# Who Polices the Administrative State?

Kenneth Lowande
Department of Political Science
University of Michigan
5700 Haven Hall
505 South State Street
Ann Arbor, MI 48109-1045
`lowande@umich.edu`

July 2, 2018[*]

## 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 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 and narrow district interests are primary drivers. The findings may indicate 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.

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

---

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.[1] I advance this work by analyzing records of over 50,000 oversight contacts between members of Congress and bureaucratic agencies. These new data reveal activity 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."[2] 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 formalized hearings and concerns consequential public policy. Prior to the 2014 Veterans Administration (VA) wait-time scandal, legislators made inquiries about VA health system 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.

---

[1] For a review of this work, see Moe (2012).

[2] As of this writing, the study has been cited 3,278 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 bears repeating in political science research. It is central to studies of political appointments, delegation, judicial review, rule-making, and oversight. However, to test this proposition, studies have focused almost exclusively on public auditing activities like committee hearings and investigations. Theories of oversight have long argued this behavior represents a fraction of all legislative oversight. This study attempts to address this limitation by analyzing the oversight relationships of individual legislators and executive agencies.

Analyzing informal communication also presents an opportunity to improve estimation of the effect of ideological disagreement, since the dyadic relationship between a congressional median and the bureaucracy limits the variation explored by past empirical studies. 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.[3] 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 tenth of a contact. These effects contrast those of district characteristics and

---

[3]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.

These results offer initial evidence that legislative oversight is driven by policy valence, rather than ideological disagreement. While existing studies analyze the valence dimension of bureaucratic policymaking (e.g Ting 2011), this study provides rare evidence of its relative prominence vis-a-vis ideology. I argue this oversight is not systematically driven by ideological or partisan forces because it is informal and most often unobserved by re-election audiences. Without the opportunity to publicly discredit ideologically divergent agents, legislators' oversight may instead be motivated by the quality of administration. This implies that existing research may overemphasize the importance of ideological disagreement for legislative-executive interactions—since this broader universe of cases may be driven by policy quality or valence. I present case studies of the Department of Veterans Affairs and the Department of Energy that suggest these concerns are operative.

The results also suggest other important implications for future research on congressional oversight and the separation of powers, more broadly. First, 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. In addition, evidence from this study suggests that past concerns about the overall efficacy of congressional oversight are well warranted. Whereas existing scholarship suggests the multiplicity of legislative principals creates collective actions 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. Thus, evidence that informal oversight is comparatively free of ideological and partisan considerations is not sufficient to guarantee that legislatures effectively police shared goals in policy implementation.

## 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.[4] This means that past work does not generally address the research question 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 there are numerous reasons to suggest that hearings and investigations may be exhibit unique oversight patterns. 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.[5] 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).

Research confined to public oversight hearings is also 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 is exogenous. This may not be warranted, since most of this variation is a function of elections, and elections bring about policy

---

[4]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).

[5]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`.

changes that plausibly influence inter-branch contact.

Inquiries made directly by legislators differ from public oversight in important respects. 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 official. 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."[6] However, an analysis of the universe of such correspondence is not subject to this selection issue.

The 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 is often used as leverage to compel the production of documents and compliance with Congress' demands.[7] 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.[8] 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.[9] In a letter ad-

---

[6]Interview with current congressional staffer, June 23, 2017.

[7]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).

[8]Office of Legal Counsel, White House. "Authority of Individual Members of Congress to Conduct Oversight of the Executive Branch," May 1, 2017.

[9]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`

dressed to the President, Senator Grassley's response was pointed: "This is nonsense."[10] 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, 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 a proposition found in numerous models of oversight: ideological preference divergence between principal and agent should increase oversight.[11] 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, and under minimal assumptions, the divergence hypothesis applies to both.[12]

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 principle," which suggests that principals rely more heavily on agents with proximate preferences.

---

[10]Charles Grassley to Donald J. Trump, June 7, 2017.

[11]I refer to this as the "divergence" hypothesis.

[12]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.

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 implies "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.[13] 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"(Mayhew 1974). Exerting effort on behalf of a constituent may be enough to win their support. This is differs from the

---

[13]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.

"grandstanding" opportunities found in congressional hearings because of its focus on serving an individual constituent.

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.[14] Likewise, if it is instead assumed that oversight is totally ineffectual, distal agents present the best opportunity to demonstrate to the individual constituent 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.[15]

There is also no shortage of 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-

---

[14]There are, of course, alternative models of lobbying which offer divergent predictions. 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. In addition, Hall and Deardorff (2006) argue lobbying subsidizes allies with otherwise costly information.

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

plaints from constituents.

Nonetheless, there are key features of informal oversight suggest that these conventional arguments may not generalize. First, they are typically unobserved by re-election audiences. Informal contacts allow members to seek the redress of grievances with a more limited audience. News coverage of these contacts have been historically muted. They lack the apparent "grandstanding" opportunity that allows members to distinguish themselves from the opposition, which is often cited as a key driver of the patterns of oversight under divided and unified government (e.g. Kriner and Schwartz 2008; Lowande and Peck 2017). Moreover, unlike congressional hearings and subpoenas, these contacts are almost entirely unregulated by legislative and executive branch rules. This gives agencies a freer hand in responding and may limit the efficacy of ideologically charged inquiries. Requests with implications for the ideological orientation of policy are zero-sum.

This, naturally, raises the question of what the null hypothesis implies about the broader universe of congressional oversight. I present and begin to assess one argument, that oversight is motivated by "valence" or policy quality-related concerns that are largely orthogonal to ideological disagreement. Broadly speaking, valence is often modeled as a dimension of policy over which all legislators agree.[16] 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 informal oversight, this implies that legislators would be motivated primarily by concerns over how well policies are implemented. Audits for information, and lobbying for

---

[16]For recent examples of this conception of valence, see Callander and Martin (2017), Callander and Raiha (2017), and Hitt, Volden, and Wiseman (2017).

policy changes should be driven by the potential for policy failures that negatively impact constituents and could draw broad-based criticism. The lack of public observation means members have far less to gain from lobbing ideologically motivated attacks. Moreover, the lack of rules governing the process gives agencies more discretion in handling requests, and induces members to conduct oversight that is not zero-sum. Policy valence-based explanations are featured in some accounts of high profile investigations (Mayhew 1991; Light 2014), and they are the dominant subtext for studies of oversight in public administration and public policy. For example, Wood and Lewis (2017) leverage a FOIA program audit by Representative Darrell Issa (R-CA) to measure responsiveness to private inquiries. In this case, concerns over FOIA performance motivated the government-wide audit. In summary, standard models of oversight that emphasize ideological cleavages may have less purchase absent incentives generated by public observation and formalized communication.

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 number 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. Moreover, whistleblowers informed of Congress' distribution of labor may target committee members and leadership with complaints. Generally, I also expect members to respond to external evaluations of quality that reveal issues. Many quality concerns are episodic—so that oversight would be associated with the idiosyncratic features of particular Congresses and legislative districts. Thus, I conclude this study with several case studies illustrative of valence concerns at work in congressional oversight.

## Measuring Oversight with Congressional Correspondence

To re-examine the divergence hypothesis, 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 to 72 agencies in October 2014 (Mills, Kalaf-Hughes, and MacDonald 2015; Lowande N.d.).[17] 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.

The 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 they provide 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.

---

[17]These were the agencies at the time of request who had dedicated FOIA contact information on `foia.gov`. The initial request asked for records from January 1, 2007 to the present, but some agencies provided records for different time series. A full description of these requests and outcomes can be found in Table A1.

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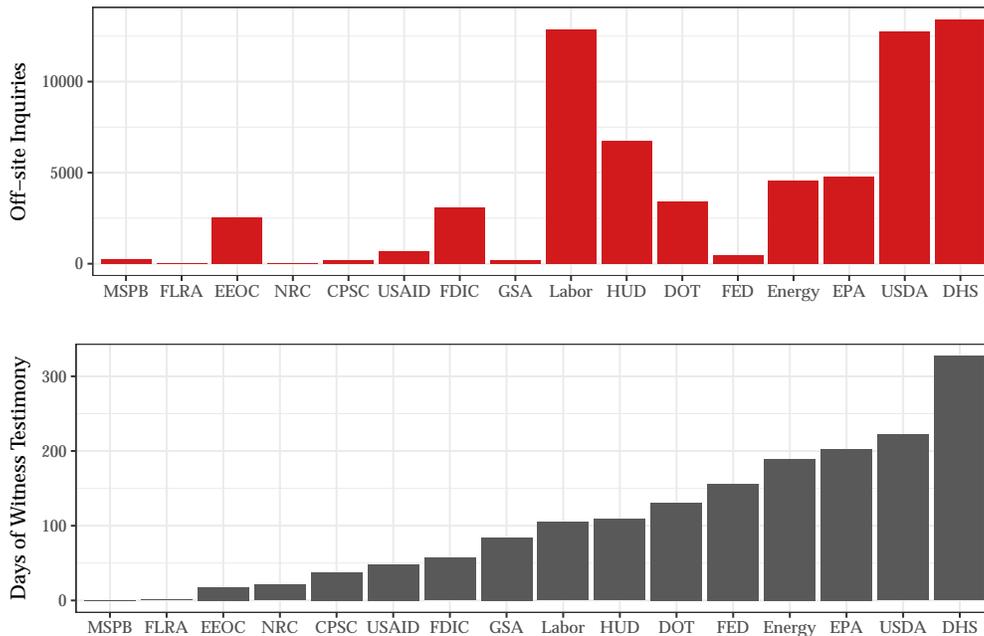


*Note:* Days of witness testimony collected by through keyword searches of ProQuest Congressional; excludes appointment hearings; off-site inquiries include both casework and general policy requests, but exclude scheduling and committee-related business.

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.[18] 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 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.[19]

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

---

[18]Interview with former congressional staffer, June 22, 2017.

[19]The literature on lobbying in Congress is large. See, for example, Hall and Reynolds (2012) for a recent review.

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 (his constituent) 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.[20] Other 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 audit's the Department of Energy's efforts to implement President Bush's executive order designed to reduce fuel consumption in the federal vehicle fleet.

Members of Congress also lobby agencies to take specific actions. Many of these requests 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 Transporta-

---

[20]"Life Insurance Firms Profit From Death Benefits," *NPR*, July 28, 2010. URL: `http://www.npr.org/templates/story/story.php?storyId=128799983`

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



tion 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.[21] 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 presidency of George W. Bush to Barack Obama. I rely on a generalized difference-in-diffence design implemented with the linear probability model below,[22]

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

---

[21] goo.gl/Dge79m

[22] 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 this 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.

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,[23] and $\phi_t$ is Congress fixed-effects, accounting for exogenous shocks common across each Congress.[24] $\zeta$ represents the effect of time-varying characteristics within districts 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 allows me to isolate 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 Fouirnaies and Hall (2018), which employs similar designs to study district spending and campaign contributions, respectively.

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 B7 of the SI. The results are robust to this specification. I also examine the volume and content of requests over time, to determine if transition 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 the content of informal oversight, but some agencies exhibit clear changes in the volume of oversight during these periods. Thus, it is important to note that without additional data, I cannot assess the relative uniqueness of the transition in question or presidential transitions, more generally. [25]

---

[23]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.

[24]This includes differences between end-of-term and beginning-of-term levels of oversight, or changes in macroeconomic conditions that might influence legislative activity.

[25]One additional concern of focusing on a transition is that members could be shifting their more political inquiries

The key independent variable is *Distance*, a continuous measure of the ideological divergence between the legislator and the agency. This is the absolute Commonspace 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.[26] Alternative measures of agency ideology based on surveys of scholars (Clinton and Lewis 2008) and bureaucrats (Richardson, Clinton, and Lewis N.d.) produce similar results. An additional concern is that including the preferences of career bureaucrats may be inappropriate, since legislators are most focused on Senate-confirmed appointees. To address this concern, also replicate the main results with mean appointee scores from Bonica, Chen, and Johnson (2015) and legislator scores from Bonica (2013).[27] The results are

---

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.

[26] Available evidence suggests that individual donors give sincerely (e.g. Gimpel, Lee, and Pearson-Merkowitz 2008; Ensley 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 attenuation of over-time differences. In contrast, the shifts observed in Figure 3 are substantively significant and in the expected direction.

[27] I report these estimates in Appendix B1.

robust to this measure.

Figure 3 plots the key variation for each agency: shifting ideal points following the transition from the $110^{th}$ to the $111^{th}$ 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.[28] 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.[29]

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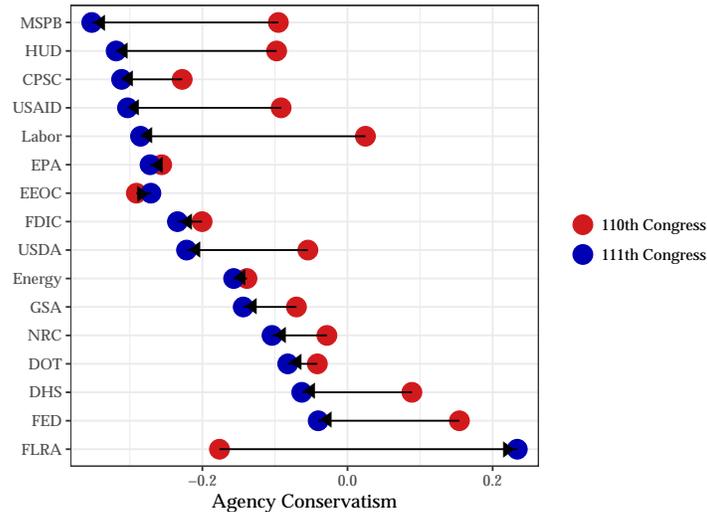


*Note:* Plots the change in agency ideology from the second Bush administration to the first Obama administration, as measured by Chen and Johnson (2014).

---

[28]Agency scores based on Senate-confirmed appointees (Bonica, Chen, and Johnson 2015) exhibit the same leftward shift.

[29]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. URL: `http://www.feddesk.com/freehandbooks/060409-1.pdf`). 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).

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.

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 released a list of "wasteful" spending under the stimulus.[30] In supplemental analyses reported in Table B9 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 their 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 Commonspace DW-NOMINATE distribution of contacts in eight agencies, overlaid the distribution of all legislators in both Congresses. If the policing hypothesis was correct, we might expect them to

---

[30]"GOP slams stimulus plan with list of 100 worst projects," *CNN*, August 3, 2010; URL: `https://goo.gl/2hbqur`

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
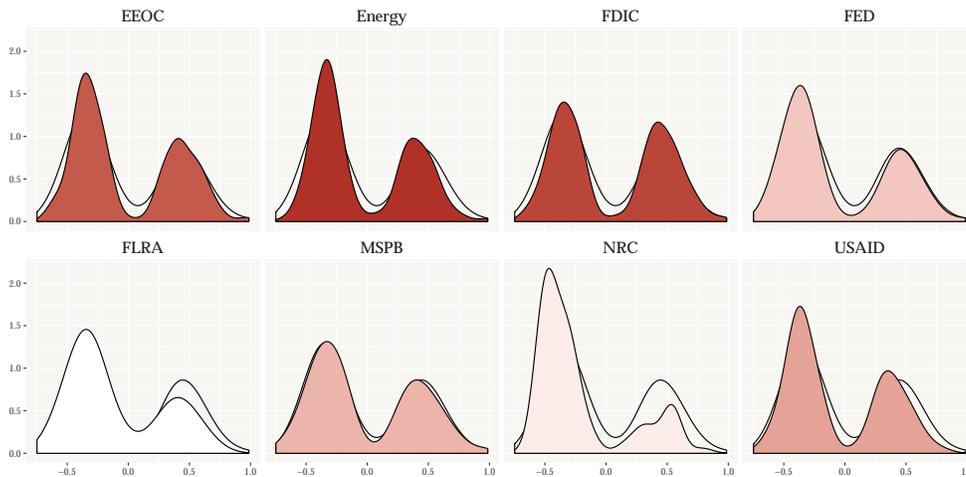


*Note:* Smoothed kernel density plots of oversight by legislator Commonspace DW-NOMINATE score (Carroll et al. 2015), overlaid Congress' overall distribution. Darker plots indicate higher oversight volume per Congress.

## 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 confidence 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, 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). Moreover, they are consistent across three alternative measures of ideological distance (Tables B3, B4, and B5). Thus, I argue the results provide strong evidence that preference divergence does not drive oversight.

**Table 1** – Oversight and Ideology

|  | Dependent variable: | | |
|---|---|---|---|
|  | Casework | Policy | Both |
|  | (1) | (2) | (3) |
| Committee | 0.039 | 0.066 | 0.063 |
|  | (0.009) | (0.010) | (0.009) |
|  |  |  |  |
| Chair | 0.082 | 0.111 | 0.088 |
|  | (0.045) | (0.058) | (0.062) |
|  |  |  |  |
| Ranking Member | −0.001 | 0.143 | 0.034 |
|  | (0.058) | (0.059) | (0.071) |
|  |  |  |  |
| Commonspace Distance | 0.014 | −0.001 | 0.015 |
|  | (0.020) | (0.019) | (0.021) |
|  |  |  |  |
| Constant | 0.388 | 1.218 | 0.993 |
|  | (0.372) | (0.249) | (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 overtime 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, a 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 result 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
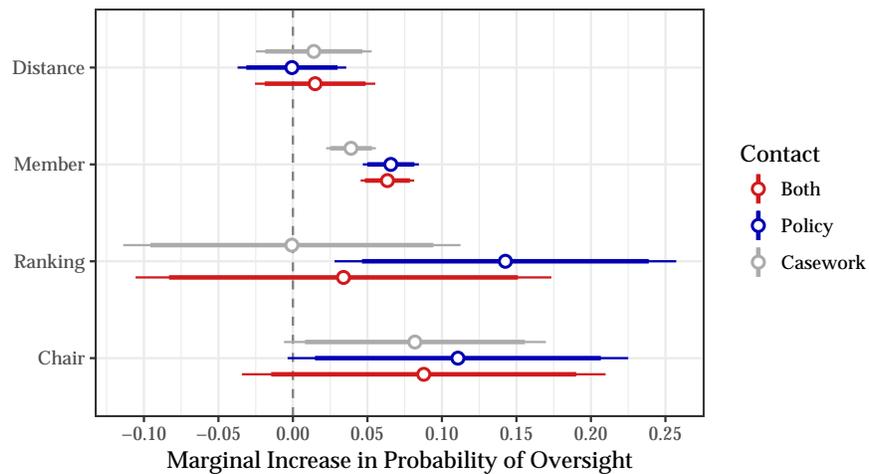


*Note:* Estimates from models reported in Table 1. Membership and institutional roles on relevant committee determined by oversight jurisdiction reported by surveyed officials (Richardson 2015).

## 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

| **(a)** Ideological Distance | **(b)** Committee Membership |
|---|---|
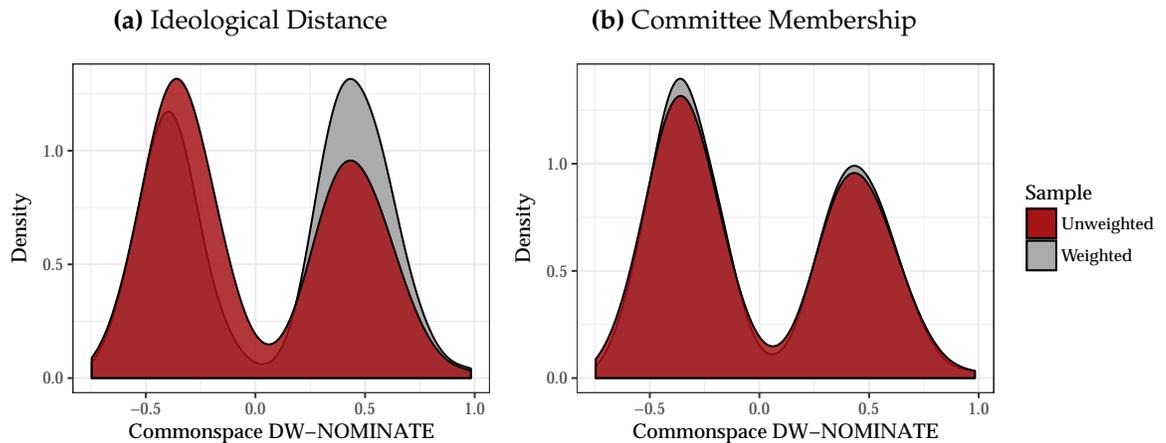


*Note:* Plots the kernel density of the observed and effective samples by legislator ideology for both the effect of ideological distance and committee membership (Aronow and Samii 2016).

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 Commonspace 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 partly a function of the agencies studied, which lean moderately left. This means 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 disproportionally responsible for

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

**(a)** Ideological Distance  |  **(b)** Committee Membership
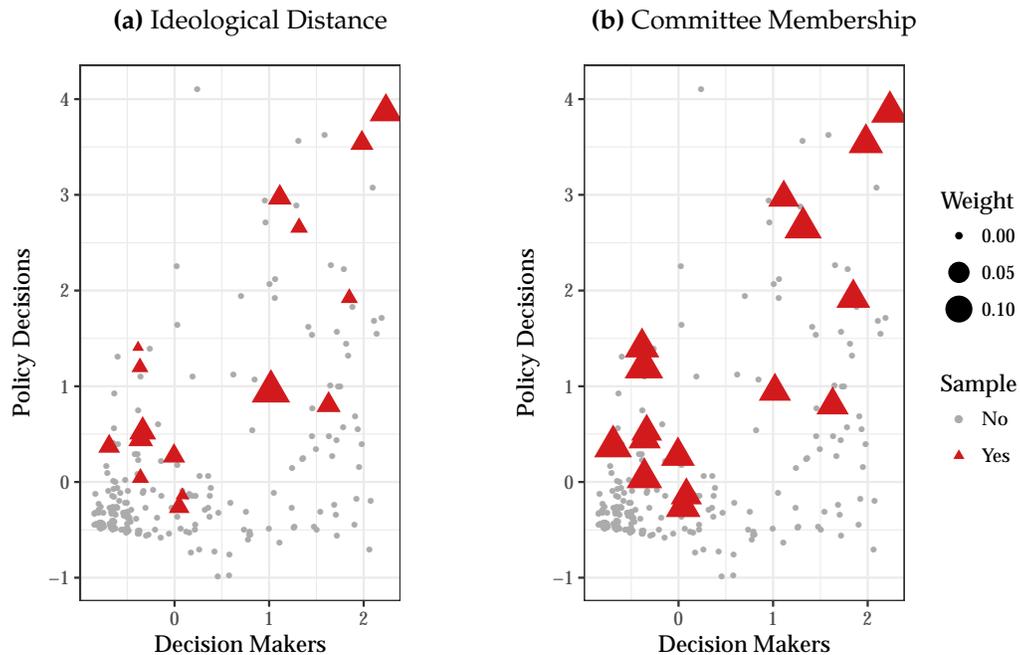


*Note:* Plots the independence of policy decisions and leadership personnel in executive agencies in and out of sample, as measured by Selin (2015); point size indicates weight within effective sample for either ideological distance or committee membership (Aronow and Samii 2016).

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 by structural independence. Selin (2015) develops a model of latent independence based on a vector of time-invariant agency characteristics The x-axis plots latent independence of the 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. 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 common scale for quality. Therefore, I present two case studies in this section as evidence. The 2014 wait-time scandal at the VA illustrates rapid (and pre-emptive) response to an apparent policy failure. I also 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.[31] 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 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

---

[31]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/`

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.[32] 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 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

---

[32]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.

the scandal—not foreknowledge of the problems that generated it. I return to this point in the discussion.

## Policy Performance at the Department of Energy

The VA scandal provides some evidence that policy valence drives oversight. To address the apparent limitations of this anecdote, I also 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).[33] Finally, it's logs are sufficiently detailed so that member contacts can be matched to specific programs and offices.

   To assess the proposition that valence concerns should drive policy oversight, I subsetted the DOE log to the 110th Congress. The final PART evaluation 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.).[34] These measures are based on a 2014 survey. Since this analysis leverages cross-sectional variation, it is important to note that to be valid, the ordinal ideological ranking of these sub-agencies must remain roughly constant from 2008 to 2014. Since such rankings do occasionally change from administration to administration (see Figure 3), this may not be the case. For this reason, the inclusion of this control should not be seen as "horse-race" between valence and ideology. Of the roughly 1,100 contacts to the DOE in the 110th Congress, 255 explicitly reference PART-evaluated programs. They run the gamut

---

[33]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.

[34]This excludes 7 programs rated by PART, but run by offices with missing ideology scores. Program titles were used as dictionaries to produce likely matches by contact, then hand-coded by the Author. In most cases, members explicitly named the program in question. I list these programs in Appendix B.

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.[35] Table C11 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 difference 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. These two effects should not be interpreted as the result of a competition between hypotheses.[36] Assessing the relative explanatory power of each is difficult, 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 suggests that many efforts to oversee bureaucracies are driven by concerns about the quality of administration. In other words, they suggest critical empirical scope conditions of the ideological divergence hypothesis. Legislators may be only conditionally motivated to systematically pursue agencies with whom they disagree. In fact, the apparent ideological conflict might be an artifact of political signals

---

[35]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).

[36]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.

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 communications, we cannot test basic empirical predictions about this larger universe of interactions between Congress and the bureaucracy. This information permits analysis of individual-level incentives of members of Congress to conduct oversight.

This study suggests congressional oversight is far more diffuse and ubiquitous than previously thought. 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. By focusing on public auditing activities, existing oversight research may over-sell the importance of preference divergence relative to other explanations like policy valence. Typical ideological divisions of Congress do not seem to map onto private oversight activity by virtue of the fact that they are informal and go unobserved. That implies that public observation is a necessary condition for oversight driven primarily by preference divergence.

These findings and arguments should, of course, be placed in the context of several 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 often 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 2008-2009 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.[37] But notably, any policy-area 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 past work 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 describe most oversight observed in practice.

Finally, the findings—coupled with a brief look at several cases—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 is 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.

---

[37]See Carpenter (2013) for a conceptual discussion of "agency ideology."

# References

Aberbach, Joel. 1990. *Keeping a Watchful Eye: The Politics of Congressional Oversight*. Washington, D.C.: Brookings Institution Press.

Aronow, Peter M, and Cyrus Samii. 2016. "Does Regression Produce Representative Estimates of Causal Effects?" *American Journal of Political Science* 60(1): 250–267.

Austen-Smith, David, and John R Wright. 1994. "Counteractive Lobbying." *American Journal of Political Science* 38(1): 25–44.

Berry, Christopher R., and Anthony Fowler. 2015. "Cardinals or Clerics? Congressional Committees and the Distribution of Pork." *American Journal of Political Science* 60(3): 692–708.

Bolton, Alexander, John de Figueiredo, and David E. Lewis. 2017. "Elections, Ideology, and Turnover in the Federal Government." *Working Paper* .

Bonica, Adam. 2013. "Mapping the Ideological Marketplace." *American Journal of Political Science* 58(2): 367–386.

Bonica, Adam, Jowei Chen, and Timothy Johnson. 2015. "Senate Gate-Keeping, Presidential Staffing of 'Inferior Offices,' and the Ideological Composition of Appointments to the Public Bureaucracy." *Quarterly Journal of Political Science* 10(1): 5–40.

Callander, Steven, and Davin Raiha. 2017. "Durable Policy, Political Accountability, and Active Waste." *Quarterly Journal of Political Science* 12(1): 59–97.

Callander, Steven, and Gregory J. Martin. 2017. "Dynamic Policymaking with Decay." *American Journal of Political Science* 61(1): 50–67.

Carpenter, Daniel. 2013. "On Categories and the Countability of Things Bureaucratic." *Working Paper* .

Carroll, Royce, Jeff Lewis, James Lo, Nolan M. McCarty, Keith Poole, and Howard Rosenthal. 2015. "'Common Space' DW-NOMINATE Scores with Bootstrapped Standard Errors.".

Chen, Jowei, and Timothy Johnson. 2014. "Federal employee unionization and presidential control of the bureaucracy: Estimating and explaining ideological change in executive agencies." *Journal of Theoretical Politics* 101(4): 657–676.

Clinton, Joshua D., and David E. Lewis. 2008. "Expert opinion, agency characteristics, and agency preferences." *Political Analysis* 16(1): 3–20.

Clinton, Joshua D., David E. Lewis, and Jennifer L. Selin. 2014. "Influencing the Bureaucracy: The Irony of Congressional Oversight." *American Journal of Political Science* 58(2): 387–401.

Dahlström, Carl, and Mikael Holmgren. 2017. "The Political Dynamics of Bureaucratic Turnover." *British Journal of Political Science* pp. 1–14.

Dodd, Lawrence C., and Richard L. Schott. 1979. *Congress and the Administrative State*. New York: Prentice Hall.

Ensley, Michael J. 2009. "Individual campaign contributions and candidate ideology." *Public Choice* 138(1-2): 221–238.

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

Fouirnaies, Alexander, and Andrew B. Hall. 2018. "How Do Interest Groups Seek Access to Committees?" 62(1): 132–147.

Fowler, Linda L. 2015. *Watchdogs on the Hill: The Decline of Congressional Oversight of U.S. Foreign Relations*. Princeton: Princeton University Press.

Gailmard, Sean. 2009. "Multiple Principals and Oversight of Bureaucratic Policy-Making." *Journal of Theoretical Politics* 21(2): 161–186.

Gimpel, James G., Frances E. Lee, and Shanna Pearson-Merkowitz. 2008. "The Check Is in the Mail: Interdistrict Funding Flows in Congressional Elections." *American Journal of Political Science* 52(2): 1–23.

Gordon, Sanford C., Catherine Hafer, and Dimitri Landa. 2007. "Consumption or Investment? OnMotivations for Political Giving." *The Journal of Politics* 69(4): 1057–1072.

Grimmer, Justin, and Brandon M. Stewart. 2013. "Text as Data: The Promise and Pitfalls of Automatic Content Analysis Methods for Political Texts." *Political Analysis* 21(3): 267–297.

Hall, Richard L., and Alan V. Deardorff. 2006. "Lobbying as Legislative Subsidy." *American Political Science Review* 100(1): 1073–1088.

Hall, Richard L., and Molly E. Reynolds. 2012. "Targeted issue advertising and legislative strategy: The inside ends of outside lobbying." *Journal of Politics* 74(3): 888–902.

Hammond, Thomas H., and Jack H. Knott. 1996. "Who Controls the Bureaucracy?: Presidential Power, Congressional Dominance, Legal Constraints, and Bureaucratic Autonomy in a Model of Multi-Institutional Policy-Making." *Journal of Law, Economics, and Organization* 12(1): 119–166.

Hitt, Matthew P., Craig Volden, and Alan E. Wiseman. 2017. "Spatial Models of Legislative Effectiveness." *American Journal of Political Science* 61(3): 575–590.

Hopkins, Daniel J., and Gary King. 2010. "A Method of Automated Nonparametric Content Analysis for Social Science." *American Journal of Political Science* 54(1): 229–247.

Imai, Kosuke, and Dustin Tingley. 2012. "A statistical method for empirical testing of competing theories." *American Journal of Political Science* 56(1): 218–236.

Kousser, Thad, Jeffrey B. Lewis, and Seth E. Masket. 2007. "Ideological Adaptation? The Survival Instinct of Threatened Legislators." *The Journal of Politics* 69(3): 828–843.

Kriner, Douglas L., and Eric Schickler. 2014. "Investigating the President: Committee Probes and Presidential Approval, 1953 - 2006." *The Journal of Politics* 76: 521–534.

Kriner, Douglas L., and Eric Schickler. 2016. *Investigating the President: Congressional Checks on Presidential Power*. Princeton: Princeton University Press.

Kriner, Douglas L., and Liam Schwartz. 2008. "Divided Government and Congressional Investigations." *Legislative Studies Quarterly* 33(2): 295–321.

Lewis, David E. 2007. "Testing Pendleton's Premise: Do Political Appointees Make Worse Bureaucrats?" *The Journal of Politics* 69(4): 1073–1088.

Lewis, David E. 2008. *The Politics of Presidential Appointments: Political Control and Bureaucratic Performance.* Princeton University Press.

Light, Paul C. 2014. *Government By Investigation: Congress, Presidents, and the Search for Answers, 1945-2012.* Brookings Institution Press.

Lowande, Kenneth. N.d. "Politicization and Responsiveness in Executive Agencies." *The Journal of Politics.* Forthcoming.

Lowande, Kenneth, and Justin Peck. 2017. "Congressional Investigations and the Electoral Connection." *Journal of Law, Economics, and Organization* 33(1): 1–27.

Lupia, Arthur, and Matthew D. McCubbins. 1994. "Learning from Oversight : Fire Alarms and Police Patrols Reconstructed." *Journal of Law, Economics, and Organization* 10(1): 96–125.

MacDonald, Jason A., and Robert J. McGrath. 2016. "Retrospective Congressional Oversight and the Dynamics of Legislative Influence over the Bureaucracy." *Legislative Studies Quarterly* 41(4): 899–934.

Mayhew, David R. 1974. *Congress: The Electoral Connection.* Yale University Press.

Mayhew, David R. 1991. *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946-2002.* New Haven: Yale University Press.

McCubbins, Matthew D., and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms." *American Journal of Political Science* 28(1): 165–179.

McGrath, Robert J. 2013. "Congressional Oversight Hearings and Policy Control." *Legislative Studies Quarterly* 38(3): 349–376.

Mills, Russell W., Nicole Kalaf-Hughes, and Jason A. MacDonald. 2015. "Agency Policy Preferences, Congressional Letter-Marking and the Allocation of Distributive Policy Benefits." *Journal of Public Policy* pp. 1–38.

Moe, Terry M. 2012. "Delegation, control, and the study of public bureaucracy." *The Forum* 10(2): 1–45.

Mummolo, Jonathan, and Erik Peterson. N.d. "Improving the Interpretation of Fixed Effects Regression Results." *Political Science Research and Methods.* Forthcoming.

Ogul, Morris S., and Bert A. Rockman. 1990. "Overseeing Oversight: New Departures and Old Problems." *Legislative Studies Quarterly* 80(3): 485–502.

Powell, Eleanor Neff, and Justin Grimmer. 2016. "Money in Exile: Campaign Contributions and Committee Access." *The Journal of Politics* 78(4): 974–988.

Rainey, Carlisle. 2014. "Arguing for a Negligible Effect." *American Journal of Political Science* 58(4): 1083–1091.

Rezaee, Janna, Abby K. Wood, and Sean Gailmard. 2015. "Bureaucratic Agency Problems and Legislative Oversight ." *Working Paper* .

Richardson, Mark D. 2015. "Politicization and Expertise: Exit, Effort, and Investment." *goo.gl/u8FnyA* .

Richardson, Mark D., Joshua D. Clinton, and David E. Lewis. N.d. "Elite Perceptions of Agency Ideology and Workforce Skill." *The Journal of Politics*. Forthcoming.

Ritchie, Melinda, and Hye Young You. 2018. "Legislators as lobbyists." *Working paper* .

Selin, Jennifer L. 2015. "What Makes an Agency Independent?" *American Journal of Political Science* 59(4): 971–987.

Tausanovitch, Chris, and Christopher Warshaw. 2013. "Measuring Constituent Policy Preferences in Congress, State Legislatures, and Cities." *The Journal of Politics* 75(2): 330–342.

Ting, Michael M. 2011. "Organizational Capacity." *Journal of Law, Economics, and Organization* 27(2): 245–271.

Weingast, Barry R., and Mark J. Moran. 1983. "Bureaucratic Discretion or Congressional Control? Regulatory Policymaking by the Federal Trade Commission." *Journal of Political Economy* 91(5): 765.

Wiseman, Alan E., and John R. Wright. 2015. "Delegation and Bureaucratic Policymaking in the Presence of Binding Legal Constraints: Like a Good Neighbor, State Farm is There...." *Working Paper* .

Wood, Abby, and David E. Lewis. 2017. "Agency Performance Challenges and Agency Politicization." *Journal of Public Administration Research and Theory* 27(4): 581–595.

# Supporting Information
*Who Polices the Administrative State?*

# A  Data

## A.1  Agency Selection into Sample

In October 2014, I submitted FOIA requests to 72 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 January 1, 2007 to November 1, 2014. 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

| Result | Agency | Data Coverage |
|---|---|---|
| *Complete log provided* | Board of Governors of the Federal Reserve | Jan. 2008 - Jan. 2012 |
| | Consumer Product Safety Commission | Jan. 2008 - 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 |
| *Complete log provided by Mills et al (2015)* | 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 |
| *Complete log provided Excluded due to missing covariates/limited time series* | 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 |
| *Incomplete log provided* | 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 |
| *Letters provided* | Federal Election Commission | Oct. 2010 - Dec. 2010 |
| | National Indian Gaming Commission | Jan. 2010 - Jan. 2014 |
| *No records responsive (denial)* | Amtrak | |
| | Consumer Financial Protection Bureau | |
| | Department of State | |
| | National Endowment for the Arts | |
| | Securities and Exchange Commission | |
| | US Commission on Civil Rights | |
| *Response pending* | 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 | |
| *Records publicly available* | Department of Defense | |
| | Federal Energy Regulatory Commission | |
| *Records exist* | 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 were 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 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 $\kappa$ Casework | Cohen's $\kappa$ Lobbying | Model coded | Mean Char. Length | Out-of-Sample Accuracy Casework | Out-of-Sample Accuracy 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 | – | – |
| **Total** | 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, NOMI-NATION, Nutrition Assistance, NY, OFFICE CLOSING, PARTNERSHIP, PAYMENT, PER-MIT, 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, AT-ACC, 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, CHEMI-CALS, 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, CO-OPERATIVE, 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 DIS-ASTER, EMERG LIVESTOCK, EMPLOYMENT, ENERGY, ENVIRONMENT, EQIP, ERADI-CATION, 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, FIREFIGHT-ING EQ, FLOOD CONTROL, FLOODING, FLOWERS, FOOD, FOOD AID, FOOD DIS-TRIBUTE, 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, FOR-EST FIRE, FOREST MGMT, FOREST SVC PRGM, FORESTLAND, FREE TRADE, FRESH FRUIT VEG, FRUIT, FRUIT DISEASE, FSMIP, FUEL, GAO REPORT, GENETICALLY MOD-IFIED 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, IN-QUIRY, INSECTS, INVASIVE SPECIES, INVESTIGATION, INVESTMENT, IRRIGATION, KOREA, LABELING, LABELS, LAND, LAND EXCHANGE, LAND FORESTRY, LAND MAN-AGEMENT, LEGISLATION, LICENSES, LIST, LITIGATION, LIVESTOCK, LIVESTOCK AS-SISTANCE PRGM, LIVESTOCK INDEMNITY PROGR, LIVESTOCK, PRICE, LOANS, MAN-AGEMENT, MARKET PROGRAMS, MARKETING, Marketing, MARKETING ORDER, MEAT, MEAT INSP PLANT, MEETING, METEOROLOGY, METHYL BROMIDE, MILK, MILK IN-COME 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, POTA-TOES, POULTRY, POWER, PRESERVATION, PRICES, PRODUCTS, PROGRAM, PROJECTS, PROPERTY, PROPOSAL, PUB REL, PUBLIC LANDS, PURCHASE, QUARANTINE, QUOTA, RC&D, Recalls, RECLAMATION, RECOMMEND, RECORDS, RECREATION PRGM, REG-ULATIONS, 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, SUM-MER 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 | *Casework* | 0.31 | Constituent question about Chinese drywall |
| | *Policy* | 0.69 | Comment on GE Lightbulb recall |
| | *Casework (lobbying)* | 0.31 | Constituent reports problem with gas wall oven |
| | *Policy (lobbying)* | 0.44 | Comment on Cadmium regulations |
| DHS | *Casework* | 0.80 | Requesting status update on immigration case |
| | *Policy* | 0.20 | Requests update on naturalization reduction efforts |
| | *Casework (lobbying)* | 0.66 | Requests grant for local fire station |
| | *Policy (lobbying)* | 0.20 | Requests national guard be sent to the border |
| DOT | *Casework* | 0.75 | Requests status update on grant proposal |
| | *Policy* | 0.25 | Requests any new developments on ITI program |
| | *Casework (lobbying)* | 0.67 | Requesting contract extension for constituent |
| | *Policy (lobbying)* | 0.11 | Expressing concerns about FY budget |
| EEOC | *Casework* | 0.98 | Requesting copy of constituent case |
| | *Policy* | 0.02 | Inquiry regarding age restrictions in federal employment |
| | *Casework (lobbying)* | 0.35 | Constituent alleges disability discrimination |
| | *Policy (lobbying)* | 0.00 | – |
| Energy | *Casework* | 0.74 | Asks why constituent security clearance was denied |
| | *Policy* | 0.76 | Requests information on all grants awarded by the dept. |
| | *Casework (lobbying)* | 0.63 | Requests consideration of federal loan guarantee for constituent |
| | *Policy (lobbying)* | 0.09 | Comments on energy conservation standards for water heaters |
| EPA | *Casework* | 0.73 | Questions regarding superfund site in district |
| | *Policy* | 0.27 | Questions regarding Deepwater Horizon oil spill dispersants |
| | *Casework (lobbying)* | 0.50 | Include funding for Lake Tahoe in your budget requests |
| | *Policy (lobbying)* | 0.18 | Concerned about the EPA modification of coal combustion regulations |
| FDIC | *Casework* | NA | – |
| | *Policy* | NA | – |
| | *Casework (lobbying)* | NA | – |
| | *Policy (lobbying)* | NA | – |
| FED | *Casework* | 0.20 | Constituent having difficult modifying mortgage |
| | *Policy* | 0.80 | Questions about investigations of financial institutions |
| | *Casework (lobbying)* | 0.13 | Expedite constituent loan modification request |
| | *Policy (lobbying)* | 0.44 | Commenting on Truth in Lending regulations |
| FLRA | *Casework* | 0.86 | Request status of pending case |
| | *Policy* | 0.14 | Question regarding agency administrative matters |
| | *Casework (lobbying)* | 0.41 | Inquiry after case resolution |
| | *Policy (lobbying)* | 0.00 | – |
| GSA | *Casework* | 0.92 | Constituent eligibility for Fed. Surplus Property program |
| | *Policy* | 0.08 | Regarding the implementation of the ARRA |
| | *Casework (lobbying)* | 0.88 | Support of contract proposal from constituent |
| | *Policy (lobbying)* | 0.04 | Comment on the Capital Investment program for FY 2008 |
| HUD | *Casework* | 0.79 | Regarding the audit of local housing authority |
| | *Policy* | 0.21 | Provide list of all corrective actions taken after GAO report |
| | *Casework (lobbying)* | 0.67 | Constituent requests assistance obtaining a mortgage |
| | *Policy (lobbying)* | 0.12 | Comment on mortgage originator standards rule |
| Labor | *Casework* | 0.85 | Requests constituent retirement information |
| | *Policy* | 0.15 | Inquiry regarding labor certification backlog |
| | *Casework (lobbying)* | 0.83 | Request approval of TAA application |
| | *Policy (lobbying)* | 0.14 | Concerned About the Administering of DINAP Funding |
| MSPB | *Casework* | 1.00 | Constituent requests assistance |
| | *Policy* | 0.00 | – |
| | *Casework (lobbying)* | 1.00 | Constituent requests assistance |
| | *Policy (lobbying)* | 0.00 | – |
| NRC | *Casework* | 0.30 | Questions about tritium contamination at Oyster Creek |
| | *Policy* | 0.70 | Questions about the process for plant security clearnances |
| | *Casework (lobbying)* | 0.23 | Concerns about security measures at Peducah |
| | *Policy (lobbying)* | 0.51 | Concerns about low-level radioactive streams |
| USAID | *Casework* | 0.65 | Constituent organization asks if they are eligible for any grants |
| | *Policy* | 0.35 | Requests all memos and correspondence with the Center for a Free Cuba |
| | *Casework (lobbying)* | 0.53 | Encourages agency to meet with constituent organization |
| | *Policy (lobbying)* | 0.21 | Asks that the agency help to rebuild Haiti |
| USDA | *Casework* | 0.12 | – |
| | *Policy* | 0.88 | – |
| | *Casework (lobbying)* | 0.12 | – |
| | *Policy (lobbying)* | 0.85 | – |

# B   Additional Results

## B.1   Alternate Measures of Oversight

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

|  | *Dependent variable:* | |
| --- | :---: | :---: |
|  | Lobbying | Policy Lobbying |
|  | (1) | (2) |
| Committee | 0.050 | 0.053 |
|  | (0.009) | (0.009) |
|  |  |  |
| Chair | 0.135 | 0.137 |
|  | (0.059) | (0.069) |
|  |  |  |
| Ranking | −0.0003 | 0.105 |
|  | (0.059) | (0.065) |
|  |  |  |
| Commonspace Distance | 0.005 | 0.007 |
|  | (0.020) | (0.017) |
|  |  |  |
| Constant | 0.793 | 1.468 |
|  | (0.449) | (0.426) |
|  |  |  |
| Legislator FE | ✓ | ✓ |
| Agency FE | ✓ | ✓ |
| Congress FE | ✓ | ✓ |
| *N* | 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** – Oversight and Ideology: Cabinet-Rank Departments

|  | *Dependent variable:* | | |
|---|---|---|---|
|  | Casework | Policy | Both |
|  | (1) | (2) | (3) |
| Committee | 0.631 | 0.473 | 1.535 |
|  | (0.140) | (0.065) | (0.231) |
| Chair | 1.288 | 2.024 | 4.834 |
|  | (0.788) | (0.760) | (1.522) |
| Ranking Member | 0.726 | 1.797 | 3.608 |
|  | (0.672) | (0.619) | (1.787) |
| Commonspace Distance | -0.218 | 0.011 | -0.149 |
|  | (0.291) | (0.142) | (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

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

| | Dependent variable: | | | | | |
|---|---|---|---|---|---|---|
| | Casework | Policy | Both | Casework | Policy | Both |
| | (1) | (2) | (3) | (4) | (5) | (6) |
| Committee | 0.037 | 0.053 | 0.053 | 0.039 | 0.064 | 0.064 |
| | (0.009) | (0.009) | (0.009) | (0.009) | (0.009) | (0.009) |
| | | | | | | |
| Chair | 0.034 | 0.082 | 0.038 | 0.053 | 0.099 | 0.064 |
| | (0.048) | (0.047) | (0.047) | (0.050) | (0.058) | (0.068) |
| | | | | | | |
| Ranking Member | −0.012 | 0.129 | 0.035 | −0.006 | 0.154 | 0.048 |
| | (0.049) | (0.047) | (0.047) | (0.055) | (0.062) | (0.069) |
| | | | | | | |
| Ideologically Aligned (C&L) | −0.008 | −0.008 | −0.001 | | | |
| | (0.006) | (0.006) | (0.006) | | | |
| | | | | | | |
| Ideologically Aligned (R, C&L) | | | | −0.021 | −0.009 | −0.014 |
| | | | | (0.007) | (0.006) | (0.006) |
| | | | | | | |
| Constant | −0.054 | 0.014 | 0.005 | −0.052 | −0.004 | 0.006 |
| | (0.013) | (0.012) | (0.013) | (0.010) | (0.010) | (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)

| | *Dependent variable:* | | | | | |
|---|---|---|---|---|---|---|
| | Casework | Policy | Both | Casework | Policy | Both |
| | (1) | (2) | (3) | (4) | (5) | (6) |
| Committee | 0.037 | 0.053 | 0.053 | 0.039 | 0.064 | 0.064 |
| | (0.009) | (0.009) | (0.009) | (0.009) | (0.009) | (0.009) |
| | | | | | | |
| Chair | 0.034 | 0.081 | 0.038 | 0.053 | 0.099 | 0.064 |
| | (0.048) | (0.047) | (0.047) | (0.050) | (0.058) | (0.068) |
| | | | | | | |
| Ranking Member | −0.013 | 0.130 | 0.034 | −0.006 | 0.154 | 0.048 |
| | (0.049) | (0.047) | (0.047) | (0.054) | (0.061) | (0.069) |
| | | | | | | |
| Ideological Distance (C&L) | 0.006 | 0.009 | 0.003 | | | |
| | (0.004) | (0.004) | (0.004) | | | |
| | | | | | | |
| Ideological Distance (R, C&L) | | | | 0.005 | 0.003 | 0.002 |
| | | | | (0.004) | (0.004) | (0.004) |
| | | | | | | |
| Constant | −0.062 | 0.003 | 0.003 | −0.063 | −0.010 | −0.001 |
| | (0.013) | (0.012) | (0.013) | (0.009) | (0.011) | (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.*

**Table B5** – Oversight and Ideology (CF Scores)

|  | *Dependent variable:* | | |
|---|---|---|---|
|  | Casework | Policy | Both |
|  | (1) | (2) | (3) |
| Committee | 0.042 | 0.053 | 0.040 |
|  | (0.012) | (0.011) | (0.011) |
| Chair | 0.084 | 0.105 | 0.087 |
|  | (0.062) | (0.060) | (0.061) |
| Ranking Member | 0.020 | 0.136 | 0.016 |
|  | (0.065) | (0.062) | (0.063) |
| CFscore Distance | −0.016 | −0.007 | −0.012 |
|  | (0.006) | (0.006) | (0.006) |
| Constant | 0.303 | 0.613 | 0.709 |
|  | (0.808) | (0.777) | (0.785) |
| Legislator FE | ✓ | ✓ | ✓ |
| Agency FE | ✓ | ✓ | ✓ |
| Congress FE | ✓ | ✓ | ✓ |
| *N* | 11,498 | 11,498 | 11,498 |

*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); CFscore Distance is the absolute distance between legislator (Bonica 2013) and agency (Bonica et al 2015); its within-member standard deviation is 0.595; FDIC, NRC, DHS, Fed, and MSPB omitted due to appointment missingness.*

## B.3 Excluding Particular Agencies

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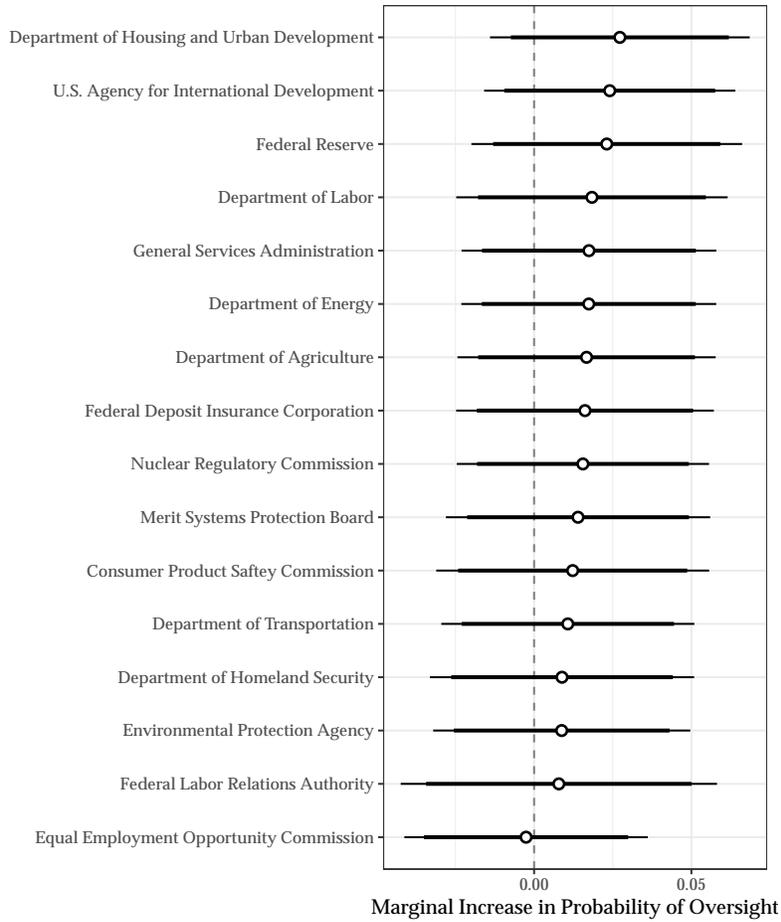


*Note:* Reports the marginal increase in the probability of oversight with 90 and 95 confidence bands; y-axis indicates agency left out of sample.

**Table B6** – Data Coverage for Unbalanced Panel

| Agency | 110 | 111 | 112 | 113 |
|---|---|---|---|---|
| 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 B7** – 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 over-time controls (majority party status, agency budget and legislator seniority); agencies and Congress included for this analysis are described in Table B6.*

## B.5 Agency Politicization

**Table B8** – Oversight, Ideology and Politicization

| | Casework | Policy | Both |
|---|---|---|---|
| | *Dependent variable:* | | |
| | (1) | (2) | (3) |
| Committee | 0.035 | 0.050 | 0.038 |
| | (0.009) | (0.009) | (0.009) |
| | | | |
| Chair | 0.067 | 0.086 | 0.071 |
| | (0.051) | (0.049) | (0.049) |
| | | | |
| Ranking | −0.010 | 0.135 | 0.012 |
| | (0.052) | (0.050) | (0.050) |
| | | | |
| Commonspace Distance | 0.027 | 0.016 | 0.035 |
| | (0.029) | (0.028) | (0.028) |
| | | | |
| Politicization | 0.027 | 0.125 | 0.128 |
| | (0.024) | (0.024) | (0.024) |
| | | | |
| Commonspace Distance × | −0.011 | −0.024 | −0.020 |
| Politicization | (0.033) | (0.032) | (0.032) |
| | | | |
| Constant | 0.435 | 1.068 | 0.673 |
| | (0.397) | (0.384) | (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 over-time 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 B9** – Oversight, Ideology and Agency Size

| | Dependent variable: | | |
|---|---|---|---|
| | Casework | Policy | Both |
| | (1) | (2) | (3) |
| Committee | 0.035 | 0.050 | 0.052 |
| | (0.009) | (0.010) | (0.009) |
| | | | |
| Chair | 0.067 | 0.086 | 0.071 |
| | (0.045) | (0.048) | (0.055) |
| | | | |
| Ranking Member | −0.010 | 0.134 | 0.017 |
| | (0.062) | (0.062) | (0.074) |
| | | | |
| Staff (thousands) | −0.005 | −0.005 | −0.005 |
| | (0.001) | (0.001) | (0.001) |
| | | | |
| Commonspace Distance | 0.020 | −0.0003 | 0.023 |
| | (0.022) | (0.020) | (0.022) |
| | | | |
| Constant | 0.456 | 1.181 | 0.970 |
| | (0.398) | (0.182) | (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 over-time 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



With Fixed−Effects
SD: 0.13
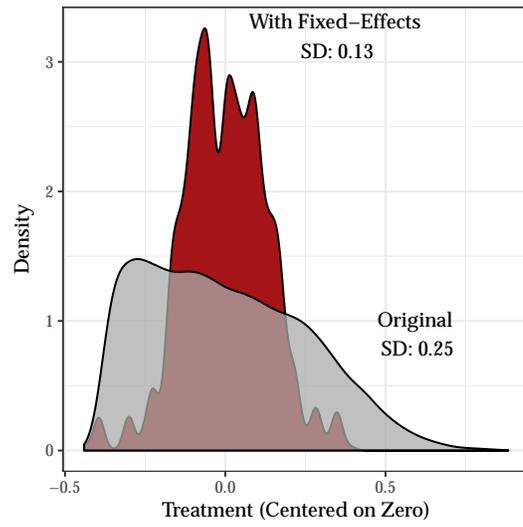
Original
SD: 0.25

*Note:* Reports the kernel density of the original and residu-
alized "treatment." The latter is computed with respect to
all dummies (agency, legislator, and congress).

# C Department of Energy PART Score Analysis

## Table C10 – Energy Dept. 2007 PART Scores

| Office | Program | Design | Planning | Management | Results | Rating |
|---|---|---|---|---|---|---|
| Energy Information Admin. | Energy Information Administration | 1 | 0.55 | 1 | 0.47 | Results Not Demonstrated |
| National Nuclear Security Admin. | 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 | EDfefescigtive |
| | 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 | High Temperature Superducting (HTS) R&D | 0.8 | 0.7 | 0.88 | 0.59 | Moderately Effective |
| Energy Efficiency & Renewable Energy | 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 |
| | Strategic Petroleum Reserve | 1 | 0.88 | 1 | 0.87 | Effective |
| Nuclear Energy | 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 |
| | University Nuclear Education Programs | 0.6 | 0.25 | 0.7 | 0 | Results Not Demonstrated |
| Science | 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 C11** – Oversight and Valence

|  | (1) | (2) |
|---|---|---|
| Number of Programs | 0.24 | 0.29 |
|  | (0.04) | (0.04) |
|  |  |  |
| PART Score | −7.31 | −8.20 |
|  | (2.51) | (3.02) |
|  |  |  |
| Binned Distance | −0.15 | −0.24 |
|  | (0.06) | (0.09) |
|  |  |  |
| Intercept | −0.69 | 1.97 |
|  | (1.05) | (1.55) |
| Legislator FE |  | ✓ |
| N | 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 for which I have longer time series'. 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. So I am less concerned about a delayed transition biasing in favor of the null. Figure C1 also plots the time series for two agencies with more steady levels of contact. These cases are typical. Spikes are generally a function of "shocks" like external events or new legislation. For example, following the Fukushima nuclear disaster, the NRC's caseload from members of Congress spiked tenfold.

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.So 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 B7). 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
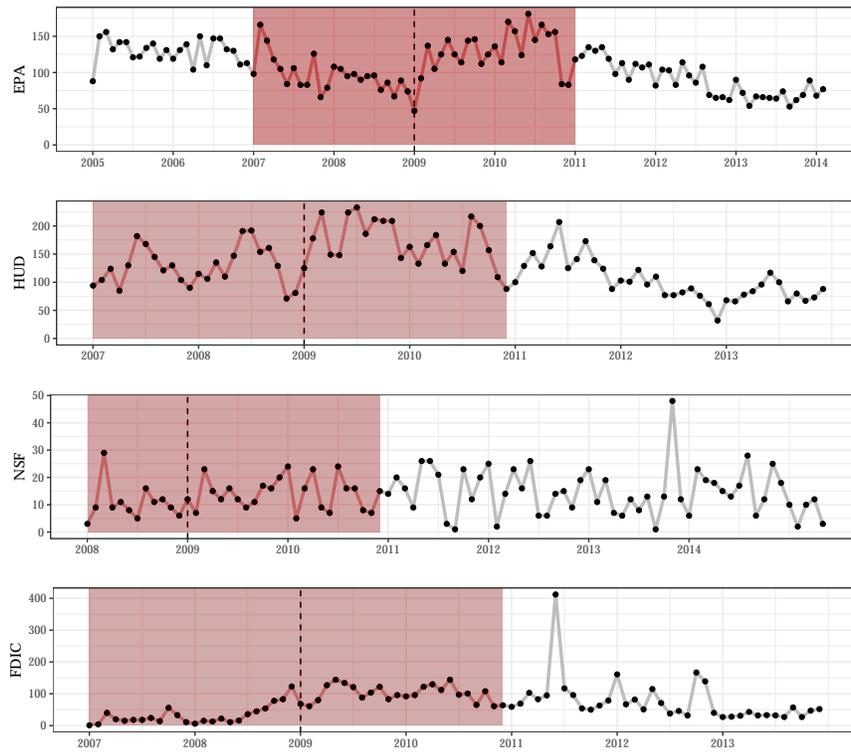


*Note:* Plots the total number of monthly contacts by agency; study periods shaded in red; presidential transition labeled with a dashed line.