

Retrospective Congressional Oversight and the Dynamics of Legislative Influence over the Bureaucracy*

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Abstract

Research stresses that congressional committees increase their oversight of the bureaucracy during divided government. We extend this research by developing an explanation, rooted in a more dynamic view of policymaking, for why Congress would sometimes conduct vigorous oversight under unified control as well. In short, committees seem to engage in what we call “retrospective oversight” and take advantage of newly friendly executive administration to refocus existing policy made under a past opposition president. We assess our perspective using two separate sources of data on oversight hearings spanning more than sixty years and find support for our claims regarding retrospective oversight.

Oversight of executive agencies is an essential component to the power and the legitimacy of modern legislatures. The scope and complexity of policy challenges facing legislatures have led them to delegate vast policymaking authority to their executive counterparts (see e.g., Bawn 1995; Epstein and O'Halloran 1999; Huber and Shipan 2002; Lowi 1969). In conducting oversight, a legislature investigates whether agencies have made policy decisions in a manner consistent with their interpretation of existing law. If the legislature believes that agency decisions have violated their policy priorities, it can then engage in oversight, consulting with, or even cajoling, agency personnel to alter their policymaking decisions to converge with the legislature's favored positions. Oversight, then, allows the legislature the opportunity to monitor and influence bureaucratic policy decisions.

The incentive to engage in oversight is thus greatest when legislatures and executive branches disagree on policy goals. Not surprisingly, then, empirical studies have explained cross-sectional and inter-temporal variation in oversight as a function of inter-branch policy conflict in the U.S. federal government. This literature is grounded in static spatial models of policymaking, thus making policy conflict the natural explanation of legislative oversight activity.

Despite its obvious contributions, this work has left a central question unaddressed. Why does Congress conduct voluminous oversight during unified government as well? We begin with this question and seek to develop a more general account of how Congress uses oversight as a tool to shape and, at times, support bureaucratic policymaking. Our theory departs from the standard account in that we consider how oversight is in part a function of the fundamental *dynamics* of democracy in the separation-of-powers system. In particular, election returns alter partisan control of the White House and Congress, creating divided government or returning a party to unified control of government. Theories of lawmaking stress that these dynamics affect how easy it is to change policy status quos through legislation (Krehbiel 1998; Brady and Volden 1998). Theories of oversight, however, do not consider how this dynamic process may affect how useful oversight is to Congress over time. Our theory goes beyond static models, allowing us to understand oversight as an oftentimes effective and constructive way for congressional committees to coordinate policy under unified government. As inter-branch preferences are

aligned under unified government, agencies have a greater incentive to take committee goals seriously, increasing the policy benefits of oversight. That is, we expect new configurations of unified government to lead to spikes in policy oversight, just as previous work has emphasized preference alignment to lead to increases in legislative activity. In fact, our findings suggest the complementarity of oversight and lawmaking in these circumstances.

Thus, under circumstances that are often met, there should be “bursts” of oversight activity during the first session of unified government after a period of divided government. These bursts occur, we contend, because congressional committees conduct oversight “retrospectively” to overturn and refocus bureaucratic decisions made in the past under the previous presidential regime. We assess this perspective on several sources of congressional oversight data. The first examines oversight hearings conducted by House and Senate committees from 1946 through 2010. We find that committees conduct just as many oversight hearings under these burst periods as they do during divided government. We additionally examine a second data source covering 1999 through 2011 where we pinpoint the specific agencies that are the subjects of each oversight hearing. In focusing on agencies, we demonstrate that committees narrow their oversight attention to ideologically congruent agencies during burst periods, indicating that they are directing their attention to those agencies most likely to respond to policy overtures. In addition to supporting a key aspect of our theory, this is the first exploration of how agency characteristics condition the extent to which committees target particular agencies for oversight.

Ultimately, we suggest (but cannot show definitively) that the oversight that takes place during these initial sessions of unified government is likely to serve constructive policy-relevant purposes, rather than pure position-taking or strictly partisan goals. Observing, as we do below, that committees target ideological allies, rather than opponents, for oversight supports this position and indicates that the purpose of these hearings is more constructive and supportive than the partisan political theater, or the partisan “weaponization” of oversight, that has been the focus of recent research (e.g., Parker and Dull 2013b; Kriner and Schickler 2014). In the end, this research improves our understanding of the politics that spur congressional oversight and hints at what we see as the underlying, policy-motivated, relationship between committees

and agencies during unified government.

Existing Perspectives on Oversight

Despite some lingering misperceptions of their unwillingness to do so (Bibby 1968; Lowi 1969; Ogul 1976), congressional committees expend considerable resources monitoring executive agencies (see, e.g., Aberbach 1990, 2002; Ainsworth et al. 2012, 2014; Balla and Deering 2013). From a political standpoint, committees, and their chairpersons, can use oversight to cast themselves in a positive light for interest groups and constituents. This is often how committees respond to “fire-alarms” (McCubbins and Schwartz 1984) pulled by groups dissatisfied with agency decisions, or to bureaucratic failures sensationalized in the press. For example, in the wake of the 2010 explosion on the BP Deepwater Horizon oil rig, the House Energy and Commerce Committee launched an investigation of the incident, allowing members to demonstrate their commitments to safety and accountability (Ota 2010).

There is also a serious policy component to oversight. Whether oversight involves informal communication between committee staff and bureaucrats, or occurs more formally through testimony at hearings, Congress obtains detailed information about agencies’ discretionary policymaking. Oversight, then, allows Congress to mitigate the hidden action problem that makes it difficult to observe agency policymaking. For example, the politically-driven oversight of the Minerals Management Service (MMS) after the aforementioned oil spill revealed that the MMS failed to balance the competing goals of revenue generation and ensuring safety and environmental protection. This finding led to a new law reorganizing the agency and mandating new regulations promoting safety and environmental goals (Gardner 2011).

Oversight is thus a multifaceted tool for politically- and policy-inclined members and committees. As is evident in figure 1, the volume of oversight hearings conducted by committees varies, having increased substantially, although sporadically, over time. Existing accounts (e.g., Aberbach 1990) explain this gradual increase from the standpoint of the incentives and constraints that individual members face. In particular, increases in the number of staff working for members and committees improved the resource incentives members had to conduct over-

sight, while the increasing frequency of divided government made it more difficult for Congress to pass legislation, spurring members to focus on investigations and oversight.

Figure 1 goes here.

In addition, there exist clear institutional incentives for Congress to increase its oversight profile. Although increases in staff enabled oversight, these increases were triggered by Congress's efforts to counteract presidential power. Beginning with the Congressional Reorganization Act of 1946 and the Administrative Procedure Act of 1946, Congress reformed its structure to compete with the president in influencing agencies (Rosenbloom 2000; Bolton and Thrower 2015). Especially critical to oversight, in enacting the Legislative Reorganization Act of 1970, Congress increased the volume of committee staff, generating greater capacity for holding hearings (Schickler 2001, 213-215).

Recent research extends this perspective on self-interested institutional reform to a partisan context by theorizing that spikes in oversight are driven by policy disagreement between congressional committees and executive agencies (e.g., Kriner and Schwartz 2008; Parker and Dull 2009; McGrath 2013). Agency decisions made during divided government lead to policy outcomes that are starkly different from those desired by an opposition Congress, increasing the incentive for committees to monitor and criticize these policies in oversight hearings. Besides, holding hearings during divided government allows the congressional opposition to target the president by highlighting transgressions of agencies under his watch and accusing the administration of "waste, fraud, and abuse" (Parker and Dull 2013a; Kriner and Schickler 2014).

Retrospective Oversight and the Dynamics of the Policy Process

While the aforementioned research has adequately explained the oversight that occurs during divided government, it has thus far failed to address the prevalence, made clear in figure 1, of oversight during unified government. To explain such oversight, one could argue that it is an activity that is invariably "politically attractive" to committee members and strictly enhances their support at home (Arnold 1990, 75-76), no matter the level of inter-branch agreement. Yet, this perspective cannot explain, nor can any extant theory account for, the variation in

unified government oversight over time.

To elaborate our theoretical explanation of such oversight, we draw on research on the status quo bias that characterizes policymaking in separation-of-powers systems. One overarching lesson from this research is that, once an agency creates a policy, through, say, rulemaking or enforcement activity, it becomes difficult for elected lawmakers to overturn. Such reversal hinges on the assent of a number of key, “pivotal,” actors, whose preferences may diverge from each other (Ferejohn and Shipan 1990; Hammond and Knott 1996; Krehbiel 1998, Brady and Volden 1998). For example, committees should be expected to gatekeep bills seeking to overturn agency decisions when they prefer the agency policy to that which would be enacted by the proposed bill (Hill and Brazier 1991). Similarly, Ferejohn and Shipan (1990) explain that when the president prefers an agency’s decision to the policy that Congress would enact, he will veto any congressional action that seeks to overturn the agency’s policy. Thus, supermajoritarian legislative requirements (the veto override requirement and the Senate filibuster) constrain the ability of congressional majorities to check or direct agency action.¹ Although these features can be relevant under unified government if there is sufficient intra-party heterogeneity (Krehbiel 1998), they manifest in gridlock most often during divided government.

It is clear, then, that divided government will result in a stockpile of gridlocked status quo policies to which lawmaking majorities in Congress object but cannot change through legislation nor change easily through oversight.² Where a static theory would stop here, we explicitly consider this status quo bias in the context of the ebb and flow of electoral politics. In particular, we argue that “sticky” status quos can actually facilitate inter-branch cooperation when elections return a new partisan configuration to the government. Consider a period of divided government, where many policy decisions are made within agencies and cannot be overturned by congressional majorities. Consider now that an election retains the congressional majority and returns that party’s control of the presidency. Now, the president shares, or shares much more closely, policy priorities with chamber majorities, enabling a coordination of policy change. Theories of lawmaking (e.g., Krehbiel 1998; Brady and Volden 1998; Chiou and Rothenberg 2009) elucidate the possibilities of policy reversal in these circumstances and predict increases

in lawmaking productivity and the exploitation of newly open policy windows (Kingdon 1984). We extend this argument to congressional oversight and hold that, under newly unified control (what we call a “burst regime”), oversight is a complement to such legislative policy reversals. Since this oversight is meant to affect policy made under a previous presidential regime, we call this “retrospective oversight” to distinguish it from the contemporaneous oversight that typically occurs during divided government (Shipan 2004; Kriner and Schwartz 2008; Parker and Dull 2009, 2013a; MacDonald 2010, 2013; McGrath 2013).

As a concrete example, the 1992 presidential election resulted in unified government under the majority (Democratic) party after twelve years of divided government under Republican presidents Reagan and Bush and a Democratic House (1981-1992) and Senate (1987-1992). During this time, Republican presidents directed agencies to make an untold number of policy decisions to which congressional Democrats objected. Wood and Waterman (1994), for example, document how presidential appointments in a number of key agencies effected policy drift away from congressional majorities. In 1993, after Democratic President Clinton’s inauguration, it became much easier for Congress to pass new legislation to overturn policy decisions made during the previous twelve years of a Republican administrations.

It also became easier for committees to amend past policy decisions through oversight (Shipan 2004). After President Clinton took office, Democratically-controlled committees no longer confronted Republican political appointees atop federal agencies. Rather, new Democratic appointees took the helm at agencies. Correspondingly, the directives that committees provided to agencies about how bureaucratic personnel should reverse and craft policy should have been more well received in 1993 than in 1992, making committee oversight more effective. We expect that congressional committees took advantage by conducting a large volume, a temporary “burst,” of oversight during this period.

Why would committees rely on oversight to change policy upon a return to unified government rather than simply enacting new laws? Laws, after all, allow Congress to determine the contours of policy rather than rely on bureaucrats to respond to congressional instructions about how their agencies should change the status quo. Oversight, more so than new legislation,

allows congressional intent to be “lost in translation.”

One answer to this question is that, even under a newly unified government, it is not easy to pass legislation. That government switches from divided to unified government does not guarantee a shrinking of the gridlock interval. In fact, Krehbiel (1998, p. 59) documents that the gridlock interval did not contract in a number of instances when elections shifted government from divided to unified control. In 1993, for example, President Clinton’s inauguration rewarded Democrats with unified control of government after a 12 year period of divided control characterized by a Republican president and a Democratic House (1981-1992) and Senate (1987-1992). However, the gridlock interval did not shrink: a return to unified government did not necessarily make it easier to change status quo policies with new legislation. However, Democratically-controlled congressional committees did enjoy the new presence of Democratic political appointees running federal agencies and the absence of their Republican predecessors. This shift in control of the day to day operations at agencies, we believe, made it easier for committees to work with agencies, through oversight, to change status quos in a manner that was desirable to committees. Crucially, such oversight does not require the assent of veto pivots from the minority party, and is thus often an easier route to policy change for newly unified majority parties.

A second reason why oversight is attractive for committees is that they control its content, where when they report legislation to change the status quo, they cannot necessarily control what happens on the House and Senate floor or inter-branch negotiations with the president. Thus, managing changes to the status quo via committee-agency negotiations may allow committees to maintain more control over the changes that are made than committees would possess if they reported legislation. This basis for preferring oversight to new legislation is consistent with research finding that committee members (Bawn 1997), and lawmakers who share committee priorities (MacDonald 2009), wish to provide greater discretion to agencies under committees’ jurisdictions than other lawmakers. After all, committee members are in a “privileged” position (Shipan 2004) to influence agencies under their jurisdiction.

Finally, oversight may be especially efficient compared to lawmaking when undesirable sta-

tus quos are solely the result of agency discretion and presidential management (Wood and Waterman 1991, Shipan 2004). For example, Wood and Waterman document that the Equal Opportunity Employment Commission's (EEOC) enforcement of equal employment laws declined drastically once President Reagan's appointee, Michael Connolly, assumed leadership of the agency's Office of General Counsel. No law altered the EEOC's discretion—and the agency did not change formal regulations related to its enforcement practices. Rather, Connolly simply directed the agency (successfully) to reduce its enforcement efforts. As such, to kickstart EEOC enforcement during the burst period of the 103rd Congress (1993-1994), it was not necessary for the Democrats to enact a new law. Of course, Congress could have passed, and President Clinton could have signed, a law requiring the EEOC to deliver a higher minimum level of enforcement. Yet, when status quo policies involve the use of agency discretion, committees can directly address them using oversight, rather than through the more burdensome process of legislation. Furthermore, there may be a temporal dynamic to the relationship between such oversight and legislation, with oversight occurring first and uncovering relevant information for future legislative efforts (Aberbach 1990).

We have thus far laid out the general claim that committees may wish to use oversight to release policy friction generated by previous periods of a partisan opposition making policy. At this point, it will be worth it to more directly specify some mechanisms through which policy change *can* occur through oversight. First, committees can use oversight, as indicated above, to find out exactly the agency policies that contribute to unacceptable status quos. As noted with respect to the relationship between oversight and legislation, this may be a difficult task of detection, given jurisdictional fragmentation and procedural obfuscation in policymaking (see, e.g., Farhang and Yaver 2015). Second, oversight can then be used to direct agency priorities. This can be accomplished through many specific and complementary mechanisms. Committees can direct agencies to write new policy through rules, to start doing things (e.g., vigorously enforcing existing regulations), or to stop doing things (enforcing regulations). Crucially, such directions seem likely to affect agency behavior when there is unified government, and are distinctly unlikely when government is divided and agencies can choose to implement the policy

preferred by their favorite principal (Hammond and Knott 1996). Retrospective oversight can take myriad forms. By holding hearings, and/or communicating with agency personnel and new administration appointees informally, committees can remove the previous administration's imprint on an agency's policymaking and provide new unified guidance. Simply, oversight under new periods of unified government may encourage agencies to use their existing discretion to reverse course and create policy outcomes more consistent with the priorities of Congress and the new administration. The proposed efficacy of retrospective oversight is driven by the prospect of inter-branch agreement, and we are thus agnostic as to whether it is mostly comprised of committees instigating latent priorities of the new presidential administration or supporting and coordinating the execution of existing presidential priorities.

In summary, congressional committees are often displeased with agency policy, especially under divided government. Yet, the status quo bias of our system of government precludes them from doing very much about this. They may conduct oversight to gain political points, but such activity is unlikely to yield any real policy gains (Shipan 2004), excepting extraordinary circumstances or agency scandals. We should, however, observe that such committee impotence reverses when committee majorities take control of the presidency. As previous studies have predicted bursts of lawmaking activity in these periods, we predict bursts of oversight activity. In particular, we expect that committees use oversight as a mechanism of positive agenda setting, sometimes shifting, sometimes supporting, the priorities of the administration, to unstick policies created during the previous period. Does such "retrospective oversight" actually exist? The quantitative evidence we cite below provides strong inferential evidence that systematic oversight of this sort does occur, especially early in the tenure of unified government following a period of divided control. More anecdotally, a cursory examination of hearing transcripts from our dataset provide some interesting examples across a variety of policy areas (see appendix A for details on one such example).

We now present specific hypotheses that we test using oversight hearings data from 1946-2010 and 1999-2011. First, prior research establishes that oversight increases with divided government. We share this expectation, yet modify it, as we suspect that oversight might be

as prevalent during burst periods as during divided government:

Divided Government Hypothesis. *During divided government, we expect a larger volume of oversight than under periods of sustained unified control.*

When elections end divided government, resulting in the candidate of the party that controls Congress re-winning the White House, the president and his appointees present less of an obstacle to effective oversight than existed under divided government. Agency appointees are unlikely to resist, and are likely to actually support, the oversight activities of committees. Agency personnel know that they cannot count on the president to block new legislation; hence, these personnel are likely to accommodate oversight aimed at changing policies. Consequently, congressional committees should be expected to embrace oversight in order to reverse policy decisions made during the prior administration, i.e., to engage in retrospective oversight, under unified government:

Burst Hypothesis. *During congressional sessions where a new president creates newly unified control (following a period of divided control), we expect larger volumes of oversight than exist under periods of sustained unified control.*

In addition, the ability of agencies to resist effective oversight during divided government suggests another prediction. The longer the period of divided government preceding the transition to unified control, the more policies will have built up to which committees object. For example, the 1992 regime switch described above, occurring after twelve years of divided government, should lead to a larger burst of oversight than should a switch to unified control following a single session of divided control:

Buildup Hypothesis. *The length of the period of divided control preceding newly unified control will condition how substantial an oversight burst is. Empirically, we hypothesize a positive effect on an interaction term between our New Unified Control and Presidential Regime Length variables.*

We have additionally argued that the incentive for committees to conduct retrospective

oversight is driven by its likelihood of effectively directing agency implementation in ways that overturn status quo policies. If this is indeed what is driving bursts of oversight during periods of newly unified government, it would also be reasonable to suspect that the hearings are directed at agencies that are particularly likely to cooperate with overseeing committees.

Likely Effectiveness Hypothesis. *Committees will direct their retrospective oversight efforts at agencies that are most likely to comply with policy direction — that is, hearings under New Unified Control are most likely to involve agencies that are ideologically aligned with the partisan majority.*

The logic for this expectation is straightforward and most easy to see when we contrast retrospective oversight with contemporaneous oversight under divided party control. Divided government oversight is often critical of current policy actions of agencies directed by opposition presidents. Agency opposition to policy oversight is driven by the presidential administration and is thus distributed across a range of agencies, with the president keen to use tools of the administrative presidency (appointments, OIRA rule review, etc.) to direct even ideologically distant agencies to contest legislative oversight. Under new unified control, though, agency opposition to policy oversight is less likely, but can still manifest, especially in agencies who have an ideological/regulatory culture than conflicts with the majority party. Although responsiveness can be coerced from such nonaligned agencies, it is more difficult to achieve, as agencies still possess informational advantages allowing them to subvert political responsiveness. Although committees may wish to direct these nonaligned agencies to change the direction of policies in their jurisdictions, success is less likely, and the majority party may be more likely to pursue binding legislation in these cases. This likely effectiveness hypothesis is more speculative than the rest, but to the extent that we find support for it, we can infer further support for our perspective that oversight is primarily policy-driven during periods of new unified control. This hypothesis is also consistent with our view that retrospective oversight takes advantage of policy agreement between branches. Here, congressional committees attempt to *direct* agency and presidential policy agendas, rather than getting the bureaucracy or president to change

their policy preferences.

Data and Methods

We focus exclusively on formal oversight hearings. Of all the forms of oversight, these are the most straightforward to quantify and are the focus of much existing research (Dodd and Schott 1986; Aberbach 1990; Smith 2003; McGrath 2013).³ Information on formal oversight hearings can be found via the Policy Agendas Project (www.policyagendas.org), which collects hearings data by committee-years.⁴ Our hypotheses about retrospective oversight are framed at the chamber-level, so we aggregate the PAP hearings data up to the chamber-year, calculating the sum of the total number of hearings days across all committees in a chamber in each year. In order to account for intra-chamber heterogeneity, we additionally calculate hearing volume by standing committee and year, excluding special committees and committees with very narrow jurisdictions.⁵ In our chamber-level analyses, we thus have hearings data for 64 years (from 1947 to 2010, for 128 chamber-year observations), and for 37 standing committees in the committee-level analyses (totaling 2,112 committee-year observations).

The PAP hearings data were not coded with oversight in mind and contain no clear indicator for whether a given hearing is oversight-related or not. Previous research (Smith 2003) has argued that oversight hearings are wholly different from both those meant to create new agencies or programs and those that propose or review potential legislation. We further narrow the empirical definition by filtering hearings using keywords which we consider to indicate oversight specifically (McGrath 2013).⁶ The mean number of *Hearing Days* per chamber-year in the data is 291.81 (SD=214.39, Min=11, Max=926), while the mean for committee-year observations is 16.85 (SD=39.16, Min=0, Max=417).

As discussed above, we are primarily interested in assessing whether a burst of retrospective oversight occurs when a new presidential regime aligns with the partisan control of a congressional chamber. We have argued that these situations are propitious for oversight and potential reversal of programs and administrative decisions made by the previous presidential regime. To be clear, if we observe the proposed association, we will not have observed *direct* evidence that

agencies actually change policies in response to oversight during burst regimes. Rather, we will have observed that committees engage in increased levels of oversight when agencies are especially likely to be responsive to the policy desires of committees (Shipan 2004). This empirical pattern, then, will support the perspective on retrospective oversight explained above, though we will not be able to claim direct evidence of policy change due to such oversight.

New Unified Control is a variable that indicates when a party controls both the presidency and a congressional chamber, but there existed divided control in the previous year. We consider both years of the congressional session following divided government—rather than just the first year—to fall within *New Unified Control* since we believe that the large scope of the modern legislative agenda precludes committees from handling all of the oversight they would like to conduct in the first year after a switch from divided control.⁷ This variable therefore takes the value of 1 for the Senate in 1981/1982, for the House in 2001/2002, and for both chambers in 1953/1954, 1961/1962, 1977/1978, 1993/1994, and 2009/2010 (the variable takes a value of 0 otherwise).⁸ According to the the burst hypothesis, we expect this variable’s coefficient to be positively and significantly associated with the number of oversight hearings.⁹

We begin the empirical tests by assessing whether oversight activity increases in these honeymoons of unified government, but we will also analyze the extent to which this burst in oversight varies with the duration of the previous regime. There is an obvious distinction to be made between the unified government that existed under Eisenhower in 1953/1954 (after 20 years of Democratic control of the presidency) and the unified Republican control of the presidency/Senate in 1981/1982 (after just 4 years of Democratic control of the presidency).¹⁰ If there truly is something to the idea that unified control can facilitate oversight meant to reverse past policy, the former example should offer a far greater supply of subjectively bad previous administrative actions than the latter example. To capture this distinction empirically, we measure a *Presidential Regime Length* variable and lag it so that we can capture the extent to which policy could have built up in the recent presidential regime. We conceptualize a “presidential regime” as a party regime (Skowronek 1997), so a transition from, say, Ronald Reagan to George H. W. Bush does not constitute a regime change. Based on the buildup

hypothesis, we expect the coefficient of this interaction term to be positively and significantly related to the volume of oversight.

In addition to including the *New Unified Control* variable and modifying it via *Presidential Regime Length*, we include a variable for divided control as well. *Different Party* takes a value of 1 when a chamber does not share the party of the president and indicates partisan conflict. This variable should be positively and significantly associated with the volume of oversight, based on the divided government hypothesis. When both *New Unified Control* and *Different Party* are included in the models below, the reference category is *Sustained Unified Control*.

As an alternative to bluntly measuring divided control at the chamber level, we also include models with a more nuanced measure of ideological conflict between the branches, additionally modeling committee-level variation in *Ideological Divergence*, which is the distance between a committee's median DW-NOMINATE (Poole and Rosenthal 1997)¹¹ score and the president's DW-NOMINATE score. Previous research (e.g., Shipan 2004, McGrath 2013) has considered the president's ideology to be an inexact proxy for an investigated agency's ideal point. Here, we use the same measurement strategy, but instead of assuming that presidents can singlehandedly and abruptly change agency ideology, we consider this proxy to measure presidential control of agency *activity*. Considering again the EEOC under President Reagan, the president could not change the agency's underlying preferences for enforcing equal employment laws, but his appointment of an ideologically conservative General Counsel had a marked impact on the agency's enforcement activity (Wood and Waterman 1991). We relax even this assumption below when we use Clinton and Lewis (2008) measures of agency ideology to explicitly measure agency heterogeneity.

Previous research has identified a number of control variables that might be useful to reassess here. Many of these studies (Aberbach 1990; Smith 2003; Kriner and Schwartz 2008; Parker and Dull 2009; McGrath 2013) have found that the *House of Representatives* systematically holds more oversight hearings than the Senate. We also include an indicator for whether the *Subcommittee Bill of Rights* was in effect or not, as Aberbach (1990) and Ogul and Rockman (1990) suggest that this particular reform had the effect of decentralizing policy jurisdictions in

Congress and gave a greater number of legislative actors an incentive to conduct oversight. We also control for the possibility that economic conditions affect oversight and measure a variable for *GDP Growth* from the U.S. Bureau of Economic Analysis. For the basic model specification, we also include a control for the possibility that Congress conducts less oversight in each *2nd Session*. Finally, to capture temporal continuity and incrementalism in changes to oversight activity, we include time trend variables *Time* and *Time Squared* to the right hand side of all of our regression equations.¹²

Beyond this parsimonious model, we estimate more comprehensive models of oversight activity, additionally controlling for *Republican Chamber*, *Size of Government*, *Deficit/Budget*, and *Session Days*.¹³ We model the relationship between the independent covariates and the dependent variable with a negative binomial regression to allow for overdispersion of the dependent variable (Long 1997). For the committee-level analyses in table 2, we include individual committee fixed effects to control for all sources of time invariant heterogeneity across standing committees.¹⁴

Results

Table 1, column 1 (“Basic”), presents results from a parsimonious model of oversight activity in congressional chambers from 1947-2010. Of particular note, our *New Unified Control* coefficient is positive and statistically distinguishable from zero, indicating that committees hold more hearings here than during sustained unified control, the reference category. As in previous research, oversight activity seems also to be driven in large part by partisan conflict between branches, with the *Different Party* variable indicating a significant increase in oversight hearing days. These findings support both the divided government and burst hypotheses expressed above. In addition, although the *Different Party* coefficient is larger, the two effects cannot be statistically distinguished from one another.

Table 1 goes here.

The second column of table 1 presents results from a more comprehensive specification (“Full”) of the determinants of oversight. Here, after additionally controlling for the statistically

significant effects of *Republican Chamber*, *Size of Government*, and *Session Days*, and the insignificant effects of *Deficit/Budget*, we see more confirmation of the burst hypothesis. As in model 1, this burst of oversight (coefficient on *New Unified Control* of 0.290) is statistically equivalent in magnitude to oversight conducted by committees when they are facing a president of the opposite party (coefficient on *Different Party* of 0.382). Prior theories of oversight are not capable of explaining why congressional chambers engage in high volumes of oversight during such sessions. Our theory, however, predicts just this occurrence. We argue that this indicates that committees and like-minded presidents work together to undo the actions of their shared ideological enemy from the previous presidential regime. As with the more parsimonious model from column 1, this provides strong initial support for our expectations.¹⁵

Thus far, what we have presented speaks only to statistical, rather than to substantive, significance. Figure 2 plots the substantive effects of each discrete variable from table 1, column 2, on the expected number of hearings generated from the negative binomial models. The figure shows that under a burst regime of *New Unified Control*, we should see just around 85 more oversight hearing days per year, holding all else constant. Given the mean number of hearing days (291.81), this amounts to more than a 28% increase in activity when compared to sustained unified control. To place this estimated effect in another context, a former staff director of a House Committee provided us with a back of the envelope estimate of the amount of staff work that it took to hold hearings: “I once tried to figure it out—maybe one-hundred staff hours for every hearing hour.” Even if a hearing day is not eight hours, holding hearings over approximately 85 more days is a significant expenditure of staff resources. If one assumes that a hearing day spans four hours, if it takes one hundred staff hours to prepare for one hour of a hearing, 85 additional hearing days amounts to 34,000 hours of work for committee staffers during new, compared to sustained, unified control. Given the importance of staffers to all facets of committee operations, this focus on oversight is significant, especially in light of the opportunity costs of using these staffers to work on oversight rather than other tasks, such as working to enact new legislation. This particular effect is indistinguishable from that of *Different Party*, highlighting that oversight can be just as vigorous under unified control as

under divided control. This is exactly the point that has not been recognized by the previous research.

Figure 2 goes here.

As argued earlier, if congressional oversight under unified control is directed at retrospectively “correcting” policy made under the previous administration, then the extent to which this is necessary should vary with how long the other party controlled the executive branch, as the buildup hypothesis predicts (see Binder (1999, p. 521, hypothesis 4) for a similar argument). Columns 3 and 4 of table 1 mirror columns 1 and 2 and additionally include *Presidential Regime Length* (lagged to capture previous regime length) and the multiplicative interaction of *Presidential Regime Length* (lagged) and *New Unified Control*. This interaction is meant to capture our expectation that the longevity of the previous regime should matter only under conditions of *New Unified Control*—we will call this interaction term *Years of Policy Buildup*. The coefficients on the constitutive term *Presidential Regime Length* thus convey the effect of this variable in periods of divided control or sustained unified control. Similarly, the coefficients on *New Unified Control* indicate the effect of this variable on oversight when *Presidential Regime Length* is equal to zero. Our expectation is that the length of the previous presidential regime should matter for oversight only when there is *New Unified Control*. The magnitude of this effect should increase with the length of the previous presidential regime, so we expect positive and significant coefficients on *Years of Policy Buildup*.

This expectation is supported in table 1. In column 3, the coefficient on the interaction term (*Years of Policy Buildup*) is positive and statistically distinguishable from zero at the .10 level. The coefficients and degree of statistical significance for control variables, including *Different Party*, in this model closely resemble their counterparts from column 1 of table 1. The fourth column of table 1 shows that our expectation is additionally supported in the data when we account for the full specification of control variables. That the coefficient on *Years of Policy Buildup* is statistically significantly positive while neither of its constitutive terms (*New Unified Control* and *Presidential Regime Length*) are indicates that the lagged length of

a presidential regime only affects oversight when in the first two years of unified control. This also indicates that the nature (in terms of lagged *Presidential Regime Length*) of each regime of new unified control affects the size of the oversight burst we see. In fact, for very short precedent presidential regimes (those lasting but one 4-year term), the marginal effect of *New Unified Control* is not statistically significant; but, for longer presidential regimes, the marginal effect is significantly positive, indicating the expected burst of oversight.

As these coefficients do little to indicate substantive significance, we include Figure 3 to display how changes in *Years of Policy Buildup* lead to changes in expected oversight activity. Here, we plot the expected number of hearing days across the range of presidential regime lengths.¹⁶ This figure is generated after estimating the specification from column 4 of table 1. We see here that under conditions of divided *or* sustained unified control (the “No Burst” estimates), increases in presidential regime do not affect the predicted number of hearing days from the model. In contrast, when under a “Burst” regime, the length of the precedent presidential regime affects the size of the observed burst in oversight activity. After a one-term presidential regime, we should expect to see just about 450 hearing days in an average year in the House of Representatives, holding other variables constant at their means or modes. By contrast, after a 12-year period of same party presidential rule, the number of expected hearings jumps to over 625 hearings per year, representing a 39% increase in oversight activity.

Figure 3 goes here.

Thus far, we have presented support for each of our hypotheses using data aggregated to the chamber-level.¹⁷ This is an appropriate level of aggregation, given that our argument is about party control of congressional chambers. Yet, we can disaggregate the data further to the committee-level, as a robustness check, and also to examine how intra-chamber ideological conflict can also drive committee oversight. We present such analyses below in table 2.

As mentioned above, we identified 37 standing committees across the chambers that engage in substantively meaningful oversight, totaling 2,112 committee-year observations.¹⁸ Column 1 of table 2 models committee oversight similarly to what we specified in table 1, column 2,

and shows that committees engage in significantly more oversight activity during divided party control and when there is newly unified control.¹⁹ This confirms the chamber-level results, but indicates here that *Different Party* has a statistically significantly larger effect than *New Unified Control* at the committee-level.

The primary benefit of organizing the data by committee-year lies in our ability to specify a more nuanced measure of policy conflict. Party control is a blunt measure of institutional policy preferences, and we prefer more nuanced indicators of intra-institutional heterogeneity. To this end, we measure an *Ideological Divergence* variable, as described above, at the committee-level and assess its effects in column 2 of table 2. Column 2 includes a complete specification of controls and shows that *New Unified Control* maintains its positive and statistically significant relationship with oversight hearing days, providing additional support for the burst hypothesis. Here, though, the effect is smaller than in column 1 because the burst regime is now compared to sustained unified control *and* divided control, as the *Different Party* indicator is no longer included in the model. As expected, and consistent with the spirit of the divided government hypothesis and previous research (e.g., McGrath 2013), *Ideological Divergence* is positively related to oversight, with within-committee changes in this distance making oversight more likely for that committee. Columns 3 and 4 confirm that each of these patterns maintains when we further include the interaction of *Presidential Regime Length* (lagged) and *New Unified Control*, as well does the conditional relationship reflected in this interaction.

Taken together, the control variables perform consistently across the two tables and conform with recent research. Specifically, committees in the House of Representatives engage in more oversight than their Senate counterparts, and they tend to hold more hearings in the second session of a Congress, when controlled by Republicans, and as the size of government has increased over time.

We have argued that oversight increases in periods of *New Unified Control* because committees wish to change status quo policies that were adopted under the opposition party's president. We have provided evidence consistent with this claim, showing that committees hold oversight hearings when they are theoretically most likely to be effective. Given what we have presented

thus far, it might be the case that committees substitute such oversight for legislation in these periods. Certainly, legislation is easier to achieve during unified government of any sort, but legislating requires considerable coordination from party leaders and generally takes longer to develop than it does to prepare an oversight hearing (suggesting perhaps that legislative hearings would be most voluminous during sustained unified government). Besides, committees themselves have autonomous control of the oversight agenda, where legislative hearings flow from anticipated floor actions. Thus, since they have fixed time and resources, committees might focus their hearings agendas on retrospective oversight rather than on legislative hearings. That is, we do not necessarily expect that legislative hearings should increase with oversight activity. In fact, when we assess the determinants of legislative hearing activity separately in appendix C, we find that *New Unified Control* does not generate increases in legislative hearings.²⁰ While not dispositive, we see the pattern of results as indicating that congressional committees use oversight during *New Unified Control* to amend previous administrative policies *without* using legislation.²¹

Heterogeneity of Oversight under Divided and Unified Control

Thus far we have shown that oversight is just as likely in periods of *New Unified Control* as it is during periods of divided control, and far more prevalent than during periods of sustained unified government. Our theory asserts that these bursts are driven by oversight that is retrospective in nature, with committees directing agencies to amend policies and implementation protocols established in the previous presidential regime. To support this mechanism, we demonstrate, using a novel complementary dataset, that committees target their policy oversight activities at agencies with similar ideological dispositions to their own when there is newly unified government.

Oversight Targets

If Congress considers oversight a tool for effectively changing policy, as opposed to a “weapon” for attacking political enemies (Parker and Dull 2013b), we would expect to see committees targeting agencies with which they primarily *agree* ideologically. We cannot, how-

ever, simply identify the agencies that committees target using the Policy Agendas Project data. Designed to capture congressional behavior, these data fail to indicate any agency information for the identified hearings.

As an alternative, we collected data on hearings from the Government Publishing Office's Federal Digital System (<http://www.gpo.gov/fdsys/>). We describe this process more fully in appendix E, but, simply, we collected the universe of hearing transcripts from the the GPO for the years 1999-2011, filtered the hearings for keywords indicating oversight, and then used each full hearing transcript to identify which agencies were involved in each hearing. We then grouped hearings by agency²² and year, creating a dataset of 793 observations (62 agencies over 13 years, with 2 agencies with fewer than 13 observations due to being created after 1999). Appendix table E1 gives descriptive statistics for the number of hearing days for each included agency. Across agencies, the mean number of hearing days is 82.52 (SD: 107.88, Range: 0-620).²³

These GPO data cover a period rife with institutional variation. The timeframe (1999-2011) includes periods of unified government, divided government with a unified Congress, divided government with a divided Congress, Republican presidents, Democratic presidents, and changes in the partisan control of each institution. We first use this alternative dataset to confirm our finding regarding bursts of oversight in new periods of unified government. Table 3, column 1, presents results from a model equivalent to table 1, column 2, using the alternative agency-year data.²⁴ Consistent with Table 1 above, agencies see statistically significantly more hearings under *New Unified Control* than they do under periods of sustained unified government. Yet, here committees hold many more hearings ($p < 0.01$) during divided government than they do during our burst regimes. However, inspection of the variables capturing time trends (*Size of Government*, *Deficit/Budget*, *Session Days*) indicates that these variables have significant *negative* effects on oversight activity, in direct contrast to what we found in the PAP data. As the agency-year data structure is a starkly different way to aggregate oversight activity than the committee-year data, this is not particularly surprising for a small number of recent years.

Table 3 goes here.

Having established support for the burst hypothesis with these alternative data, we now assess whether committees systematically oversee particular types of agencies when they hold hearings. Above, we used presidential party affiliation and ideology scores to serve as proxies for agency policy preferences. These are blunt measures at best and the approach completely ignores the inter-agency ideological heterogeneity that recent research has emphasized (e.g., Clinton and Lewis 2008; Clinton et al. 2012, Chen and Johnson 2014). To incorporate such heterogeneity, we use Clinton and Lewis’s (2008) measures of agency ideology to categorize agencies as generally liberal, conservative, or moderate.²⁵ We use these categorizations to construct a variable capturing the extent to which political actors share or oppose agency ideological preferences, thus allowing us to assess whether committees target ideologically similar agencies to ensure the relative effectiveness of their oversight activity.

Table 3, column 2, thus includes an indicator for whether a president shares the ideology of a given agency: *President-Agency Ally* is coded as 1 if there is a Democratic president and the agency is liberal or there is a Republican president and the agency is conservative; otherwise this variable takes a value of zero. We interact this variable with both *New Unified Control* and *Divided Government* to assess whether committees target different types of agencies under different regimes of partisan control. In column 2, we see that this first interaction is positive and statistically distinguishable from zero and that the size of the effect overcomes the statistically negative coefficient on the *New Unified Control* constitutive term. Thus, the marginal effect indicates that retrospective oversight is particularly likely to occur with respect to those agencies that are ideologically aligned with the new unified regime. Indeed, committees conduct 9% more hearings with ideological allies than they do with enemies or neutral agencies. In contrast, committees seem to be more likely to hold hearings with neutral or opposed agencies during divided government. These patterns are both relative to sustained unified government, where committees more uniformly distribute sparse hearings among political allies and enemies. These results are consistent with the likely effectiveness hypothesis and indicate that the bulk of retrospective oversight is directed at agencies that are political allies. While this does not provide direct evidence that committees are actually influencing policy through agencies, it

does suggest that they are strategically targeting agencies that would be most receptive to committee direction. In contrast, oversight during divided government is probably more likely to reflect criticisms of agency malfeasance and partisan grandstanding than it is to reflect the cooperative/supportive policy direction that we infer occurs during burst regimes. In addition, ours is the first systematic agency-level data on oversight, allowing us to go beyond the common assumption that presidents can perfectly control agency behavior through their management efforts. Ideological heterogeneity exists across agencies and ours is the first examination of oversight to empirically recognize this a factor underlying congressional oversight.

Conclusion

In this article, we provide an explanation for the large volume of oversight that occurs within Congress during unified government. Prior research provides a systematic understanding of the oversight during inter-branch conflict, but had largely ignored the investigative and monitoring activity of committees when inter-institutional preferences more closely coincide. Our account does not contradict this existing research, but adds the implication that oversight taking place during unified government is most likely to be related to substantive policymaking, as opposed to being purely political. The key contribution of our research is its incorporation of the dynamics of the American policymaking process into an understanding of oversight. We demonstrate that congressional majorities disagree with the legacy policies of prior administrations as much as they do with agency actions under the stewardship of rival presidents. Such a dynamic perspective has been wholly absent from the literature. In discovering that oversight during “burst” periods of new unified control is just as prevalent as oversight during divided government, and explaining the retrospective basis for it, we have improved the understanding of oversight. Critically, oversight can be a constructive policymaking tool. Rather than merely a whip used to lash hostile presidents and agencies, oversight can be a tool used to encourage agencies to make policy decisions favored by Congress. We now understand more about why and when oversight is conducted and understand the conditions—and the timing—that make it likely to be used constructively.

That Congress sometimes oversees agency decisions taken in a previous time period is intuitively correct to close observers of oversight. Seymour Scher, in one of the earliest systematic examinations of the oversight function, concluded: “When the leadership of the majority party in Congress believes it can cause sufficient embarrassment, with accompanying profit for itself, to a *past or current* opposition president who is held responsible for the performance of his agency appointees, committee oversight tends to be used for this purpose” (1963, p. 541, emphasis added). Although we have favored the perspective that embarrassment is not always the goal of oversight, Scher recognizes the temporal order of oversight under what we call a burst regime: that much oversight under newly unified government is directed at undoing the policies from the previous partisan administrative regime. Similarly, in his classic work on the relationships among divided control, lawmaking, and congressional investigative activity, David Mayhew (2005) identifies a particularly high profile example of the kind of retrospective oversight that we have in mind. His dataset highlights a 1953 investigation of 1940s spy rings, presumably directed by the Truman administration, held by Senator William Jenner (R-IN), chair of the Internal Security Subcommittee of the Senate Judiciary Committee. On the shared partisanship of the Senate and presidency at the time, Mayhew notes, “The Eisenhower administration more or less waved the effort along” (Mayhew 2005, p. 28), thus allowing Congress to engage in retrospective oversight with minimal inter-branch friction.

While our findings are important from an empirical perspective, they also contribute much to our understanding of the policy process in the United States. We have argued that retrospective oversight should be more effectual than oversight conducted during divided government. Since, in burst regimes, there is an alignment of preferences between committees’ and new administrative appointees’ preferences, all persistent policy decisions made under to the previous president’s direction are amenable for revision. Given the amount of discretion given to bureaucrats (Epstein and O’Halloran 1999, Huber and Shipan 2002), the scope of bureaucratically-made status quos that carry over from a previous regime can be quite large. Critically, for our argument and for the process of federal policymaking, this discretion allows bureaucrats—under new leadership in a burst regime—to reverse these status quos without the

anti-majoritarian hurdles inherent in passing laws (Krehbiel 1998, Brady and Volden 1998). Once committees begin instructing agencies to change policy via oversight hearings, there is no filibuster or veto override pivot to hamper convergence to the committee's policy preference or to take up a committee's preferred agenda. Committees use oversight to "turn the aircraft carrier" without being scuppered by the pitfalls of the legislative process.

To be sure, assent from the president is an important part of this turnaround. Although the president cannot literally veto committee oversight instructions, he can instruct his appointees to resist committees' efforts. However, as we emphasize above, this is not likely to happen much when Congress and the presidency are held by the same party and committees are likely to find presidential assent for their oversight efforts. Instead, congressional committees are free to use their institutional memories to identify past administrative policies that should be changed and to pursue these changes through oversight. As a matter of fact, since Congress also has informal means of *ex parte* agency direction and oversight, our findings are an understatement of committee attempts to reverse previous policy via the bureaucracy. We do concede that agency personnel who wish to resist committee oversight are not exactly helpless during burst regimes. Bureaucrats still possess the advantages of hidden action and hidden information (e.g., Brehm and Gates 1997; Moe 1984). Nevertheless, the ability of committees to influence agencies is at its strongest when committee and presidential preferences align and, during a burst regime, there are never more policies that committees wish to overturn. Therefore, oversight during these important periods should be prolific, as we observe, and it should be well-received (and thus, likely effective in changing policy), especially when the oversight targets ideological allies (Shipan 2004).

Admittedly, our claims regarding the likelihood of oversight-driven policy change during burst regimes are indirectly supported. However, that we observe more oversight when it is most likely to be effective suggests strongly that oversight is used for constructive purposes—to affect the substantive decisions that agencies make in a manner that committees, and/or their chairpersons, prefer. This is consistent with the policymaking theories that drive our own (e.g., Krehbiel 1998, Brady and Volden 1998, Shipan 2004) and with our interactions

with close practical observers of oversight. Although anecdotal, one example of the specific impact of oversight was explained to us by a former committee staff director, who recounted how notification from a stakeholder led the committee to intervene with the Food and Drug Administration regarding the labeling of a drug. The staffer explained “A nurse... called me on it... because [she hailed from the same state as a member of the committee and the committee member] was known in health care circles... The drug built up to toxic levels if the patient was renally impaired. This wasn’t on the label. It was lost in the noise. Some people died. The FDA fought with me for a little bit; once they focused on it, they relented and it went on the label. Plus, they were afraid of us because all of the other investigations we were doing.”

A second staffer described how his/her committee handled the practice of “cramming” on consumers’ telephone bills, a practice through which phone companies charged consumers for services from third party vendors without consumer consent, culminating in at least hundreds of millions of dollars in additional charges. The staffer explained that, at first, companies denied knowledge of the practice. However, in the staffer’s view, the committee proved in a series of hearings that the companies were complicit in facilitating cramming. Such oversight propelled investigations by the Consumer Financial Protection Board, the Federal Communications Commission, and the Federal Trade Commission. These investigations resulted in hundreds of millions of dollars in fines to companies, refunds for consumers, and continuing investigations (Wyatt 2014). Probably more importantly, the staffer emphasized that the phone companies consented to ceasing the practice of cramming due to the committee’s oversight efforts. S/he noted that majority party members of the committee would have also preferred to enact legislation banning cramming—but they were unable to do so due to the difficulty of lawmaking under contemporary polarization. Importantly, then, the committee was able to have a substantial impact on policy in a way that improved life for consumers, while punishing wrongdoing by companies. The committee was able to do this because the policymaking role of oversight was enhanced by agency cooperation.

Of course, not all oversight will result in such stark policy reversals that are apparent in these examples. Nevertheless, these anecdotes illustrate the utility of oversight for engendering

real, and important, changes in agency behavior and policy. Accordingly, we are led to the conclusion that the large increases in oversight that we find during newly unified control should be consequential for the direction and tenor of public policy. Despite this inference, we cannot be certain how much oversight affects policy as a general matter and leave it to future research to more firmly achieve this crucial task.

This research has implications for how scholars, and other observers, should view committees. Given the difficulty of passing legislation in a polarized era, Congress now has difficulty taking advantage of expertise created by committees (King 1997, Krehbiel 1991). This is seen in the difficulty Congress has had in reauthorizing laws (Hall 2004, Ch. 8). If Congress chooses not to, or cannot, take advantage of the legislative expertise committees possess, then should one expect committees to atrophy, losing their capacity to develop legislative solutions to policy problems? Not if committees retain expertise by monitoring the consequences of agency actions for policy outcomes via oversight during divided government and instructing agencies to alter these actions in a manner that satisfies committees' priorities upon a change to unified government. In this way, committees retain their policymaking relevance even in the face of intense polarization that hinders their ability to enact laws within their jurisdictions. This view, which is an implication of our findings, is also consistent with Adler and Wilkinson's (2012) view of committees as "policy caretakers."

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Notes

¹Presidents, on the other hand, possess unilateral tools, such as executive orders and agency memoranda (Mayer 2001, Howell 2003) that allow them to more or less directly instruct agency policy. Presidents can also use their appointment power to staff agency leadership with those loyal and responsive to them (Lewis 2008), further facilitating presidential control.

²Congress may seek to undermine presidential influence by appealing to bureaucrats directly through oversight, reminding agencies that future reauthorizations of their programs are largely determined by the current congressional majority. Congressional investigations can also work to spur presidents—who also seek public approval—to preempt new legislation with conciliatory measures, or to circumvent the legislature by focusing on more advantageous agendas, such as foreign policy, at the expense of conflictual domestic policies (Kriner and Schickler 2014). Yet, these strategies are likely to be ineffective if Congress cannot credibly threaten that it has supermajoritarian support to coerce agency action (Ferejohn and Shipan 1990).

³By focusing on *formal* oversight hearings, we are likely to *underestimate* the extent to which retrospective oversight occurs. This is true because it is very likely that informal, *ex parte*, communications between members of Congress and agency managers are more likely to be effectual in unified government. Committees, then, possess less costly, yet still effective, means than formal hearings to affect policy during unified government.

⁴The 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.

⁵From the Policy Agendas Project committee codebook (<http://www.utexas.edu/cola/files/3072498>), these are **107: District of Columbia Committee (House)**, **112: House Administration Committee**, **119: Rules Committee (House)**, **122: Standards of Official Conduct (House)**, **218: Rules and Administration Committee (Senate)**, and **229: Committee on District of Columbia (Senate)**.

⁶These keywords are: “oversight”, “review”, “report”, “budget request”, “control”, “impact”, “information”, “investigation”, “request”, “explanation”, “consultation”, and “examination.”

⁷Years of unified control beyond this two year period are considered to lie in a period we call *Sustained Unified Control*, where we expect the least amount of oversight activity. We have alternatively measured *New Unified Control* as only the first year of such unified government and found substantively identical results. See appendix table D2.

⁸We have coded this as a chamber-level measure, hence the coding of the 1981/1982 Senate and the 2001/2002

House as burst periods. Despite 1981/1982 and 2001/2002 being periods of divided government, we believe that our argument regarding the oversight incentives of committees applies to those individual chambers that have been joined by a friendly president, as oversight does not require inter-chamber agreement. We have also alternatively coded these as periods of divided control, with no material change in our results.

⁹There are but 5 cases of *New Unified Control* across chambers in the data and then the cases mentioned above regarding the Senate in 1981/1982 and the House in 2001/2002. Yet, these periods make up more than 21 percent of the data, thus we are not concerned that our empirical tests lack power.

¹⁰Of course, there are many differences between these two periods. The specific dimension of difference that we mean here is the extent to which there are previously gridlocked status quos that the new unified regime would prefer to move toward their party's ideological preference. In this example, Eisenhower's administration followed the large-scale establishment of liberal New Deal policies, many of which Eisenhower opposed. On the other hand, the Carter administration was but a blip in a period of Republican presidential control, lessening the impact of Carter period status quos on existing policy.

¹¹Available at <http://voteview.com>

¹²We alternatively include the lagged value of the dependent variable as a regressor to further account for potential dynamic effects. Our results are robust to such a strategy (see appendix table D3).

¹³*Republican Chamber* is 1 when a chamber is controlled by the Republican party, 0 otherwise. Congressional staff (Malbin, Ornstein and Mann 2008, Table 5.5), number of federal agencies (*United States Government Manual*), and number of federal FTEs (*Historical Tables, Budget of the United States Government*, Table 17.1) are highly intercorrelated, so *Size of Government* is an index of the form $(\ln(\text{staff}) + \ln(\text{agencies}) + \ln(\text{FTEs}))/3$. *Deficit/Budget* denotes the federal 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). *Session Days* indicates the number of days in each congressional session.

¹⁴Here, since we include committee fixed effects, we use OLS models of the logged dependent variable instead of negative binomial regression, as research has shown that there are potential problems with conditional and unconditional fixed effects negative binomial models (e.g., Allison and Waterman 2002). However, we alternatively estimated unconditional fixed effects negative binomial models that show substantively similar results (see appendix table D4), which indicates that these negative binomial results are likely not biased by the inclusion of many incidental parameters. Yet, we prefer to present the OLS results in the main text to be sure.

¹⁵These results are robust to numerous alternative specifications, many that we present in appendix D. Here, we show that the main results maintain after we identify and omit potential outlying observations (appendix figure D1 and appendix table D1), when we alternatively conceptualize the *New Unified Control* variable,

(appendix table D2), and when we include the lagged value of the dependent variable as a regressor (appendix table D3).

¹⁶Presidential terms are fixed-length, so this is a discrete range including 4 years, 8 years, 12 years, 16 years, and 20 years.

¹⁷In addition, we demonstrate in appendix B that the relationship we find holds across disparate policy areas, indicating that retrospective oversight is a general strategy for different kinds of committees. To examine this, we coded each hearing from the Policy Agendas Project dataset as dealing with *distributive*, *redistributive*, or *regulatory* issues as broad policy types (Lowi 1972) and then created, as above, separate dependent variables for *Distributive Hearing Days*, *Redistributive Hearing Days*, and *Regulatory Hearing Days* for each chamber-year. Appendix table B2 confirms that oversight increases in both burst periods and during divided control for each policy.

¹⁸The number of observations in the estimation sample drops to 1,958 when we include *Ideological Divergence*, as committee ideology data are unavailable for 2 committees in our data.

¹⁹See note 14 for why we use OLS with a logged dependent variable for these specifications.

²⁰We again construct the dependent variable from information found in the Policy Agendas Project.

²¹It may well be the case that information gleaned from oversight hearings is used in later legislative hearings on the same policy. That is, policy oversight might generally precede legislative action; but, we leave this topic for future research.

²²We identified relevant agencies using the scheme from Clinton and Lewis (2008), so that we could merge the resultant agency-year dataset with Clinton and Lewis's measures of agency ideology. We omitted all agencies from the Clinton and Lewis list that did not appear in any hearing transcripts in our data.

²³Importantly, as hearings almost always involve more than one agency at a time, these numbers are not directly comparable to those figures from the Policy Agendas Project data. We do expect, however, that either aggregation of oversight activity should accurately reflect oversight volume.

²⁴The agency-year structure of these GPO data necessitate some adjustments. First, we now include agency fixed effects to make the estimates within-agency effects. Next, our dependent variable does not identify whether a hearing was held by the House of Representatives or the Senate, so we modify some chamber-level variables to Congress-level (*Different Party* to *Divided Government*, and *Session Days* to *Session Days (House)*), and drop some chamber-level variables (*House of Representatives* and *Republican Chamber*). We also omit *Subcommittee Bill of Rights*, as it does not vary from 1999-2011.

²⁵We code an agency as liberal if its ideology score is significantly negative, as conservative if its ideology score is significantly positive, and as moderate if the 95% confidence interval around its Clinton-Lewis ideology score includes zero.

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Tables

Table 1: Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (1947-2010)

	(1) Basic	(2) Full	(3) Basic	(4) Full
New Unified Control	.2615** (.1101)	.2902*** (.1067)	-.1058 (.1879)	-.0935 (.2027)
Different Party	.2816*** (.1012)	.3816*** (.1199)	.3176*** (.0951)	.3860*** (.1046)
Presidential Regime Length			.0081 (.0130)	.0045 (.0145)
Years of Policy Buildup (Interaction) ^a			.0345* (.0179)	.0368* (.0194)
House of Representatives	.6986*** (.0795)	.6365*** (.1376)	.6457*** (.0727)	.6004*** (.1116)
2nd Session	-.1762** (.0775)	-.1902** (.0740)	-.2067*** (.0713)	-.2131*** (.0682)
Subcommittee Bill of Rights	.1552 (.1101)	.0264 (.1415)	.0776 (.0966)	.0255 (.1248)
GDP Growth	.0439*** (.0165)	.0368** (.0173)	.0319** (.0133)	.0191 (.0146)
Republican Chamber		.1938* (.1172)		.1866* (.1074)
Size of Government (Index)		1.7192** (.6690)		1.6489*** (.5980)
Deficit/Budget		-.0187 (.4727)		.5147 (.4470)
Session Days		.0027* (.0015)		.0031** (.0015)
Time	.0239* (.0145)	-.0506* (.0281)	.0349** (.0151)	-.0377 (.0287)
Time ²	.0001 (.0002)	.0008*** (.0003)	-.0002 (.0002)	.0006* (.0003)
Constant	3.6975*** (.2356)	-6.9329* (3.7445)	4.0389*** (.2494)	-6.2112* (3.3665)
Observations	128	128	128	128
Log-likelihood	-772.961	-766.695	-794.477	-787.041

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors in parentheses. ^a $Years\ of\ Policy\ Buildup = New\ Unified\ Control * Presidential\ Regime\ Length$

Table 2: OLS Models of Determinants of Oversight Hearings, by Committee-Year (1947-2010)

	(1)	(2)	(3)	(4)
	Basic	Full	Basic	Full
New Unified Control	.341*** (.006)	.215*** (.015)	-.158** (.065)	-.217** (.070)
Different Party	.414*** (.007)		.403*** (.009)	
Ideological Divergence		.678*** (.045)		.848*** (.053)
Presidential Regime Length			-.001 (.005)	-.013** (.005)
Years of Policy Buildup (Interaction) ^a			.053*** (.007)	.078*** (.008)
House of Representatives	.596*** (.016)	.552*** (.019)	.608*** (.013)	.572*** (.016)
2nd Session	-.277*** (.007)	-.278*** (.008)	-.268*** (.012)	-.254*** (.013)
Subcommittee Bill of Rights	.052 (.049)	-.007 (.017)	.046 (.028)	.018 (.030)
GDP Growth	-.016 (.011)	.004* (.002)	.025 (.021)	.018 (.013)
Republican Chamber	.311*** (.008)	.127*** (.015)	.229*** (.016)	.020 (.015)
Size of Government (Index)	2.217*** (.082)	2.101*** (.091)	2.097*** (.060)	1.947*** (.077)
Deficit/Budget	.584*** (.038)	1.211*** (.084)	.705*** (.054)	1.363*** (.065)
Session Days	.003*** (.0001)	.002 (.002)	.004*** (.0001)	.002*** (.00001)
Time	-.060*** (.004)	-.048*** (.004)	-.053*** (.007)	-.051*** (.008)
Time ²	.001*** (.000)	.001*** (.000)	.001*** (.000)	.001*** (.000)
Constant	-8.647*** (.388)	-7.490*** (.451)	-8.155*** (.278)	-6.792*** (.385)
Committee FE	Yes	Yes	Yes	Yes
Observations	2112	1958	2112	1958
R-squared	.6753	.6696	.6925	.6980

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Dependent variable is the logged number of oversight days (plus 1, to keep observations with zero oversight days). Robust standard errors, clustered by committee, in parentheses. ^a *Years of Policy Buildup* = *New Unified Control* * *Presidential Regime Length*

Table 3: Negative Binomial Models of Determinants of Oversight Hearings, using GPO Agency-Year Data (1999-2011)

Independent Variables	(1)	(2)
New Unified Control	0.16*** (0.04)	-0.039*** (0.014)
Divided Government	0.357*** (0.072)	0.069* (0.037)
President-Agency Ally		0.024 (0.03)
New Unified Control*President-Agency Ally		0.107** (0.041)
Divided Government*President-Agency Ally		-0.012 (0.048)
2nd Session	-0.132*** (0.017)	-0.124*** (0.018)
Size of Government (Index)	-1.43*** (0.409)	-1.18** (0.462)
Deficit/Budget	-1.821*** (0.143)	-1.381*** (0.126)
Session Days (House)	-0.004*** (0.001)	-0.002** (0.0007)
Constant	15.88*** (2.684)	12.938*** (3.151)
Observations	793	793
Agency FE	Yes	Yes
# Clusters	62	62
Log-likelihood	-2898.84	-2906.27

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors, clustered by agency, in parentheses.

Figures

Figure 1: Oversight Hearing Days, by Chamber (1947-2010)

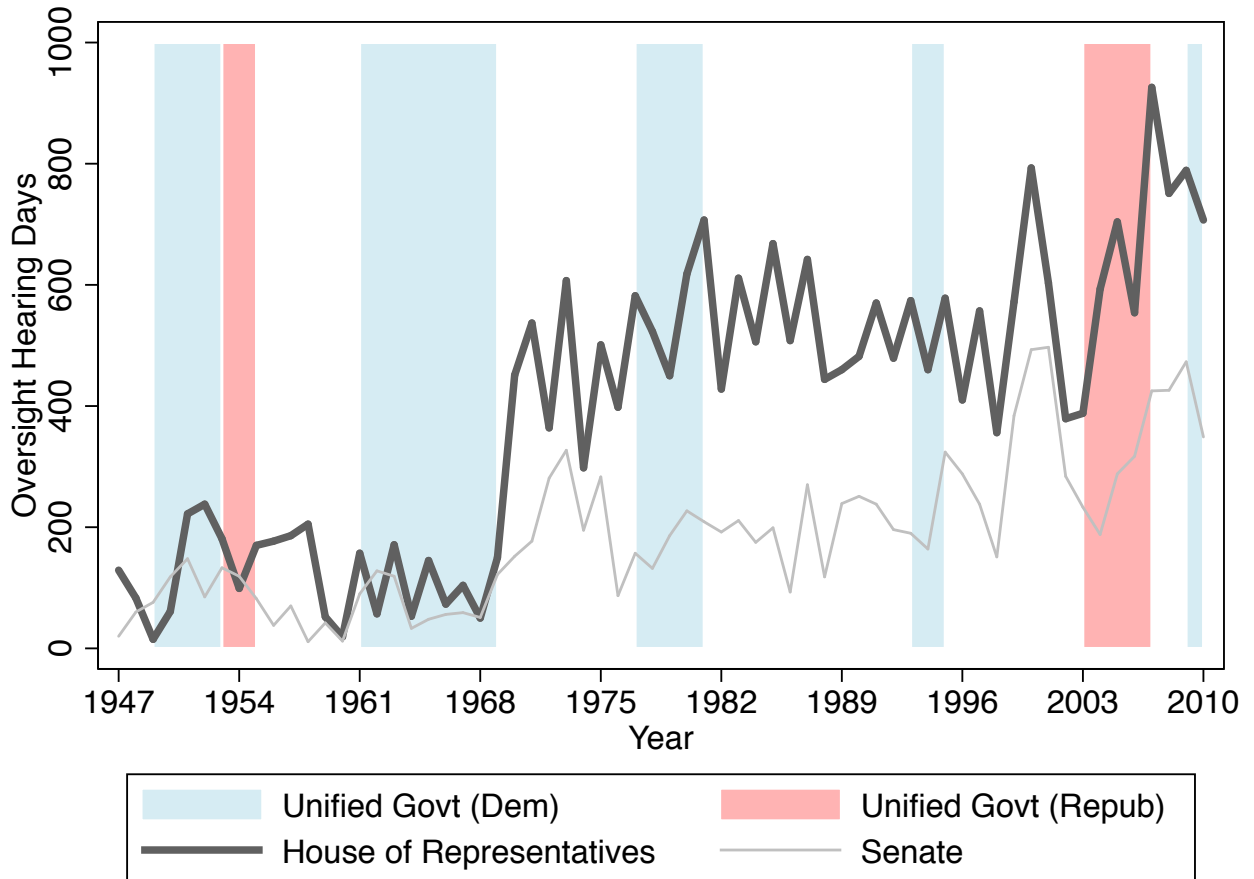
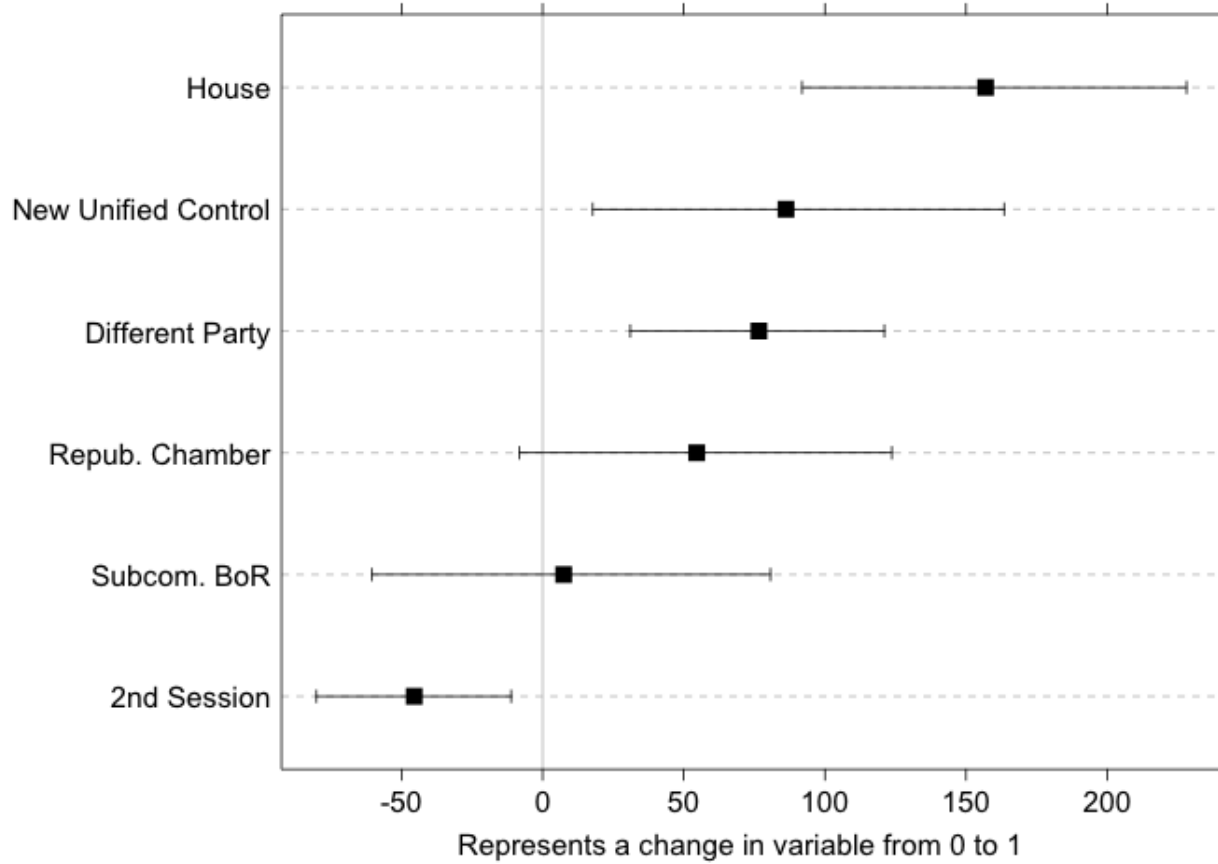
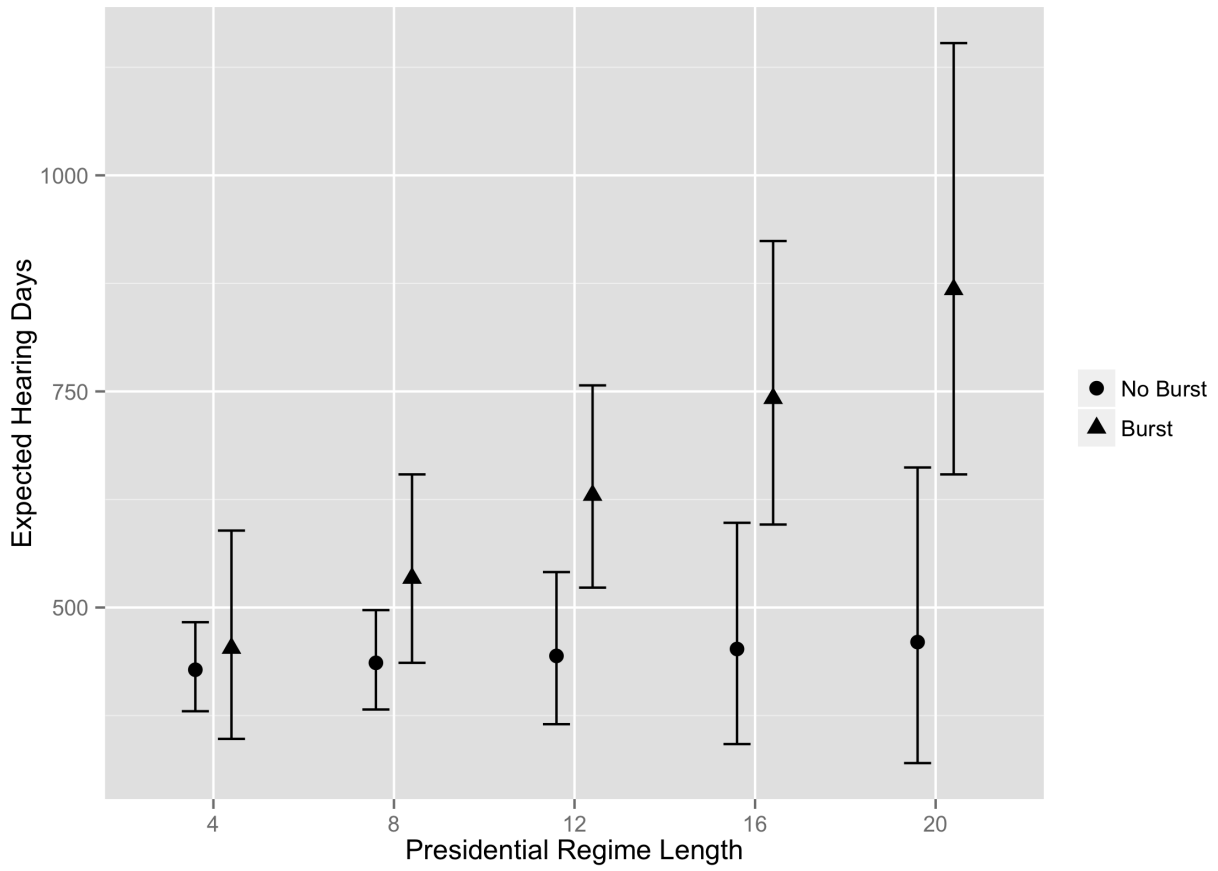


Figure 2: First Differences for Change in $E(Y|X)$ (with 95% Confidence Intervals)



Note: First differences generated from the model presented in Table 1, column 2 (“Full”). Points indicate the change in the predicted number of hearing days associated with a specified change in each discrete independent variable, holding other discrete variables at their modes and continuous variables at their means. Continuous variables are not presented. Bars give 95% confidence intervals for effects.

Figure 3: Effects of Presidential Regime Length on Expected Hearing Days



Note: Expected hearing days generated from the model presented in Table 1, column 4 (“Full”), holding other variables constant at their means or modes (House of Representatives). Bars give 90% confidence intervals for effects

Appendix A: An Example of “Retrospective Oversight”

As an illustrative example of what we call “retrospective oversight,” the House Committee on Energy and Commerce’s Subcommittee on Energy and Air Quality held a series of hearings in February and March of 2001 revisiting and questioning the Clinton administration’s energy priorities. Chaired by Rep. Joe Barton (R-TX), this subcommittee met at least 5 times over the two month period following President George W. Bush’s inauguration to make clear unified Republican priorities to the Departments of Energy and Environmental Protection. References to the previous administration’s preference¹ for natural gas as an energy source over the development of the coal industry abound. Rep. Richard Burr’s (R-NC) opening statement during the March 14, 2001 hearing is representative of the sentiment of Republican lawmakers, intent on developing so-called “clean coal” as a major energy source. His statement is worth quoting at length:

The most recent numbers show that nationwide, some 52% of all U.S. generating capacity is coal-fired. The most recent numbers for North Carolina show that in 1999, 61% of utility generation in our state came from coal-fired facilities.

However, the trends show that, because of various government regulations, lawsuits and potential international agreements, coal-fired generation will decrease by 2020 to around 44%, with the 8% difference to be made up by natural gas-fired generation. Couple this with estimated growth of consumption to increase by 48% in the same time period and our supply problem becomes much more worrisome.

There are in place several R&D programs aimed at the Clean Coal technology that will address controls on Sulfur Dioxide (SO₂) via the use of scrubbers as well as controlling the amount of NO_x. Unfortunately, these programs were kept on life support during the previous Administration while regulation upon lawsuit upon regulation led many. . . to flee the construction of coal fired plants during the 1990s.

The Bush Administration, by contrast, is planning on aggressively pursuing these R&D projects. It makes no sense that we can sit on a supply of energy larger than the WORLD’S KNOWN OIL RESERVES [emphasis in the original], which could supply our country with almost three centuries worth of energy, without putting forth an aggressive effort to efficiently and responsibly use it to make sure every American has affordable and clean energy. I look forward to the panel’s testimony and plan on offering questions to the panel at the appropriate time.²

In this example, a Republican-controlled committee is speaking to a newly Republican-controlled Department of Energy and making its policy preferences known. References to past policies with which the committee disagrees are necessary to provide specific references to a specific status quo policy that the committee wishes the agency to change. This is retrospective oversight.

¹Often called a “bias.” The following is taken from a transcript of Rep. Ed Whitfield’s (R-KY) testimony during the February 28, 2001 hearing (<http://www.gpo.gov/fdsys/pkg/CHRG-107hrg71501/html/CHRG-107hrg71501.htm>): “And we know also that the previous administration did have a bias, in my view, for natural gas. I think it is important that we also, as we form this policy, recognize that coal is our most abundant resource. . . .”

²<http://www.gpo.gov/fdsys/pkg/CHRG-107hrg71503/html/CHRG-107hrg71503.htm>

Appendix B: Policy-specific Analyses

In order to assess whether our expectations regarding systematic retrospective oversight are more or less valid across policy types, we turned again to the Policy Agendas Project data. Each hearing in these data is given a topic and subtopic code meant to capture the primary substantive issue addressed in the hearing (see the *Topics Codebook*, <http://www.policyagendas.org/page/topic-codebook>). As subtopics are nested in topics and are more specific to the issue at hand in each hearing, we focus on subtopics and code each for whether it addresses *distributive*, *redistributive*, or *regulatory* issues as broad policy types (Lowi 1972). We coded each hearing with regard to whether it met our predefined definitions of these policy issues, described below, and then created, as above, separate dependent variables for *Distributive Hearing Days*, *Redistributive Hearing Days*, and *Regulatory Hearing Days* for each committee-year. These codes are not mutually exclusive and individual subtopics can be coded as 0, 1, 2, or all 3 of the policy types based on their descriptions. See subtopic 506 as an example of a subtopic containing elements of all three policy types.

Distributive: *Policies that allocate resources, in some form, to stakeholders or geographic areas/regions without purposefully transferring resources between individuals in different income/wealth brackets.*

Redistributive: *Policies that provide payments or services to individuals for the purpose of increasing the level of resources they can avail themselves of to improve their lives with the effect and/or intent of transferring resources between groups.*

Regulatory: *Policies that place binding restrictions on the actions of individuals and organizations that to pursue. Even if such policies improve the welfare of groups and/or geographic areas by imposing costs on individuals and/or organizations, such policies are not redistributive because they do not target resources to specific individuals and transfer resources into the direct control of beneficiaries. For example, consider regulation sulfur dioxide emissions that imposed costs on utilities and coal mining interests. This regulation improved the welfare of individuals, especially in the northeastern United States, living in areas with high levels of acid rain. However, the regulatory policy did not improve the material resources that individuals possessed. In addition, the policy did not target individuals based on income, or other criteria, for benefits.*

After creating these definitions, the authors independently coded each individual subtopic code as distributive, redistributive, or regulatory. Again, the coding of each policy dimension is not mutually exclusive, with some subtopics scoring 0, 0, 0 across the three, some scoring 1, 1, 1, and every other possible combination. Since these codes are independent of each other, we can assess inter-rater reliability (2 raters) for each dimension and for all dimensions jointly. Overall, reliability was high, especially considering the complexity of the dimensions and the brevity of the descriptions in the codebook (around 50 words per description).

After the first round of independent coding, the raters agreed on 83.6% of 226 cases (policy codes in the codebook) for the distributive policy dimension, yielding a Cohen's κ of .567. Inter-rater reliability was higher for redistributive policy codes (92.9% of 226 cases, $\kappa = .748$) and regulatory policies (84.1% of 226 cases, $\kappa = .687$). To reconcile the discrepancies between raters, the authors reviewed each decision jointly and came to 100% agreement, without controversy, across all dimensions. These joint decisions are the final codes that we rely on and are reported in full below in Table C1.

Table B1: Policy Agendas Project Codes

Subtopic	Distributive			Redistributive			Regulatory		
	0	1	1	0	1	1	0	1	1
100: General Domestic Macroeconomic Issues	0	0	1	0	0	0	0	0	1
101: Inflation, Prices, and Interest Rates	0	0	0	0	0	0	0	0	0
103: Unemployment Rate	0	0	0	0	0	0	0	0	0
104: Monetary Supply, Federal Reserve Board, and the Treasury	0	0	1	0	0	0	0	0	0
105: National Budget and Debt	0	0	0	0	0	0	0	0	1
107: Taxation, Tax policy, and Tax Reform	0	1	0	0	0	0	0	0	0
108: Industrial Policy	1	0	0	0	0	0	0	0	0
110: Price Control and Stabilization	0	0	0	0	0	0	0	0	0
199: Other (Macroeconomics)	0	0	0	0	0	0	0	0	0
200: General (Civil Rights, Minority Issues, and Civil Liberties)	0	0	0	0	0	0	0	0	0
201: Ethnic, Minority and Racial Group Discrimination	1	0	0	0	0	0	0	0	0
202: Gender and Sexual Orientation Discrimination	0	0	0	0	0	0	0	0	0
204: Age Discrimination	0	0	0	0	0	0	0	0	0
205: Handicap or Disease Discrimination	0	0	0	0	0	0	0	0	0
206: Voting Rights, Participation, and Related Issues	0	0	0	0	0	0	0	0	0
207: Freedom of Speech & Religion	0	0	0	0	0	0	0	0	0
208: Right to Privacy and Access to Government Information	0	0	0	0	0	0	0	0	0
209: Anti-Government Activities	0	0	0	0	0	0	0	0	0
299: Other (Civil Rights, Minority Issues, and Civil Liberties)	0	0	0	0	0	0	0	0	0
300: General (Health)	0	0	0	0	0	0	0	0	0
301: Comprehensive health care reform	0	0	0	0	0	0	0	0	0
302: Insurance reform, availability, and cost	0	0	0	0	0	0	0	0	0
321: Regulation of drug industry, medical devices, and clinical labs	0	0	0	0	0	0	0	0	0
322: Facilities construction, regulation, and payments	1	0	0	0	0	0	0	0	0
323: Provider and insurer payment and regulation	0	0	0	0	0	0	0	0	0
324: Medical liability, fraud and abuse	1	0	0	0	0	0	0	0	0
325: Health Manpower & Training	0	0	0	0	0	0	0	0	0
331: Prevention, communicable diseases and health promotion	0	0	0	0	0	0	0	0	0
332: Infants and children	0	0	0	0	0	0	0	0	0
333: Mental illness and mental retardation	0	0	0	0	0	0	0	0	0
334: Long-term care, home health, terminally ill, and rehabilitation services	0	0	0	0	0	0	0	0	0
335: Prescription drug coverage and costs	0	0	0	0	0	0	0	0	0
336: Other or multiple benefits and procedures	0	0	0	0	0	0	0	0	0
341: Tobacco Abuse, Treatment, and Education	0	0	0	0	0	0	0	0	0
342: Alcohol Abuse and Treatment	0	0	0	0	0	0	0	0	0
343: Controlled and Illegal Drug Abuse, Treatment, and Education	0	0	0	0	0	0	0	0	0
344: Drug and Alcohol or Substance Abuse Treatment	0	0	0	0	0	0	0	0	0
398: Research and development (Health)	0	0	0	0	0	0	0	0	0
399: Other (Health)	0	0	0	0	0	0	0	0	0
400: General (Agriculture)	1	0	0	0	0	0	0	0	0
401: Agricultural Trade	0	0	0	0	0	0	0	0	0
402: Government Subsidies to Farmers and Ranchers, Agricultural Disaster Insurance	1	0	0	0	0	0	0	0	0
403: Food Inspection and Safety (including seafood)	0	0	0	0	0	0	0	0	0
404: Agricultural Marketing, Research, and Promotion	1	0	0	0	0	0	0	0	0
405: Animal and Crop Disease and Pest Control	0	0	0	0	0	0	0	0	0
498: Agricultural Research and Development	1	0	0	0	0	0	0	0	0
499: Other (Agriculture)	0	0	0	0	0	0	0	0	0
500: General (Labor, Employment, and Immigration)	0	0	0	0	0	0	0	0	0
501: Worker Safety and Protection, Occupational and Safety Health Administration	0	0	0	0	0	0	0	0	0
502: Employment Training and Workforce Development	1	0	0	0	0	0	0	0	0
503: Employee Benefits	0	0	0	0	0	0	0	0	0
504: Employee Relations and Labor Unions	0	0	0	0	0	0	0	0	0
505: Fair Labor Standards	0	0	0	0	0	0	0	0	0
506: Youth Employment, Youth Job Corps Programs, and Child Labor	1	0	0	0	0	0	0	0	0
508: Parental Leave and Child Care	0	0	0	0	0	0	0	0	0
520: Migrant and Seasonal workers, Farm Labor Issues	0	0	0	0	0	0	0	0	0
530: Immigration and Refugee Issues	0	0	0	0	0	0	0	0	0
599: Other (Labor, Employment, and Immigration)	0	0	0	0	0	0	0	0	0
600: General (Education)	0	0	0	0	0	0	0	0	0
601: Higher Education	0	0	0	0	0	0	0	0	0
602: Elementary and Secondary Education	0	0	0	0	0	0	0	0	0
603: Education of Underprivileged Students	0	0	0	0	0	0	0	0	0
604: Vocational Education	0	0	0	0	0	0	0	0	0
606: Special Education	0	0	0	0	0	0	0	0	0
607: Educational Excellence	1	0	0	0	0	0	0	0	0
609: Arts and Humanities	0	0	0	0	0	0	0	0	0
698: Research and Development (Education)	0	0	0	0	0	0	0	0	0
699: Other (Education)	0	0	0	0	0	0	0	0	0
700: General (Environment)	0	0	0	0	0	0	0	0	0
701: Drinking Water Safety	0	0	0	0	0	0	0	0	0
703: Waste Disposal	1	0	0	0	0	0	0	0	0
704: Hazardous Waste and Toxic Chemical Regulation, Treatment, and Disposal	0	0	0	0	0	0	0	0	0
705: Air pollution, Global Warming, and Noise Pollution	0	0	0	0	0	0	0	0	0
707: Recycling	0	0	0	0	0	0	0	0	0
708: Indoor Environmental Hazards	0	0	0	0	0	0	0	0	0
709: Species and Forest Protection	0	0	0	0	0	0	0	0	0
710: Pollution and Conservation in Coastal & Other Navigable Waterways	0	0	0	0	0	0	0	0	0
711: Land and Water Conservation	0	0	0	0	0	0	0	0	0
798: Research and Development (Environment)	0	0	0	0	0	0	0	0	0
799: Other (Environment)	0	0	0	0	0	0	0	0	0
800: General (Energy)	0	0	0	0	0	0	0	0	0
801: Nuclear Energy and Nuclear Regulatory Commission Issues	1	0	0	0	0	0	0	0	0
802: Electricity and Hydroelectricity	1	0	0	0	0	0	0	0	0
803: Natural Gas and Oil (Including Offshore Oil and Gas)	0	0	0	0	0	0	0	0	0
805: Coal	0	0	0	0	0	0	0	0	0
806: Alternative and Renewable Energy	1	0	0	0	0	0	0	0	0
807: Energy Conservation	1	0	0	0	0	0	0	0	0
898: Research and Development (Energy)	0	0	0	0	0	0	0	0	0
899: Other (Energy)	0	0	0	0	0	0	0	0	0
1000: General (Transportation)	1	0	0	0	0	0	0	0	0
1001: Mass Transportation and Safety	1	0	0	0	0	0	0	0	0
1002: Highway Construction, Maintenance, and Safety	1	0	0	0	0	0	0	0	0
1003: Airports, Airlines, Air Traffic Control and Safety	1	0	0	0	0	0	0	0	0
1005: Railroad Transportation and Safety	0	0	0	0	0	0	0	0	0
1006: Truck and Automobile Transportation and Safety	0	0	0	0	0	0	0	0	0
1007: Maritime Issues, Including Safety and Security	1	0	0	0	0	0	0	0	0
1010: Public Works (Infrastructure Development)	1	0	0	0	0	0	0	0	0
1098: Research and Development (Transportation)	0	0	0	0	0	0	0	0	0
1099: Other (Transportation)	0	0	0	0	0	0	0	0	0
1200: General (Law, Crime, and Family Issues)	0	0	0	0	0	0	0	0	0
1201: Executive Branch Agencies Dealing With Law and Crime	0	0	0	0	0	0	0	0	0
1202: White Collar Crime and Organized Crime	0	0	0	0	0	0	0	0	0
1203: Illegal Drug Production, Trafficking, and Control	0	0	0	0	0	0	0	0	0
1204: Court Administration	1	0	0	0	0	0	0	0	0
1205: Prisons	1	0	0	0	0	0	0	0	0
1206: Juvenile Crime and the Juvenile Justice System	0	0	0	0	0	0	0	0	0
1207: Child Abuse and Child Pornography	0	0	0	0	0	0	0	0	0
1208: Family Issues	0	0	0	0	0	0	0	0	0
1209: Police, Fire, and Weapons Control	1	0	0	0	0	0	0	0	0
1210: Criminal and Civil Code	0	0	0	0	0	0	0	0	0
1211: Riots, Crime Prevention, and Crime Control	0	0	0	0	0	0	0	0	0
1299: Other (Law, Crime, and Family Issues)	0	0	0	0	0	0	0	0	0

Table B1, continued: Policy Agendas Project Codes

Subtopic	Distributive	Redistributive	Regulatory	Subtopic	Distributive	Redistributive	Regulatory
1300: General (Social Welfare)	0	1	0	1707: Broadcast Industry Regulation (TV, Cable, Radio)	0	0	1
1301: Food Stamps, Food Assistance, and Nutrition Monitoring Programs	0	1	1	1708: Weather Forecasting and Related Issues, NOAA, Oceanography	0	0	0
1302: Poverty and Assistance for Low-Income Families and Individuals	0	1	0	1709: Computer Industry, Computer Security, and General Issues related to the Internet	0	0	1
1303: Elderly Issues and Elderly Assistance Programs	0	1	0	1709: Research and Development (Space, Science, Technology and Communications)	1	0	0
1304: Assistance to the Disabled and Handicapped	0	1	0	1709: Other (Space, Science, Technology and Communications)	0	0	0
1305: Social Services and Volunteer Associations	0	1	0	1800: General (Foreign Trade)	0	0	1
1399: Other (Social Welfare)	0	0	0	1802: Trade Negotiations, Disputes, and Agreements	0	0	1
1400: General (Community Development and Housing Issues)	1	1	1	1803: Export Promotion and Regulation, Export-Import Bank	1	0	1
1401: Housing and Community Development	1	0	0	1804: International Private Business Investments, Overseas Private Investment	1	0	0
1403: Urban Economic Development and General Urban Issues	1	0	0	1806: Productivity and Competitiveness of U.S. Business, Balance of Payments	1	0	0
1404: Rural Housing and FHA Housing Assistance Programs	1	1	0	1807: Tariff and Import Restrictions, Import Regulation	1	0	1
1405: Rural Economic Development	1	0	0	1808: Exchange Rates and Related Issues	0	0	1
1406: Low and Middle Income Housing Programs and Needs	0	1	0	1899: Other (Foreign Trade)	0	0	0
1407: Veterans Housing Assistance and Military Housing Programs	0	1	0	1900: General (International Affairs and Foreign Aid)	0	0	0
1408: Elderly and Handicapped Housing	0	1	0	1901: U.S. Foreign Aid	0	0	0
1409: Housing Assistance for Homeless and Homeless Issues	0	1	0	1902: International Resources Exploitation and Resources Agreement	0	0	1
1410: Secondary Mortgage Market	1	0	1	1905: Developing Countries Issues	0	0	0
1499: Other (Community Development and Housing Issues)	0	0	0	1906: International Finance and Economic Development	0	0	0
1500: General (Banking, Finance, and Domestic Commerce)	0	0	1	1907: China	0	0	0
1501: U.S. Banking System and Financial Institution Regulation	0	0	1	1908: Soviet Union and Former Republics	0	0	0
1502: Securities and Commodities Regulation	0	0	1	1909: Eastern Europe	0	0	0
1504: Consumer Finance, Mortgages, and Credit Cards	0	0	1	1910: Western Europe, Common Market Issues	0	0	0
1505: Insurance Regulation	0	0	1	1911: Africa	0	0	0
1507: Bankruptcy	0	0	1	1912: South Africa	0	0	1
1520: Corporate Mergers, Antitrust Regulation, and Corporate Management Issues	0	0	1	1914: Latin America	0	0	1
1521: Small Business Issues and the Small Business Administration	1	0	1	1915: Panama Canal Issues and Other International Canal Issues	0	0	0
1522: Copyrights and Patents	0	0	1	1919: Asia, Pacific Rim, Australia, and Japan	0	0	0
1523: Domestic Disaster Relief	1	0	1	1920: Middle East	0	0	0
1524: Tourism	1	0	0	1925: Human Rights	0	0	0
1525: Consumer Safety and Consumer Fraud	0	0	1	1926: International Organizations other than Finance: UN, UNESCO, Red Cross	1	0	0
1526: Sports and Gambling Regulation	0	0	1	1927: Terrorism, Hijacking	0	0	1
1599: Other (Banking, Finance, and Domestic Commerce)	0	0	0	1929: U.S. Diplomats, U.S. Embassies, U.S. Citizens Abroad, Foreign Diplomats in the U.S	0	0	1
1600: General (Defense)	0	0	0	1999: Other (International Affairs and Foreign Aid)	0	0	0
1602: U.S. and Other Defense Alliances, U.S. Security Assistance	0	0	0	2000: General (Government Operations)	0	0	0
1603: Military Intelligence, CIA, Espionage	0	0	1	2001: Intergovernmental Relations	1	0	0
1604: Military Readiness, Coordination of Armed Services Air Support and Sealift Capabilities, and National Stockpiles of Strategic Materials	0	0	1	2002: Government Efficiency and Bureaucratic Oversight	0	0	0
1605: Arms Control and Nuclear Nonproliferation	0	0	0	2003: Postal Service Issues	1	0	1
1606: Military Aid and Weapons Sales to other Countries	0	0	0	2004: Government Employee Benefits, Civil Service Issues	0	0	1
1608: Manpower, Military Personnel and Dependents, Military Courts	0	1	0	2005: Nominations and Appointments	0	0	0
1609: Veteran Affairs and Other Issues	0	1	0	2006: Currency, Commemorative Coins, Medals, U.S. Mint	0	0	0
1610: Military Procurement and Weapons System Acquisitions and Evaluation	1	0	0	2007: Government Procurement, Procurement Fraud and Contractor Management	0	0	1
1611: Military Installations, Construction, and Land Transfers	1	0	0	2008: Government Property Management	1	0	1
1612: National Guard and Reserve Affairs	0	0	0	2009: IRS Administration	0	0	0
1614: Military Nuclear and Hazardous Waste Disposal, Military Environmental Compliance	0	0	0	2010: Presidential Impeachment & Scandal	0	0	0
1615: Civil Defense & Homeland Security	1	0	1	2011: Government Branch Relations and Administrative Issues	0	0	0
1616: Civilian Employment by the Defense Industry, Military Base Closings	1	0	0	2012: Regulation of Political Campaigns, Political Advertising, PAC regulation	0	0	1
1617: Oversight of Defense Contracts and Contractors	1	0	1	2013: Census	0	0	0
1619: Direct War Related Issues and Foreign Operations	0	0	0	2014: District of Columbia Affairs	1	1	1
1620: Relief of Claims Against U.S. Military	0	0	0	2015: Relief of Claims against the U.S. Government	0	0	0
1698: Research and Development (Defense)	1	0	0	2030: Federal Holidays	0	0	0
1699: Other (Defense)	0	0	0	2099: Other (Government Operations)	0	0	0
1700: General (Space, Science, Technology and Communications)	0	0	1	2100: General (Public Lands and Water Management)	1	0	1
1701: NASA, U.S. Government Use of Space, Space Exploration Agreements	1	0	0	2101: National Parks, Memorials, Historic Sites, and Recreation	1	0	0
1704: Commercial Use of Space, Satellites	1	0	0	2102: Native American Affairs	0	1	1
1705: Science Technology Transfer, International Scientific Cooperation	1	0	1	2103: Natural Resources, Public Lands, and Forest Management	1	0	1
1706: Telephone and Telecommunication Regulation	1	0	1	2104: Water Resources Development and Research	1	0	1
				2105: U.S. Dependencies and Territorial Issues	1	1	1
				2199: Other (Public Lands and Water Management)	0	0	0

Table B2: Negative Binomial Models of Determinants of Oversight Hearings, by Policy Type

	Distributive	Redistributive	Regulatory
New Unified Control	.2253* (.1293)	.3662* (.2193)	.2562** (.1293)
Different Party	.3597*** (.1182)	.4202** (.1893)	.3052** (.1190)
House of Representatives	1.0386*** (.1463)	.6060*** (.2166)	.4088*** (.1324)
2nd Session	-.1882** (.0886)	-.3284*** (.1258)	-.2079*** (.0791)
Subcommittee Bill of Rights	.1283 (.1681)	-.2721 (.2049)	-.1739 (.1330)
GDP Growth	.0339* (.0195)	.1094*** (.0273)	.0154 (.0195)
Republican Chamber	.1939* (.1133)	.1566 (.2127)	.1668 (.1425)
Size of Government (Index)	2.1368*** (.7679)	1.0932 (.9181)	2.9413*** (.6976)
Deficit/Budget	.5580 (.5180)	-.4783 (.7310)	.5975 (.4817)
Session Days	.0054*** (.0018)	.0031 (.0030)	.0018 (.0013)
Time	-.0751*** (.0281)	.0199 (.0389)	-.0978*** (.0310)
Time ²	.0011*** (.0003)	.0002 (.0004)	.0013*** (.0003)
Constant	-11.4107*** (4.3247)	-6.9475 (5.3043)	-13.9760*** (3.9453)
Observations	128	128	128
Log-likelihood	-622.509	-533.390	-681.408

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors in parentheses

Appendix C: Legislative Hearings

Table C1: Negative Binomial Models of Determinants of Legislative Hearings, by Chamber-Year

	Basic	Full
New Unified Control	.0345 (.0749)	.0272 (.0658)
Different Party	-.0184 (.0534)	.0337 (.0548)
House of Representatives	.4131*** (.0455)	.3845*** (.0565)
2nd Session	-.2046*** (.0460)	-.1968*** (.0421)
Subcommittee Bill of Rights	.0855 (.0660)	.0701 (.0794)
GDP Growth	.0158* (.0088)	.0089 (.0080)
Republican Chamber		.0402 (.0845)
Size of Government (Index)		.9852*** (.3270)
Deficit/Budget		.3069 (.3314)
Session Days		.0023*** (.0008)
Time	.0226*** (.0080)	-.0225 (.0152)
Time ²	-.0010*** (.0001)	-.0005*** (.0002)
Constant	6.5017*** (.1235)	.2372 (1.8350)
Observations	128	128
Log-likelihood	-791.269	-779.344

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors in parentheses

Appendix D: Alternative Specifications

Figure D1: Distributions of the Dependent Variable

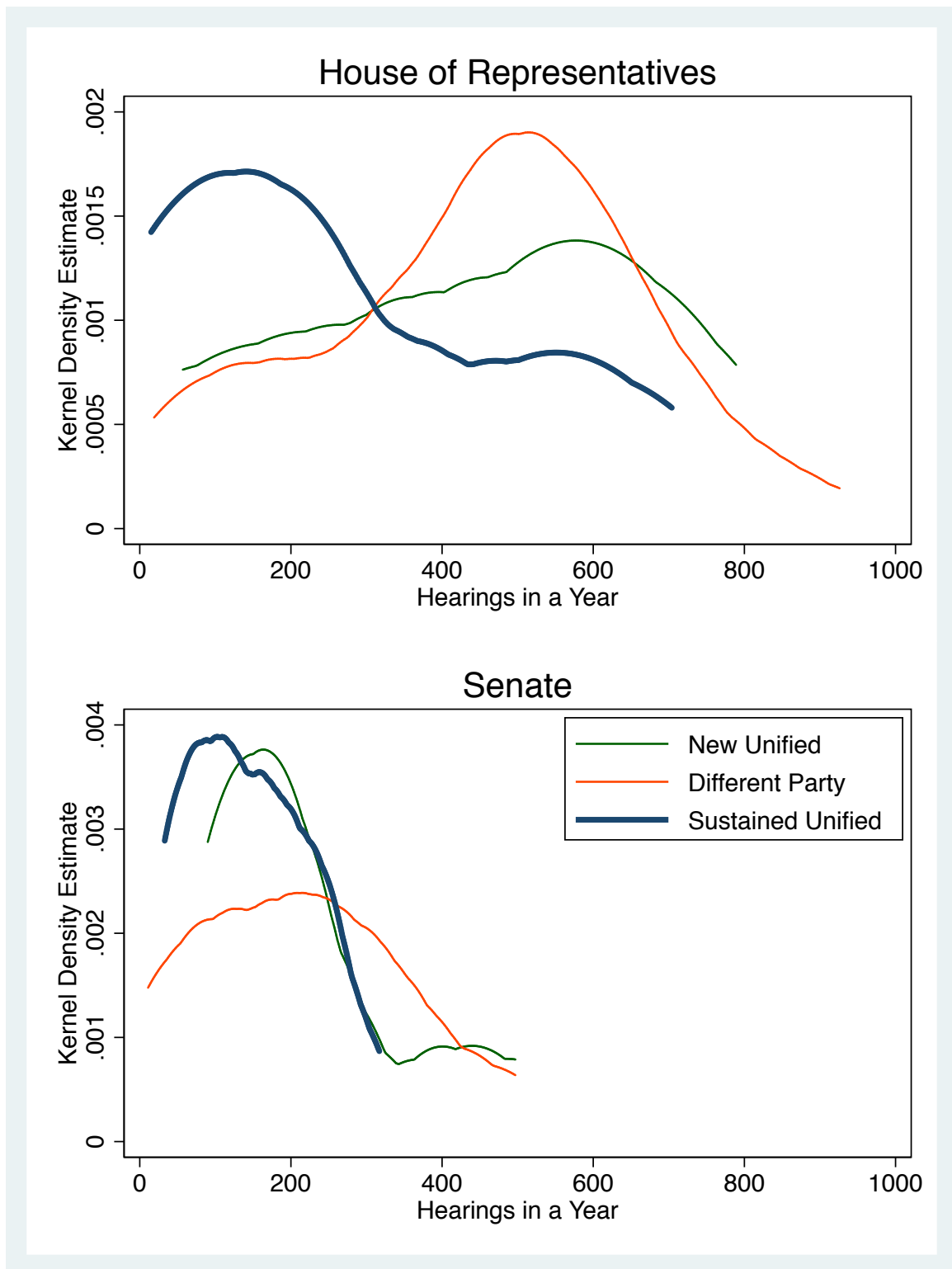


Table D1: Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (Removing Outlying Observations)

	Basic	Full	Basic	Full
New Unified Control	.2929*** (.1110)	.3208*** (.1094)	-.0650 (.1887)	-.0476 (.2107)
Different Party	.2922*** (.1043)	.3962*** (.1284)	.3324*** (.0979)	.3863*** (.1136)
Presidential Regime Length			.0122 (.0137)	.0079 (.0152)
Years of Policy Buildup (Interaction) ^a			.0318* (.0178)	.0330* (.0200)
House of Representatives	.6298*** (.0871)	.5881*** (.1413)	.5813*** (.0790)	.5677*** (.1149)
2nd Session	-.1620* (.0834)	-.1765** (.0818)	-.2074*** (.0767)	-.2033*** (.0761)
Subcommittee Bill of Rights	.1426 (.1136)	.0210 (.1443)	.0303 (.1045)	.0252 (.1336)
GDP Growth	.0418** (.0172)	.0358* (.0186)	.0306** (.0141)	.0180 (.0160)
Republican Chamber		.1855 (.1173)		.2003* (.1109)
Size of Government (Index)		1.6284** (.6758)		1.4060** (.6349)
Deficit/Budget		-.2204 (.5828)		.5142 (.5336)
Session Days		.0024 (.0015)		.0029* (.0015)
Time	.0216 (.0150)	-.0515* (.0292)	.0388** (.0164)	-.0250 (.0315)
Time ²	.0001 (.0002)	.0009*** (.0003)	-.0002 (.0002)	.0004 (.0004)
Constant	3.7413*** (.2402)	-6.2802* (3.7669)	3.9918*** (.2637)	-4.8189 (3.5366)
Observations	115	115	115	115
Log-likelihood	-681.770	-676.957	-703.425	-698.163

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors in parentheses. Data are a subset of full data, where we omit any observation where the dependent variable is in the far right (10%) tail of the distribution of oversight hearing days.

Table D2: Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (Alternative Independent Variable)

	Basic	Full	Basic	Full
New Unified Control (first year only)	.2816** (.1132)	.2975*** (.1002)	-.0864 (.1245)	-.0874 (.1017)
Different Party	.2330** (.0916)	.3195*** (.1033)	.3250*** (.0899)	.3940*** (.0977)
Presidential Regime Length			.0102 (.0124)	.0065 (.0136)
Years of Policy Buildup (Interaction) ^a			.0293** (.0123)	.0324*** (.0115)
House of Representatives	.6916*** (.0794)	.6217*** (.1415)	.6489*** (.0723)	.6021*** (.1112)
2nd Session	-.1178 (.0828)	-.1288 (.0792)	-.2276*** (.0793)	-.2342*** (.0770)
Subcommittee Bill of Rights	.1680 (.1111)	.0354 (.1426)	.0688 (.0958)	.0148 (.1223)
GDP Growth	.0406** (.0170)	.0322* (.0178)	.0311** (.0133)	.0182 (.0149)
Republican Chamber		.1841 (.1160)		.1958* (.1022)
Size of Government (Index)		1.7130** (.6781)		1.6650*** (.5990)
Deficit/Budget		.0003 (.4546)		.4954 (.4365)
Session Days		.0025* (.0014)		.0031** (.0015)
Time	.0244* (.0143)	-.0486* (.0280)	.0364** (.0152)	-.0370 (.0289)
Time ²	.0001 (.0002)	.0008*** (.0003)	-.0002 (.0002)	.0006* (.0003)
Constant	3.7340*** (.2383)	-6.7836* (3.7404)	4.0169*** (.2467)	-6.3251* (3.3769)
Observations	128	128	128	128
Log-likelihood	-773.626	-767.762	-794.483	-787.003

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors in parentheses. *New Unified Control* measured alternatively as the first year of a burst regime, rather than the first two years.

Table D3: Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (Lagged Dependent Variable as Regressor)

	Basic	Full	Basic	Full
New Unified Control	.1322*** (.0330)	.1891** (.0762)	-.1659 (.1785)	-.0850 (.1963)
Different Party	.2083*** (.0590)	.3211*** (.0027)	.2769*** (.0970)	.3626*** (.1130)
Presidential Regime Length			.0041 (.0127)	.0020 (.0136)
Years of Policy Buildup (Interaction) ^a			.0322* (.0167)	.0299 (.0186)
House of Representatives	.3601*** (.0617)	.4427*** (.0742)	.3928*** (.1019)	.4521*** (.1134)
2nd Session	-.2892*** (.0158)	-.2842*** (.0144)	-.2909*** (.0733)	-.2842*** (.0726)
Subcommittee Bill of Rights	.1075*** (.0401)	.1464 (.1651)	.0524 (.0934)	.1134 (.1239)
GDP Growth	.0396*** (.0020)	.0385*** (.0051)	.0300** (.0120)	.0198 (.0145)
Republican Chamber		.2319** (.0941)		.2461** (.0976)
Size of Government (Index)		.8158 (.5706)		1.1380* (.6470)
Deficit/Budget		.0235 (.0515)		.5446 (.4521)
Session Days		.0031 (.0027)		.0033** (.0015)
Lagged Oversight Days	.0016*** (.0004)	.0014*** (.0004)	.0012*** (.0003)	.0010** (.0004)
Time	.0128* (.0071)	-.0313*** (.0068)	.0215 (.0152)	-.0337 (.0290)
Time ²	.0001 (.0001)	.0006*** (.0000)	-.0001 (.0002)	.0005 (.0003)
Constant	3.9441*** (.0806)	-1.6888 (2.4062)	4.3117*** (.2586)	-3.1276 (3.6585)
Observations	126	126	126	126
Log-likelihood	-751.777	-747.850	-776.763	-770.591

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors in parentheses

Table D4: Negative Binomial Models of Determinants of Oversight Hearings, by Committee-Year

	(1)	(2)	(3)	(4)
	Basic	Full	Basic	Full
New Unified Control	.281*** (.006)	.156*** (.014)	-.122** (.059)	-.420*** (.055)
Different Party	.408*** (.007)		.387*** (.009)	
Ideological Divergence		.595*** (.045)		.729*** (.051)
Presidential Regime Length			.001 (.004)	-.011** (.005)
Years of Policy Buildup (Interaction) ^a			.040*** (.006)	.065*** (.007)
House of Representatives	.599*** (.023)	.585*** (.025)	.606*** (.023)	.595*** (.025)
2nd Session	-.218*** (.006)	-.222*** (.007)	-.211*** (.010)	-.197*** (.011)
Subcommittee Bill of Rights	.051*** (.010)	-.006 (.014)	.035** (.018)	.025 (.025)
GDP Growth	.012*** (.001)	-.003 (.002)	.020*** (.002)	.011*** (.003)
Republican Chamber	.268*** (.008)	.119*** (.011)	.180*** (.023)	-.003 (.020)
Size of Government (Index)	1.880*** (.073)	1.717*** (.079)	1.717*** (.063)	1.513*** (.082)
Deficit/Budget	.493*** (.045)	1.094*** (.082)	.561*** (.044)	1.220*** (.060)
Session Days	.003*** (.001)	.002*** (.001)	.003*** (.000)	.002*** (.000)
Time	-.054*** (.002)	-.037*** (.003)	-.043*** (.005)	-.037*** (.006)
Time ²	.001*** (.000)	.001*** (.000)	.001*** (.000)	.001*** (.000)
Constant	-7.269*** (.304)	-5.975*** (.367)	-6.507*** (.277)	-4.937*** (.396)
Observations	2112	1958	2112	1958
Committee FE	Yes	Yes	Yes	Yes
# of Clusters	37	35	37	35

* $p < 0.10$, ** $p < 0.05$, *** $p < 0.01$

Robust standard errors, clustered by committee, in parentheses

Appendix E: Agency Oversight Data

We collected all available data on hearings from the Government Printing Office’s Federal Digital System (<http://www.gpo.gov/fdsys/search/advanced/advsearchpage.action>). The GPO began publishing a sizable number of hearing transcripts provided by congressional committees in 1997, so we begin our collection there.¹ The description of the GPO’s hearings data indicates that committees sometimes take up to two years to publish hearings, so we attenuate our dataset to conclude at the end of 2011.² We collected the universe of hearings by searching the “Congressional Hearings” database with an empty keyword field and saved each full text transcript. All told, we identified 17,572 hearings in these data.

Next, we made sure to separate oversight hearings from hearings having to do with proposed legislation or appropriations. We searched each of the full text hearing transcripts for the following keywords meant to indicate oversight activity: “oversight,” “investigation,” and “budget request” This is a subset of keywords used in recent research to identify oversight (McGrath, 2013), but our study differs in that we have access to the full text of each hearing, rather than just the abstracts provided by the Policy Agendas Project. We found that nearly 65% of the total number of hearings included at least one of these keywords and was thus coded as an oversight hearing (N: 11,407).

We then parsed the full text of the oversight hearings and organized them by agency and year. To do this, we first identified the level of agency aggregation that would best fit our purposes. We thus relied on the agency categorizations of Clinton and Lewis (2008), as we knew that we would be using their coding of agency ideology. Each transcript contains a list of witnesses called before Congress for the hearing, including their affiliation with federal agencies, when applicable. We used the list of Clinton-Lewis agencies to identify how many hearings of the 11,407 hearings involved each agency. In addition, we also searched each transcript for mentions of agencies that may not have been formally called before the committee, and for information on agencies that provided supplementary material (e.g., letters, statements, figures, other forms of formal evidence) for each hearing. We then calculated the number of hearings in which each agency was involved in this broader way. We use this broader measure in our empirical analyses, but note that the same pattern of results holds when we use the narrow, witness-based, measure as well.

After identifying oversight hearings from the universe of available hearings and identifying agencies involved, we were able to compile the full agency-year data on oversight hearings. The resultant agency-year dataset has 793 observations—13 full years of data (1999-2011) for 62 agencies and 2 agencies with fewer than 13 observations due to being created after 1999. Table C1 below displays agency-level summary statistics for oversight hearings involving each agency in our data.

¹We found hearings from 1993-1996 in the FDsys, but these constitute far less than a universe of committee hearings in those years. In addition, we limit our sample by ignoring data from 1997-1999, as the number of hearings identified in the GPO data is far fewer than the number recorded in the Policy Agendas Project.

²The GPO further reports (<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=CHRG>) that “Not all congressional hearings are available on FDsys. Whether or not a hearing is disseminated on FDsys depends on the committee. GPO continues to add hearings as they become available during each session of Congress. If a congressional hearing is not listed in FDsys, it is not available electronically via GPO at this time. NOTE: If a committee has not made a hearing available electronically via GPO for a specific Congress, the committee’s name will not appear in the browse list until a hearing for that committee is made available in FDsys.” While this is a worrying disclosure, each standing committee with oversight jurisdiction published hearings through the GPO in all years of the data. In addition, the hearings published via the GPO closely track those identified in the Policy Agendas Project from 1999-2004 (the end year of complete data in that dataset). In short, missing hearings data may be a problem, but there is no way to confirm the extent to which it is, or to correct for such missing data. We are confident to have collected the universe of publicly available hearings data from 1999-2011.

Table E1: Agencies, Clinton-Lewis (2008) Ideologies, and Oversight Volume

Agency	Ideology	Mean	SD	Min-Max	Agency	Ideology	Mean	SD	Min-Max
United States Air Force	conservative	230.5	79.4	128-364	Department of HUD	liberal	68.42	24.59	27-115
Department of Agriculture	moderate	186.35	43.87	120-265	Broadcasting Board of Governors	moderate	5.5	3.73	1-13
Agency for International Development	liberal	56.85	23.3	25-95	Inter-American Foundation	moderate	1.42	0.94	0-3
United States Army	conservative	398.85	130.66	239-639	Department of the Interior	conservative	134.71	41.82	57-227
Federal Labor Relations Authority	liberal	5.78	2.60	3-12	Corporation for National and Community Service	liberal	6.64	2.40	2-10
Merit Systems Protection Board	liberal	11.92	3.77	6-18	Federal Election Commission	moderate	9.78	2.29	5-13
Defense Nuclear Facilities Safety Board	conservative	6.35	2.16	2-9	Federal Maritime Commission	moderate	4.57	2.06	2-9
Pension Benefit Guaranty Corporation	moderate	12	6.73	2-25	National Science Foundation	liberal	86.85	27.75	48-131
Office of Management and Budget	conservative	12.92	5.71	3 - 24	National Labor Relations Board	moderate	11.21	6.62	2-27
Department of Commerce	conservative	167.64	37.39	125-239	National Mediation Board	moderate	2.85	2.74	0-9
Commodity Futures Trading Commission	conservative	24	17.58	6-67	National Aeronautics and Space Administration	moderate	50.92	19.76	21-85
National Credit Union Administration	moderate	13.07	7.03	4-28	National Capital Planning Commission	moderate	6.42	2.90	2-11
Department of Defense	conservative	396.07	135.04	215-620	National Archives and Records Administration	moderate	11.85	4.18	6-19
Department of Justice	conservative	316.42	72.16	215-479	Nuclear Regulatory Commission	conservative	47.78	11.10	33-68
Department of Labor	liberal	152.35	55.35	80-258	United States Navy	conservative	255.42	89.91	135-431
Department of Energy	conservative	210.28	57.99	123-308	Office of Personnel Management	moderate	75.35	18.37	50-106
Export-Import Bank of the United States	conservative	5	2.18	1-9	Occupational Safety and Health Review Comm.	liberal	2.64	2.16	0-8
Department of Education	liberal	106.85	25.06	75-153	Federal Retirement Thrift Investment Board	moderate	2.28	1.32	0-4
Equal Employment Opportunity Commission	liberal	15.64	6.41	6-32	Railroad Retirement Board	moderate	4.42	1.91	2-9
Environmental Protection Agency	liberal	170.28	42.20	122-256	Small Business Administration	conservative	92.14	35.07	50-163
Trade and Development Agency	moderate	4.5	1.91	1-8	Securities and Exchange Commission	conservative	76.92	24.55	43-129
Federal Communications Commission	conservative	55.57	12.76	26-85	Consumer Product Safety Commission	liberal	17.85	8.57	9-34
Federal Mediation and Conciliation Service	moderate	3.5	2.74	0-8	Department of State	moderate	172.64	44.90	100-252
Federal Trade Commission	moderate	73	16.71	50-108	Social Security Administration	liberal	68.35	13.69	46-90
U.S. Office of Special Counsel	moderate	2.35	2.65	0-8	National Transportation Safety Board	moderate	25.21	11.27	7-50
Overseas Private Investment Corporation	conservative	8.78	4.02	5-20	U.S. International Trade Commission	conservative	7.57	3.08	3-15
U.S. Office of Government Ethics	moderate	4.57	4.71	0-16	Department of Transportation	moderate	164.21	43.30	90-246
General Services Administration	moderate	72.71	19.07	46-109	Office of the U.S. Trade Representative	conservative	13.42	4.76	6-23
Department of HHS	liberal	180.21	41.31	119-277	Department of the Treasury	conservative	91.28	22.38	61-146
Federal Housing Finance Agency ¹	moderate	25.2	12.39	14-44	Department of Veterans Affairs	moderate	97.85	44.59	43-181
Department of Homeland Security ²	conservative	308.7	57.77	222-419	Commission on Civil Rights	liberal	8.14	5.24	2-18

^a4 observations. Agency created in 2008

^b9 observations. Agency created in November 2002.