LSQ
LEGISLATIVE STUDIES QUARTERLY
Published by the Department of Political Science at Washington University in St. Louis

JASON A. MACDONALD
West Virginia University
ROBERT J. MCGRATH
George Mason University

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

Research stresses that congressional committees increase their oversight of the bureaucracy during divided government. We extend this research by developing an explanation, rooted in a more dynamic view of policymaking, for why Congress would sometimes conduct vigorous oversight under unified control as well. In short, committees seem to engage in what we call "retrospective oversight" and take advantage of newly friendly executive administration to refocus existing policy made under a past opposition president. We assess our perspective using two separate sources of data on oversight hearings spanning more than 60 years and find support for our claims regarding retrospective oversight.

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

The incentive to engage in oversight is thus greatest when legislatures and executive branches disagree on policy goals. Not surprisingly, then, empirical studies have explained cross-sectional and intertemporal

DOI: 10.1111/lsq.12138

variation in oversight as a function of interbranch policy conflict in the US federal government. This literature is grounded in static spatial models of policymaking, thus making policy conflict the natural explanation of legislative oversight activity.

Despite its obvious contributions, this work has left a central question unaddressed. Why does Congress conduct voluminous oversight during unified government as well? We begin with this question and seek to develop a more general account of how Congress uses oversight as a tool to shape and, at times, support bureaucratic policymaking. Our theory departs from the standard account in that we consider how oversight is in part a function of the fundamental *dynamics* of democracy in the separation-of-powers system. In particular, election returns alter partisan control of the White House and Congress, creating divided government or returning a party to unified control of government. Theories of lawmaking stress that these dynamics affect how easy it is to change policy status quos through legislation (Brady and Volden 1998; Krehbiel 1998). Theories of oversight, however, do not consider how this dynamic process may affect how useful oversight is to Congress over time. Our theory goes beyond static models, allowing us to understand oversight as an oftentimes effective and constructive way for congressional committees to coordinate policy under unified government. As interbranch preferences are aligned under unified government, agencies have a greater incentive to take committee goals seriously, increasing the policy benefits of oversight. That is, we expect new configurations of unified government to lead to spikes in policy oversight, just as previous work has emphasized preference alignment to lead to increases in legislative activity. In fact, our findings suggest the complementarity of oversight and lawmaking in these circumstances.

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

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

Existing Perspectives on Oversight

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

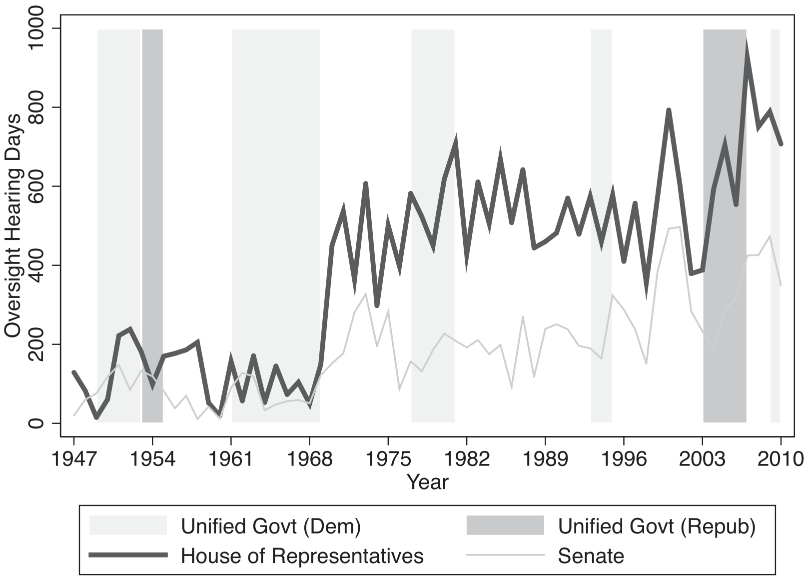
There is also a serious policy component to oversight. Whether oversight involves informal communication between committee staff and bureaucrats, or occurs more formally through testimony at hearings, Congress obtains detailed information about agencies' discretionary policymaking. Oversight, then, allows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

Oversight is thus a multifaceted tool for politically- and policy-inclined members and committees. As is evident in Figure 1, the volume of oversight hearings conducted by committees varies, having increased substantially, although sporadically, over time. Existing accounts (e.g., Aberbach 1990) explain this gradual increase from the standpoint of the incentives and constraints that individual members face. In particular, increases in the number of staff working for members and committees improved the resource incentives members had to conduct oversight, while the increasing frequency of divided government made it more difficult for Congress to pass legislation, spurring members to focus on investigations and oversight.

In addition, there exist clear institutional incentives for Congress to increase its oversight profile. Although increases in staff enabled oversight, these increases were triggered by Congress's efforts to counteract presidential power. Beginning with the Congressional Reorganization Act of 1946 and the Administrative Procedure Act of 1946, Congress reformed its structure to compete with the president in influencing agencies (Bolton and Thrower 2015; Rosenbloom 2000). Especially critical to oversight, in enacting the Legislative Reorganization Act of 1970, Congress increased the volume of committee staff, generating greater capacity for holding hearings (Schickler 2001, 213–15).

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

FIGURE 1
Oversight Hearing Days, by Chamber (1947–2010). [Color figure can be viewed at wileyonlinelibrary.com]



Retrospective Oversight and the Dynamics of the Policy Process

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

To elaborate our theoretical explanation of such oversight, we draw on research on the status quo bias that characterizes policymaking in separation-of-powers systems. One overarching lesson from this research is that, once an agency creates a policy, through, say, rulemaking or enforcement activity, it becomes difficult for elected lawmakers to overturn. Such reversal hinges on the assent of a number of key, "pivotal," actors, whose preferences may diverge from each other (Brady and Volden 1998; Ferejohn and Shipan 1990; Hammond and

Knott 1996; Krehbiel 1998). For example, committees should be expected to gatekeep bills seeking to overturn agency decisions when they prefer the agency policy to that which would be enacted by the proposed bill (Hill and Brazier 1991). Similarly, Ferejohn and Shipan (1990) explain that when the president prefers an agency's decision to the policy that Congress would enact, he will veto any congressional action that seeks to overturn the agency's policy. Thus, supermajoritarian legislative requirements (the veto override requirement and the Senate filibuster) constrain the ability of congressional majorities to check or direct agency action.[1] Although these features can be relevant under unified government if there is sufficient intraparty heterogeneity (Krehbiel 1998), they manifest in gridlock most often during divided government.

It is clear, then, that divided government will result in a stockpile of gridlocked status quo policies to which law-making majorities in Congress object but cannot change through legislation nor change easily through oversight.[2] Where a static theory would stop here, we explicitly consider this status quo bias in the context of the ebb and flow of electoral politics. In particular, we argue that "sticky" status quos can actually facilitate interbranch cooperation when elections return a new partisan configuration to the government. Consider a period of divided government, where many policy decisions are made within agencies and cannot be overturned by congressional majorities. Consider now that an election retains the congressional majority and returns that party's control of the presidency. Now, the president shares, or shares much more closely, policy priorities with chamber majorities, enabling a coordination of policy change. Theories of lawmaking (e.g., Brady and Volden 1998; Chiou and Rothenberg 2009; Krehbiel 1998) elucidate the possibilities of policy reversal in these circumstances and predict increases in law-making productivity and the exploitation of newly open policy windows (Kingdon 1984). We extend this argument to congressional oversight and hold that, under newly unified control (what we call a "burst regime"), oversight is a complement to such legislative policy reversals. Since this oversight is meant to affect policy made under a previous presidential regime, we call this "retrospective oversight" to distinguish it from the contemporaneous oversight that typically occurs during divided government (Kriner and Schwartz 2008; MacDonald 2010, 2013; McGrath 2013; Parker and Dull 2009, 2013a; Shipan 2004).

As a concrete example, the 1992 presidential election resulted in unified government under the majority (Democratic) party after 12 years of divided government under Republican presidents Reagan and Bush and a Democratic House (1981–1992) and Senate (1987–1992). During this time, Republican presidents directed agencies to make an untold number of policy decisions to which congressional Democrats objected. Wood and Waterman (1994), for example, document how presidential appointments in a number of key agencies effected policy drift away from congressional majorities. In 1993, after Democratic President Clinton's inauguration, it became much easier for Congress to pass new legislation to overturn policy decisions made during the previous 12 years of a Republican administrations.

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

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

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

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

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

We have thus far laid out the general claim that committees may wish to use oversight to release policy friction generated by previous periods of a partisan opposition making policy. At this point, it will be worth it to more directly specify some mechanisms through which policy change *can* occur through oversight. First, committees can use oversight, as indicated above, to find out exactly the agency policies that contribute to unacceptable status quos. As noted with respect to the relationship between oversight and legislation, this may be a difficult task of detection, given jurisdictional fragmentation and procedural obfuscation in policymaking (see, e.g., Farhang and Yaver 2015). Second, oversight can then be used to direct agency priorities. This can be accomplished through many specific and complementary mechanisms. Committees can direct agencies to write new policy through rules, to start doing things (e.g., vigorously enforcing existing regulations), or to stop doing things (enforcing regulations). Crucially, such directions seem likely to affect agency behavior when there is unified government and are distinctly unlikely when government is divided and agencies can choose to implement the policy preferred by their favorite principal (Hammond and Knott 1996). Retrospective oversight can take myriad forms. By holding hearings, and/or communicating with agency personnel and new administration appointees informally, committees can remove the previous administration's imprint on an agency's policymaking and provide new unified guidance. Simply, oversight under new periods of unified government may encourage agencies to use their existing discretion to reverse course and create policy outcomes more consistent with the priorities of Congress and the new administration. The proposed efficacy of retrospective oversight is driven by the prospect of interbranch agreement, and we are thus agnostic as to whether it is mostly comprised of committees instigating latent priorities of the new presidential administration or supporting and coordinating the execution of existing presidential priorities.

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

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

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

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

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

In addition, the ability of agencies to resist effective oversight during divided government suggests another prediction. The longer the period of divided government preceding the transition to unified control, the more policies will have built up to which committees object. For example, the 1992 regime switch described above, occurring after 12 years of divided government, should lead to a larger burst of oversight than should a switch to unified control following a single session of divided control:

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

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

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

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

Data and Methods

We focus exclusively on formal oversight hearings. Of all the forms of oversight, these are the most straightforward to quantify and are the focus of much existing research (Aberbach 1990; Dodd and Schott 1979; McGrath 2013; Smith 2003).[3] Information on formal oversight hearings can be found via the Policy Agendas Project (www.policyagendas.org), which collects hearings data by committee-years.[4] Our hypotheses about retrospective oversight are framed at the chamber level, so we aggregate the PAP hearings data up to the chamber-year, calculating the sum of the total number of hearings days across all committees in a chamber in each year. In order to account for intrachamber heterogeneity, we additionally calculate hearing volume by standing committee and year, excluding special committees and committees with very narrow jurisdictions.[5] In our chamber-level analyses, we thus have hearings data for 64 years (from 1947 to 2010, for 128 chamber-year observations), and for 37 standing committees in the committee-level analyses (totaling 2,112 committee-year observations).

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

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

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

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

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

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

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

Previous research has identified a number of control variables that might be useful to reassess here. Many of these studies (Aberbach 1990; Kriner and Schwartz 2008; McGrath 2013; Parker and Dull 2009; Smith 2003) have found that the *House of Representatives* systematically holds more oversight hearings than the Senate. We also include an indicator for whether the *Subcommittee Bill of Rights* was in effect or not, as Aberbach (1990) and Ogul and Rockman (1990) suggest that this particular reform had the effect of decentralizing policy jurisdictions in Congress and gave a greater number of legislative actors an incentive to conduct oversight. We also control for the possibility that economic conditions affect oversight and measure a variable for *GDP Growth* from the US Bureau of Economic Analysis. For the basic model specification, we also include a control for the possibility that Congress conducts less oversight in each *2d Session*. Finally, to capture temporal continuity and incrementalism in changes to oversight activity, we include time-trend variables *Time* and *Time Squared* to the right-hand side of all of our regression equations.[12]

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

Results

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

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

Thus far, what we have presented speaks only to statistical, rather than to substantive, significance. Figure 2 plots the substantive effects of each discrete variable from Table 1, column 2, on the expected number of hearings generated from the negative binomial models. The figure shows that under a burst regime of *New Unified Control*, we should see

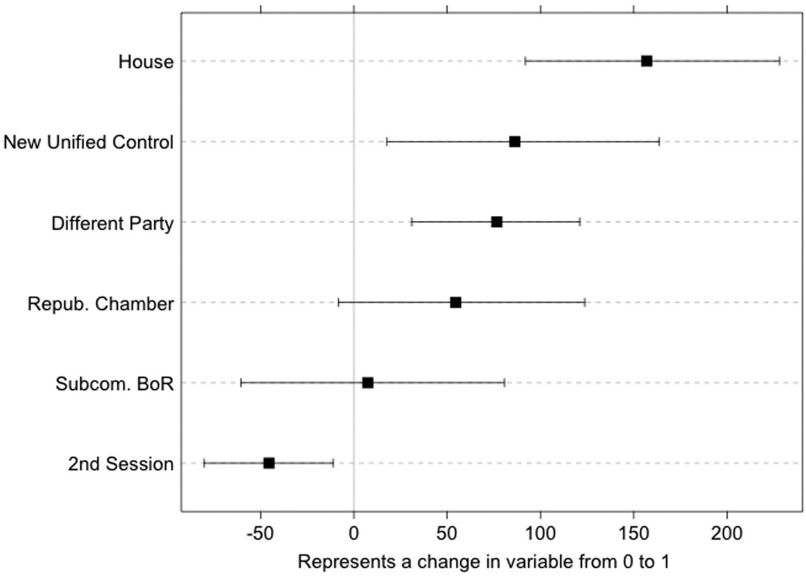
TABLE 1
Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (1947–2010)

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

Note: Robust standard errors in parentheses.
[a]*Years of Policy Buildup = New Unified Control * Presidential Regime Length.*
*$p < 0.10$,, **$p < 0.05$, ***$p < 0.01$.

just around 85 more oversight hearing days per year, holding all else constant. Given the mean number of hearing days (291.81), this amounts to more than a 28% increase in activity when compared to sustained unified control. To place this estimated effect in another context, a former

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



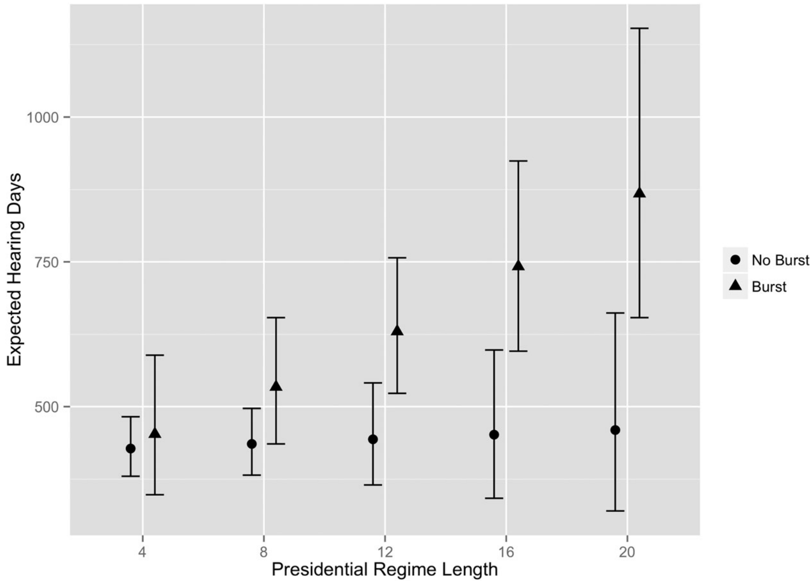
Note: First differences generated from the model presented in Table 1, column 2 ("Full"). Points indicate the change in the predicted number of hearing days associated with a specified change in each discrete independent variable, holding other discrete variables at their modes and continuous variables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

staff director of a House Committee provided us with a back-of-the-envelope estimate of the amount of staff work that it took to hold hearings: "I once tried to figure it out—maybe one-hundred staff hours for every hearing hour." Even if a hearing day is not eight hours, holding hearings over approximately 85 more days is a significant expenditure of staff resources. If one assumes that a hearing day spans four hours, if it takes 100 staff hours to prepare for one hour of a hearing, 85 additional hearing days amounts to 34,000 hours of work for committee staffers during new, compared to sustained, unified control. Given the importance of staffers to all facets of committee operations, this focus on oversight is significant, especially in light of the opportunity costs of using these staffers to work on oversight rather than other tasks, such as working to enact new legislation. This particular effect is indistinguishable from that of *Different Party*, highlighting that oversight can be just as vigorous under unified control as under divided control. This is exactly the point that has not been recognized by the previous research.

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

This expectation is supported in Table 1. In column 3, the coefficient on the interaction term (*Years of Policy Build-Up*) is positive and statistically distinguishable from zero at the .10 level. The coefficients and degree of statistical significance for control variables, including *Different Party*, in this model closely resemble their counterparts from column 1 of Table 1. The fourth column of Table 1 shows that our expectation is additionally supported in the data when we account for the full specification of control variables. That the coefficient on *Years of Policy Build-Up* is statistically significantly positive while neither of its constitutive terms (*New Unified Control* and *Presidential Regime Length*) are indicates that the lagged length of a presidential regime only affects oversight when in the first two years of unified control. This also indicates that the nature (in terms of lagged *Presidential Regime Length*) of each regime of new unified control affects the size of the oversight burst we see. In fact, for very short precedent presidential regimes (those lasting but one four-year term), the marginal effect of *New Unified Control* is not statistically significant, but for longer presidential regimes, the marginal effect is significantly positive, indicating the expected burst of oversight.

FIGURE 3
Effects of Presidential Regime Length on Expected Hearing Days



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

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

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

As mentioned above, we identified 37 standing committees across the chambers that engage in substantively meaningful oversight, totaling 2,112 committee-year observations.[18] Column 1 of Table 2 models committee oversight similarly to what we specified in Table 1, column 2, and shows that committees engage in significantly more oversight activity during divided party control and when there is newly unified control.[19] This confirms the chamber-level results but indicates here that *Different Party* has a statistically significantly larger effect than *New Unified Control* at the committee level.

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

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

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

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

Note: Dependent variable is the logged number of oversight days (plus 1, to keep observations with zero oversight days). Robust standard errors, clustered by committee, in parentheses.
[a]*Years of Policy Buildup = New Unified Control * Presidential Regime Length.*
*$p < 0.10$, **$p < 0.05$, ***$p < 0.01$.

We have argued that oversight increases in periods of *New Unified Control* because committees wish to change status quo policies that were adopted under the opposition party's president. We have provided evidence consistent with this claim, showing that committees hold oversight hearings when they are theoretically most likely to be effective. Given what we have presented thus far, it might be the case that committees substitute such oversight for legislation in these periods. Certainly, legislation is easier to achieve during unified government of any sort, but legislating requires considerable coordination from party leaders and generally takes longer to develop than it does to prepare an oversight hearing (suggesting perhaps that legislative hearings would be most voluminous during sustained unified government). Besides, committees themselves have autonomous control of the oversight agenda, where legislative hearings flow from anticipated floor actions. Thus, since they have fixed time and resources, committees might focus their hearing agendas on retrospective oversight rather than on legislative hearings. That is, we do not necessarily expect that legislative hearings should increase with oversight activity. In fact, when we assess the determinants of legislative hearing activity separately in Appendix C, we find that *New Unified Control* does not generate increases in legislative hearing.[20] While not dispositive, we see the pattern of results as indicating that congressional committees use oversight during *New Unified Control* to amend previous administrative policies *without* using legislation.[21]

Heterogeneity of Oversight under Divided and Unified Control

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

Oversight Targets

If Congress considers oversight a tool for effectively changing policy, as opposed to a "weapon" for attacking political enemies (Parker and Dull 2013b), we would expect to see committees targeting agencies with which they primarily *agree* ideologically. We cannot, however, simply identify the agencies that committees target using the Policy Agendas Project data. Designed to capture congressional behavior, these data fail to indicate any agency information for the identified hearings.

As an alternative, we collected data on hearings from the Government Publishing Office's Federal Digital System (http://www.gpo.gov/fdsys/). We describe this process more fully in Appendix E in the online supporting information, but, simply, we collected the universe of hearing transcripts from the GPO for the years 1999–2011, filtered the hearings for keywords indicating oversight, and then used each full hearing transcript to identify which agencies were involved in each hearing. We then grouped hearings by agency[22] and year, creating a data set of 793 observations (62 agencies over 13 years, with two agencies with fewer than 13 observations due to being created after 1999). Appendix Table E1 gives descriptive statistics for the number of hearing days for each included agency. Across agencies, the mean number of hearing days is 82.52 (SD: 107.88, Range: 0–620).[23]

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

Having established support for the burst hypothesis with these alternative data, we now assess whether committees systematically oversee particular types of agencies when they hold hearings. Above, we used presidential party affiliation and ideology scores to serve as proxies for agency policy preferences. These are blunt measures at best and the

TABLE 3
Negative Binomial Models of Determinants of Oversight Hearings, Using GPO Agency-Year Data (1999–2011)

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

Note: Robust standard errors, clustered by agency, in parentheses. $*p < 0.10$, $**p < 0.05$, $***p < 0.01$.

approach completely ignores the interagency ideological heterogeneity that recent research has emphasized (e.g., Chen and Johnson 2015; Clinton and Lewis 2008; Clinton et al. 2015). To incorporate such heterogeneity, we use Clinton and Lewis's (2008) measures of agency ideology to categorize agencies as generally liberal, conservative, or moderate.[25] We use these categorizations to construct a variable capturing the extent to which political actors share or oppose agency ideological preferences, thus allowing us to assess whether committees target ideologically similar agencies to ensure the relative effectiveness of their oversight activity.

Table 3, column 2, thus includes an indicator for whether a president shares the ideology of a given agency: *President-Agency Ally* is coded as 1 if there is a Democratic president and the agency is liberal or there is a Republican president and the agency is conservative; otherwise this variable takes a value of 0. We interact this variable with both *New Unified Control* and *Divided Government* to assess whether committees target different types of agencies under different regimes of partisan control. In column 2, we see that this first interaction is positive and statistically distinguishable from zero and that the size of the effect overcomes the statistically negative coefficient on the *New Unified Control* constitutive term. Thus, the marginal effect indicates that retrospective oversight is particularly likely to occur with respect to those agencies that are ideologically aligned with the new unified regime. Indeed, committees conduct 9% more hearings with ideological allies than they do with enemies or neutral agencies. In contrast, committees seem to be more likely to hold hearings with neutral or opposed agencies during divided government. These patterns are both relative to sustained unified government, where committees more uniformly distribute sparse hearings among political allies and enemies. These results are consistent with the likely effectiveness hypothesis and indicate that the bulk of retrospective oversight is directed at agencies that are political allies. While this does not provide direct evidence that committees are actually influencing policy through agencies, it does suggest that they are strategically targeting agencies that would be most receptive to committee direction. In contrast, oversight during divided government is probably more likely to reflect criticisms of agency malfeasance and partisan grandstanding than it is to reflect the cooperative/supportive policy direction that we infer occurs during burst regimes. In addition, ours is the first systematic agency-level data on oversight, allowing us to go beyond the common assumption that presidents can perfectly control agency behavior through their management efforts. Ideological heterogeneity exists across agencies, and ours is the first examination of oversight to empirically recognize this as a factor underlying congressional oversight.

Conclusion

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

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

While our findings are important from an empirical perspective, they also contribute much to our understanding of the policy process in the United States. We have argued that retrospective oversight should be more effectual than oversight conducted during divided government.

Since, in burst regimes, there is an alignment of preferences between committees' and new administrative appointees' preferences, all persistent policy decisions made under the previous president's direction are amenable for revision. Given the amount of discretion given to bureaucrats (Epstein and O'Halloran 1999; Huber and Shipan 2002), the scope of bureaucratically made status quos that carry over from a previous regime can be quite large. Critically, for our argument and for the process of federal policymaking, this discretion allows bureaucrats—under new leadership in a burst regime—to reverse these status quos without the antimajoritarian hurdles inherent in passing laws (Brady and Volden 1998; Krehbiel 1998). Once committees begin instructing agencies to change policy via oversight hearings, there is no filibuster or veto override pivot to hamper convergence to the committee's policy preference or to take up a committee's preferred agenda. Committees use oversight to "turn the aircraft carrier" without being scuppered by the pitfalls of the legislative process.

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

Admittedly, our claims regarding the likelihood of oversight-driven policy change during burst regimes are indirectly supported. However, that we observe more oversight when it is most likely to be effective suggests strongly that oversight is used for constructive purposes—to affect the substantive decisions that agencies make in a manner that committees, and/or their chairpersons, prefer. This is consistent with the policymaking theories that drive our own (e.g., Brady and Volden 1998; Krehbiel 1998; Shipan 2004) and with our interactions with close practical observers of oversight. Although anecdotal, one example of the specific impact of oversight was explained to us by a former committee staff director, who recounted how notification from a stakeholder led the committee to intervene with the Food and Drug Administration regarding the labeling of a drug. The staffer explained: "A nurse . . . called me on it . . . because [she hailed from the same state as a member of the committee and the committee member] was known in health care circles . . . The drug built up to toxic levels if the patient was renally impaired. This wasn't on the label. It was lost in the noise. Some people died. The FDA fought with me for a little bit; once they focused on it, they relented and it went on the label. Plus, they were afraid of us because all of the other investigations we were doing."[26]

A second staffer described how his or her committee handled the practice of "cramming" on consumers' telephone bills, a practice through which phone companies charged consumers for services from third-party vendors without consumer consent, culminating in at least hundreds of millions of dollars in additional charges. The staffer explained that, at first, companies denied knowledge of the practice. However, in the staffer's view, the committee proved in a series of hearings that the companies were complicit in facilitating cramming. Such oversight propelled investigations by the Consumer Financial Protection Board, the Federal Communications Commission, and the Federal Trade Commission. These investigations resulted in hundreds of millions of dollars in fines to companies, refunds for consumers, and continuing investigations (Wyatt 2014). Probably more importantly, the staffer emphasized that the phone companies consented to cease the practice of cramming due to the committee's oversight efforts. She or he noted that majority-party members of the committee would have also preferred to enact legislation banning cramming—but they were unable to do so due to the difficulty of lawmaking under contemporary polarization.[27] Importantly, then, the committee was able to have a substantial impact on policy in a way that improved life for consumers, while punishing wrongdoing by companies. The committee was able to do this because the policy-making role of oversight was enhanced by agency cooperation.

Of course, not all oversight will result in such stark policy reversals that are apparent in these examples. Nevertheless, these anecdotes illustrate the utility of oversight for engendering real, and important, changes in agency behavior and policy. Accordingly, we are led to the conclusion that the large increases in oversight that we find during newly unified control should be consequential for the direction and tenor of public policy. Despite this inference, we cannot be certain how much oversight affects policy as a general matter and leave it to future research to more firmly achieve this crucial task.

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

Jason A. MacDonald <Jason.MacDonald@mail.wvu.edu> *is Associate Professor in the Department of Political Science at West Virginia University, 316 Woodburn Hall, Morgantown, WV 26056. Robert J. McGrath* <rmcgrat2@gmu.edu> *is Assistant Professor in the School of Policy, Government, and International Affairs at George Mason University, 4400 University Drive, MSN 3F4, Fairfax, VA 22030.*

NOTES

An earlier version of this article was presented at the 2013 meeting of the Midwest Political Science Association. George Krause, Victoria Shineman, Chuck Shipan, Rick Hall, Sam Workman, three anonymous reviewers, and the editor, Frances Lee, provided useful comments and conversations on earlier drafts and presentations of this research. We also thank Erica Liao for providing us with valuable research assistance. An online appendix with supplementary material for this article is available on the journal's website.

1. Presidents, on the other hand, possess unilateral tools, such as executive orders and agency memoranda (Howell 2003; Mayer 2001) that allow them to more or less directly instruct agency policy. Presidents can also use their appointment power to

staff agency leadership with those loyal and responsive to them (Lewis 2008), further facilitating presidential control.

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

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

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

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

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

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

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

9. There are but five cases of *New Unified Control* across chambers in the data and then the cases mentioned above regarding the Senate in 1981–1982 and the House in

2001–2002. Yet, these periods make up more than 21% of the data; thus we are not concerned that our empirical tests lack power.

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

11. Available at http://voteview.com

12. We alternatively include the lagged value of the dependent variable as a regressor to further account for potential dynamic effects. Our results are robust to such a strategy (see Appendix Table D3 in the online supporting information).

13. *Republican Chamber* is 1 when a chamber is controlled by the Republican party, 0 otherwise. Congressional staff (Malbin, Ornstein, and Mann 2008, Table 5.5), number of federal agencies (*United States Government Manual*), and number of federal FTEs (*Historical Tables, Budget of the United States Government*, Table 17.1) are highly intercorrelated, so *Size of Government* is an index of the form (ln(staff) + ln(agencies) + ln(FTEs))/3. *Deficit/Budget* denotes the federal deficit (negative values) or surplus (positive values) as a percentage of the total budget for a given year (*Historical Tables, Budget of the United States Government*, Table 1.1). *Session Days* indicates the number of days in each congressional session.

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

15. These results are robust to numerous alternative specifications, many that we present in Appendix D online. Here, we show that the main results maintain after we identify and omit potential outlying observations (Appendix Figure D1 and Appendix Table D1 online), when we alternatively conceptualize the *New Unified Control* variable, (Appendix Table D2 online), and when we include the lagged value of the dependent variable as a regressor (Appendix Table D3 online).

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

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

supporting information confirms that oversight increases in both burst periods and during divided control for each policy.

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

19. See note 13 for why we use OLS with a logged dependent variable for these specifications.

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

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

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

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

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

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

26. Anonymous lobbyist and former congressional commitee staff member, August 8, 2014.

27. Anonymous congressional commitee staff member, August 14, 2014.

REFERENCES

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

Aberbach, Joel D. 2002. "What's Happened to the Watchful Eye?" *Congress & the Presidency* 29: 3–23.

Adler, E. Scott, and John D. Wilkerson. 2012. *Congress and the Politics of Problem Solving*. Cambridge: Cambridge University Press.

Ainsworth, Scott H., Brian M. Harwood, and Kenneth W. Moffett. 2012. "Congressional Responses to Presidential Signing Statements." *American Politics Research* 40: 1067–91.

Ainsworth, Scott H., Brian M. Harwood, Kenneth W. Moffett, and Laurie Rice. 2014. "Congressional Response to Statements of Administrative Policy and Presidential Signing Statements." *Congress & the Presidency* 41: 312–34.

Allison, Paul D., and Richard P. Waterman. 2002. "Fixed-Effects Negative Binomial Regression Models." *Sociological Methodology* 32: 247–65.

Arnold, R. Douglas. 1990. *The Logic of Congressional Action*. New Haven, CT: Yale University Press.

Balla, Steven J., and Christopher J. Deering. 2013. "Police Patrol and Fire Alarms: An Empirical Examination of the Legislative Preference for Oversight." *Congress & the Presidency* 40: 27–40.

Bawn, Kathleen. 1995. "Political Control versus Expertise: Congressional Choices about Administrative Procedures." *American Political Science Review* 89: 62–73.

Bawn, Kathleen. 1997. "Choosing Strategies to Control the Bureaucracy: Statutory Constraints, Oversight, and the Committee System." *Journal of Law, Economics, & Organization* 13: 101–26.

Bibby, John F. 1968. "Congress's Neglected Function." In *The Republican Papers*, ed. Melvin R. Laird. New York: Praeger, 477–78.

Binder, Sarah A. 1999. "The Dynamics of Legislative Gridlock, 1947–96." *American Political Science Review* 93: 519–34.

Bolton, Alexander D., and Sharece Thrower. 2015. "Legislative Capacity and Executive Unilateralism." *American Journal of Political Science*. doi: 10.1111/asps.12190

Brady, David W., and Craig Volden. 1998. *Revolving Gridlock*. Boulder, CO: Westview Press.

Brehm, John, and Scott Gates. 1997. *Working, Shirking, and Sabotage: Bureaucratic Response to a Democratic Public*. Ann Arbor: University of Michigan Press.

Chen, Jowei, and Tim Johnson. 2015. "Federal Employee Unionization and Presidential Control of the Bureaucracy: Estimating and Explaining Ideological Change in Executive Agencies." *Journal of Theoretical Politics* 27: 151–74.

Chiou, Fang-Yi, and Lawrence S. Rothenberg. 2009. "A Unified Theory of U.S. Lawmaking: Preferences, Institutions, and Party Discipline." *Journal of Politics* 71: 1257–72.

Clinton, Joshua D., Anthony Bertelli, Christian Grose, David E. Lewis, and David C. Nixon. 2012. "Separated Powers in the United States: The Ideology of Agencies, Presidents, and Congress." *American Journal of Political Science* 56: 341–54.

Clinton, Joshua D., and David E. Lewis. 2008. "Expert Opinion, Agency Characteristics, and Agency Preferences." *Policy Analysis* 16: 3–20.

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

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

Farhang, Sean, and Miranda Yaver. 2015. "Divided Government and the Fragmentation of American Law." *American Journal of Political Science*. doi: 10.1111/ajps.12188

Ferejohn, John, and Charles Shipan. 1990. "Congressional Influence on Bureaucracy." *Journal of Law, Economics, & Organization* 6: 1–20.

Gardner, Lauren. 2011. “Change Baby, Change: A Post-Deepwater MMS.” *CQ Weekly Report*.

Hall, Thad E. 2004. *Authorizing Policy*. Columbus: Ohio State University Press.

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, & Organization* 12: 119–66.

Hill, Jeffrey S., and James E. Brazier. 1991. “Constraining Administrative Decisions: A Critical Examination of the Structure and Process Hypothesis.” *Journal of Law, Economics, & Organization* 7: 373–400.

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

Howell, William G. 2003. *Power without Persuasion: The Politics of Direct Presidential Action*. Princeton, NJ: Princeton University Press.

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

King, David C. 1997. *Turf Wars: How Congressional Committees Claim Jurisdiction*. Chicago: University of Chicago Press.

Kingdon, John W. 1984. *Agendas, Alternatives, and Public Policies*. Boston: Little-Brown.

Krehbiel, Keith. 1991. *Information and Legislative Organization*. Ann Arbor: University of Michigan Press.

Krehbiel, Keith. 1998. *Pivotal Politics: A Theory of U.S. Lawmaking*. Chicago: University of Chicago Press.

Kriner, Douglas, and Eric Schickler. 2014. “Investigating the President: Committee Probes and Presidential Approval, 1953–2006.” *Journal of Politics* 76: 521–34.

Kriner, Douglas, and Liam Schwartz. 2008. “Divided Government and Congressional Investigations.” *Legislative Studies Quarterly* 33: 295–322.

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

Long, J. Scott. 1997. *Regression Models for Categorical and Limited Dependent Variables*. Thousand Oaks, CA: Sage.

Lowi, Theodore. 1969. *The End of Liberalism: The Second Republic of the United States*. New York: W.W. Norton.

Lowi, Theodore J. 1972. “Four Systems of Policy, Politics, and Choice.” *Public Administration Review* 32: 298–310.

MacDonald, Jason A. 2009. “Lawmakers Preferences for Bureaucratic Discretion: The Clean Air Act Amendments of 1990 and the Telecommunications Act of 1996.” *Congress & the Presidency* 36: 164–80.

MacDonald, Jason A. 2010. “Limitation Riders and Congressional Influence over Bureaucratic Policy Decisions.” *American Political Science Review* 104: 766–82.

Malbin, Michael J., Norman J. Ornstein, and Thomas E. Mann. 2008. *Vital Statistics on Congress*. Washington, DC: Brookings Institution Press.

Mayer, Kenneth R. 2001. *With the Stroke of a Pen: Executive Orders and Presidential Power*. Princeton, NJ: Princeton University Press.

Mayhew, David R. 2005. *Divided We Govern: Party Control, Lawmaking, and Investigations, 1946–1990*, 2nd ed. New Haven, CT: Yale University Press.

McCubbins, Mathew D., and Thomas Schwartz. 1984. "Congressional Oversight Overlooked: Police Patrols versus Fire Alarms." *American Journal of Political Science* 28: 165–79.

McGrath, Robert J. 2013. "Congressional Oversight Hearings and Policy Control." *Legislative Studies Quarterly* 38: 353–80.

Moe, Terry M. 1984. "The New Economics of Organization." *American Journal of Political Science* 28: 739–77.

Ogul, Morris S. 1976. *Congress Oversees the Bureaucracy*. Pittsburgh: University of Pittsburgh Press.

Ogul, Morris S., and Bert A. Rockman. 1990. "Overseeing Oversight: New Departures and Old Problems." *Legislative Studies Quarterly* 15: 5–24.

Ota, Alan K. 2010. "Black Gold for a Veteran Inquisitor." *CQ Weekly Report* June 7: 1392.

Parker, David C. W., and Matthew Dull. 2009. "Divided We Quarrel: The Politics of Congressional Investigations." *Legislative Studies Quarterly* 34: 319–45.

Parker, David C. W., and Matthew Dull. 2013a. "Rooting Out Waste, Fraud, and Abuse: The Politics of House Committee Investigations, 1947 to 2004." *Political Research Quarterly* 66: 630–44.

Parker, David C. W., and Matthew Dull. 2013b. "The Weaponization of Congressional Oversight: The Watchful Eye, 1947–2010." In *Politics to the Extreme: American Political Institutions in the 21st Century*, ed. Scott A. Frisch and Sean Q. Kelly. New York: Palgrave, 47–70.

Poole, Keith T., and Howard Rosenthal. 1997. *Congress: A Political-Economic History of Roll-Call Voting*. New York: Oxford University Press.

Rosenbloom, David H. 2000. *Building a Legislative-Centered Public Administration*. Tuscaloosa: University of Alabama Press.

Scher, Seymour. 1963. "Conditions for Legislative Control." *Journal of Politics* 25: 526–51.

Schickler, Eric. 2001. *Disjointed Pluralism: Institutional Innovation and the Development of the U.S. Congress*. Princeton, NJ: Princeton University Press.

Shipan, Charles R. 2004. "Regulatory Regimes, Agency Actions, and the Conditional Nature of Congressional Influence." *American Political Science Review* 98: 467–80.

Skowronek, Stephen. 1997. *The Politics Presidents Make: Leadership from John Adams to Bill Clinton*. Cambridge, MA: Harvard University Press.

Smith, Keith. 2003. "The Growth of Congressional Oversight." Presented at the 2003 meeting of the American Political Science Association, Philadelphia, PA.

Wood, B. Dan, and Richard W. Waterman. 1991. "The Dynamics of Political Control of the Bureaucracy." *American Political Science Review* 85: 801–28.

Wood, B. Dan, and Richard W. Waterman. 1994. *Bureaucratic Dynamics: The Role of Bureaucracy in a Democracy*. Boulder, CO: Westview Press.

Wyatt, Edward. 2014. "Agencies Investigate Unauthorized Customer Billings at Sprint." December 17. http://www.nytimes.com/2014/12/18/technology/sprint-is-sued-over-cellphone-bill-cramming.html?_r=1

Supporting Information

Additional supporting information may be found in the online version of this article:

Appendix A: An Example of "Retrospective Oversight"
Appendix B: Policy-Specific Analyses
Table B1: Policy Agendas Project Codes
Table B2: Negative Binomial Models of Determinants of Oversight Hearings, by Policy Type
Appendix C: Legislative Hearings
Table C1: Negative Binomial Models of Determinants of Legislative Hearings, by Chamber-Year
Appendix D: Alternative Specifications
Figure D1: Distributions of the Dependent Variable
Table D1: Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (Removing Outlying Observations)
Table D2: Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (Alternative Independent Variable)
Table D3: Negative Binomial Models of Determinants of Oversight Hearings, by Chamber-Year (Lagged Dependent Variable as Regressor)
Table D4: Negative Binomial Models of Determinants of Oversight Hearings, by Committee-Year
Appendix E: Agency Oversight Data
Table E1: Agencies, Clinton-Lewis (2008) Ideologies, and Oversight Volume