

# Who Polices the Administrative State?

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## Abstract

Scholarship on oversight of the bureaucracy typically conceives of legislatures as unitary actors. But most oversight is conducted by individual legislators who contact agencies directly. I acquire the correspondence logs of sixteen bureaucratic agencies, and re-evaluate the conventional proposition that ideological disagreement drives oversight. I identify the effect of this disagreement by exploiting the transition from George W. Bush to Barack Obama, which shifted the ideological orientation of agencies through turnover in agency personnel. Contrary to existing research, I find ideological conflict has a negligible effect on oversight, whereas committee roles, narrow district interests, and performance failures are primary drivers. The findings reveal that absent incentives induced by public auditing, legislator behavior is driven by policy valence concerns—rather than ideology. The results further suggest collective action in Congress may pose greater obstacles to bureaucratic oversight than previously thought.

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“...those kind of informal, [...] official contacts—they go on almost incessantly.”

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Former Congressional Aide,

Interview with Author

Monitoring unelected officials implementing public policy is a chief concern in democratic government. By overseeing that process, elected officials aim to prevent shirking, corruption, performance failures, and policy drift in bureaucracies. Not surprisingly, questions about the efficacy of this oversight has generated a vast body of theoretical and empirical research.<sup>1</sup> I advance this work by analyzing records of over 50,000 oversight contacts between members of Congress and bureaucratic agencies. These new data reveal activities long-theorized about, but rarely observed. In an influential article on bureaucratic accountability, McCubbins and Schwartz (1984) argue members of Congress use administrative procedures to set up “fire alarms” for agency misbehavior, which allow them to avoid performing costly “police-patrols.”<sup>2</sup> While scholars have analyzed published oversight hearings (Aberbach 1990; McGrath 2013; MacDonald and McGrath 2016; Kriner and Schickler 2016), this study documents informal comments and inquiries conducted by individual legislators.

This type of oversight is both more frequent than formal hearings and concerns consequential public policies. Prior to the 2014 Veterans Administration (VA) wait-time scandal, legislators made inquiries about VA record-keeping procedures that prefigured the problems to come. Their inquiries eventually led to a *de facto* nation-wide review of these procedures. After the enactment of the Dodd-Frank Act, legislators forwarded hundreds of concern-letters to the financial regulators required to approve the controversial “Volcker Rule.” When the Plutonium Management Disposition Agreement (PMDA) between the US and Russia to dispose of 68 metric tons of weapons-grade material was signed in 2010, Congress did not weigh in with legislation. Instead, legislators contacted the Department of Energy to inquire about the construction of disposal facilities, the implementation timeline, and verification procedures. In a policymaking environment with executives increasingly at the center, legislative representatives rely on contacts like these to police agency behavior.

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<sup>1</sup>For a review of this work, see Moe (2012).

<sup>2</sup>As of this writing, the paper has been cited 3,235 times. Google Scholar URL: <https://goo.gl/L6aKk4>

These data provide leverage to test a conventional proposition in existing research: that ideological disagreement with agencies drives the oversight behavior of legislators. The assumption that agencies have preferences of their own that sometimes differ from those of their political principals hardly merits repeating in political science research. It is central to studies of political appointments, delegation, judicial review, rulemaking, and oversight. However, the empirical variation required to develop reasonable estimates of the effect of ideological disagreement is rarely present in past work—which tends to rely on analyses of the dyadic relationship between a congressional median and the bureaucracy. Moreover, existing research rarely specifies identifying variation or scope conditions for the results they present. This means, in short, that adequately testing theories of oversight requires looking beyond public auditing activities.

This study attempts to address these concerns by analyzing the oversight relationships of individual legislators and executive agencies. My strategy for estimating the causal effect of ideological disagreement is to leverage the transition in presidential administration from George W. Bush to Barack Obama. What is sacrificed in scope is compensated for in internal credibility. Presidential transitions provide critical variation in agency preferences driven by turnover in both appointed and career personnel (Chen and Johnson 2014; Bolton, de Figueiredo, and Lewis 2017; Dahlström and Holmgren 2017), whereas the preferences of legislators within that narrow window are likely to be stable.<sup>3</sup> It also provides an important secondary contribution, since agency ideology is often thought of as a function of both an agency’s “mission” and personnel. Thus, whereas past work is unclear about the source of inter-branch disagreement, this design isolates ideological variation driven by persons—rather than statutes.

Contrary to the intuitive notion that ideological disagreement increases oversight, I find robust evidence that it has a negligible effect. Across a variety of measurement specifications, the substantive effect of disagreement is near zero with high precision. The estimates’ 95% confidence intervals never include an effect size greater in magnitude than a two percentage point difference in the probability of oversight—and more plausible counterfactual scenarios suggest effects that are much smaller. In analyses of the number of oversight contacts, the interval never includes an effect greater than a seventh of a contact. These effects contrast those of district characteristics and

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<sup>3</sup>For a more recent review on the (in)stability of congressional preferences, see Kousser, Lewis, and Masket (2007).

committee roles, which have strong and substantively significant associations with the likelihood of oversight. Moreover, they differ markedly from case studies of the Department of Veterans Affairs, the Nuclear Regulatory Commission, and the Department of Energy, which suggest that concerns over policy valence drive oversight activity.

These findings suggest important implications for future research on congressional oversight and the separation of powers, more broadly. First and foremost, the ubiquity of informal requests suggests that theoretical models of oversight which treat Congress as unitary would be misapplied to most oversight observed in practice. Second, the results imply that past work may overemphasize the importance of ideological disagreement for legislative-executive interactions—since many inquiries may be driven by policy quality or valence. While past theoretical work analyzes the valence dimension of bureaucratic policymaking (e.g. Ting 2011), this study provides rare systematic evidence of its relative prominence vis-a-vis ideology. The results also show that the negligible effect of disagreement may be disproportionately driven by structurally independent agencies, which should also guide future research looking for positive effects. Finally, case studies suggest that past concerns about the overall efficacy of congressional oversight are well warranted. Whereas existing scholarship suggests the multiplicity of legislative principals creates collective action problems that reduce oversight (Gailmard 2009; Clinton, Lewis, and Selin 2014), this study suggests that private communications may pose additional obstacles and lead to coordination failures or have negative consequences for bureaucratic performance.

## **Congressional Oversight and Bureaucratic Accountability**

This study attempts to build on some common limitations of past work on oversight. Researchers most often treat Congress as a unitary actor because they are typically interested in questions about political control of the bureaucracy meant to analyze whether policy will deviate from the congressional median.<sup>4</sup> This means that past work does not generally address the research ques-

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<sup>4</sup>Examples of such questions include “does the absence of overt oversight imply a runaway bureaucracy?” (Weingast and Moran 1983) and “do ‘fire-alarms’ communicate credible information to legislators?” (Lupia and McCubbins 1994). Even work that emphasizes bureaucracies have multiple principals often takes Congress to be unitary—the other principals are the President, interest groups, and the Judiciary (e.g. Hammond and Knott 1996).

tion of *who* in Congress performs oversight. The exception is studies tend to argue, generally, that oversight is conducted by-in-large in committee (e.g. Weingast and Moran 1983; Ogul and Rockman 1990), with more recent work investigating the consequences of overlapping jurisdictions (Gailmard 2009; Clinton, Lewis, and Selin 2014; Rezaee, Wood, and Gailmard 2015). In general, most empirical research investigates patterns of legislative oversight hearings.

But studying hearings and investigations poses readily apparent research challenges. First, they are subject to congressional gatekeepers or often require some degree of coalition-building. In addition, norms of bipartisanship and committee rules vary across committees and time. So investigating theories based on the individual-level incentives of legislators to police the bureaucracy in this institutional context is a conceptual mismatch. Second, public hearings and investigations often involve goals beyond policy and ideological disagreement. A common example is the 33 hearings held by the House Select Committee on Benghazi, which Democrats widely criticized as an attempt to discredit Hillary Clinton's 2016 presidential campaign.<sup>5</sup> Studies of investigations suggest that the public signal they generate may drive oversight patterns, so it is difficult to isolate the theoretical motivations behind public "police patrols" (Kriner and Schwartz 2008; Kriner and Schickler 2014; Lowande and Peck 2017).

Finally, research confined to public oversight hearings is typically unclear about what variation drives the results it presents. The key "treatment" is often inter-branch ideological disagreement. Measures of agency preferences in these studies are either static or taken to be presidents or chief executives. Some designs rely on agency cross-sections, which is problematic because of the numerous unobserved differences that may drive inter-branch contact. Others rely on the implicit assumption that over-time changes in the preferences of Congress are exogenous. This may not be warranted, since most of this variation is a function of elections, and elections bring about policy changes that plausibly influence inter-branch contact.

Inquiries made directly to legislators side-step many of the above concerns. They are comparatively unilateral. Until recently, there was little question that individual legislators could make inquiries without "clearance" from co-partisans, committee chairs, party leaders, or any other of-

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<sup>5</sup>Lillis, Mike. 2015. "Pelosi threatens to end Dem participation in Benghazi probe," *The Hill*, October 1 (accessed August 18, 2017): URL: <https://goo.gl/57Fipo>.

ficial. They are also comparatively private, and less likely to be in service of non-policy-related goals. This point warrants some discussion, because legislators do occasionally “claim credit” for inquiries by posting them on their public webpages. One legislative assistant interviewed indicated that recently, it was also more common for congressional staff to forward inquiries to media outlets and interest groups: “Offices want to make sure their bosses are the one that gets the attribution in the press.”<sup>6</sup> However, an analysis of the universe of such correspondence is not subject to this selection issue. In addition, observing individual-level behavior makes clear what variation drives (and does not drive) the results of analyses.

Finally, the comparative prevalence of informal contact suggests this is a critical institutional setting in which to evaluate questions about bureaucratic accountability. The mere threat of legislation, investigations, hearings, and subpoenas are often used as leverage to compel the production of documents and compliance with Congress’ demands.<sup>7</sup> Thus, as research on oversight has long-acknowledged, the absence of these events does not imply that Congress is powerless—and might suggest the opposite. Informal inquiries, on the other hand, are not neither “carrot” nor “stick.” They are as close to sincere attempts at oversight as researchers are likely to obtain.

Chuck Grassley (R-IA) highlighted this basic point in May 2017, after the release of an opinion from the White House Office of Legal Counsel.<sup>8</sup> The opinion claimed the Trump administration had the authority to restrict the individual oversight inquiries of members of Congress after months of reports that agencies had stopped responding to letters from Democrats.<sup>9</sup> In a letter addressed to the President, Senator Grassley’s response was pointed: “This is nonsense.”<sup>10</sup> He went on to write that such inquiries were included among “mechanisms that support the legislative check and balance of the executive power. All members participate in deciding whether, when,

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<sup>6</sup>Interview with current congressional staffer, June 23, 2017.

<sup>7</sup>As one former staffer noted: “There are various ways to put pressure on these people and get answers out of them”(Interview with author, June 26, 2017).

<sup>8</sup>Office of Legal Counsel, White House. “Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch,” May 1, 2017.

<sup>9</sup>Elliot, Justin. 2017 “How the Trump Administration Responds to Democrats’ Demands for Information: It Doesn’t.” *ProPublica*, March 30, (accessed August 17, 2017). URL: <https://goo.gl/bRgrC4>

<sup>10</sup>Charles Grassley to Donald J. Trump, June 7, 2017.

and how Congress will exercise these authorities.” This makes them ideal for testing long-held notions about Congress and the bureaucracy.

## Models of Oversight

Who polices the administrative state? I assess two propositions found in numerous models of oversight. One conventional prediction typically falls from spatial models. That is, ideological preference divergence between principal and agent should increase oversight.<sup>11</sup> A second has roots in both positive and inductive theories. This is that oversight is motivated by “valence” or policy quality-related concerns that are largely orthogonal to ideological disagreement. These predictions are not mutually exclusive, but this institutional setting offers a rare opportunity to assess their relative explanatory power.

Following McCubbins and Schwartz (1984), I define oversight as actions to “detect and remedy executive-branch violations of legislative goals” and consider the incentives of individual legislators to police particular agencies (165). I take as given that there is some opportunity cost to oversight, so that members have to make strategic decisions about which agencies to allocate attention to. Broadly speaking, there are two conceptually distinct categories of oversight. Efforts to reveal violations are typically thought of as “auditing,” whereas communicating explicit demands is thought of as “lobbying.” Congressional oversight includes both activities (MacDonald and McGrath 2016), and under minimal assumptions, the divergence hypothesis applies to both.<sup>12</sup>

Members audit to reveal information about governance tasks performed by agencies. This information is valuable to members for a variety of reasons. It may improve their ability to make policy adjustments through legislation. It may reveal “drift” in policy implementation. It can also reveal potential wrongdoing or maladministration. Benchmark models of delegation show that “drift” is more likely among ideologically distal agents. This result typically leads to the “ally

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<sup>11</sup>I refer to this as the “divergence” hypothesis.

<sup>12</sup>Importantly, MacDonald and McGrath (2016) find systematic increases in hearings under unified government after changes in party control of the presidency, and argue that lobbying of ideological allies accounts for this trend—counter to the divergence hypothesis. I argue this finding is driven, in part, by majority party control of the hearings calendar. Informal oversight, by contrast, is most often unilateral and does not require the consent of other legislators. I code contacts that qualify as lobbying to assess this empirically.

principle,” which suggests that principals rely more heavily on agents with proximate preferences. However, delegation decisions are made by the legislative median, while decisions to audit an agency informally are made by the individual legislator. This means that the severity of drift and the value of revealing wrongdoing vary by legislator. Put differently, even an agency strictly loyal to the congressional median will make enemies in Congress.

This means these “enemies” will be more likely to oversee agencies for two reasons. First, the likelihood of policy drift is higher. That is, they are more likely to disagree with agency choices. Moreover, their preferences tend to reflect those of constituents who are more likely to be injured by agency choices. Second, these enemies have more to gain from revealing wrongdoing. The logic here, again, is fairly straightforward. A conservative legislator like Senator Ted Cruz (R-TX) benefits from portraying the Environmental Protection Agency (EPA) as corrupt or incompetent—and preferably, both.<sup>13</sup> Moreover, there is anecdotal evidence that the mere act of auditing can tap agency resources. Responding to congressional inquiries often requires time-consuming document production unrelated to an agency’s core mission. This logic underlies studies that see investigations as efforts to discredit the opposition and reap electoral gains.

In other attempts at oversight, members lobby to communicate preferences. Work on lobbying typically sees legislators as the *target* of such communications. In this case, statutory discretion and unforeseen circumstances guarantee that agencies make decisions after enactment that are politically important to legislators, and warrant explicit communication (Ritchie and You 2018). Lobbying can be valuable for two reasons. First, it may influence policy outcomes. In a review of major congressional investigations from 1947-2002, Kriner and Schickler (2016) find that about 80% produced “tangible policy change”(171). Moreover, a recent study by Ritchie and You (2018) suggests that informal contacts are associated with the approval of trade adjustment assistance applications at the Department of Labor. In an analysis of the Federal Aviation Administration, however, Mills, Kalaf-Hughes, and MacDonald (2015) find such oversight may have little to no impact. So it is important to note that lobbying can be valuable if it has no impact on policy. In some cases, oversight attempts offer the opportunity to credit-claim. Exerting effort on behalf of

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<sup>13</sup>It is worth noting that this logic does not require that audits actually reveal information. It might be the case, for example, that Senator Cruz benefits from the mere act of auditing the EPA—similar high-profile oversight investigations like the Benghazi hearings or IRS targeting scandal.



a constituent may be enough to win their support. Likewise, the occasional wide release of these messages may serve the broader goal of publicizing a member's position and indicating they have taken some action.

The logic behind lobbying divergent agents follows from these goals. Again, delegation decisions are made collectively, whereas informal oversight is performed by individual legislators. This means there will always be some subset of overseers who would benefit from a shift. From the legislator's perspective, distal agents are more likely to "drift," so swaying their choices is particularly valuable.<sup>14</sup> Likewise, if it is instead assumed that oversight is totally ineffectual, distal agents present the best opportunity to demonstrate to constituents that legislators are serving as faithful advocates.

Not surprisingly, the explicit notion that preference divergence increases oversight has been critical to studies of formal hearings (e.g. Dodd and Schott 1979; Kriner and Schwartz 2008; McGrath 2013; Fowler 2015; Rezaee, Wood, and Gailmard 2015; Kriner and Schickler 2016). As McGrath writes, "congressional committees conduct oversight hearings primarily as a response to the extent to which agencies have different policy preferences" (McGrath 2013: 349). More broadly, attention to spatial disagreement is at the core of models of delegation, with some studies even assuming congressional oversight helps set the boundaries of agency discretion.<sup>15</sup>

There is also no shortage of additional reasons this notion should apply to informal congressional inquiries. As recent work by Wiseman and Wright (2015) highlights, the time elapsed between delegation decisions and agency policymaking is sometimes decades. This may coincide with turnover in both principal (via elections) and agent (via career decisions). In the narrower period of concern for this study, the basic fact is that legislators inherit the delegation contracts of prior Congresses and observe changes in agency preferences. This presents the risk of deviation identified in past work. It is also consistent with McCubbins and Schwartz' model, since changes in agency ideology may result in changes in policy behavior that—in turn—result in more com-

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<sup>14</sup>Notably, Austen-Smith and Wright (1994) develop a model in which only distal players have an incentive to lobby—until the introduction of an opposing player, which generates their key "counter-active" lobbying result. That would suggest that *all* players lobby with equal intensity.

<sup>15</sup>Epstein and O'Halloran (1999) use two components of congressional oversight (direct action, agency reporting) to measure constraints on agency policymaking.

plaints from constituents.

I also evaluate a second proposition—that oversight is driven by policy “valence” or quality concerns. Broadly speaking, valence is often modeled as a dimension of policy over which all legislators agree.<sup>16</sup> Studies that consider its analytical properties point to a variety of examples. As Ting (2011) notes, determining the tax rate (10% v. 50%) is ideological, whereas whether the IRS extracts the correct rate from all those it applies to is a question of capacity or implementation quality. In other words, uneven application of the rate would violate a shared goal of avoiding arbitrary exceptions and policy uncertainty. Similarly, Hitt, Volden, and Wiseman (2017) argue that legislators have shared preferences over the expected benefit-to-cost ratio of a policy (e.g. minimizing budgetary impact while maximizing the number of beneficiaries). This does not supplant ideological concerns; it simply suggests that policy outcomes vary both by ideological content and perceived quality.

In the context of oversight, this implies that legislators would be motivated primarily by concerns over how well policies are implemented. Audits for information, and lobbying for policy changes should be driven by revelations of policy failures from constituents, media outlets, and third parties like government accountability offices. This has been suggested by accounts of high profile investigations (Mayhew 1991; Light 2014), and it is the dominant subtext for studies of oversight in the fields of public administration and public policy. But it is important to highlight incentives particular to informal oversight that lend it to valence-related concerns. Informal contacts allow members to seek the redress of grievances with a more limited audience. News coverage of these contacts has been historically muted. They lack the apparent “grandstanding” opportunity, often cited as a key driver of the patterns of oversight under divided and unified government. Absent the opportunity to distinguish oneself from the opposition, then, the oversight of legislators might be dominated by policy quality.

Valence is orthogonal to ideology by definition, but the absence of evidence for the explanatory power of ideology is not evidence of the explanatory power of valence concerns. I defer a more complete discussion of measurement to the following section, but past work has suggested a num-

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<sup>16</sup>For recent examples of this conception of valence, see Callander and Martin (2017), Callander and Raiha (2017), and Hitt, Volden, and Wiseman (2017).

ber of possible markers of valence-related oversight. The most obvious is that oversight would be conducted by-in-large by members of jurisdictionally-relevant committees (Ogul and Rockman 1990). The committee system allows members to acquire expertise that may make them more effective at detecting the problems that lead to oversight. Moreover, whistleblowers informed of Congress' distribution of labor may target committee members and leadership with complaints. Generally, I expect members to respond to external evaluations of quality that reveal failures. Many policy failures are episodic—so that oversight would be associated with the idiosyncratic features of particular Congresses and legislative districts.

In summary, I use informal correspondence to evaluate two propositions critical to theories of legislative oversight:

**Divergence Hypothesis:** *Oversight activity should increase as preference divergence between the agency and legislator increase.*

**Valence Hypothesis:** *Oversight activity should increase as the quality of policy implementation decreases.*

## Measuring Oversight with Congressional Correspondence

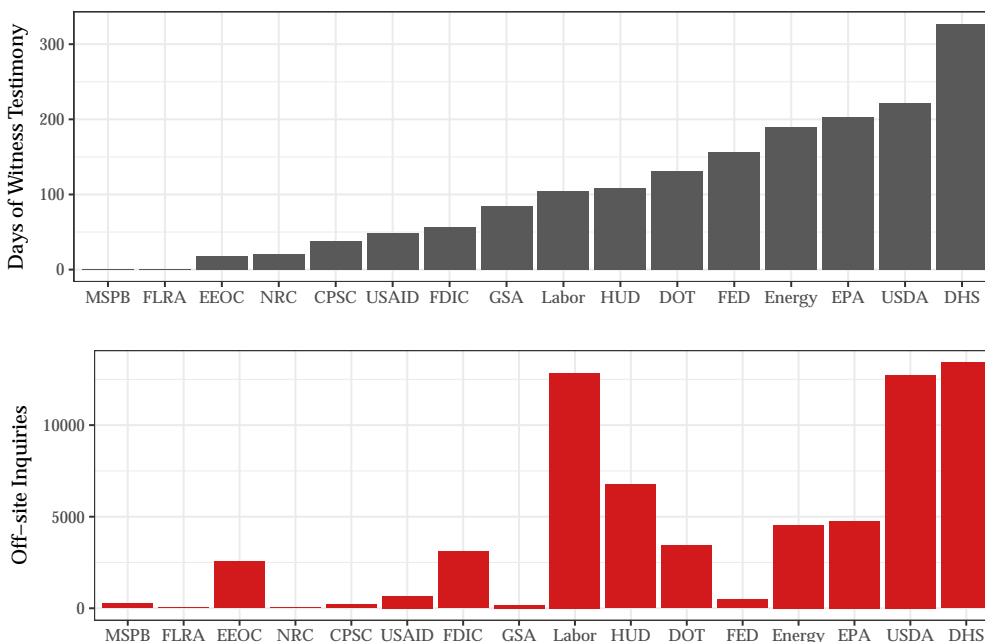
To examine the previous expectations, I analyze records of correspondence between bureaucratic agencies and members of Congress. Since the vast majority of contact records are not publicly available, these records were collected through a series of Freedom of Information Act (FOIA) requests (Mills, Kalaf-Hughes, and MacDonald 2015; Lowande N.d.). Though agencies are required by law to respond to these inquiries, their responses do not always provide information usable for analysis. For that reason, the sample of agencies and time series is largely a function of availability.

This raises a key issue: the particular sub-sample of agencies included in the analysis. Broadly speaking, this analysis over-samples more structurally independent agencies. This is confirmed in Figure 7 presented later, which plots the structural independence of the sample and population as measured by Selin (2015). However, the structural features that render agencies more or less likely to receive demands are invariant within agencies during the period analyzed. So the internal validity of the results should not be biased by such structural features—given the modeling

approach discussed in the next section. On the other hand, the broader generalizability of the findings should be taken in careful context. I discuss this issue at length during the discussion of the results by characterizing the relative influence of these agencies on the key findings.

Figure 1 provides an overview of the sample, as well as a comparison with the oversight studied in past work. Specifically, the figure provides a side-by-side look at the number of days agency officials spent testifying in oversight hearings and the number of informal inquiries over the same period. Several descriptive findings are worth noting. First, the number of requests dwarfs that of witness testimony. This, I argue, provides important descriptive support of McCubbins and Schwartz’ notion that most oversight is conducted outside formal hearings. Second, these measures of oversight are not highly correlated. Some reasons will be obvious. A few agencies’ only contact with legislators is fielding the complaints of the constituents who use their services. But the differences also highlight some of the arguments in the previous section. In general, informal inquiries are not subject to the same institutional constraints. So it is unsurprising to find diverging patterns of oversight. I return to these differences in my discussion of the key findings.

**Figure 1 – Oversight Activity in the 110th & 111th Congress**



*Note:* Days of witness testimony collected by through keyword searches of ProQuest Congressional; excludes appointment hearings; off-site inquiries include both casework and general policy requests, but exclude scheduling and committee-related business.

Figure 1 also raises questions about the inquiries themselves. First, the variety of contact begs the question of what does and does not constitute congressional oversight. Many of these inquiries are mundane aspects of daily governance. That is, they are inquiries on behalf of particular constituents with specific grievances—what those in Congress often refer to as “casework.” Others are not broad criticisms of programs—but instead, specific concerns about the details of implementation left to the discretion of agencies. This includes requesting federal funds be spent a particular way—a practice known as “letter-marking” (Mills, Kalaf-Hughes, and MacDonald 2015). However, the conventional perspective on oversight previously described makes no distinction between the mundane, the important, or the distributive. McCubbins and Schwartz (1984) write, for example, “as part of the fire-alarm system, district staff and casework help individuals and groups—some of them otherwise powerless—to raise and redress grievances against decisions by administrative agencies” (173). Moreover, in interviews with current and former congressional staff, most considered casework “low level” oversight.<sup>17</sup> In short, members of Congress attempting to gather information and influence *any* public policy may qualify as oversight of agencies.

However, it is important to distinguish between the direct service of constituents (casework) and more general policy-related concerns (policy). First, legislators most often frame the content of oversight hearings as general policy concerns. This facilitates more direct comparison of this study with prior studies of hearings. Second, there are theoretical reasons to believe that casework would be only weakly associated with ideology. Members of Congress are not ideological clones of their median constituent (Tausanovitch and Warshaw 2013). Though constituent grievances are likely to be correlated with member preferences, a strong association would imply members were systematically disregarding complaints that went against those preferences. There is no evidence that members “politicize” their casework operation. In contrast, general policy-related inquiries are more likely to be revealed member positions—since failing to communicate them does not mean actively disregarding the voice of a constituent. In sum, the subset of oversight requests dealing with general policy concerns should be most likely to follow the expectations laid out in the previous section.

Moreover, as the previous section indicates, there is a clear conceptual distinction between

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<sup>17</sup>Interview with former congressional staffer, June 22, 2017.

oversight that requests information and those that advocate for particular policies (lobbying). Though I have argued that both should follow similar patterns, recent work by MacDonald and McGrath (2016) suggests lobbying might be *negatively* associated with ideological divergence. More generally, it is not difficult to construct alternative models of oversight as lobbying that produce this reversed expectation.<sup>18</sup>

Accordingly, though past research on oversight does not distinguish between hearings that fall into the above categories, I take the additional step of coding all informal oversight. Each contact is labeled either “casework” or “policy” related. I also label the contacts that are cases of “lobbying.” Complete definitions, coding rules, and diagnostics can be found in Appendix A2 of the SI. The contacts were classified with supervised learning to reduce reliance on human coders and enhance replicability. I have also removed several classes of correspondence that fall outside the scope of the analysis. These include contacts about committee business (including scheduling, questions for the record, and contacts related to appointments), as well as thank you or congratulatory letters that do not require responses. Excluding committee business is important, since otherwise, the effect of committee roles discussed later might be driven entirely by uninteresting logistics contacts. I discuss several examples of oversight contact below, and report examples for every agency and category in Table A4 in the SI.

Examples of casework abound. Rep. Joseph Pitts (R-PA) contacted the Department of Energy on behalf of constituents with “unsightly” natural gas regulators placed near their homes. Constituents endured this externality because UGI Utilities Inc., an energy provider in western Pennsylvania, was required by agency rules. Members of Congress also make frequent requests that federal funds be spent in a particular way—usually to benefit some specific constituent. For example, Senator Russ Feingold (D-WI) contacted USAID in February of 2007 on behalf of Marquette University to help secure an additional \$50,000 for the African democracy training program run by the Les Aspin Center.

Policy audits are also common. Senator Barbara Boxer (D-CA), for example, contacted the VA after the broadcasting of an *All Things Considered* episode that described the families of veterans “tricked” out of death benefits by MetLife, Prudential, and other life insurance providers.<sup>19</sup> Other

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<sup>18</sup>The literature on lobbying in Congress is large. See, for example, Hall and Reynolds (2012) for a recent review.

<sup>19</sup>“Life Insurance Firms Profit From Death Benefits,” *NPR*, July 28, 2010. URL: <http://www.npr.org/templates/>

policy contacts appear to be attempts to detect wrongdoing or policy deviation. Then Senator Joseph Biden (D-DE), for example, contacted the U.S. Agency for International Development in 2007 requesting all internal policy evaluations of funded programs. In Figure 2, Susan Davis audits the Department of Energy’s efforts to implement President Bush’s executive order designed to reduce fuel consumption in the fleet of federal vehicles.

**Figure 2 – Policy Audit (Dept. of Energy)**

9. **Letter to CI/Jill Sigal from Representative Susan A. Davis**  
**Subject:** Request information from DOE regarding the implementation of Executive Order 13149 entitled, "Greening the Government Through Federal Fleet and Transportation Efficiency" & how DOE have met the goals specified in the order

<b>Control Number:</b>	EXEC-2007-000145	<b>Priority:</b>	Essential
<b>Action Office:</b>	EE	<b>Correspondence Date:</b>	03-Jan-2007
<b>Signature Level:</b>	EE	<b>Date Created:</b>	09-Jan-2007 12:17PM
<b>Address Office:</b>	CI	<b>Due Date:</b>	23-Jan-2007

Members of Congress also lobby agencies to take specific actions. Many of these demand extensions to notice-and-comment periods in federal rule-making, or request specific changes to proposed rules. Other policy requests are more general and indicative of members’ ideological orientation toward an agency’s mission. In October of 2014, Senator Ted Cruz sent a letter to the EPA alleging “collusion” and “corruption” in the Agency’s Office of Transportation and Air Quality. In March of 2009, Senator Dianne Feinstein urged the Interior Department to maintain its ban on concealed carried weapons in National Parks. Rep. Steve King (R-IO), who once wrote that the United States could not be “restored [...] with somebody else’s babies”, contacted the Department of Homeland Security in 2008 about its efforts to reduce legal immigration.<sup>20</sup> In short, these requests are both substantively meaningful and contain concerns similar to those raised in other kinds of oversight activities.

## Research Design

To isolate the effect of ideological divergence on oversight, I compare changes in oversight of a particular agency by a particular legislator during a period that includes the transition from the

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[story/story.php?storyId=128799983](#)

<sup>20</sup>[goo.gl/Dge79m](#)

presidency of George W. Bush to Barack Obama. I rely on a generalized difference-in-difference design implemented with the linear probability model below,<sup>21</sup>

$$Contact_{ijt} = \alpha + \gamma_i + \delta_j + \phi_t + \beta Distance_{ijt} + \zeta \mathbf{X} + \epsilon_i$$

where  $\gamma_i$  represents legislator fixed effects, which accounts for differences in legislative constituencies and congressional office culture,  $\delta_j$  denotes agency fixed-effects accounting for the fact that some agencies perform functions inherently more likely to be overseen by Congress,<sup>22</sup> and  $\phi_t$  is Congress fixed-effects, accounting for exogenous shocks common across each Congress.<sup>23</sup>  $\zeta$  represents the effect of time-varying characteristics within legislators and agencies I discuss later in this section, and  $\epsilon_i$  represents residuals clustered by legislator.

This research design has a variety of nice features. First, all time-invariant characteristics of agencies and legislators will be accounted for by intercept shifts. Second, it isolates the over-time variation in agency-ideology attributable to a change in the presidency. As I describe below, this will primarily be a function of staff turnover. Third, since Democrats maintained majorities in the House and Senate, all committee turnover will be unrelated to partisan changes in the executive branch. This approach is most similar to recent work by Berry and Fowler (2015), Powell and Grimmer (2016), and Fourinaies and Hall (2016), which employs similar designs to study district spending and campaign contributions, respectively.

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<sup>21</sup>Since baseline probability of contact is 0.36, it is not surprising that the results of a logistic regression are nearly identical. Another concern of LPM estimation is that it yields predicted values outside the bounds of 0 and 1. In this case, few  $\hat{y}$  values (about 16%) fall outside these bounds. Thus, I report the LPM results for ease of interpretation. It should also be noted that collapsing the dependent variables to dichotomous indicators results in little information loss, because of the relative infrequency of contact by legislator-agency dyad. About 83% of observations are five contacts or fewer. Thus, repeated contacts are very rare. All of the findings presented in the following section are robust to modeling the complete counts. I report one such robustness check in Table B2 of the SI.

<sup>22</sup>Agency mandates may dictate higher rates of comment and recommendations on significant rules. Some agencies outlay billions in competitive grants—which increases the probability of congressional support letters. Agencies vary meaningfully in size and scope, which may promote congressional incentives to oversee their activity. A brief, descriptive look at oversight patterns suggests this is the case.

<sup>23</sup>This includes differences between end-of-term and beginning-of-term levels of oversight, or changes in macro-economic conditions that might influence legislative activity.



Nonetheless, restricting the analysis to 2007-2010 raises the concern that the results may be unique to presidential transitions. To investigate this, I re-estimated the model above with an unbalanced panel of additional agencies and Congresses, which I report in Table B6 of the SI. The results are robust to this specification. I also examine the volume of requests over time, to determine if transitions are associated with unique temporal trends. I plot several of these time trends in Figure D1 of the SI. In general, presidential transitions do not appear to be unique in either the volume or content of informal oversight.<sup>24</sup>

The key independent variable is *Distance*, a continuous measure of the ideological divergence between the legislator and the agency. This is the absolute Commonsense DW-NOMINATE distance between the agency and legislator in a given Congress. Legislator ideal points come from Carroll et al. (2015). Agency ideal points were estimated by Chen and Johnson (2014). This provides a time-variant measure of disagreement on an interpretable and often-used scale. Chen and Johnson use campaign donations and staff composition to place legislators and executive agencies on a common scale. That is, agency personnel make campaign contributions used to scale their preferences, and agencies encounter staff turnover across administrations that change their overall ideological composition. The key measurement assumption is that campaign contributions represent sincere endorsements of political candidates.<sup>25</sup> Alternative measures of agency ideology

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<sup>24</sup>One additional concern of focusing on a transition is that members could be shifting their more political inquiries directly to the White House (i.e. target-switching). Reassuringly, agencies do occasionally note that the White House was “cc’ed” in the correspondence. For other inquiries, log descriptions seem to suggest the letter was addressed to the president. The fact that members take care to “cc” relevant agencies suggests that members don’t leave them out of the loop. Also, notably, the unit of observation includes total contact over a complete Congress—so the switching would have to occur over a sufficiently long period to bias in favor of the null. Members would have to consciously exclude agencies from correspondence relevant to the duties they perform. And members would have to think that overseeing agencies indirectly by contacting the president would be more effective. That implies that co-partisans would be more likely to switch targets, which would bias *against* the null.

<sup>25</sup>Available evidence suggests that individual donors give sincerely (e.g. Gimpel, Lee, and Pearson-merkowitz 2008; En-sley 2009). Bonica (2013), for example, estimated dynamic measure of legislator ideology based on individual donations that are both remarkably stable and provide a worse model fit. Evidence suggests that corporations, legislators, and PACs give strategically (e.g. Gordon, Hafer, and Landa 2007). But importantly, Bonica, Chen, and Johnson (2015) find no evidence that failed and confirmed appointees systematically differ in their giving behavior—suggesting selection among these officials is unrelated to donations. Moreover, strategic giving by bureaucrats should result in the

based on surveys of scholars (Clinton and Lewis 2008) and bureaucrats (Richardson, Clinton, and Lewis N.d.) produce similar results.<sup>26</sup>

Figure 3 plots the key variation for each agency: shifting ideal points following the transition from the 110<sup>th</sup> to the 111<sup>th</sup> Congress. Most agencies shift left, which is consistent with recent work by Bolton, de Figueiredo, and Lewis (2017), which finds that the beginning of new presidential terms lead to the exit of senior employees in agencies with views that diverge from those of the new president. This highlights the two sources of variation: voluntary departure by career officials, and political appointments. The expectation is that this shift left should result in conservative members of Congress increasing their oversight of the administration—while we would expect liberal members to do the opposite.<sup>27</sup>

This approach still requires accounting for factors that vary within agencies and legislators over time. Most importantly, I include dichotomous indicators for whether the legislator is a member, ranking minority member, or chair of a jurisdictionally relevant oversight committee for the agency in question. This provides an important check on the validity of the dependent variable as a measure of oversight, since the scholarly consensus suggests that committee members should be most likely to perform oversight. That is, being assigned to (removed from) an agency's oversight committee should increase (decrease) the likelihood of informal oversight. It is also critical to reiterate that contacts explicitly related to committee business have been removed. Relevant oversight committees were determined through agency staff responses to the *2014 Survey on the Future of Government Service* (Richardson 2015). An insignificant number of respondents reported more than one relevant committee, and these committee jurisdictions do not meaningfully differ from oversight plans released by Congress.

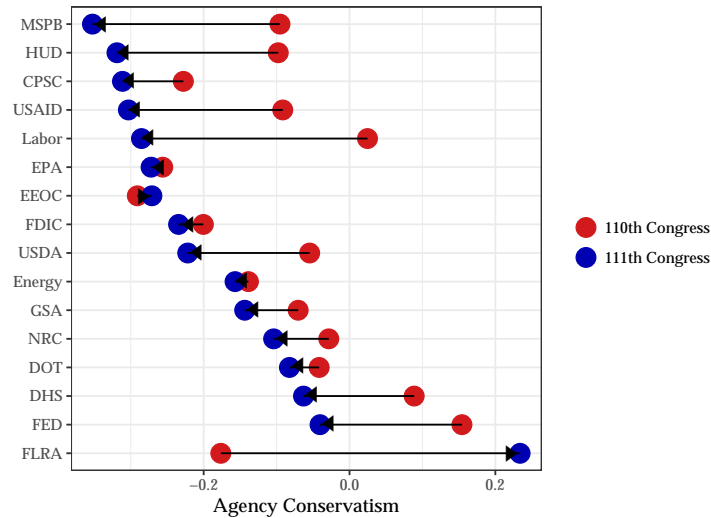
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attenuation of over-time differences. In contrast, the shifts observed in Figure 3 are substantively significant and in the expected direction.

<sup>26</sup>I report these estimates in Appendix B1.

<sup>27</sup>The apparent outlier is the Federal Labor Relations Authority, which, from 2009-2010, was still dealing with the consequences of underfunding, Democratic board member resignations, and a massive case backlog from the Bush administration. It was named one of the worst small agencies to work for from 2007 to 2009 ("Best Places to Work in the Federal Government," Partnership for Public Service, 2009.). This likely explains why liberal donors were not entering the agency during the first Obama administration. Excluding it does not influence the results (see Figure B1).

**Figure 3** – Agency Ideology and the Transition from Bush to Obama



*Note:* Plots the change in agency ideology from the second Bush administration to the first Obama administration, as measured by Chen and Johnson (2014).

I also control for agency budget. Agency budgets account for legislative changes that surely promote oversight. This is particularly important for the time series considered, since it includes the enactment of the American Recovery and Reinvestment Act (2009). For example, among other provisions, the stimulus funded renewable energy research grants in the Department of Energy, which could plausibly influence Congress’ collective propensity to oversee. Release of these funds drew some controversy, as Republican Senators eventually published a list of “wasteful” spending under the stimulus.<sup>28</sup> In supplemental analyses reported in Table B8 of the SI, I control for agency staff as a robustness check. Note that because of the restricted time series, there are no changes in majority party within legislator. Though there are changes in presidential co-partisanship, including it as a covariate may lead to attenuation bias because it is correlated with *Distance*. The results presented later, however, are not sensitive to including it.

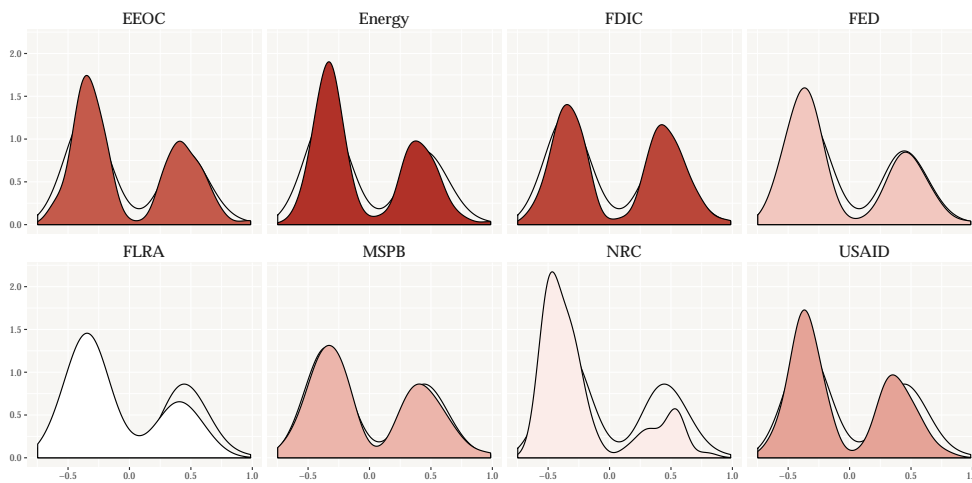
## Findings

A descriptive look at the data foreshadows the key finding that follows. Figure 4 plots the Commonsense DW-NOMINATE distribution of contacts in eight agencies, overlaid the distribution of

<sup>28</sup>“GOP slams stimulus plan with list of 100 worst projects,” *CNN*, August 3, 2010; URL: <https://goo.gl/2hbqur>

all legislators in both Congresses. If the policing hypothesis was correct, we might expect them to differ. Liberal (conservative) agencies would have more conservative (liberal) contact lists. That is not the case. KS tests suggest that none of the 16 distributions significantly differ. This provides preliminary evidence against the hypothesis, which the full models largely confirm. Across all model specifications, preference divergence has a negligible relationship with oversight activity, whereas committee roles and idiosyncratic differences across agencies and legislators explain most variation.

**Figure 4 – Ideological Composition of Oversight**



*Note:* Smoothed kernel density plots of oversight by legislator Commonsense DW-NOMINATE score (Carroll et al. 2015), overlaid Congress' overall distribution. Darker plots indicate higher oversight volume per Congress.

## Oversight and Ideology

Table 1 reports the results across all measures of oversight contact. Overall, the estimates are consistent across specifications and run counter to the divergence hypothesis. Ideological distance appears to have a negligible effect on oversight, whereas committee membership increases the likelihood of oversight. By negligible effect, I do not mean the absence of statistical significance (Rainey 2014). In model 3, the upper bound of the 95% confidence interval would suggest that a standard deviation increase in distance (0.26) is associated with a 1.4 percentage-point increase in the probability of oversight. This is substantively small, given the unconditional probability of contact, 0.36. Across all measures, this is the largest (in magnitude) effect size within a confi-

dence interval, suggesting the effect of distance is near zero. Moreover, even this overstates the substantive effect, since the within-legislator standard deviation of ideological distance (0.14) is much lower (see Figure B2). It implies the largest magnitude effect within a confidence interval is a 0.7 percentage point change in the probability of oversight (Mummolo and Peterson N.d.).

One concern might be that by focusing on within-legislator variation, this approach “stacks the deck” against finding support for the divergence hypothesis. But it is worth noting that even models that exclude legislator fixed-effects (and thus, leverage cross-sectional variation in Congress) return similar results. I report these in Appendix B2 of the SI. Moreover, given conventional concerns about non-significant study results, it is important to stress that this finding is not a function of other model specification decisions. As indicated earlier, modeling the count of contacts in each category does not meaningfully change the result. Table B2 of the SI reports the marginal effect of distance on the number of contacts. Here again, the largest magnitude effect within a 95% confidence interval about a seventh of a contact. These findings are also robust to narrowing the definition of oversight to other varieties of contact, including omitting casework and requests that merely request information (Table B1). Thus, the results provide evidence that preference divergence does not drive oversight.

**Table 1** – Oversight and Ideology

	<i>Dependent variable:</i>		
	Casework (1)	Policy (2)	Both (3)
Committee	0.039 (0.009)	0.066 (0.010)	0.063 (0.009)
Chair	0.082 (0.045)	0.111 (0.058)	0.088 (0.062)
Ranking Member	−0.001 (0.058)	0.143 (0.059)	0.034 (0.071)
Commonspace Distance	0.014 (0.020)	−0.001 (0.019)	0.015 (0.021)
Constant	0.388 (0.372)	1.218 (0.249)	0.993 (0.316)
Legislator FE	✓	✓	✓
Agency FE	✓	✓	✓
Congress FE	✓	✓	✓
N	16,455	16,455	17,552

*Linear probability estimates of dichotomous indicator for informal legislator oversight of agency; robust standard errors clustered by legislator in parentheses; all models include over-time controls (agency budget and legislator seniority).*

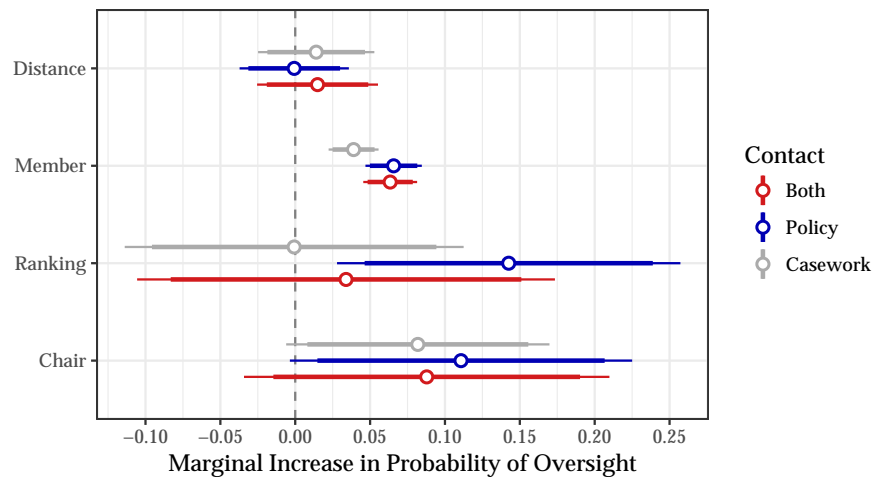
## Oversight and Committee Roles

Another potential concern is that the data analyzed could differ so markedly from the concept scholars have tried to capture in the past that it is unsurprising it would not hew to conventional ideas about oversight. In-keeping with those notions, however, committee membership is consistently associated with oversight. More specifically, membership on a relevant oversight committee results in a 6 percentage-point increase in the probability of oversight. There are also intuitive gradations by role in committee. Though there are fewer leadership switches—and thus, less variation to estimate their effect—chair and ranking member status may result in an additional boost in oversight. For chairs, the effect for policy related requests is likely positive and around 11 percentage points.

Figure 5 also suggests some additional nuance by the type of oversight. Of particular interest is that the effect of being appointed to or removed from a relevant committee is stronger for policy

related requests than for constituent casework. This provides additional evidence of the validity of the dependent variable, as legislators' constituencies remain constant—so the “demand” for casework should be relatively invariant. However, legislators are more likely to raise more general policy-related concerns once on a relevant committee. This is consistent with a myriad of points made about committees and oversight. Among these are arguments about the distribution of labor, specialization, and the potential for increased contact with relevant interest groups (e.g. Powell and Grimmer 2016). The latter is particularly important, given longstanding arguments about interest group influence in government. These results provide initial evidence of a possible mechanism for that influence. That is, if legislators assigned to committees are targeted by interest groups, those legislators may attempt to serve those interests in the context of informal communications—rather than roll call votes. This raises important prospects for future research to consider.

**Figure 5 – Oversight and Committee Roles**

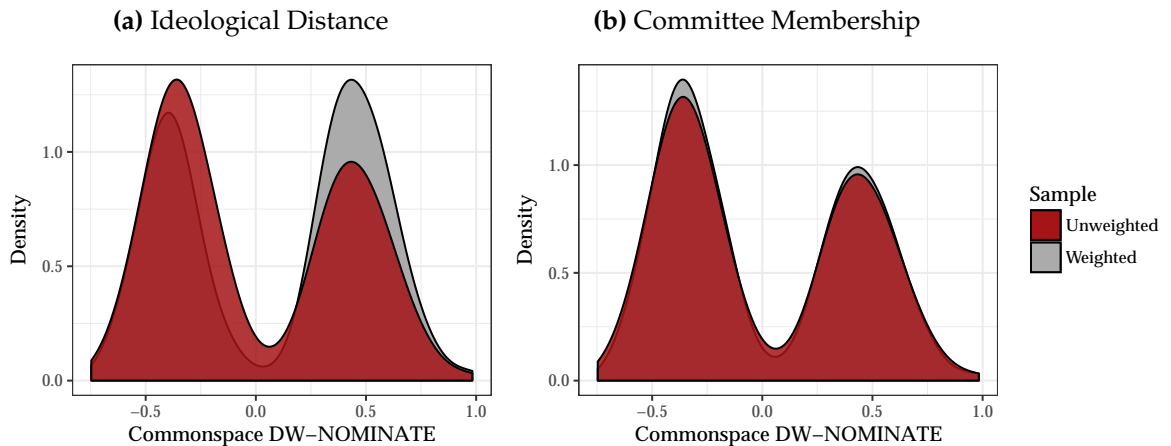


*Note:* Estimates from models reported in Table 1. Membership and institutional roles on relevant committee determined by oversight jurisdiction reported by surveyed officials (Richardson 2015).

### Scope Conditions

The results provide consistent evidence that the divergence hypothesis holds much less explanatory power than previously thought. These data also present the opportunity to understand the precise scope conditions of that evidence. Thus, I take the additional step of explicitly charac-

**Figure 6 – Ideology of Effective Legislator Sample**



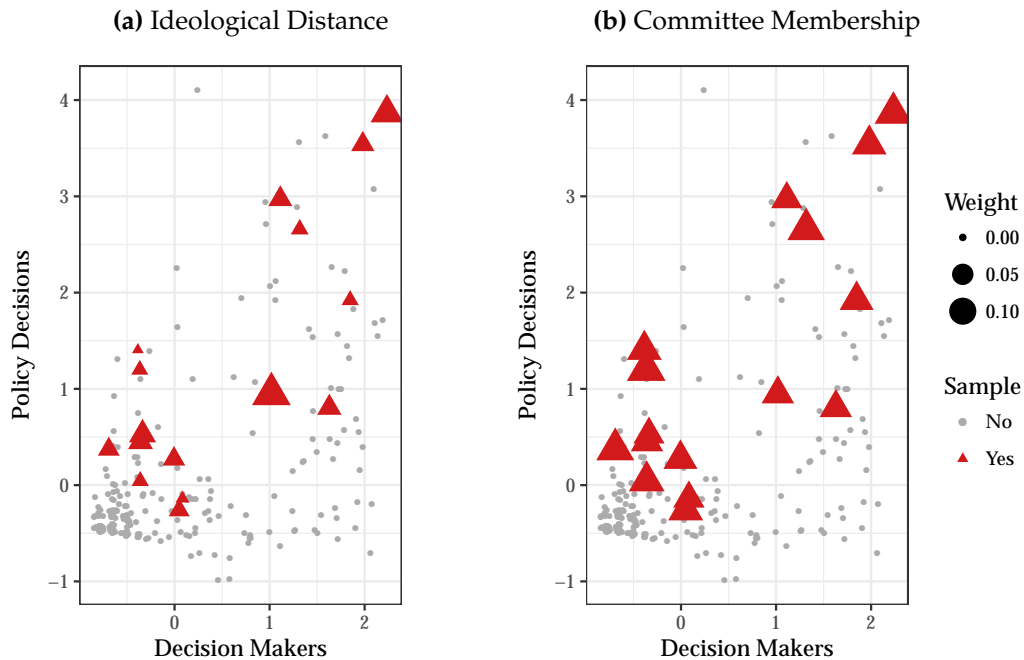
*Note:* Plots the kernel density of the observed and effective samples by legislator ideology for both the effect of ideological distance and committee membership (Aronow and Samii 2016).

terizing the generalizability of these findings with respect to factors of substantive interest to researchers in executive and legislative politics. Specifically, I show which legislators and agencies are contributing the identifying variation driving estimates of the effect of ideological distance and committee membership. Following work by Aronow and Samii (2016), I residualize distance and membership by the remaining controls, using the square of these residuals as multiple regression weights. Figures 6 and 7 plot the mean weight by legislator and agency by several variables of interest. This has two utilities. First, it directly addresses questions about external validity by describing the sub-populations driving the observed effects. Second, and relatedly, it suggests where future research is (or is not) likely to find support for the divergence hypothesis.

Figure 6 plots the effective sample of legislators by Commonsense DW-NOMINATE score. For the effect of committee membership, the distributions are mostly indistinguishable since there is near parity in partisan committee membership (with slight majorities for Democrats during both Congresses). Figure 6(a), however, demonstrates that the ideological distance results are driven disproportionately by more conservative legislators. This is partly a function of the agencies studied, which lean moderately left. This means the results are more heavily reliant on conservative legislators (who mostly see agencies moving *away* from them after the presidential transition). However, this also places the negligible effect of disagreement in important context. Conservatives are typically thought of as more skeptical of central state authority, and disproportionately



**Figure 7** – Structural Independence of Effective Agency Sample



*Note:* Plots the independence of policy decisions and leadership personnel in executive agencies in and out of sample, as measured by Selin (2015); point size indicates weight within effective sample for either ideological distance or committee membership (Aronow and Samii 2016).

responsible for polarization. These are the precise legislators driving the negligible effect of disagreement.

Understanding the relative influence of each agency also reveals some additional findings of interest. Figure 7 plots the mean sample weight by agency and structural independence. Selin (2015) develops a model of latent independence based on a vector of time-invariant agency characteristics. The x-axis plots the latent independence of an agency’s decision makers, which represent how much control principals have over hiring and firing leadership. The y-axis plots characteristics related to opportunities principals have to review and reverse agency decisions. Higher values indicate more independence on each dimension. Not surprisingly, the effective sample for the effect of committee membership is not distinct from the observed.

However, Figure 7(a) suggests some noticeable differences for ideological distance. That is, the effect relies on variation observed in more independent agencies. These are the agencies that—according to Figure 3 saw the largest changes in personnel ideology attributable to the presidential transition. This is in-keeping with stylized accounts of large departments, which are difficult

to change by virtue of their size. This suggests, counterintuitively, that ideological changes in agencies more independent (by design) do not provoke policing efforts on the part of members of Congress. Moreover, it also defines scope conditions of this result. Since large shifts were not observed in the less insulated agencies, future work should search for changes in these agencies.

## **Policy Valence and Oversight**

I have found no evidence for the proposition that preference divergence drives oversight. This, naturally, raises the question of whether there is evidence that policy valence holds relatively more explanatory power. Initial evidence presented in this section suggests that informal oversight most often reflects the quality of administration, rather than concerns driven principally by ideology. Systematic measurement of policy quality presents research challenges because of the diversity of functions performed by agencies and the lack of a common scale for quality. Therefore, I present three case studies in this section as evidence. The 2014 wait-time scandal at the VA illustrates rapid response to an apparent policy failure. The Fukushima nuclear disaster provides an example of an “exogenous” event that dramatically increased oversight. Finally, I present a cross-sectional analysis of offices in the Department of Energy and show that lower performance ratings were associated with more oversight in the 110th Congress. These cases illustrate an important theoretical point: public observation may be a necessary condition for the ideological patterns of oversight observed by past research. They also raise questions about the efficacy of unilateral oversight attempts.

### **VA Wait-time Scandal**

In April of 2014, *CNN* reported that bureaucrats in the Veterans Health Administration had deliberately fabricated appointment wait times—and that at least 40 veterans had died while waiting to receive medical care.<sup>29</sup> Response from Congress was dramatic: the House and Senate oversight committees convened special hearings, subpoenaed VA officials, demanded resignations, funded a criminal investigation, and enacted sweeping legislative reforms. Records show, however, there

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<sup>29</sup>Bronstein, Scott and Drew Griffin. “A fatal wait: Veterans languish and die on a VA hospital’s secret list,” *CNN*, April 23, 2014. <http://www.cnn.com/2014/04/23/health/veterans-dying-health-care-delays/>

were numerous informal oversight contacts in advance of the 2014 wait-time scandal. In 2010, then-Senator Jim Webb (D-VA) contacted the Department of Veterans Affairs after receiving complaints about the Washington, DC VA Medical Center. General complaints about claim processing delays are common in the VA log. Between 2010 and April 2014, ten legislators made inquiries about delays in medical care. These inquiries are not all constituent “casework”—as some voice general concerns about Department procedures. According to the log, in a 2011 inquiry, Senator Patty Murray (D-WA)—Chair of the Senate Veterans’ Affairs Committee, voiced the following:

Concerns about an internal VA memorandum indicating that “gaming strategies” are used at VA facilities to improve internal scoring measures at the expense of Veterans seeking VA health care. Request from VA how the VA has eliminated these improper scheduling practices...

Murray refers to an April 2010 memo that indicates VA management was aware of the record-keeping procedures that led to the 2014 crisis. So the key Senator tasked with overseeing the Department raised concerns about the exact problem a full three years in advance of the first *CNN* report. This oversight by individual legislators was accompanied by Government Accountability Office (GAO) reports in 2000, 2004 and 2013 that indicated reported wait times were unreliable.<sup>30</sup> The release of the *CNN* report led to a flood of informal contacts from legislators with the same basic aim: determining how the scandal affected veterans in their districts. Though veterans benefits are often considered uniquely non-partisan, the motivation behind these contacts is particularly noteworthy. The key concern is policy quality. It was not a question of how generous VA benefits would be—it was about whether the Department was consistently providing the level of care specified by Congress.

It is important to note, here, however that collective action—despite the action of individual legislators—was largely absent. The lone exception is a hearing on March 14, 2013 in the House Veterans’ Affairs Subcommittee on Oversight and Investigations, where the problems with reporting wait times were voiced by VA officials and acknowledged by legislators. I do not mean to suggest that oversight could have prevented policy failure in this instance, or that legislators

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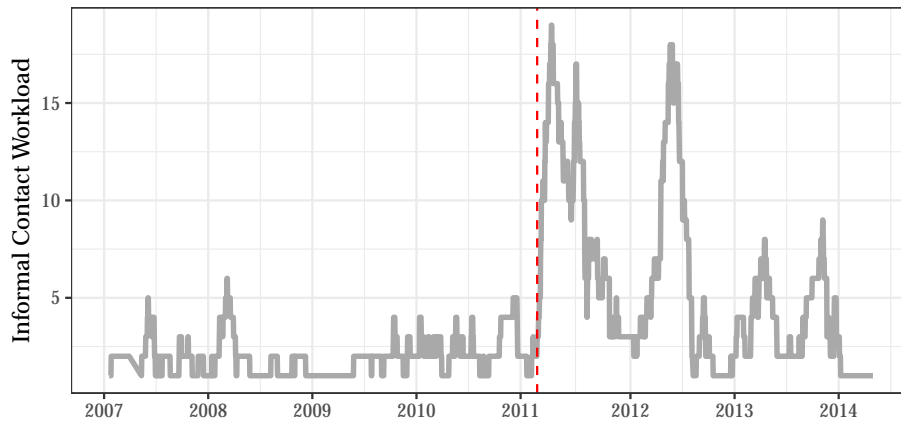
<sup>30</sup>Government Accountability Office. 2013. “VA Health Care: Report Outpatient Medical Appointment Wait Times are Unreliable,” Statement for the Record by Debra A. Draper, February 13, Committee on Veterans’ Affairs, U.S. House of Representatives.

knew about policy failure and did not act. In fact, legislators engaged in considerable oversight. But, much of this activity is in service of the narrow concerns of a few constituents. Collectively, this activity suggests the more widespread problems later revealed. But addressing those problems required coordination among legislators that was eventually generated by the salience of the scandal—not foreknowledge of the problems that generated it. I return to this point in the discussion.

### Fukushima Nuclear Disaster

Oversight of the Nuclear Regulatory Commission (NRC) also supports the notion that this activity is most often reactionary and concerned with the quality of administration. In 2011, the tsunami following the Tōhoku earthquake damaged the Fukushima Daiichi nuclear plant, resulting in three meltdowns and the release of radioactive material (Holt, Campbell, and Nikitin 2012). As Figure 8 indicates, prior to the incident, the NRC rarely heard from members of Congress. The NRC is among a set of peer agencies whose comparatively small budgets and staff sizes means they often attend few general oversight hearings per year—usually before subcommittees on appropriations. This, of course, changed dramatically following the developments in Japan—when the NRC received over 50 inquiries from representatives.

**Figure 8** – “Fire Alarms” and the Fukushima Nuclear Disaster



*Note:* Workload is the number of inquiries that remain to be “closed out” on a given day in the Nuclear Regulatory Commission; includes both casework and policy inquiries; dashed red line denotes March 2011, the beginning of the plant meltdowns.

But again, the reactions of legislators do not always correspond to collective activity that re-

sults in general policy change. In both cases, legislative oversight reflects concerns about the quality of policy, driven largely by the service of either narrow constituents or reaction to scandal. The flood of VA inquiries follows a predictable pattern—with legislators making inquiries about whether VA facilities in their districts were affected. Oversight after Fukushima was similar, as legislators with nuclear plants in their districts—particularly those on the West Coast of the U.S.—asked what the NRC was doing to prevent similar disasters from occurring. Persistent inquiries eventually led to the publication of reports detailing “lessons learned” and regulatory differences between the U.S. and Japan.

### **Policy Performance at the Department of Energy**

The previous examples provide some evidence that policy valence drives oversight. To address the apparent limitations of these anecdotes, I analyze oversight and performance in offices within the Department of Energy (DOE). The Department of Energy is uniquely suited to within-agency analysis because its offices are ideologically diverse. It includes a conservative defense agency, the National Nuclear Security Administration (NNSA), along with liberal offices in charge of funding renewable energy projects. During the George W. Bush administration, many of its programs were evaluated using a common metric: the Office of Management and Budget’s Program Assessment Rating Tool (PART).<sup>31</sup> Finally, its logs are sufficiently detailed so that member contacts can be matched to specific programs and offices.

The valence hypothesis suggests that oversight should be driven by concerns over performance. To assess this proposition, I subsetting the DOE log to the 110th Congress. The final PART evaluations of DOE programs were conducted from 2006-2007, since the rating system was discontinued by the Obama administration. I matched legislator correspondence to one of 49 programs rated by the OMB, which were run by the 8 offices rated by Richardson, Clinton, and Lewis (N.d.).<sup>32</sup> Of the roughly 1,100 contacts to the DOE in the 110th Congress, 255 explicitly reference

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<sup>31</sup>Lewis (2007) raises the possibility that PART scores are politically biased. In this case, conservative programs would receive more favorable ratings under the Bush administration. Reassuringly, PART scores are uncorrelated with office ideology in the DOE.

<sup>32</sup>This excludes 7 programs rated by PART, but run by offices with missing ideology scores. Program and office names were used as dictionaries to produce likely matches by contact, then hand-coded by the Author. In most cases,

PART-evaluated programs. They run the gamut of contact subjects described in this study: from grant support, to member concerns and explicit program audits.

I regress member oversight on the mean results score by office.<sup>33</sup> Table C10 in the SI reports these estimates. The models control for two confounders: the number of programs rated within an office and the ideological distance between the legislator and office. Since measures of legislator (Carroll et al. 2015) and office preferences (Richardson, Clinton, and Lewis N.d.) are on different scales, I cut the scores into quintiles (1-5, with higher values indicating greater conservatism), then take the absolute difference.

The results suggest that poor program performance in an office was associated with greater oversight. More specifically, a standard deviation decrease in the PART results score (0.12 or about a full letter grade difference) results in a 2 percentage-point increase in the probability of contact, holding the other covariates at their means. The unconditional probability of any single legislator contacting a particular office is quite low (~2%), so this is the equivalent of doubling the likelihood of contact. The effect of ideological distance is near zero—a standard deviation increase in divergence is associated with a 0.3 percentage point increase in oversight. Naturally, these two effects should not be interpreted as the result of a “horse race” between hypotheses.<sup>34</sup> Assessing the relative explanatory power of each is difficult within a single model, since both vary at different levels (office and legislator-office, respectively). In addition, the lack of over-time variation means relying on a single cross-section of offices.

Though these estimates should be treated as purely descriptive, the case—along with those of the VA and NRC—suggests that many efforts to oversee bureaucracies are driven by concerns about the quality of administration. In other words, they suggest critical scope conditions of the ideological divergence hypothesis. Legislators may be only conditionally motivated to systemati-

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members explicitly named the program or office in question. I list these programs in Appendix B.

<sup>33</sup>PART scores include four components (planning, design, management, and results), but the final ordinal rating is determined largely by the 0-100 results grade and is the most visible feature of score. More details about these ratings can be found in Lewis (2008).

<sup>34</sup>A finite mixture model produces similar effect sizes and estimates mixing probabilities for each observation (Imai and Tingley 2012). It suggests that the performance measures provide a better fit to the data. But this, again, does not address the measurement concerns outlined above.

cally pursue agencies with whom they disagree. In fact, the apparent ideological conflict might be an artifact of political signals meant for re-election audiences. But in private, it is perhaps reassuring that their concerns most often reflect questions about the details of implementation—rather than reproducing the partisan conflicts evident in congressional chambers.

## Discussion

The scope and effectiveness of legislative oversight of the bureaucracy is a perennial issue in modern government. Agencies are increasingly tasked with addressing complex problems that require delegated authority and policy discretion. Since the publication of McCubbins and Schwartz' (1984) work, political scientists have acknowledged that much of legislative oversight of the bureaucracy occurs outside legislative chambers. But without record of those interactions, we cannot test basic empirical predictions about this larger universe of interactions between Congress and the bureaucracy. Moreover, this information permits analysis of individual-level incentives of legislators to conduct oversight. Broadly speaking, this article suggests congressional oversight is far more diffuse and ubiquitous. Hearings, resolutions, and statutory changes are exceptions to the oversight that occurs day-to-day. In light of that fact, I have modeled factors influencing legislators' likelihood of performing that oversight. Contrary to a proposition put forth by past work, I find that ideological disagreement has a negligible impact on oversight.

This key finding comes with caveats. My approach is designed to isolate ideological variation driven by personnel changes. These results do not preclude disagreement over agency missions as a possible driver of oversight. The problem, as I have noted, is that this most requires making inferences based on cross-sections of agencies. It is also possible that the "shock" of a single presidential transition is not large enough to reveal meaningful effects. But that point, as well, raises the question of how large a shift would be required to provoke a response. This study suggests that those during the 2007-2010 transition had little impact (and they are fairly typical of other transitions in magnitude). Finally, this analysis relies on measures of agency ideology which place all actors on a common scale. Though I argue this is appropriate in this context, and should capture the changes of interest, it is possible that measures specific to policy area would

find meaningful effects.<sup>35</sup> But notably, any policy specific measure would approach many of the valence-related issues for which I have provided examples—so the basic points about the content of most oversight stand.

These findings also imply some important considerations for future work. First, oversight is often informal and conducted by individual legislators. This means that the collective action problems identified by existing studies are likely understated, since all legislators have the opportunity to oversee the bureaucracy (Gailmard 2009; Clinton, Lewis, and Selin 2014). It is also worth reiterating that the frequency of informal contacts implies models of oversight that treat Congress as a unitary actor are not well suited to describing most oversight observed in practice. Another implication is that existing oversight research may over-sell the importance of preference divergence relative to valence. Typical ideological divisions of Congress do not seem to map onto private oversight activity by virtue of the fact that they go unobserved. Instead, committee roles, narrow district interests, and attempts to police the quality of implementation appear to be primary drivers of day-to-day oversight. That implies that public observation is a necessary condition for oversight driven primarily by preference divergence.

Finally, the findings suggest that past concerns about the overall efficacy of congressional oversight are warranted. Whereas existing scholarship suggests the multiplicity of legislative principals creates collective actions problems that reduce oversight, this study suggests that private communications may pose additional obstacles and lead to coordination failures or poor performance. This is a qualitatively different collective action problem than the one pointed out by Gailmard (2009). Whereas that work focused on redundancy as generating sub-optimal level of oversight induced by the free-rider issues, this is primarily a coordination problem. Because the vast majority of oversight is conducted by individual legislators privately, the institution may miss systemic problems in administration (as in the case of the VA). This naturally raises questions about what could prevent such failures. One possibility is more reliance on collective requests. Another is institutional reforms to make inter-branch communication more transparent and available to the public. It is, of course, difficult to determine how such reform would alter congressional behavior, so these issues remain for future work to consider.

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<sup>35</sup>See Carpenter (2013) for a conceptual discussion of “agency ideology.”



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**Supporting Information**  
*Who Polices the Administrative State?*

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## A Data

### A.1 Agency Selection into Sample

In October 2014, I submitted FOIA requests to all agencies listed by `foia.gov`. The template text for these requests is included below. After an initial request, it was common for FOIA officers to claim that the request was too broad, and thus, several had to be amended to include a shorter time series. It was also common for agencies to claim that records from certain periods had been destroyed or were otherwise unavailable. I indicate these time-series' in the Table A1. Correspondence files for MPSB, FLRA, EEOC, NRC, CPSC, USAID, FDIC, GSA, HUD, FED, Energy, and EPA were obtained through this set of FOIA requests. The logs for the departments of Labor, Transportation, Homeland Security, and the USDA come from Mills, Kalaf-Hughes, and MacDonald (2015)—and were generously provided by the authors. These authors also obtained their logs through similar FOIA requests. Table A1 below lists all agencies queried along with the result of the request and data coverage (if any).

Overall, agencies provide (or do not provide) usable data for reasons that are highly idiosyncratic. Some agencies indicate that they do not keep such records. In these cases, the lack of systematized informal communications likely indicates that they do receive many contacts from members of Congress—and are thus, outside the scope conditions for this study. Two agencies provided records that were handwritten and illegible. One initially indicated the records did not exist until a follow up request—then indicated that the records would require in excess of \$3,000 in fees to produce. In some cases, agencies that do keep records did not provide them to the author, but responded to other researchers requesting similar records (e.g. Mills et al 2015, Ritchie N.d.)—suggesting that FOIA responsiveness is inconsistent even *within agency*. Some agencies who provided records had to be excluded because of the unavailability of measures of agency preferences for the relevant time series. Again, the fact that prior researchers excluded this agencies from their studies provides some indication of their theoretical relevance. Many agencies who have yet to respond fall into this category.

#### FOIA Request Template:

*I am seeking a list of correspondences between the [agency] and members of Congress and their offices.*

*Specifically, I would like to know what Congressional offices contacted the [agency] from [date] to [date]. An entry in such a log generally includes:*

- *The name of the member of Congress who contacted the [agency]*
- *The date the [agency] was contacted*
- *The subject of the inquiry. (i.e. What did kind of information did the member request? Or what was the correspondence about?)*
- *When (and if) the request was completed*

**Table A1 – FOIA Request Outcomes**

<b>Result</b>	<b>Agency</b>	<b>Data Coverage</b>	
<i>Complete log provided</i>	Board of Governors of the Federal Reserve	Jan. 2008 - Jan. 2012	
	Consumer Product Safety Commission	Jan. 2007 - Jan. 2014	
	Department of Energy	Jan. 2007 - Sept. 2014	
	Department of Housing and Urban Development	Jan. 2007 - Jan. 2014	
	Department of Interior	Jul. 2009 - Dec. 2012	
	Department of Veterans Affairs	Mar. 2010 - Nov. 2014	
	Environmental Protection Agency	Jan. 2005 - Dec. 2015	
	Equal Employment Opportunity Commission	Jan. 2007 - Nov. 2014	
	Federal Communications Commission	Jan. 2011 - Nov. 2014	
	Federal Deposit Insurance Corporation	Jan. 2007 - Nov. 2014	
	Federal Labor Relations Authority	Jan. 2007 - Dec. 2013	
	Federal Trade Commission	Jan. 2008 - Dec. 2009	
	General Services Administration	Jan. 2008 - Jan. 2010	
	Merit Systems Protection Board	Jan. 2007 - Nov. 2014	
	National Labor Relations Board	Jan. 2011 - Sept. 2014	
	National Science Foundation	Jan. 2008 - Jun. 2015	
	Nuclear Regulatory Commission	Jan. 2007 - Jan. 2014	
US Agency for International Development	Jan. 2007 - Jan. 2014		
<i>Complete log provided by Mills et al (2015)</i>	Department of Agriculture	Jan. 2007 - Dec. 2010	
	Department of Homeland Security	Jan. 2007 - Dec. 2010	
	Department of Labor	Jan. 2007 - Dec. 2010	
	Department of Transportation	Jan. 2007 - Dec. 2010	
<i>Complete log provided Excluded due to missing covariates/limited time series</i>	Armed Forces Retirement Home	Jan. 2007 - Nov. 2014	
	Administrative Conference of the United States	Jan. 2007 - Nov. 2014	
	Corporation for National and Community Service	Jun. 2009 - Nov. 2014	
	Legal Services Corporation	Jan. 2007 - Jan. 2014	
	Office of Government Ethics	Jan. 2013 - Jan. 2014	
	Office of Personnel Management	Jan. 2012 - Jan. 2014	
	Office of Science and Technology Policy	Jan. 2013 - Dec. 2013	
	US Postal Service	Jan. 2007 - Jan. 2014	
US Trade Representative	Mar. 2013 - Nov. 2013		
<i>Incomplete log provided</i>	International Trade Commission*	Unknown	
	National Archives and Records Administration*	Unknown	
	Institute of Museum and Library Services	Jan. 2013 - Dec. 2015	
	Farm Credit Administration	Mar. 2008 - Jun. 2013	
<i>Letters provided</i>	Federal Election Commission	Oct. 2010 - Dec. 2010	
	National Indian Gaming Commission	Jan. 2010 - Jan. 2014	
<i>No records responsive (denial)</i>	Amtrak		
	Consumer Financial Protection Bureau		
	Department of State		
	National Endowment for the Arts		
	Securities and Exchange Commission		
<i>Response pending</i>	US Commission on Civil Rights		
	Central Intelligence Agency, Council on Environmental Quality, Court Services and Offenders Supervision Agency, Department of Commerce, Department of Education, Department of Health and Human Services, Department of Justice, Department of Treasury, Federal Housing Finance Agency, Federal Maritime Commission, Federal Mine Safety and Health Review Commission, Federal Retirement Thrift Investment Board, International Boundary and Water Commission, National Aeronautics and Space Administration, National Endowment for the Humanities, National Mediation Board, National Transportation Safety Board Occupational Safety and Health Review Commission, Office of Special Council, Office of the Director of National Intelligence, Selective Service System, Small Business Administration, Social Security Administration, Surface Transportation Board, Tennessee Valley Authority, US Commodity Futures Trading Commission, US Copyright Office		
	<i>Records publicly available</i>	Department of Defense	
		Federal Energy Regulatory Commission	
	<i>Records exist</i>	Export-Import Bank of the US*	

*Note:* Initial requests made Oct. 2014. Records for the Export-Import Bank exist but require a cost-prohibitive fee to obtain. Publicly available records may exclude categories of requests. In cases where letters were provided, FOIA officers indicated that such letters were an incomplete record of all inquiries. The ITC and NARA provided photocopies of logs handwritten in illegible cursive. IMLS/FCA provided logs that excluded categories of requests and were missing numerous dates.

## FOIA Performance:

One relevant concern is that agency responsiveness to FOIA will be systematically related to oversight and limit generalizability. That is, one might be concerned that the agencies that select into sample may be “high performers” on transparency, and therefore be less likely to require systematic oversight on the part of political principals.

To investigate this concern, I collected annual performance reports from `foia.gov`. I compared the mean and median response times of agencies in the sample with those in the broader population of agencies who could have provided logs from FY 2014-2017. I summarize this with the differences reported in Table A2. The table reports days to response for simple, complex and expedited requests. Agencies assign these categories based on their own determinations of the relative difficulty of a request. In general, there are few detectable differences across the samples, regardless of the type of request. But most importantly, the agencies included do not appear to be consistent high performers on the task of responding to FOIA requests.

**Table A2** – FOIA Response Time (Days) by Request Type, FY 2014-2017

	Stat.	Population	Sample	Difference
Simple	Mean	23.7	24.2	+0.5
	Median	17.2	11.9	-5.3
Complex	Mean	119.6	98.2	-21.4
	Median	81.0	49.8	-31.2*
Expedited	Mean	53.4	73.3	+19.9
	Median	44.5	49.1	+4.6

Note: \* $p < 0.05$ ;  $n = 114$ . Source: `foia.gov`.

## A.2 Coding Contacts

Agency-provided descriptions of contacts were coded using the following rules. In some cases, subject descriptions were too brief for coding, and required follow-up inquiries. In the rare situation in which no description was present (see FDIC), contacts are coded as missing. Prior to coding, contacts related to committee business (such as questions for the record or hearing scheduling), as well as irrelevant queries that do not require a response (happy birthday wishes, thank you’s) were removed via keyword searches. Requests then subset to those made by single legislators. Several hundred “group” requests required collective action, and are thus, beyond the scope of this study.

### Definitions:

“Casework” is any request for information or services on behalf of a *particular constituent*. Examples of casework include grant support letters, equal employment status inquiries, complaints about public housing authorities, and requests for assistance acquiring visas.

“Constituents” are persons or groups within-district who request assistance from their representative. They most often include (but are not limited to) redacted names, in-district businesses or interest-groups, and state-level politicians. National interest groups or organizations (such as Planned Parenthood, ACORN, or the NRA) are excluded as constituents. Inquiries on behalf of these groups are counted as policy related requests.



“Policy” requests demand information, actions, or communicate the preferences of legislators beyond the scope of a particular constituent. These include general requests for agency records, comments on proposed rules, requests for in-person briefings.

“Lobbying” requests recommend policies, agency action, or communicate preferences. Examples include comments on proposed rules, demands for spending, and voicing of “concerns” about pending actions.

**Rules:**

“Casework” and “Policy” are mutually exclusive and exhaustive categories.

“Lobbying” can be either “Casework” or “Policy.”

**Procedure:**

1. FDIC removed due to description missingness. MSPB removed because, per agency officials, all contacts are “casework.” USDA removed and keyword-coded (see below).
2. A stratified (by agency), random sample of 10% of contacts (training set) drawn from complete sample. Recent reviews suggest that as few as 500 training observations are sufficient (see Grimmer and Stewart 2013). Minimum number of hand-coded training contacts per agency set to 50.
3. Training set hand-coded by the author and a research assistant to obtain inter-coder reliability statistics.
4. For each agency:
  - (a) Clean corpus and prune document term matrix.
  - (b) Train model (L2 regularized logistic regression via LiblineaR()).
  - (c) Classify remaining contacts.
  - (d) Perform *k*-fold cross-validation to obtain out-of-sample accuracy.

**Results:**

I report coding diagnostics from this procedure in Table A3. In general, inter-coder reliability (for hand-coding) and out-of-sample accuracy (within training sets) is moderate to high across agencies. Logs typically re-use keywords (such as “constituent”), which can often label contacts deterministically. Agencies with lower out-of-sample accuracy tend to use more proper nouns. The NRC’s three model-coded observations were predicted correctly—the low out-of-sample accuracy is related to the smaller training set. Note also, that even for this agency, the out-of-sample accuracy is higher than the rates typically reported by other classification models (e.g. Hopkins and King 2010; Grimmer and Stewart 2013).

Table A4 reports the proportion of each agencies contacts that fall into a given category, along with agency-specific examples of each type. For each agency, the first two entries are mutually exclusive and sum to one. The second two are always a subset of the two above—so they are strictly less than the overall proportions of casework/policy. In every case, the proportion is the number in a given category over the total number of contacts.

**Table A3 – Coding Diagnostics**

Agency	Hand coded	Cohen’s $\kappa$		Model coded	Mean Char. Length	Out-of-Sample Accuracy	
		Casework	Lobbying			Casework	Lobbying
Energy	451	0.71	0.60	4,049	148	0.87	0.88
Labor	1,277	0.49	0.53	11,490	43	0.94	0.94
DHS	1,327	0.74	0.60	12,089	133	0.91	0.85
DOT	367	0.61	0.51	3,299	122	0.85	0.92
HUD	684	0.62	0.48	6,171	214	0.94	0.95
EPA	475	0.69	0.67	4,263	89	0.79	0.87
USAID	67	0.82	0.77	600	151	0.75	0.85
FED	50	0.88	0.52	418	192	0.90	0.58
NRC	50	0.59	0.69	3	158	0.68	0.72
CPSC	50	0.96	0.51	198	31	0.90	0.82
GSA	50	0.65	0.66	144	227	0.94	0.96
EEOC	254	1.00	0.94	1,882	26	0.99	0.99
FLRA	37	1.00	0.68	0	55	–	–
<b>Total</b>	5,139			44,933			

*Note:* All contacts to the MSPB are casework and non-lobbying (all request status updates), so it has been excluded; in addition, the majority of contact subject descriptions for the FDIC are missing, so it is excluded from analyses subsetting by contact type. For information on how contacts were coded for the USDA, see the following section. Mean out-of-sample accuracy from 10-fold cross-validation reported.

**Department of Agriculture:**

The USDA correspondence log contains subject descriptions that are pre-coded. All contacts are assigned 1 of roughly 500 keywords. Whereas there is no additional error from coding through machine learning or research assistants, this means that coding “casework” and “lobbying” is more difficult and subject to more researcher judgement. For example, contacts labeled simply “Poultry” may conceivably span all of the definitions above. Other labels, such as “information,” and those that request GAO reports, outlays, or grants are more clear cut. Ultimately, without viewing the actual correspondence, it is impossible to be certain about the correct coding. In general, keywords that reference constituent services were coded as casework, whereas policy keywords were most often names of programs and commodities. Most contacts were assumed to be lobbying unless they explicitly reference information gathering. To mitigate this potential error, I include robustness checks that exclude the USDA in Appendix B. The lists below indicate keywords assigned to each category.

*Casework:* APPEALS, APPLICANT, APPROPRIATION, ASSISTANCE, AWARDS, BUDGET, Catfish Inspection, CERTIFICATION, CLOSING, CONTRACTING, CONTRACTS, DISAS-

TER ASSISTANCE, DISASTER PYMT, DISCRIMINATION, ETHANOL LOAN, EXTENSION, FARM SUBSIDY, FISH INSPECTION, FOIA, FOOD INSPECTION, FARMER, FORUM, FRAUD, FUNDING, GRAIN INSPECT, HOUSING, Idaho, IMPORT INSPECT, INDEMNITY PYMT, INSPECTION, INSPECTOR, LAND GRANT UNIV, LOAN, MEAT INSPECTION, NOMINATION, Nutrition Assistance, NY, OFFICE CLOSING, PARTNERSHIP, PAYMENT, PERMIT, PERSONNEL,POULTRY INSPECT, PRICE SUPPORT, REQUEST, RULING, SECTION 504, STAFFING, State Inspection, SUMMIT, TARIFFS, TAXES, TRADE, TRADE BARRIER, VETERANS PREFERENCE

*Policy:* 4-H, ACREAGE REDPRGM, ACT, ADV COMMITTEE, AFRICA, AGREEMENTS, AIRCRAFT, ANIMAL DISEASE, ANIMAL ID, ANIMAL PROD, ANIMAL RESEARCH, ANIMAL WELFARE, ANIMALS, APHIS, APPLES, AQUACULTURE, ARBORETUM, ATACC, ATACS, AUDIT, AUDITS & INVESTIGATIONS, AUTHORIZATION, AUTOGRAPH, AVOCADO, BEANS, BEEF, BEEKEEPING, BIOFUELS, BIOMASS FUELS, BISON, BLACK FARM AID, BOARD, BSE, CANADA, CATFISH, CATTLE, CCC, CHECK-OFF, CHEMICALS, CHERRIES, CHILD CARE PRGM, CHILD HUNGER, CHILD NUTRITION, CHINA, CHRONIC WASTING DISEASE, CITRUS, CIVIL RIGHTS, COLLOCATION, COMMENTS, COMMERCE, COMMODITY, COMMUNITY DEVEL, COMPLAINT, CONSER PROGRAM, CONSER RES PRGM, CONSERVATION, CONTAMINATION, COOL, COOPERATION, COOPERATIVE, CORN, COST, COTTON, CREP, CROP, CROP INSURANCE, CROPS, CRP, DAIRY, DAIRY PROD, DAIRY PRODUCTS, DAIRY PROGRAMS, DAIRY SUPPORTS, DEIP, Diet and Health, DIET GUIDELINES, DISEASE, DISTANT LEARN, DOWNED ANIMALS, Downers, DRAINAGE, DROUGHT, DRUGS, DRY BEANS, E COLI BACTERIA, ECONOMIC OPPRTY, ECONOMICS, EDUCATION, EGGS, ELECTRIC, Emerald Ash Borer, EMERG DISASTER, EMERG LIVESTOCK, EMPLOYMENT, ENERGY, ENVIRONMENT, EQIP, ERADICATION, ETHANOL, EXPORTS, FARM, FARM BILL, FARM CREDIT, Farm Economy, FARM LAND, FARM LOANS, FARM PROGRAM, FARMERS' MARKETS, FARMING, FARMS, FCIC, FED REGISTER, FEED, FEES, FERTILIZER, FIBER, FINANCE, FIRE, FIREFIGHTING EQ, FLOOD CONTROL, FLOODING, FLOWERS, FOOD, FOOD AID, FOOD DISTRIBUTE, FOOD DRIVE, FOOD PRODUCTS, FOOD PROGRAMS, FOOD SAFETY, FOOD STAMP PRGM, FOODBORNE DIS, FOOT AND MOUTH DISEASE, FOREIGN, FOREIGN ASST, FOREIGN INVEST, FOREIGN PRODUCT, FOREIGN REL, FOREIGN TRADE, FOREST FIRE, FOREST MGMT, FOREST SVC PRGM, FORESTLAND, FREE TRADE, FRESH FRUIT VEG, FRUIT, FRUIT DISEASE, FSMIP, FUEL, GAO REPORT, GENETICALLY MODIFIED ORG, GLOBAL CHANGE, Government Affairs, GRAIN, GRAIN REPORT, GRAIN STORAGE, GRANT, GRAPES, GRASSLANDS, GRAZING, GSM-102, HACCP, HAWAII, HAY, HEALTH, HOMELAND SECURITY, HONEYBEES, HORSE TRANSPORT, HORSES, Humane Slaughter, HUNGER, HUNGER AMERICA, IDP, IMPORTS, INFORMATION, INQUIRY, INSECTS, INVASIVE SPECIES, INVESTIGATION, INVESTMENT, IRRIGATION, KOREA, LABELING, LABELS, LAND, LAND EXCHANGE, LAND FORESTRY, LAND MANAGEMENT, LEGISLATION, LICENSES, LIST, LITIGATION, LIVESTOCK, LIVESTOCK ASSISTANCE PRGM, LIVESTOCK INDEMNITY PROGR, LIVESTOCK, PRICE, LOANS, MANAGEMENT, MARKET PROGRAMS, MARKETING, Marketing, MARKETING ORDER, MEAT, MEAT INSP PLANT, MEETING, METEOROLOGY, METHYL BROMIDE, MILK, MILK INCOME LOSS CONTRACT, MILK MARKETING, MINING, MINORITY, MINORITY FARMER, MOU, NAFTA, NAP, NATIONAL DEFENSE, NRCS, NRN, NUTRITION, NUTS, ORGANIC, ORGANIC FARMING, ORGANIC FOOD, OUTREACH, PACK STKYD ACT, PEANUTS, PEST CONTROL, PESTICIDE, PESTS, PHOTOGRAPHY, PHYTOSANITARY, PLANT DIS-

EASE, PLANT QUARTNE, PLANTS, POLICY, POLLUTION, PORK, PORT OF ENTRY, POTATOES, POULTRY, POWER, PRESERVATION, PRICES, PRODUCTS, PROGRAM, PROJECTS, PROPERTY, PROPOSAL, PUB REL, PUBLIC LANDS, PURCHASE, QUARANTINE, QUOTA, RC&D, Recalls, RECLAMATION, RECOMMEND, RECORDS, RECREATION PRGM, REGULATIONS, RELOCATION, REORGANIZATION, RESEARCH, RICE, RIGHT-OF-WAY, RISK MANAGEMENT, ROADLESS, ROADS, RULE, RURAL DEVELOPMT, RURAL-URBAN DEV, SAFETY, SALMONELLA, SCH LUNCH PRGM, SECTION 32, SECURITY, SERVICES, SEWER, SLAUGHTERHOUSE, SMALL BUSINESS, SNAP, SOIL-WATER, SPACE, SPECIAL CROPS, SPOTTED OWL, SPRAYING, STEWARDSHIP, STORAGE, SUGAR, SUGGESTION, SUMMER FOOD SVC, SUPPORT, SYSTEMS, TECHNOLOGY, TEFAP, TELECOM, TERRORISM, TIMBER, TOBACCO, TOMATO, TONGASS, TRANSFER, Transportation, TRAVEL, TREES, TUBERCULOSIS, VACCINE, VEGETABLES, WASTE MGMT, WATER BANK, WATERSHED, WEATHER, WETLAND, WETLAND RES PGM, WHEAT, WIC, WILDERNESS, WILDFIRE, WILDLIFE, WOOD, WORKPLAN, WORLD TRADE ORGANIZATION, WRP, YOUTH PROJ.

Keywords (from above) not coded as *Lobbying*: FOIA, FORUM, SUMMIT, AUDIT, AUDITS & INVESTIGATIONS, ECONOMIC OPPRTY, ECONOMICS, ECONOMY, FED REGISTER, GAO REPORT, INFORMATION, INQUIRY, INVESTIGATION, LIST, MEETING, RECORDS, REPORTS, REPORTS/GAO, RESEARCH

**Table A4 – Informal Contacts in Agencies, 110-111th Congress**

Agency	Type	Proportion	Example
CPSC	<i>Casework</i>	0.31	Constituent question about Chinese drywall
	<i>Policy</i>	0.69	Comment on GE Lightbulb recall
	<i>Casework (lobbying)</i>	0.31	Constituent reports problem with gas wall oven
	<i>Policy (lobbying)</i>	0.44	Comment on Cadmium regulations
DHS	<i>Casework</i>	0.80	Requesting status update on immigration case
	<i>Policy</i>	0.20	Requests update on naturalization reduction efforts
	<i>Casework (lobbying)</i>	0.66	Requests grant for local fire station
	<i>Policy (lobbying)</i>	0.20	Requests national guard be sent to the border
DOT	<i>Casework</i>	0.75	Requests status update on grant proposal
	<i>Policy</i>	0.25	Requests any new developments on ITI program
	<i>Casework (lobbying)</i>	0.67	Requesting contract extension for constituent
	<i>Policy (lobbying)</i>	0.11	Expressing concerns about FY budget
EEOC	<i>Casework</i>	0.98	Requesting copy of constituent case
	<i>Policy</i>	0.02	Inquiry regarding age restrictions in federal employment
	<i>Casework (lobbying)</i>	0.35	Constituent alleges disability discrimination
	<i>Policy (lobbying)</i>	0.00	–
Energy	<i>Casework</i>	0.74	Asks why constituent security clearance was denied
	<i>Policy</i>	0.76	Requests information on all grants awarded by the dept.
	<i>Casework (lobbying)</i>	0.63	Requests consideration of federal loan guarantee for constituent
	<i>Policy (lobbying)</i>	0.09	Comments on energy conservation standards for water heaters
EPA	<i>Casework</i>	0.73	Questions regarding superfund site in district
	<i>Policy</i>	0.27	Questions regarding Deepwater Horizon oil spill dispersants
	<i>Casework (lobbying)</i>	0.50	Include funding for Lake Tahoe in your budget requests
	<i>Policy (lobbying)</i>	0.18	Concerned about the EPA modification of coal combustion regulations
FDIC	<i>Casework</i>	NA	–
	<i>Policy</i>	NA	–
	<i>Casework (lobbying)</i>	NA	–
	<i>Policy (lobbying)</i>	NA	–
FED	<i>Casework</i>	0.20	Constituent having difficult modifying mortgage
	<i>Policy</i>	0.80	Questions about investigations of financial institutions
	<i>Casework (lobbying)</i>	0.13	Expedite constituent loan modification request
	<i>Policy (lobbying)</i>	0.44	Commenting on Truth in Lending regulations
FLRA	<i>Casework</i>	0.86	Request status of pending case
	<i>Policy</i>	0.14	Question regarding agency administrative matters
	<i>Casework (lobbying)</i>	0.41	Inquiry after case resolution
	<i>Policy (lobbying)</i>	0.00	–
GSA	<i>Casework</i>	0.92	Constituent eligibility for Fed. Surplus Property program
	<i>Policy</i>	0.08	Regarding the implementation of the ARRA
	<i>Casework (lobbying)</i>	0.88	Support of contract proposal from constituent
	<i>Policy (lobbying)</i>	0.04	Comment on the Capital Investment program for FY 2008
HUD	<i>Casework</i>	0.79	Regarding the audit of local housing authority
	<i>Policy</i>	0.21	Provide list of all corrective actions taken after GAO report
	<i>Casework (lobbying)</i>	0.67	Constituent requests assistance obtaining a mortgage
	<i>Policy (lobbying)</i>	0.12	Comment on mortgage originator standards rule
Labor	<i>Casework</i>	0.85	Requests constituent retirement information
	<i>Policy</i>	0.15	Inquiry regarding labor certification backlog
	<i>Casework (lobbying)</i>	0.83	Request approval of TAA application
	<i>Policy (lobbying)</i>	0.14	Concerned About the Administering of DINAP Funding
MSPB	<i>Casework</i>	1.00	Constituent requests assistance
	<i>Policy</i>	0.00	–
	<i>Casework (lobbying)</i>	1.00	Constituent requests assistance
	<i>Policy (lobbying)</i>	0.00	–
NRC	<i>Casework</i>	0.30	Questions about tritium contamination at Oyster Creek
	<i>Policy</i>	0.70	Questions about the process for plant security clearances
	<i>Casework (lobbying)</i>	0.23	Concerns about security measures at Peducah
	<i>Policy (lobbying)</i>	0.51	Concerns about low-level radioactive streams
USAID	<i>Casework</i>	0.65	Constituent organization asks if they are eligible for any grants
	<i>Policy</i>	0.35	Requests all memos and correspondence with the Center for a Free Cuba
	<i>Casework (lobbying)</i>	0.53	Encourages agency to meet with constituent organization
	<i>Policy (lobbying)</i>	0.21	Asks that the agency help to rebuild Haiti
USDA	<i>Casework</i>	0.12	–
	<i>Policy</i>	0.88	–
	<i>Casework (lobbying)</i>	0.12	–
	<i>Policy (lobbying)</i>	0.85	–

## B Additional Results

This appendix reports additional model specifications.

### B.1 Alternate Measures of Oversight

Table B1 subsets oversight to cases of lobbying, and cases in which the legislator was lobbying about policy-related (as opposed to casework) concerns. This is meant to address the possibility that there may be countervailing patterns of oversight for auditing and lobbying.

**Table B1** – Oversight and Ideology (Lobbying)

	<i>Dependent variable:</i>	
	Lobbying (1)	Policy Lobbying (2)
Committee	0.050 (0.009)	0.053 (0.009)
Chair	0.135 (0.059)	0.137 (0.069)
Ranking	−0.0003 (0.059)	0.105 (0.065)
Commonspace Distance	0.005 (0.020)	0.007 (0.017)
Constant	0.793 (0.449)	1.468 (0.426)
Legislator FE	✓	✓
Agency FE	✓	✓
Congress FE	✓	✓
<i>N</i>	16,455	16,455

*Linear probability estimates of dichotomous indicator for informal legislator oversight of agency; robust standard errors clustered by legislator in parentheses; all models include over-time controls (agency budget and legislator seniority).*

Table B2 subsets oversight to cabinet-rank departments and reports estimated marginal effects from a negative binomial regression. Oversight is far more common in these departments, so a dichotomous specification results in more information loss.

**Table B2** – Oversight and Ideology: Cabinet-Rank Departments

	<i>Dependent variable:</i>		
	Casework (1)	Policy (2)	Both (3)
Committee	0.631 (0.140)	0.473 (0.065)	1.535 (0.231)
Chair	1.288 (0.788)	2.024 (0.760)	4.834 (1.522)
Ranking Member	0.726 (0.672)	1.797 (0.619)	3.608 (1.787)
Commonspace Distance	-0.218 (0.291)	0.011 (0.142)	-0.149 (0.460)
Legislator FE	✓	✓	✓
Agency FE	✓	✓	✓
Congress FE	✓	✓	✓
N	7,679	7,679	7,679

*Marginal increase in the count of informal legislator oversight of agency; controls set at means; robust standard errors clustered by legislator in parentheses; all models include over-time controls (agency budget and legislator seniority); subset to cabinet-rank agencies with most frequent contact: Energy, Labor, USDA, Homeland Security, HUD, and the EPA.*

## B.2 Alternate Measures of Agency Preferences

Tables B3 and B4 re-estimate the models using alternative measure of agency preferences. These do not vary over time, so the results are driven by variation across legislators. The two measures used are based on surveys conducted by Clinton and Lewis (2008) and Richardson, Clinton, and Lewis (N.d.). These agency and legislator estimates are not on the same scale, so the measures are computed by binning each distribution and taking the difference. Arbitrarily adjusting the number of bins (upward) does not influence the results.

**Table B3 – Oversight and Ideology (Ideological Alignment)**

	<i>Dependent variable:</i>					
	Casework (1)	Policy (2)	Both (3)	Casework (4)	Policy (5)	Both (6)
Committee	0.037 (0.009)	0.053 (0.009)	0.053 (0.009)	0.039 (0.009)	0.064 (0.009)	0.064 (0.009)
Chair	0.034 (0.048)	0.082 (0.047)	0.038 (0.047)	0.053 (0.050)	0.099 (0.058)	0.064 (0.068)
Ranking Member	-0.012 (0.049)	0.129 (0.047)	0.035 (0.047)	-0.006 (0.055)	0.154 (0.062)	0.048 (0.069)
Ideologically Aligned (C&L)	-0.008 (0.006)	-0.008 (0.006)	-0.001 (0.006)			
Ideologically Aligned (R, C&L)				-0.021 (0.007)	-0.009 (0.006)	-0.014 (0.006)
Constant	-0.054 (0.013)	0.014 (0.012)	0.005 (0.013)	-0.052 (0.010)	-0.004 (0.010)	0.006 (0.011)
Agency FE	✓	✓	✓	✓	✓	✓
Congress FE	✓	✓	✓	✓	✓	✓
N	15,358	15,358	16,455	16,455	16,455	17,552

*Linear probability estimates of dichotomous indicator for informal legislator oversight of agency; robust standard errors clustered by legislator in parentheses; all models include controls (party, chamber, agency budget and legislator seniority); ideological alignment is a dichotomous indicator for whether the legislator and agency either have spatial positions both greater than (or both less than) the median in the distribution; C&L and R, C&L refer to scores developed by Clinton and Lewis (2008) and Richardson, Clinton, and Lewis (N.d.), respectively.*



**Table B4 – Oversight and Ideology (Ideological Alignment)**

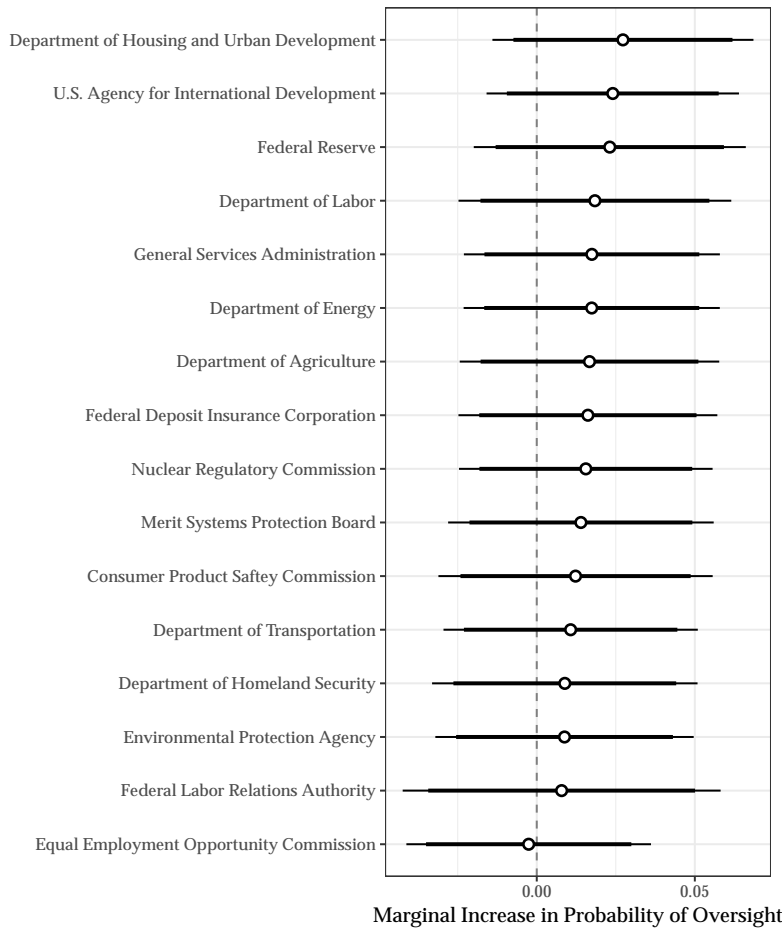
	<i>Dependent variable:</i>					
	Casework (1)	Policy (2)	Both (3)	Casework (4)	Policy (5)	Both (6)
Committee	0.037 (0.009)	0.053 (0.009)	0.053 (0.009)	0.039 (0.009)	0.064 (0.009)	0.064 (0.009)
Chair	0.034 (0.048)	0.081 (0.047)	0.038 (0.047)	0.053 (0.050)	0.099 (0.058)	0.064 (0.068)
Ranking Member	-0.013 (0.049)	0.130 (0.047)	0.034 (0.047)	-0.006 (0.054)	0.154 (0.061)	0.048 (0.069)
Ideological Distance (C&L)	0.006 (0.004)	0.009 (0.004)	0.003 (0.004)			
Ideological Distance (R, C&L)				0.005 (0.004)	0.003 (0.004)	0.002 (0.004)
Constant	-0.062 (0.013)	0.003 (0.012)	0.003 (0.013)	-0.063 (0.009)	-0.010 (0.011)	-0.001 (0.011)
Agency FE	✓	✓	✓	✓	✓	✓
Congress FE	✓	✓	✓	✓	✓	✓
N	15,358	15,358	16,455	16,455	16,455	17,552

*Linear probability estimates of dichotomous indicator for informal legislator oversight of agency; robust standard errors clustered by legislator in parentheses; all models include controls (party, chamber, agency budget and legislator seniority); ideological distance is the absolute difference between agency and legislator terciles {0,1,2}; C&L and R, C&L refer to scores developed by Clinton and Lewis (2008) and Richardson, Clinton, and Lewis (N.d.), respectively.*

### B.3 Excluding Particular Agencies

Figure B1 plots the marginal effect of ideological distance after leaving out each of the agencies listed.

**Figure B1 – Model Sensitivity to Agency Sample**



*Note:* Reports the marginal increase in the probability of oversight with 90 and 95 confidence bands; y-axis indicates agency left out of sample.

#### **B.4 Unbalanced Panel with Additional Agencies, 110th-113th Congress**

Appendix A describes the process for selecting agencies into sample. Some agencies did not provide the time series necessary to be included in the difference-in-difference analysis. The tables below report results that include them. Since these results are consistent with the main findings and the analysis is largely supplementary, the full sample of contacts has not been coded according to the procedure in Appendix A2.

**Table B5 – Data Coverage for Unbalanced Panel**

<b>Agency</b>	<b>110</b>	<b>111</b>	<b>112</b>	<b>113</b>
Board of Governors of the Federal Reserve	✓	✓	✓	
Consumer Product Safety Commission	✓	✓	✓	–
Department of Agriculture	✓	✓		
Department of Energy	✓	✓	✓	✓
Department of Homeland Security	✓	✓		
Department of Housing and Urban Development	✓	✓	✓	✓
Department of Interior		✓	–	
Department of Labor	✓	✓		
Department of Transportation	✓	✓		
Department of Veterans Affairs		✓	✓	✓
Environmental Protection Agency	✓	✓		
Equal Employment Opportunity Commission	✓	✓	✓	✓
Federal Communications Commission			✓	✓
Federal Deposit Insurance Corporation	✓	✓	✓	✓
Federal Labor Relations Authority	✓	✓	✓	✓
Federal Trade Commission	–	–		
General Services Administration	–	–		
Merit Systems Protection Board	✓	✓	✓	✓
National Labor Relations Board			✓	✓
National Science Foundation	–	✓	✓	✓
Nuclear Regulatory Commission	✓	✓	✓	✓
U.S. Agency for International Development	✓	✓	✓	–

*Note:* Checkmark indicates full coverage of Congress, dash indicates partial coverage.

**Table B6** – Oversight and Ideology (22 Agencies)

Committee	0.082 (0.008)
Chair	0.136 (0.055)
Ranking Member	0.085 (0.057)
Commonspace Distance	−0.002 (0.013)
Constant	−1.432 (0.899)
Legislator FE	✓
Agency FE	✓
Congress FE	✓
N	36,555

*Linear probability estimates of dichotomous indicator for any informal legislator oversight of agency; robust standard errors clustered by legislator in parentheses; all models include overtime controls (majority party status, agency budget and legislator seniority); agencies and Congress included for this analysis are described in Table B5.*

## B.5 Agency Politicization

Table B7 reports estimates from a model that includes an interaction with a measure of agency politicization. This is the ratio of total political appointees to career-SES managers in a given Congress. This value is correlated with agency budget (0.25), and has a substantively significant effect of about +5 percentage points per within-agency standard deviation. But this does not appear to be conditional on ideological distance. This may actually support the valence hypothesis, as political appointees are typically thought of as less competent administrators.

**Table B7 – Oversight, Ideology and Politicization**

	<i>Dependent variable:</i>		
	Casework (1)	Policy (2)	Both (3)
Committee	0.035 (0.009)	0.050 (0.009)	0.038 (0.009)
Chair	0.067 (0.051)	0.086 (0.049)	0.071 (0.049)
Ranking	-0.010 (0.052)	0.135 (0.050)	0.012 (0.050)
Commonspace Distance	0.027 (0.029)	0.016 (0.028)	0.035 (0.028)
Politicization	0.027 (0.024)	0.125 (0.024)	0.128 (0.024)
Commonspace Distance × Politicization	-0.011 (0.033)	-0.024 (0.032)	-0.020 (0.032)
Constant	0.435 (0.397)	1.068 (0.384)	0.673 (0.385)
Legislator FE	✓	✓	✓
Agency FE	✓	✓	✓
Congress FE	✓	✓	✓
N	15,358	15,358	15,358

*Linear probability estimates of dichotomous indicator for informal legislator oversight of agency; robust standard errors clustered by legislator in parentheses; all models include overtime controls (agency budget and legislator seniority); politicization is the ratio of total political appointees over career SES managers; FED and FDIC excluded due to missingness.*

## B.6 Controlling for Agency Size

**Table B8** – Oversight, Ideology and Agency Size

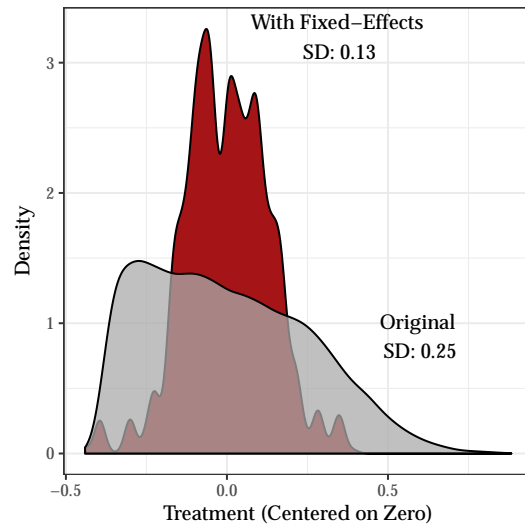
	<i>Dependent variable:</i>		
	Casework (1)	Policy (2)	Both (3)
Committee	0.035 (0.009)	0.050 (0.010)	0.052 (0.009)
Chair	0.067 (0.045)	0.086 (0.048)	0.071 (0.055)
Ranking Member	-0.010 (0.062)	0.134 (0.062)	0.017 (0.074)
Staff (thousands)	-0.005 (0.001)	-0.005 (0.001)	-0.005 (0.001)
Commonspace Distance	0.020 (0.022)	-0.0003 (0.020)	0.023 (0.022)
Constant	0.456 (0.398)	1.181 (0.182)	0.970 (0.334)
Legislator FE	✓	✓	✓
Agency FE	✓	✓	✓
Congress FE	✓	✓	✓
N	15,358	15,358	16,455

*Linear probability estimates of dichotomous indicator for informal legislator oversight of agency; robust standard errors clustered by legislator in parentheses; all models include overtime controls (agency budget and legislator seniority); FED excluded due to missingness of staff information.*

## B.7 Plausible Counterfactuals with Fixed-effects

Figure B3 plots the distributions of the key independent variable (ideological divergence) before and after inclusion of the fixed effects (Mummolo and Peterson N.d.). Given the reduction in variation, the most plausible counterfactuals suggest that the effect of preference divergence is negligible. An additional concern is that this reduction in variation means it is extremely unlikely to find results in favor of the divergence hypothesis. Table B4 presents the results excluding legislator fixed effects. Even when the the variation in these cross-sections is leveraged, the the substantive interpretation in the results remains the same.

**Figure B2 – Residual Ideological Distance Distribution**



*Note:* Reports the kernel density of the original and residualized “treatment.” The latter is computed with respect to all dummies (agency, legislator, and congress).

## **C Department of Energy PART Score Analysis**

Tables C9 and C10 report supplementary information about the PART score analysis described in-text. PART scores were developed during the Bush administration to provide a common metric for evaluating the efficacy of programs by OMB. Each program is rated based on its design, planning, management and results. The latter exhibits the most variation, and is the primary driver of its overall ordinal rating. Analysis of the complete set of scores including other agencies and offices reveals this results score is positively correlated with conservatism. However, this is not the case for programs in the Department of Energy. These scores can be found online at: <http://strategisys.com/sites/default/files/library/part.pdf>

Table C9 – Energy Dept. 2007 PART Scores

Office	Program	Design	Planning	Management	Results	Rating	
Energy Information Admin. National Nuclear Security Admin.	Energy Information Administration	1	0.55	1	0.47	Results Not Demonstrated	
	Advanced Simulation and Computing (ASCI)	0.83	1	0.91	0.85	Effective	
	Directed Stockpile Work (DSW)	1	1	0.88	0.74	Moderately Effective	
	Elimination of Weapons-Grade Plutonium	0.8	1	1	0.84	Effective	
	Engineering Campaign	1	1	0.88	0.73	Moderately Effective	
	Inertial Confinement Fusion Ignition	1	0.9	0.89	0.6	Moderately Effective	
	National Nuclear Infrastructure	1	0.89	1	0	Results Not Demonstrated	
	Global Initiatives for Proliferation Prevention	1	1.1	0.98	0.87	Effective	
	Naval Reactors	1	1	1	0.92	EDefecsigtive	
	Nonproliferation and Verification R&D	1	0.9	0.88	0.6	Moderately Effective	
	Weapons Activities - Readiness Campaign	1	1	0.89	0.78	Effective	
	Weapons Activities - Science Campaign	1	0.91	0.83	0.72	Moderately Effective	
	Nonproliferation and International Security	1	1	1	0.73	Effective	
	Nuclear Weapons Incident Response Program	1	1	1	0.67	Moderately Effective	
	Pit Manufacturing and Certification Campaign	1	1	1	0.84	Effective	
	Readiness in Technical Base and Facilities (RTBF)	1	1	0.88	0.56	Moderately Effective	
	Secure Transportation Asset (STA)	1	1	0.86	0.67	Moderately Effective	
	Electricity Delivery & Energy Reliability Energy Efficiency & Renewable Energy	High Temperature Superconducting (HTS) R&D	0.8	0.7	0.88	0.59	Moderately Effective
		Biomass and Biorefinery Systems	0.8	0.9	0.73	0.42	Adequate
		Distributed Energy Resources	0.8	0.8	1	0.59	Moderately Effective
Electric System Research and Development		0.8	0.8	0.82	0.74	Moderately Effective	
Federal Energy Management Program		1	1	0.86	0.5	Moderately Effective	
Geothermal Technology		0.8	0.8	0.88	0.59	Moderately Effective	
Hydrogen Technology		0.8	0.8	1	0.59	Moderately Effective	
Industrial Technologies Program		0.8	0.9	0.91	0.5	Adequate	
Solar Energy		0.8	0.8	1	0.59	Moderately Effective	
State Energy Programs		1	0.25	0.89	0.17	Results Not Demonstrated	
Vehicle Technologies		0.8	0.9	1	0.75	Moderately Effective	
Weatherization Assistance		1	0.88	0.78	0.75	Moderately Effective	
Wind Energy		0.8	0.8	0.88	0.67	Moderately Effective	
Environmental Management		Environmental Management	1	0.8	0.96	0.24	Adequate
		Fissile Materials Disposition Program	1	1	0.88	0.5	Moderately Effective
		Global Threat Reduction Initiative Program	1	1	1	0.74	Effective
		Safeguards and Security	0.6	0.88	1	0.73	Moderately Effective
Fossil Energy		Coal Energy Technology	0.8	0.7	0.75	0.33	Adequate
	Natural Gas Technology	0.4	0.6	0.88	0.25	Ineffective	
	Oil Technology	0.6	0.6	0.88	0.25	Ineffective	
Nuclear Energy	Strategic Petroleum Reserve	1	0.88	1	0.87	Effective	
	Advanced Fuel Cycle Initiative	1	0.9	1	0.53	Moderately Effective	
	Generation IV Nuclear Energy Systems Initiative	1	0.9	1	0.6	Moderately Effective	
	Int. Nuclear Materials Protection & Cooperation	1	1	0.57	0.87	Effective	
	Nuclear Physics	1	0.8	0.66	0.87	Effective	
	Nuclear Power 2010	1	0.89	0.88	0.45	Adequate	
Science	University Nuclear Education Programs	0.6	0.25	0.7	0	Results Not Demonstrated	
	Advanced Scientific Computing Research	1	0.7	0.66	0.87	Moderately Effective	
	Basic Energy Sciences	1	0.8	0.91	0.93	Effective	
	Biological and Environmental Research	1	0.89	0.66	0.87	Effective	
	Fusion Energy Sciences	1	0.9	0.66	0.8	Moderately Effective	
	High Energy Physics	1	0.7	0.66	0.87	Moderately Effective	



**Table C10 – Oversight and Valence**

	(1)	(2)
Number of Programs	0.24 (0.04)	0.29 (0.04)
PART Score	-7.31 (2.51)	-8.20 (3.02)
Binned Distance	-0.15 (0.06)	-0.24 (0.09)
Intercept	-0.69 (1.05)	1.97 (1.55)
Legislator FE		✓
<i>N</i>	4,400	4,400

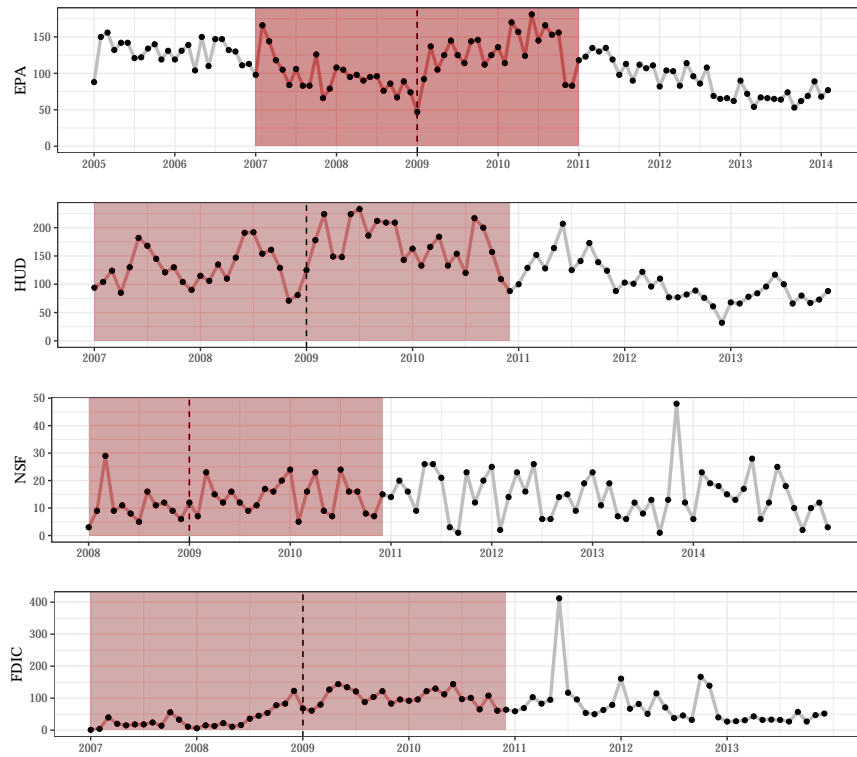
*Note:* Logit coefficients; unit-of-analysis is legislator × office; dependent variable is dichotomous indicator for informal legislator oversight of sub-agency in the Department of Energy during the 110th Congress; PART score is the mean results grade of all programs rated within the office 2006-2007.

## D Presidential Transitions

To investigate concerns related to the uniqueness of presidential transitions, I examined the frequency of incoming contacts over time within each agency. Figure C1 plots four example agencies. In the first two, transitions are preceded by lower levels of contact and followed by spikes once the incoming administration takes office. That is, members of Congress do not appear to be waiting for new appointees to arrive. It is also worth noting that Obama appointees in the agencies examined were confirmed relatively quickly. The EPA administrator and HUD Secretary were both confirmed within a week of the inauguration. Figure C1 also plots the time series for two agencies with more steady levels of contact. These cases are typical—as the case of the NRC illustrates, spikes are generally a function of “shocks” like external events or new legislation.

I also examined the content of contacts before and after the transition. I found no significant difference between the proportion of contacts coded as casework/policy by agency in the 110th and 111th Congresses. The proportion of each agency’s contacts that are coded as “casework” does not increase – they are statistically indistinguishable (0.64 to 0.68) for the sample of 16. So the “type” of request does not appear to change. Members do not appear to be refraining from policy-related inquiries when the new president takes office. It is also notable that regressions that include other Congresses and don’t rely on the transition for variation come up with the same results (see Table B6). Nonetheless, the focus on a presidential transition has limitations. Without additional data, I cannot definitively speak to how unique transitions are generally—or if there was something unique about the transition from Bush to Obama.

**Figure D1 – Monthly Oversight Contacts and Presidential Transitions**



*Note:* Plots the total number of monthly contacts by agency; study periods shaded in red; presidential transition labeled with a dashed line.