2005) for overviews of the application of principal-agent theory to the relationship between legislatures and agencies.

⁴ Some exceptions to the disappearance of oversight studies do exist, e.g., Wood and Waterman (1991),

Mayhew (2005), Kriner and Schwartz (2008), and Parker and Dull (2009).

⁵ This is a standard way of introducing uncertainty and informational asymmetry into the structure of the model.

⁶ See the theoretical Appendix for formal definitions of “sufficiently low” and “sufficiently high” with regard to this and the following hypotheses.

⁷ This does not, however, guarantee that the legislature will limit the agency's discretion as a complementary *ex ante* strategy. Indeed, when the probability of exogenous oversight (γ) is either sufficiently low or sufficiently high under the condition of policy disagreement (Proposition 3 in the Appendix), the legislature is predicted to rely solely on *ex post* oversight as a mechanism of policy control.

⁸ Note that the theoretical a can be considered the *lack* of legislative expertise, so Hypothesis 2c below adjusts the sign of the expectation for a variable capturing expertise.

⁹ The data used here were originally collected by Frank R. Baumgartner and Bryan D. Jones, with the support of National Science Foundation grant number SBR 9320922, and were distributed through the Department of Government at the University of Texas at Austin and/or the Department of Political Science at Penn State University. Neither NSF nor the original collectors of the data bear any responsibility for the analysis reported here.

¹⁰ To be considered an oversight hearing, the Policy Agendas description must include at least one of the following keywords: oversight, review, report, budget request, control, impact, information, investigation, request, explanation, president, administration, contract, consultation, or examination. I conduct all of the below analyses using the broad operationalization of oversight hearings from Smith (2003) and the more narrow keyword-filtered variable. The results are nearly identical, so I report the more narrow version in all models and interpretations below.

¹¹ With the idea that committee chairperson controls the committee's agenda, I also used the committee chairperson's ideal point as a measure of legislative preference. The results for the subsequent models, using chairperson ideology instead of the ideology of the committee median, were substantively identical to those presented below. This suggests that committee chairs are often representative of the composition of the committee as an aggregate.

¹² In addition to what I present here, I have estimated the models below with many different combinations of potential policy disagreement and committee expertise thresholds between the critical regions--that is, I specified ex ante values at which ideological divergence might be sufficiently large (distances of .35, .4, and .45) and at which committee expertise might be sufficiently low (mean terms at 3.5, 4, and 4.5). This strategy is plagued by the same disadvantage mentioned above: that the model predicts a precise cutpoint, but these variables are measured imprecisely, and the process of specifying cutpoints is also inexact. Despite these measurement issues, I uncover substantively identical findings to those presented below when I use critical cutpoints other than divided government.

¹³ Although the different party variable says something about the level of policy conflict, it guarantees neither low nor high divergence. To illustrate, the mean ideological divergence for when a committee is controlled by the president's party is 0.4 (SD: 0.16, Range: 0.003-0.72) and for the opposing party it is 0.62 (SD: 0.23, Range: 0.003-1.05). The correlation between the ideological divergence and different party variables is 0.45--which should assuage concerns about multicollinearity biasing the regression results as well.

¹⁴ Save for some “high profile” hearings (Mayhew, 2005).

¹⁵ Calculated as $(\ln(\text{staff}) + \ln(\text{agencies}) + \ln(\text{FTEs}))/3$.

¹⁶ Since these data are longitudinal, they may violate the independence assumption of the negative binomial model. Therefore, I also estimated cross-sectional negative binomial models with a random effects design to accommodate the non-independence of events. The results were substantively identical to the ones presented below. In general, the results presented below are robust to diverse specifications and functional forms.

¹⁷ Fearing that this variable might pick up particular period effects (e.g., the Republican-controlled House during the Clinton administration), I also estimated all models without the party control variable and found substantively identical results.