

Congressional Oversight Revisited: Politics and Procedure in Agency Rulemaking

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Abstract

Conventional understandings of oversight suggest that legislators engage with agencies on substantive policy issues. However, Members of Congress (MCs) often intervene with agencies on procedural issues, a dimension of oversight that is entirely overlooked. We explore procedural oversight and whether it is driven by inherent commitment to democratic participation and transparency—as MCs claim—or whether it is merely “window dressing” for ideological disagreement. To investigate this, we analyze congressional and industry participation in rulemaking by the Environmental Protection Agency from 2007-2017. We leverage the content of public comments along with the political contributions of commenters to locate the spatial position of rulemaking proposals. Our results suggest that procedural oversight is inseparable from policy disagreement—the more ideologically distant the agency proposal, the more likely a request for documents, additional hearings, or more time for public participation. This oversight pattern, however, does not hold for publicly-traded firms. Our findings imply that the unique incentives of elected officials motivate them to weaponize procedure as a political tool.

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When the Department of Labor (DOL) proposed a rule in late 2017 to rescind an Obama-era regulation that prevented employers from pooling tips for hourly employees, Democrats were incensed. Representative Bobby Scott (D-VA) accused the agency of “circumventing the will of Congress, overturning their own precedent of more than 40 years, and undermining other existing wage protections for workers” (Scott, 2018). Yet, when Scott and his colleagues initially contacted the DOL, their letter did not contain a substantive complaint outlining problems with the proposed policy change. Instead, they asked the agency to extend the public comment period for the proposal by an additional 30 days (Wheeler, 2017).¹ By engaging the agency on a procedural level—rather than a substantive one—Democrats provided a form of oversight that forced the agency to engage on a technicality, while simultaneously decelerating the pace of a rulemaking that was anathema to many within the party.

Procedural politics are an often overlooked aspect of how congressional oversight is exercised in practice. This is surprising, given the importance of procedure to explanations of lawmaking (e.g. Oleszek et al., 2015; Reynolds, 2017) and growing recognition that agencies themselves use procedure to their advantage (Potter, 2019). Though members of Congress (MCs) often oversee agencies by directly communicating substantive policy concerns, in other cases, MCs—like Rep. Scott—engage in oversight by procedural means. Rather than laying out a case against an agency action, they raise a procedural point that derails the agency and hinders its ability to continue on its presupposed course.

Those MCs who make procedural claims appeal to first principles: often pluralism, transparency, executive accountability, or democratic participation. In her request to extend the comment period for the Environmental Protection Agency’s (EPA) 2009 greenhouse gas endangerment finding, Senator Claire McCaskill (D-MO) wrote that given “the fact that this issue has the potential to affect so many lives and livelihoods,” it was important that “Missourians [...] have ample opportunity to make their concerns known” (McCaskill, 2009).

¹Eventually Scott signed a letter along with 119 of his Democratic colleagues laying out more substantive issues with DOL’s proposal; see Scott (2018).

Writing to the agency to request public hearings in eastern Kentucky on another rule, Senator Mitch McConnell (R-KY) wrote that his “constituents deserve to be looked in the eye and told how the proposed rule will affect them” (McConnell, 2014). Not surprisingly, others contend that procedural requests are merely weapons in service of partisan or ideological goals. Liberal Democrats during the Obama administration frequently encouraged the agency to proceed with rule finalization, insinuating that any procedural request was an attempt to sidetrack the policymaking process.

In this study, we parse these claims and evaluate them using congressional and industry participation in agency rulemaking. Research on bureaucratic oversight does not typically address interventions driven by procedure alongside those driven by substantive review.² Instead, studies typically focus on the volume and venue of efforts to oversee bureaucratic agencies. But fundamental questions about executive accountability and policymaking cannot be answered without understanding variation in *how* oversight is actually exercised. Procedural points may subsidize the participation of constituents and public interest groups, or—if denied—provide fodder for future legal challenges that allege agencies did not follow proper protocols. In other words, an exclusive focus on substantive oversight may understate the role of Congress and the public in the administrative process—as participants can do far more than indicate their support or opposition for proposals.

To advance this agenda, we examine comments from political actors on proposed rules issued by the EPA from 2007-2017. Our analysis is unique in that we leverage the content of public comments along with information about the preferences of commenters to identify the spatial location of individual EPA proposals. This allows us to estimate the probability of participation as a function of a political actor’s distance *from the policy in question*, rather than relying on mean ideological scores for various political actors in the U.S. separation of powers system. While our focus is on rulemaking by the EPA, the technique we deploy is

²One exception is Turner (2018), who argues that, in the context of judicial review, procedural review can yield superior policymaking outcomes than substantive review.

scalable to a larger set of agencies and rulemakings, opening the door to the empirical study of many questions in the realm of bureaucratic policymaking.

We find robust associations between spatial disagreement and commenting behavior on environmental rules. For members of Congress, this association holds for both substantive and procedural comments. This result, however, does not hold in among Fortune 500 companies. These findings imply, first, that procedural oversight is inseparable from policy disagreement—the more distant the EPA proposal, the more likely a request for documents, additional hearings, or more time until rule finalization. For the highest possible level of disagreement, the probability of a procedural comment increases threefold. Second, our findings suggest that the unique incentives of elected officials motivate them to weaponize procedure as a political tool. In contrast, publicly-traded firms—free of concerns related to re-election and constituent signaling—appear to sincerely communicate substantive preferences independent of the ideological leanings of their leadership.

Congressional Oversight of the Bureaucracy

Studies of congressional oversight of the bureaucracy tend to focus on the volume and venue of legislator behavior. Early debates focused on whether, normatively speaking, enough oversight was occurring in practice or whether Congress had effectively abdicated its authority to a runaway bureaucracy (Aberbach, 1990; Lowi, 1969; Niskanen, 1971). A seminal article by McCubbins and Schwartz (1984) argued that a less visible form of oversight performed via “fire alarms”—which rely on interest groups to alert Congress about potential problems with agency actions—was occurring in practice and was perhaps more effective than traditional “police patrols.” Scholars today continue to evaluate oversight via the police patrols versus fire alarm framework, asking whether police patrols are under-appreciated (Acs, 2019), identifying the necessary conditions for fire alarms to function well (Lupia and McCubbins, 1994), or evaluating the effectiveness of so-called administrative procedures (e.g.,

Balla, 1998; Bawn, 1995; McCubbins, Noll and Weingast, 1987; Potter, 2019) among other questions.

Others explore the politics associated with oversight by various means. Hearings and investigations provide consistent evidence that oversight is partially motivated by political considerations (Rezaee, Wood and Gailmard, 2017; Kriner and Schickler, 2016; Lowande and Peck, 2016; McGrath, 2013; Parker and Dull, 2009; Aberbach, 1990). More recently, studies have examined other oversight tools, such as limitation riders (MacDonald, 2010, 2013) and direct communication with agencies (Lowande, 2018*a*; Mills, Kalaf-Hughes and MacDonald, 2016; Ritchie, 2018; Ritchie and You, 2018). Lowande (2018*b*) argues private contact mitigates the political considerations motivating public oversight—with legislative effort driven instead by policy “valence” or implementation failures.

By and large, these studies—whether volume- or venue-oriented—implicitly focus on substantive oversight, that is, oversight that proceeds along a policy-related dimension. The notion that we advance here that oversight can progress on a procedural course is rarely, if ever, considered. This is somewhat surprising given that, in many ways, procedures are the bread-and-butter of the congressional literature. For example, as Oleszek et al. (2015) explain, within the congressional chamber “legislators employ various procedural devices to handle knotty problems. A matter may be postponed on the grounds of insufficient study in committee. Congress may direct an agency to prepare a detailed report before an issue is considered. The House or Senate may table a measure.” Research abounds on procedural maneuvering within Congress, including the strategic use of the filibuster (Koger, 2010), the budget reconciliation process (Reynolds, 2017), and killer amendments (Finocchiaro and Jenkins, 2008). The strategic use of procedures is far from foreign to MCs. Yet, in spite of evidence that procedures also come to the fore in the oversight context, the same logic has not been extended to studies of bureaucratic oversight.

Explaining Procedural Oversight

MCs face many competing demands on their time, including participating in reelection-related activities, filling their campaign coffers, and voting on legislation. As a result, time spent in the service of overseeing the bureaucracy—either in procedural or substantive terms—is precious and only worth engaging in to the extent that it returns dividends to individual members (Aberbach, 1990; Mayhew, 1974).

Understanding the individual-level benefits that accrue to MCs from engaging in procedural oversight requires an understanding of the functional purpose of this type of oversight. While procedural oversight can assume many guises—including requests to extend the comment period, conduct additional analyses, provide in-person briefings, produce documents, or hold additional hearings—the feature that they all share in common is delay. So, for example, while a request to extend the public comment period on a rulemaking proposal is not a difficult request for an agency to fulfill from a technical perspective, practically speaking the agency is held up both by the additional time granted to those who comment and by the time required to respond to any additional comments received as a result of the extension. Other procedural requests, like producing documents or conducting new analyses, may require even more agency resources and time.

Put simply, procedural oversight is a way for MCs to obstruct (e.g. Patty, 2016). This obstruction, in turn, can be used as a means for MCs to achieve ideological ends. First, obstruction introduces uncertainty into the agency’s policymaking process and opens bargaining space for MCs to possibly extract policy concessions from the agency. This means that individual MCs may use procedural oversight as another outlet to engage substantively with an agency. Indeed, one frequently-cited motivation for MCs to provide oversight is a desire to defend an MC’s pet programs from a hostile administration (Aberbach, 1990; Duffin, 2003). Numerous studies suggest that this type of ideological conflict is an important driver of oversight behavior. Not only do key spatial models tie congressional interventions in

bureaucratic activity to ideology (Epstein and O’Halloran, 1999; Ferejohn and Shipan, 1990; Shipan, 2004), but several empirical studies suggest that divided government (one metric of ideological discord) is an important predictor of increased oversight behavior (e.g. Kriner and Schickler, 2016; Lowande and Peck, 2016; McGrath, 2013). While these studies focus on substantive oversight, if procedural oversight is simply a fig leaf for issue-based conflict, the same pattern should persist. This suggests that, empirically speaking, we should observe that when an MC is far away in ideological terms from an agency’s proposal, she is more likely to provide procedural oversight than when she is proximate.

Obstruction can also be a means to meet fulfill representational demands. If participation in oversight serves a re-election oriented goal, then MCs may offer up procedural intervention as a way of servicing various constituencies when an agency’s action stands to adversely affect them.³ As Fiorina (1977) argued long ago, MCs can engage with the bureaucracy as a form of service to individual constituents. Of course, when it comes to what are often technical and esoteric bureaucratic matters, narrower interests representing industry tend to be the high demanders, rather than individual constituents (Golden, 1998; Yackee and Yackee, 2006). In a study of substantive oversight, Hall and Miler (2008) find that, in combating EPA rules, lobbyists tend to target ideological allies in order to get them to engage in overseeing the agency. It follows then that there is, again, an ideological expectation for procedural oversight, with increasing ideological distance associated with greater oversight participation.⁴ Moreover, unlike the vast majority of direct communication with agencies (a la Lowande, 2018*b*), MC comments on proposed rules are observable and closely watched by

³We conceive of a MC’s constituencies in a broad sense here, to include those in the member’s district as well as those who contribute to the member’s campaign and those who lobby the member on issues (Fenno, 1978).

⁴An alternate obstruction-based argument is that procedures can be used to protect the status quo by preventing agencies from moving forward altogether. The logic here is that some MCs may be especially averse to policy change, particularly if that change is advanced by a bureaucratic agency and may ultimately enhance that agency’s power or jurisdiction. In such cases, an MC can use procedural oversight as a way to preserve the status quo. We do not think that stands up as a general or systematic explanation for procedural oversight, since at different points both Republicans and Democrats have used rulemaking to advance their respective political agendas, meaning that depending on the political environment, actors can be induced to prefer the agency’s proposal over the status quo.

key constituencies. Thus, it is precisely the type of informal, inter-branch communication we expect to mimic patterns in formal oversight.

Of course, obstruction is not the only consequence of procedural oversight, and may merely be a byproduct. MCs may engage in procedural oversight sincerely rather than strategically: to respond to a perceived lack of transparency, to preserve the procedural rights of citizens, or to enhance the legitimacy of the agency’s policymaking process. In this sense, procedural oversight can reflect an MC’s sincere desire that the agency follow the appropriate procedure or comply with prevailing norms. If procedural oversight is indeed motivated by sincere behavior, then it should not proceed along any of the ideological dimensions outlined here, as there is no reason to believe the preferences over procedural decorum should be correlated with ideology.⁵

Locating Agency Proposals

Testing these predictions requires determining the spatial location of agency proposals. Existing methods for estimating ideology typically locate members of Congress in the same policy space as actors such as the president, agency heads, and lower-level department personnel, among other political figures (e.g., Chen and Johnson, 2015; Bonica, Chen and Johnson, 2015; Bertelli and Grose, 2009; Richardson, Clinton and Lewis, Forthcoming). Measurement at the actor-level is useful for evaluating predictions in many separation of powers contexts, but it has several clear limitations. First, agencies may make decisions inconsistent with their aggregate preferences for strategic reasons. For example, the EPA under Barack Obama would likely have preferred to implement higher Renewable Fuel Standards (RFS) in 2014, but instead decided to propose retaining the status quo. This kind of variation is obscured by actor-level analyses. Second, “common space” metrics of agency preferences implicitly assume the universe of bureaucratic agencies are “voting” actors in

⁵There is little evidence, for example, that ideology in the mass public is associated with attitudes about the rule of law (e.g. Gibson and Nelson, 2015).

a single dimension (Carpenter, 2011). By focusing on individual proposals, we can instead adopt the weaker assumption that relevant observers can understand the policy implications of the rules agencies write. Finally, analyzing individual proposals is more consistent with spatial models of policymaking, which typically test comparative statics about which status quo policies that should change.

To locate policies, we extend the method in Richman (2011) (see also Battista, Peress and Richman, 2013), which locates the status quo in broad policy areas covered by congressional lawmaking. The basic approach is to leverage information about the political orientation of the actor along with their opinions about the policy in question. Our substantive focus is on notice-and-comment rulemaking, a process that begins when an agency drafts a rulemaking proposal and then publishes it in the *Federal Register*. Anyone can then submit a written comment on the proposal for the agency to consider before it finalizes the policy. Our method thus relies on the comments submitted by key actors on agency proposed rules. Following Richman (2011),⁶ we focus exclusively on the comments of those actors for whom we also have measures of ideological preference: MCs and Fortune 500 companies. Notice-and-comment rulemaking is unique among policymaking processes, in that numerous types of actors participate in the same arena.

Including Fortune 500 firms has several utilities. First, the additional comments allow us to estimate the position of the status quo with greater precision. Second, and more importantly, firms provide a comparison group of commenters with fundamentally different incentives than elected officials. They have no re-election audience or party loyalty, and their ambitions lie outside of congressional institutions. Yet, they invest heavily in responding to new rules, and their participation has the potential to influence their market value (Libgober

⁶Richman (2011) pairs legislator responses on the National Political Awareness Test (NPAT) survey with legislator ideal points (i.e., DW-NOMINATE) in order to locate proposal positions for a series of policy issues. We largely follow his approach, although we substitute public comments on rules for survey responses and rely on Bonica’s (2013; 2014; 2016) CF scores, since they encompass a broader set of actors. We extend his approach by using comments to locate not only the status quo, but also the spatial location of the policy proposal under consideration.

and Carpenter, 2018). Moreover, we have no reason to suspect firms unconditionally benefit from procedural delay in the way that distal politicians do. In fact, delay in enactment of the final rule likely prolongs the uncertainty associated with how the rule will influence the firm’s operations—a negative, according to stylized accounts of their preferences.

Thus, while profit-motivated firms have an obvious interest in submitting substantive comments to agencies, we argue they only expend effort requesting additional time for public comment when that timing implicates their ability to comment on substance. Private firms, then, provide a useful placebo test for our mechanisms. By comparing MCs with firms, we provide suggestive evidence that the ideological drivers we identify are unique to the electoral and policy concerns of MCs and are not generalizable to all political actors operating in this policymaking space. Put simply, we have little reason to expect firms behavior to be driven by spatial disagreement.

To begin, we collected all comments submitted to the EPA’s rulemaking record according to www.regulations.gov, the online portal for federal agency rulemaking.⁷ Our data cover the time period 2007–2017.⁸ We selected the EPA for several reasons. First, the EPA was active and politically salient during this period, which insures a sufficient number of comments. Second, their proposals drew routine rebukes from Republicans charging the agency engaged in policymaking without proper industry input. It is, thus, an appropriate test case for our research question. Finally, since participation in [regulations.gov](http://www.regulations.gov) is voluntary on the part of agencies, it is not necessarily a consistent source of information. The EPA, however, stands apart in that it offers a complete and accurate record of public comments and associated documents.

We subsetted the data to comments from members of Congress and Fortune 500 firms—a set of actors that regularly comments on agency proposed rules and for whom

⁷See Appendix A for a complete discussion of our data collection and processing strategy.

⁸The www.regulations.gov portal was launched in 2003. However, we begin our data analysis in 2007 since take-up of the website by agencies and the public was initially inconsistent and took several years to become entrenched.

Bonica (2013, 2014, 2016) has developed ideal point estimates called CF scores, which are based on campaign finance contributions.⁹ Table 1 shows the top corporate and congressional commenters, along with their corresponding CF score. Not surprisingly, energy companies were by far the most common type of corporate entity to comment, and Republicans were more likely to comment than their Democratic peers.

Table 1: Frequent Commenters on EPA Rules

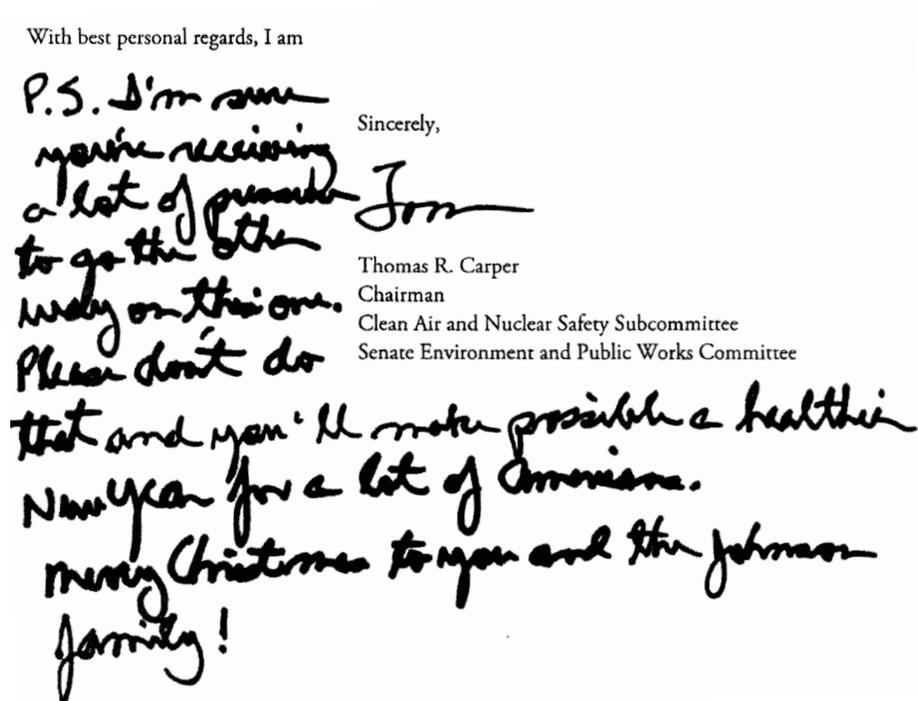
	Commenter	Proportion of Total	Number of Comments	CF Score
Firms	DTE Energy	0.03	23	0.52
	American Electric Power	0.06	46	0.41
	Dominion Resources	0.04	29	0.39
	Ameren	0.03	27	0.35
	FirstEnergy	0.06	47	0.28
	Dow Chemical	0.03	26	0.27
	Progress Energy	0.02	18	0.24
	Duke Energy	0.05	42	0.13
	Xcel Energy	0.03	27	-0.27
	Waste Management	0.03	21	-0.53
Congress	Marsha Blackburn (R-TN)	0.00	11	1.08
	Blaine Luetkemeyer (R-MO)	0.01	12	1.03
	Jason Smith (R-MO)	0.00	11	1.00
	Joe Barton (R-TX)	0.01	12	0.98
	David Vitter (R-LA)	0.01	12	0.96
	James Inhofe (R-OK)	0.01	15	0.96
	Roy Blunt (R-MO)	0.01	12	0.90
	Sam Graves (R-MO)	0.01	12	0.88
	Mike Rogers (R-MI)	0.01	12	0.86
	Ed Whitfield (R-KY)	0.01	13	0.65

We then code each comment according to the actor’s position on both the policy proposed by the agency and the status quo, as either “too lenient,” “about right,” or “too restrictive.” In this policy context, this generally means determining whether the commenter

⁹Bonica does not develop scores for Fortune 500 companies per se. Instead, his scores cover individuals working in Fortune 500 firms. To develop a firm-specific score, we follow the approach that Chen and Johnson (2015) use to generate an ideology score for bureaucratic agencies based on the political giving of top agency officials. Specifically, we use a weighted average of political giving by the firm’s upper management, where the weights are based on the amounts each individual contributed. This skews the scores toward individuals higher up in the firm hierarchy, who are more likely to earn more and give more.

indicated the level of environmental protection was too weak, satisfactory, or too strong. In general, translating comments to a three-point Likert-type scale was fairly consistent across coders and straightforward. Our complete coding rules and procedures can be found in the Supplementary Information. Members of Congress, in particular, tend to express their preferences in very clear terms. In Figure 1, Sen. Tom Carper (D-DE) makes his support for a liberal EPA proposal clear, and acknowledges the zero-sum nature of the substance of the policy—apologizing for the pressure the agency is receiving to “go the other way.” Examples like this demonstrate that the somewhat cumbersome task of reading and coding these comments is valuable—as they are often analogous to survey responses.

Figure 1: Congressional Comment on EPA Proposed Regulation



With best personal regards, I am

P.S. I'm sure
you're receiving
a lot of pressure
to go the other
way on this one.
Please don't do
that and you'll make possible a healthier
New Year for a lot of Americans.
Merry Christmas to you and the Johnson
family!

Sincerely,
Tom

Thomas R. Carper
Chairman
Clean Air and Nuclear Safety Subcommittee
Senate Environment and Public Works Committee

Note: Excerpt from Document # EPA-HQ-OAR-2005-0172-7022, commenting on Review of the National Ambient Air Quality Standards for Ozone (2007). We coded Sen. Carper’s comment on this EPA proposal as “about right” (since he was writing in support of it) and his position on the status quo as “too lenient” (since he advocated a change to the status quo in favor of more stringent regulation).

Once these responses are paired with the commenter’s CF score, we use maximum likelihood estimation to identify the maximum predictive probability (in terms of spatial

preferences) for the “about right” response. Specifically, following Richman (2011), we use an ordered probit approach, relying on political actors’ ideal points to predict the probability of support for maintaining the proposal “as-is.” We then repeat the process for the status quo; we code the commenter’s position on the status quo (i.e., whether more regulation was necessary, whether the status quo was sufficient, or whether less regulation was necessary), pair it with actor’s CF score, and estimate the location of the status quo.

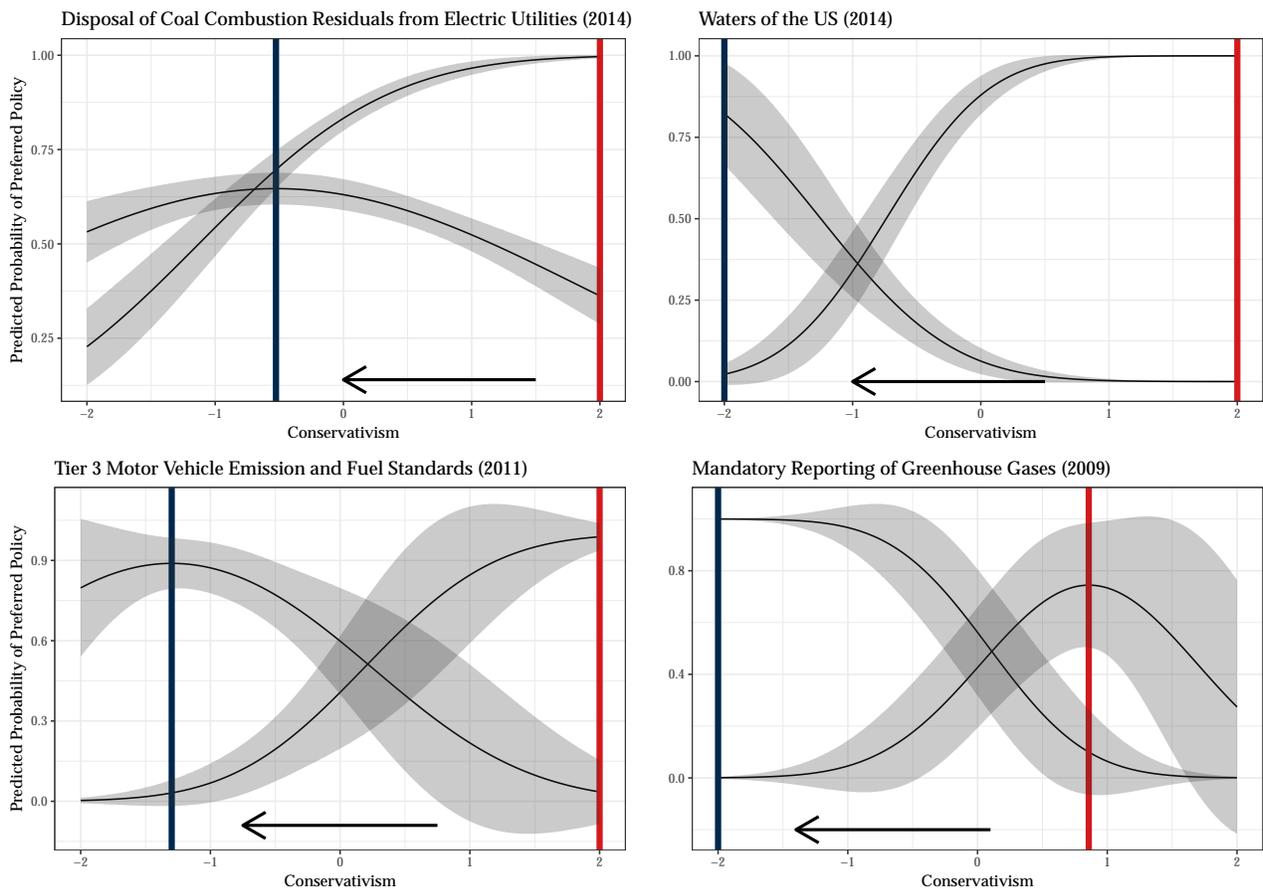
An example illustrates this approach. In June of 2010 the EPA proposed a rule that would regulate, for the first time, how electric utilities disposed of coal ash. The agency received more than 400,000 comments on the proposal, including 44 from Fortune 500 firms and 609 from members of Congress.¹⁰ Among firms, 26 indicated the proposed regulation was too restrictive, while 13 indicated it was about right. Among members of Congress, 172 comments joined the majority of firms in claiming the proposal was too liberal, while 359 comments supported the proposal “as-is.” An additional 74 members of Congress indicated that the rule was too lenient—the EPA had not gone far enough in regulating coal ash. In Congress, these comments mapped onto familiar ideological divisions, with the vast majority of Republicans (and a few moderate Democrats in “coal country”) signing joint letters opposing the proposal and labeling it part of a “war on coal.” As shown in the upper left quadrant of Figure 2, our estimation procedure shows that this proposal was moderately liberal, in line with what one might expect from the positions taken by these actors. The proposal did not satisfy the most liberal Democrats, but was a dramatic improvement over the status quo—which was extremely conservative, given the fact that coal ash had until then, escaped regulation.

Figure 2 shows additional results from our approach, specifically indicating the predicted location of the proposal and the status quo for several other EPA proposed rules in our dataset. Although our data cover three presidential administrations (W. Bush, Obama,

¹⁰Several MCs signed onto multiple joint letters to the agency. Because we treat signatures on joint letters as individual comments (see Appendix A), it is possible to arrive at a figure that exceeds the number of members serving in the House and the Senate.

and Trump), the majority of years of our data fall under Obama’s tenure. Given that this approach requires a high volume of comments in order to make spatial predictions (see Appendix B), we are able to estimate the policy positions for a truncated set of the rules that EPA issued during the time period under study. The result of this constraint, combined with the overlap of our sample with the Obama years, is that the majority of the policy predictions that we make involve liberal proposals to move conservative status quos leftward.¹¹

Figure 2: Proposal and Status Quo Locations for Select Proposed Rules



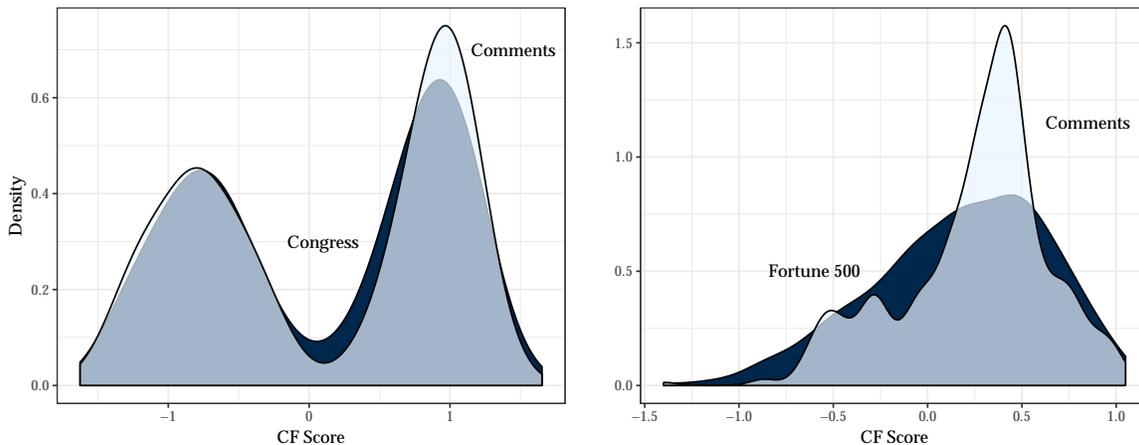
Note: Red lines indicate the status quo location and blue lines indicate the location of the agency’s proposed rule. The arrows indicate the direction that the proposal would move policy.

Overall, we are able to recover status quo and policy proposals for 35 EPA proposed rules. Table SI-1 provides a full list of these rulemakings, as well as the associated diagnos-

¹¹This is further exacerbated by the fact that Bonica’s CF scores have not been updated to cover all of the new MCs who serve in more recent congresses under the Trump administration.

tics. The estimated proposal positions pass a simple “face-validity” test. The vast majority of Obama-era EPA proposals shift the status quo left, while a smaller set of rulemakings initiated under the Trump administration attempt a reversal. In addition, diagnostic indicators suggest that the models perform relatively well; CF scores accurately predict the content of comments for most rules. One potential concern, however, is that the sample of comments will not accurately reproduce the preference distribution of legislators and prominent firms. This issue is analogous to oversampling of liberals or conservatives in public opinion surveys. To assess this potential problem, we report the distributions of the universe of commenters and comments in Figure 3. Though more conservative commenters tend to participate more often, we have complete coverage of the distribution of commenters—with the lone exception of a few extreme liberal firms. This provides further support for the validity of our approach.

Figure 3: Ideological Distribution of Congressional and Firm Commenters



Note: The dark blue shaded areas indicate the distribution of Bonica’s CF scores for MCs (left panel) and Fortune 500 firms (right panel). The light blue shaded areas indicate the distribution of commenters on EPA rules. The figures show that, for both members of Congress and firms, actors across the full ideological spectrum are represented in our data.

Evaluating Member Motivations

With proposal locations in hand, we are now able to look for empirical evidence in support of the motivations for participation in procedural oversight outlined earlier. To do so,

we revisit our dataset of EPA comments and code each comment for whether it contained a procedural request. Specifically, we assigned *Procedure* a value of “1” if the commenter asked the agency to do one of the following: extend the public comment period, hold additional public hearings, produce documents, or conduct additional analyses. Otherwise, *Procedure* was assigned a value of “0.” To have a useful point of comparison, we also coded a second dependent variable, *Substance*, or whether each comment contained a substantive request, meaning that it included policy-specific content in which case it was assigned a value of “1.” All other cases were coded as a “0.”

To evaluate our expectations, we estimate the absolute distance between each actor’s CF score and the proposal location.¹² For the analyses presented in this section, we bin this measure into equal-sized quintiles, and produce a five-point ordinal measure of disagreement: aligned, nearly aligned, slight disagreement, moderate disagreement, and high disagreement. We adopt this approach for two reasons. First, this reduces the impact of the measurement error that would be associated with using both scores as cardinal measures. Second, and more substantively, we have found that many of the proposals do not exist alongside a continuous set of policy alternatives. For example, revisions to ground-level ozone standards involve adjusting allowable levels up (conservative) or down (liberal). In practice, proposed revisions are binned—the EPA proposes lowering the standard from between 70–75 ppb to between 65–70 ppb. In substantive comments, legislators and firms either oppose or support the new range. In this way, the cardinal “distance” recovered by our procedure is often misleading—and will be more an artifact of the underlying preference scale than an indication of the magnitude of disagreement. A binned measure, therefore, is more consistent with how commenters engage with these proposals. An added benefit of this approach is that our results may uncover underlying non-linearities in the relationship between distance and rulemaking participation.¹³ In general, however, the basic intuition underlying our core

¹²Although we do not employ the status quo in these tests, we believe that its location will be useful in many other applications, as we discuss in the concluding sections.

¹³Strictly speaking, specifying k cut-points in ideological distance will test for polynomial relationships of

expectation about ideology suggests that the probability of engaging in each type of oversight will increase as the level of ideological disagreement increases. The results are unaffected by using a continuous measure of the absolute value of the ideological distance between MCs and policy proposals. We report these estimates in Table SI-3.

We also include several covariates that capture legislator’s relative oversight position in the chamber. Specifically, we include binary indicators of whether the MC was a member of the relevant oversight committee in the House or Senate, whether they were a ranking minority party member or majority party chair, as well as whether they were a member of the Senate. We expect these measures to be positively signed for oversight.

Table 2 reports results of logistic regressions of ideology and status on *Procedure*.¹⁴ We also mirror the models with *Substance* as the dependent variable, both as a reference point for the procedural models and also to investigate the effect of ideology as it is understood in the majority of the literature on congressional oversight. We plot these effects in Figure 4. The unit of analysis is the commenter-proposed rule. Robust standard errors are clustered at the commenter level, and all models include Congress and rule fixed-effects. The first two columns limit the sample to MCs. The third and fourth columns repeat the analysis for Fortune 500 firms (our “placebo”), testing whether the effects we identify for MCs carry over to a set of actors who have different incentives and face different constraints. The final two columns pool the two groups together.¹⁵

Examining the disagreement effects in the first set of models (Congress), it is apparent that across both measures that the marginal probability of engaging in oversight is generally increasing in an MC’s distance from the policy proposal. In terms of *Procedure* the marginal

order k .

¹⁴The results of a series of linear probability models are substantively similar. But the probability of comment is low, and numerous predicted values that exceed the observed bounds, so we defer these results to the supplementary materials in Table SI-2.

¹⁵We report a different sample sizes across the various models because, for various subsets of actors and comment types, there are no comments (e.g., some rules received no procedural comments from firms). This means that rule-intercept shifts perfectly predict the outcome, forcing us to omit these rules from some of the logit models.

probability of engaging in oversight is +3% higher for a MC who has a high level of disagreement with the proposed rule (compared to a MC who is aligned with the proposal). This effect is substantively large, since the baseline probability of making a procedural comment is 0.7%. The relationship between disagreement and commenting, however, is likely not linear. For procedural comments, Wald tests suggests there are significant differences between high and moderate disagreement ($p < 0.001$), but not for moderate and slight disagreement ($p = 0.13$). Nearly aligned or slight disagreement categories are not distinguishable from those aligned with a proposal. However, overall, these results suggest there is a distinct ideological component to procedural oversight.

Comments about the substance of a proposal exhibit similar patterns. Focusing on *Substance* serves as a check on our method, since the literature suggests a robust association between ideological distance and substantive oversight (which our approach confirms). It also provides a point of comparison for the procedural results. Specifically, the models suggest that, holding other variables at their means, the marginal increase in the probability of comment for the highest level of disagreement is +9%.¹⁶ Again, this represents a meaningful difference, as the unconditional probability of a substantive comment is 5%. There are also some underlying non-linearities, as slight and moderate disagreement are not distinguishable at conventional levels ($p = 0.09$), and nearly aligned legislators are indistinguishable from aligned. In sum, *Procedure* and *Substance* models offer similar takeaways, suggesting that ideological disagreement underlies both kinds of oversight queries from elected officials.

¹⁶Of course, the relative magnitude of these effects should not be compared—since, among other reasons, each model contains different baselines.

Table 2: Congress and Industry Participation in EPA Rulemaking, 2007-2017

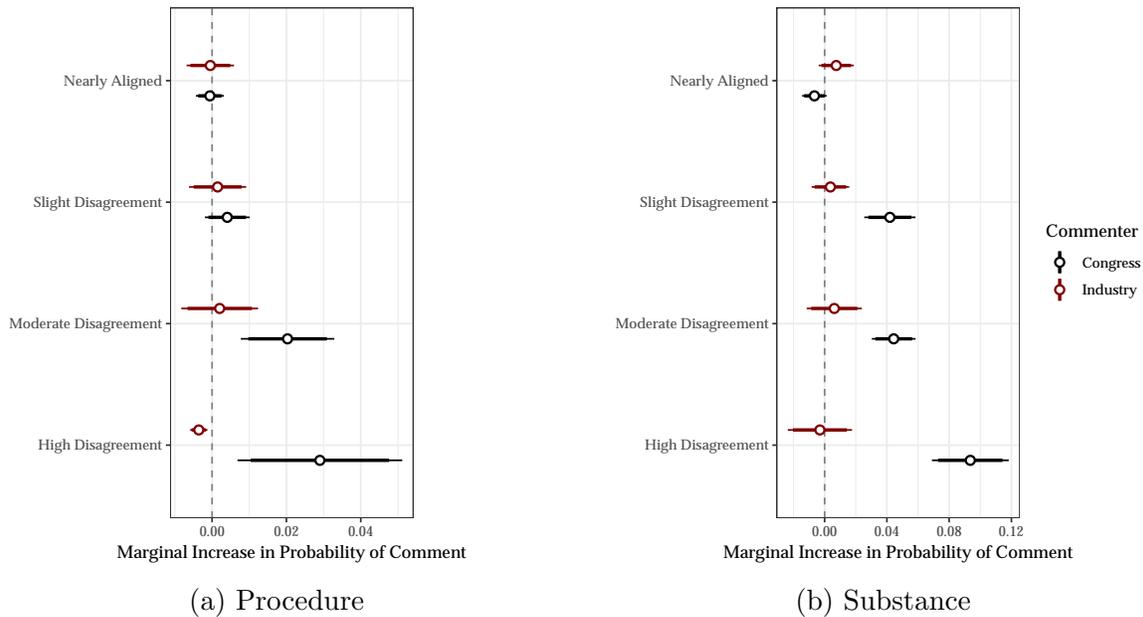
	Congress		Firms		All	
	<i>Procedure</i>	<i>Substance</i>	<i>Procedure</i>	<i>Substance</i>	<i>Procedure</i>	<i>Substance</i>
Aligned (with proposal)	–	–	–	–	–	–
Nearly Aligned	–0.001 (0.002)	–0.007 (0.004)	–0.000 (0.003)	0.007 (0.006)	–0.000 (0.000)	–0.000 (0.002)
Slight Disagreement	0.004 (0.003)	0.042 (0.008)	0.001 (0.004)	0.004 (0.006)	0.001 (0.000)	0.015 (0.003)
Moderate Disagreement	0.020 (0.006)	0.044 (0.007)	0.002 (0.005)	0.006 (0.009)	0.002 (0.001)	0.019 (0.004)
High Disagreement	0.029 (0.011)	0.094 (0.013)	–0.004 (0.001)	–0.003 (0.011)	0.004 (0.002)	0.046 (0.007)
Committee	0.000 (0.001)	0.026 (0.006)			0.000 (0.000)	0.013 (0.003)
Chair	–0.005 (0.001)	–0.016 (0.006)			–0.001 (0.000)	–0.008 (0.004)
Ranking Member	0.034 (0.039)	0.044 (0.028)			0.004 (0.004)	0.020 (0.011)
Senate	0.002 (0.002)	–0.007 (0.004)			0.000 (0.000)	–0.003 (0.002)
Firm					–0.002 (0.000)	–0.029 (0.002)
<i>N</i>	6,089	13,229	5,599	16,797	20,166	37,119
Proposed Rules	11	24	11	33	19	35
Congress FE	✓	✓	✓	✓	✓	✓
Rule FE	✓	✓	✓	✓	✓	✓

Note: Reports marginal changes in the probability (holding other variables at their means) of each type of oversight based on logistic regression. The unit of analysis is commenter-rule; robust standard errors clustered by commenter are in parentheses. The unconditional probability of submitting a procedural comment is 0.7%, whereas it is 5% for substantive comments.

Our comparison set of actors—Fortune 500 firms—provides evidence that the oversight patterns of MCs are driven by their unique incentives as elected representatives. Turning to the firm models in the third and fourth columns of Table 2, it is clear that firms do not follow the same ideological pattern as do MCs. As Figure 4 indicates, all ideological estimates are estimated with relative precision, but are weak in magnitude. Moreover, in contrast to the subset of legislator comments, the marginal change in the probability of firm-commenting is not increasing in disagreement. Among procedural comments, the highest

level of disagreement is distinguishable from zero—in the unexpected direction. The remaining coefficients are not distinguishable from the alignment baseline—or from any other level.

Figure 4: Marginal Increase in Probability of Commenting on EPA Rules, by Ideological Quintile



Note: Plots the marginal increase in the probability of comment from the full models in Table 2; all effects relative to complete alignment, which indicates the commenter and proposal share the same quintile in the range of possible CF scores (Bonica, 2013); the baseline probability of procedural commenting is 0.7%, whereas it is 5% for substantive comments.

The other covariates provide a final validity check on our findings. We find that being on an oversight committee and being a ranking member of that committee—are associated with an increased likelihood of engaging in oversight of either stripe (compared to a rank-and-file MC). Conversely, being a committee chair or serving in the Senate are associated with a minor decrease in the likelihood of engaging in oversight of either type. While we hesitate to interpret these results, it may be that the relative prominence of committee chairs and Senators provides them with other opportunities to participate in agency policymaking—which serve as substitutes for public comments.

Discussion

Legislative oversight of the bureaucracy is typically considered in substantive terms, whereby principals express policy-specific concerns to agencies. In this study, we have challenged this understanding by pointing out that overseers often engage with bureaucratic actors on procedural grounds. Procedural oversight can delay policymaking and provide fodder for future challenges in the courts. It is, therefore, an important aspect of executive accountability. We find evidence that this appeals to procedure are rooted in politicians' ideological disagreement with agency policy proposals. This suggests that existing studies—which focus almost exclusively on substantive oversight—may be undercounting the extent of congressional oversight that occurs in practice. Although the focus of our study is notice-and-comment rulemaking, this insight is not limited to that domain; procedural oversight certainly exists in other types of agency policymaking, such as grantmaking, contracting, enforcement, and inspections.

We have also deployed a new technique to locate the status quo and an agency's policy proposal in the same dimension as key political actors. Our approach relies on using public comments and is readily extended to other agencies beyond the EPA, provided that the agency's rulemakings merit enough attention from (and internal disagreement within) group of companies and important political actors with known ideology scores. Although coding comments is labor-intensive, it should not be thought of as an obstacle to scaling this approach, since it may be possible to automate coding of comments using text analysis techniques.

There are, of course, limitations to our approach. For instance, since we rely on comments made on specific policy proposals, we are not able to study issues that were not taken up (i.e., the location of the status quo for issues on which no proposal was made). Additionally, the method we employ necessarily limits us to studying high profile issues that elicited enough responses to yield estimates. While the first caveat suggests a bias toward

studying more extreme status quos, the latter caveat suggests a bias toward more moderate status quos (since those are the ones that may lead to more extreme policy proposals); our hope is that these countervailing forces may wash out in the end.

These limitations notwithstanding, we see several avenues for related research. First, while we have identified an ideological component of MC's oversight behavior, we have not pinpointed whether factors related to representing constituents or members' own preferences account for a greater share of procedural oversight. If, as Hall and Miler (2008) argue, industry groups target ideological allies and provide them subsidies to intervene in rule-making, then what we are observing as ideological behavior may in fact be evidence of representational behavior. Second, state legislators are very active in submitting comments to agencies. Accordingly, an extension of our measurement approach could include actors beyond Congress and large firms. Finally, this research considers the factors that lead MCs to engage in procedural or substantive oversight, but this behavior may be predicated on how legislators expect the agency to respond to these requests. We leave these as promising directions for future work.

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Supporting Information

Congressional Oversight Revisited: Politics and Procedure in Agency Rulemaking

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A. Overview of our Data Approach

Our approach to developing estimates of proposal and status quo locations for EPA proposed rules rests on coding public comments from members of Congress and Fortune 500 firms. Doing this involved many data processing and coding decisions, which we lay out in detail here. Because our data are scraped from www.regulations.gov, they reflect the publicly available docket provided by the agency.

Data Processing and Coding Steps

1. Scrape www.regulations.gov API for all public comments received by the EPA between 2007–2017 (inclusive).
2. Identify the subset of comments submitted by members of Congress and Fortune 500 firms. Probable matches were extracted by searching text fields for all scraped meta-data using keywords. The list of firms was taken from Bonica (2016). This produced over 6,000 probable matches out of 417,053 public comments on EPA rulemaking dockets.
3. Cull probable matches by hand. This produced 940 MC comments (including non-voting members representing U.S. territories), and 1,098 firm comments. Note that many MC comments included multiple signatories, which are counted as individual responses, so the total number of participating members is much higher.
4. Randomly sample and have each author code 100 firm comments, which are more complex and harder to classify than MC comments. Intercoder reliability for substantive position on the status quo and proposal were 0.64 and 0.65, respectively (Cohen's κ), indicating moderate–good agreement.
5. Code remaining comments by hand, according to process and definitions below. All comments were randomly split (50/50) between the two authors for coding.
6. Match commenters with CF scores.
7. Estimate status quo and policy locations; see Section B below.

Coding Public Comments

Public comments were hand-coded in two steps. First, we evaluated whether the comment contained a substantive request (*Substance*, see definition (1) below), whether the comment contained a procedural request (*Procedure*, see definition (2) below), or both. Second, for substantive comments, we then evaluated the commenter’s position on the status quo and the commenter’s position on the agency’s proposal.

- (1) *Substance*: comment includes a request for the agency to amend the policy in the proposed rule. These include requests that ask the agency to “take into account” the comments of particular constituents, or those that forward the substantive comments of other parties, including but not limited to, private citizens, trade groups, public interest groups, as well as local and state officials. Substance comments can express three general views about both the proposal and the existing status quo policy:

- * “The level of regulation is too lax.” For comments on the status quo, the commenter indicates that something more needs to be done. In the case of the EPA, often that current regulations provide insufficient protections to the environment and public health. For proposal comments, the commenter appreciates the initial step taken by the proposal, but encourages the agency to go farther.
- * “The level of regulation is about right”; For comments on the status quo, the commenter indicates that they are happy with the current level of regulation. In the case of the EPA, often commenter states that current regulations provide sufficient protections to the environment and public health. For proposal comments, the commenter often encourages the agency to promulgate the rule “as-is”, or with minor amendments.
- * “The level of regulation is too onerous”; For comments on the status quo, the commenter indicates that the current level of regulation is already too burdensome on states or private firms. In the case of the EPA, often that current regulations provide more than sufficient protections to the environment and public health. For proposal comments, the commenter encourages the agency to withdraw the proposed rule or substantially revise it because of additional burdens it will place on industry.

- (2) *Procedure*: comment includes a request for the agency to take some action or to alter the rulemaking process (rather than the content of the rule itself). This includes, but is not limited to:

- * requests for additional hearings in particular states or districts;
- * requests for extensions to the public comment period, including those that do not specify a particular extension length;
- * requests for documentation or responses to questions;
- * requests for policy briefings or in-person meetings; and

- * requests for the agency to perform additional analyses.

Matching Commenters to CF Scores

For MCs, the process of matching actors to their ideology is straightforward since it is possible to map members directly to their CF score for a particular congress. For firms, however, the process involved additional steps, because Bonica does not offer scores for Fortune 500 companies per se. Instead, his scores cover individuals working in Fortune 500 firms. To develop a firm-specific score, we follow the approach that Chen and Johnson (2015) use to generate an ideology score for bureaucratic agencies based on the political giving of top agency officials. Specifically, we use a weighted average of political giving by the firm’s upper management, where the weights are based on the amounts each individual contributed. This skews the scores toward individuals higher up in the firm hierarchy, who are more likely to earn more and give more.

Miscellaneous Processing and Coding Rules

- * Letters signed by multiple signatories (common in congressional comments) count as individual comments.
- * *Substance* and *Procedure* are not mutually exclusive, but are exhaustive categories.

B. Estimating Status Quo and Proposal Locations

To measure the location of the status quo, we leverage the substantive comments from MCs and Fortune 500 firms. For a given policy, we reduce the response to a three-point Likert scale based on the definition of a substantive comment (see above). When paired with estimates of the legislator’s ideal point, this directional information can be used to approximate the current spatial position of the policy. This method was developed by Richman (2011) (see also Battista, Peress and Richman, 2013)) to test competing theories of lawmaking.

The basic procedure is:

1. Predict substantive comment with measure of legislator preference using an ordinal probit. For the analyses reported in text, we use CF scores (Bonica, 2013), but 1st-dimension common space DW-NOMINATE scores (Poole and Rosenthal, 2000) do not produce substantially different results (they are, however, less precisely estimated because they provide no measure of the preferences of firms).
2. Estimate predicted probability of “regulation about right” response.
3. Assign status quo position as the CF score with the maximum predicted probability.

4. Repeat 1–3 with 1,000 bootstrapped replicates to obtain standard errors.
5. Repeat 1–4 for each status quo.

We then repeat this entire process to identify the location of the policy proposal for every proposed rule in our dataset.

Table SI-1 reports diagnostic information by policy area. CF scores correctly predict between 54% and 100% of comments on rules, depending on the model. In general, sufficient variation in position and preferences determines the relative precision of spatial policy estimates—rather than strict increases in the number of comments. Notably, this is on par with the diagnostic values reported in Richman (2011), suggesting that public comments provide similar information to NPAT survey responses.

Table SI-1: Diagnostics for Estimated Proposal and Status Quo Positions

Proposed Rule Title	Proposal				Status Quo			
	N	p_3	% Correct	Position	N	p_2	% Correct	Position
Repeal of Greenhouse Gas Emission Guidelines for EGUs (2017)	12.00	1.00	1.00	1.11	12.00	1.00	1.00	-2.00
Agricultural Worker Protection Standard Revisions: Pesticides	71.00	1.00	1.00	0.80	59.00	0.40	0.98	0.40
Renewable Fuel Standard (2014)	59.00	0.40	0.98	-2.00	236.00	0.04	0.88	2.00
Requirements for Cooling Water Intake Structures (Phase I)	236.00	0.35	0.98	-2.00	55.00	0.71	0.94	-2.00
Revisions and Additions to Motor Vehicle Fuel Economy Label	55.00	0.85	0.98	-2.00	37.00	0.99	0.97	-2.00
Renewable Fuel Standard Delay (2014)	37.00	0.99	0.97	-2.00	54.00	0.80	0.85	2.00
Standards of Performance: New Residential Heaters	54.00	0.29	0.96	-2.00	238.00	0.00	0.92	2.00
National Ambient Air Quality Standards for Ozone (2014)	240.00	0.00	0.96	-2.00	17.00	0.60	0.94	2.00
Effluent Limitations Guidelines and Standards for Steam Power Plants	17.00	0.60	0.94	-2.00	15.00	0.35	0.53	1.25
Title V Greenhouse Gas Tailoring Rule	15.00	0.43	0.93	-2.00	44.00	0.21	0.93	0.67
National Ambient Air Quality Standards for Particulate Matter	44.00	0.21	0.93	-0.67	103.00	0.00	0.87	2.00
Coal NESHAP	103.00	0.00	0.93	-2.00	14.00	0.26	0.79	2.00
Boiler NESHAP (2010)	14.00	0.33	0.93	-2.00	376.00	0.00	0.94	2.00
Waters of the US (2014)	376.00	0.00	0.92	-2.00	12.00	0.11	0.58	0.49
Performance and Emission Standards for EGUs (2012)	12.00	0.66	0.92	2.00	30.00	0.00	0.87	0.86
NESHAP for Cement Manufacturing (2005)	30.00	0.00	0.90	-2.00	20.00	0.05	0.75	2.00
Performance and Emission Standards for EGUs (2014)	20.00	0.24	0.90	-2.00	19.00	0.36	0.95	-2.00
Oil and Natural Gas Performance and Emission Standards	19.00	0.45	0.90	2.00	58.00	0.00	0.90	2.00
Tier 3 Motor Vehicle Emission and Fuel Standards	58.00	0.00	0.86	-1.30	29.00	0.03	0.72	2.00
Carbon Emission Standards for EGUs	29.00	0.16	0.86	-2.00	13.00	0.26	0.69	-2.00
Mandatory Reporting of Greenhouse Gases	13.00	0.88	0.85	2.00	48.00	0.05	0.65	1.11
Federal Implementation Plans: Fine Particulate Matter and Ozone (2010)	48.00	0.19	0.83	-1.68	16.00	0.11	0.75	2.00
Greenhouse Gas Emission Guidelines for EGUs	16.00	0.65	0.81	-2.00	58.00	0.00	0.64	0.64
National Ambient Air Quality Standards for Ozone (2010)	58.00	0.00	0.79	-2.00	36.00	0.00	0.78	2.00
NESHAP for Cement Manufacturing (2009)	36.00	0.00	0.78	-2.00	18.00	0.02	0.78	2.00
Reconsideration of NSPS and EG for Solid Waste Incineration (2010)	18.00	0.00	0.78	0.01	26.00	0.01	0.69	0.79
Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases	26.00	0.04	0.77	-1.19	56.00	0.14	0.55	2.00
Mandatory Reporting of Greenhouse Gases (2009)	56.00	0.00	0.75	-0.92	51.00	0.87	0.78	1.60
Renewable Fuel Standards for Biodiesel (2016)	51.00	0.00	0.74	1.29	44.00	0.69	0.66	-2.00
Identification of Non-Hazardous Secondary Materials	44.00	0.06	0.70	-2.00	10.00	0.20	0.50	0.54
Boiler MACT (2015)	10.00	0.21	0.70	-1.07	10.00	0.64	0.60	1.80
Mandatory Reporting of Greenhouse Gases (2010)	10.00	0.17	0.70	-0.36	10.00	0.75	0.90	2.00
Light-Duty Vehicle Emissions and CAFE Standards	10.00	0.49	0.70	-2.00	14.00	0.83	0.64	-2.00
Federal Implementation Plans: Fine Particulate Matter and Ozone (2009)	14.00	0.83	0.64	-2.00	11.00	0.77	0.64	2.00
Renewable Fuel Standard (2009)	11.00	0.77	0.64	2.00	637.00	0.00	0.84	2.00
Disposal of Coal Combustion Residuals from Electric Utilities	637.00	0.00	0.57	-0.53	13.00	0.72	0.54	-1.21
Revision of Waters of the US (2017)	210.00	0.34	0.55	-1.01	26.00	0.44	0.69	0.77
Renewable Fuel Standards for Biodiesel (2015)	13.00	0.75	0.54	1.67	17.00	0.83	0.65	2.00
Boiler MACT (2003)	17.00	0.83	0.65	2.00	19.00	0.35	0.84	2.00
Boiler MACT (2010)	19.00	0.35	0.84	2.00	33.00	0.84	0.94	2.00
NSPS and EG for Solid Waste Incineration (2010)	33.00	0.84	0.94	2.00	11.00	0.52	0.64	-2.00
National Ambient Air Quality Standards for Ozone (2007)	11.00	0.52	0.64	2.00				
Water Quality Standards for Florida's								

C. Additional Results

Table SI-2: Congress and Industry Participation in EPA Rulemaking, 2007-2017 (LPM)

	Congress		Firms		All	
	<i>Procedure</i>	<i>Substance</i>	<i>Procedure</i>	<i>Substance</i>	<i>Procedure</i>	<i>Substance</i>
Aligned (with proposal)	–	–	–	–	–	–
Nearly Aligned	0.006 (0.006)	–0.007 (0.007)	–0.000 (0.004)	0.007 (0.005)	0.003 (0.002)	0.003 (0.003)
Slight Disagreement	0.013 (0.007)	0.060 (0.008)	0.002 (0.004)	0.002 (0.005)	0.009 (0.003)	0.025 (0.004)
Moderate Disagreement	0.052 (0.006)	0.066 (0.007)	0.002 (0.005)	0.005 (0.006)	0.017 (0.002)	0.031 (0.004)
High Disagreement	0.062 (0.008)	0.121 (0.009)	–0.002 (0.010)	–0.006 (0.014)	0.029 (0.003)	0.072 (0.005)
Committee	–0.000 (0.006)	0.043 (0.007)			0.000 (0.003)	0.030 (0.004)
Chair	–0.024 (0.034)	–0.041 (0.039)			–0.015 (0.016)	–0.033 (0.024)
Ranking Member	0.104 (0.034)	0.086 (0.040)			0.062 (0.016)	0.065 (0.025)
Senate	0.008 (0.005)	–0.014 (0.006)			0.004 (0.002)	–0.010 (0.004)
Firm					–0.013 (0.002)	–0.047 (0.002)
R ²	0.149	0.246	0.001	0.011	0.077	0.125
N	6,089	13,229	5,599	16,797	20,166	37,119
Proposed Rules	11	24	11	33	19	35
Congress FE	✓	✓	✓	✓	✓	✓
Rule FE	✓	✓	✓	✓	✓	✓

Note: Reports linear probability estimates. The unit of analysis is commenter-rule; robust standard errors clustered by commenter are in parentheses.

Table SI-3: Congress and Industry Participation in EPA Rulemaking, 2007-2017 (Continuous)

	Congress		Firms		All	
	<i>Procedure</i>	<i>Substance</i>	<i>Procedure</i>	<i>Substance</i>	<i>Procedure</i>	<i>Substance</i>
Distance (Continuous)	0.006 (0.001)	0.026 (0.002)	0.001 (0.001)	-0.002 (0.003)	0.001 (0.000)	0.012 (0.001)
Committee	0.000 (0.001)	0.025 (0.006)			0.000 (0.000)	0.012 (0.003)
Chair	-0.005 (0.001)	-0.016 (0.007)			-0.001 (0.000)	-0.008 (0.004)
Ranking Member	0.023 (0.028)	0.034 (0.025)			0.003 (0.003)	0.015 (0.010)
Senate	0.002 (0.002)	-0.007 (0.004)			0.000 (0.000)	-0.003 (0.002)
Firm					-0.002 (0.000)	-0.029 (0.002)
<i>N</i>	6,089	13,229	5,599	16,797	20,166	37,119
Proposed Rules	11	24	11	33	19	35
Congress FE	✓	✓	✓	✓	✓	✓
Rule FE	✓	✓	✓	✓	✓	✓

Note: Reports marginal changes in the probability (holding other variables at their means) of each type of oversight based on logistic regression. The unit of analysis is commenter-rule; robust standard errors clustered by commenter are in parentheses. The unconditional probability of substantive comment is 5%, whereas it is 0.7% for procedural comments.