

Influencing the Bureaucracy: The Irony of Congressional Oversight

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Abstract

Does the President or Congress have more influence over policy making by the bureaucracy? Despite a wealth of theoretical guidance, progress on this important question has proven elusive due to competing theoretical predictions and severe difficulties in measuring agency influence and oversight. We use a survey of 2,400 federal executives to assess political influence, congressional oversight and the policy preferences of agencies, committees, and the president on a comparable scale. Analyzing variation in political influence across and within agencies reveals that Congress is less influential relative to the White House when more committees are involved. While increasing the number of involved committees may maximize the electoral benefits for members, it may also undercut the ability of Congress as an institution to collectively respond to the actions of the presidency or the bureaucracy.

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The *Final Report of the National Commission on Terrorist Attacks Upon the United States* urged that “Congress should create a single, principal point of oversight and review for homeland security... [We] believe that Congress does have the obligation to choose one in the House and one in the Senate, and that this committee should be a permanent standing committee with a nonpartisan staff” (pg. 421). Despite this recommendation, Congress created a situation where 108 committees and subcommittees oversee the Department of Homeland Security.¹ Many believe that this amount of oversight has prevented Congress from being able to effectively monitor or control the department. Testifying before Congress after the attacks at Fort Hood, 9/11 Commission Chairman Thomas Kean and Vice Chairman Lee Hamilton argued that “enduring fractured and overlapping committee jurisdictions on both sides of the Hill have left Congressional oversight in a unsatisfactory state” (Kaniewski, 2010). Mann and Ornstein (2006) similarly refer to the lack of oversight as “crushing,” and the *New York Times* opines that the oversight is “a comedy that invites a fresh national tragedy...”² Critics lodge these charges despite—or perhaps *because*—so many committees and subcommittees exercise jurisdiction over the department. This example underscores the importance of how the internal organization of Congress might affect whether Congress or the president exercises more influence over agency policymaking.

The question of political control over the bureaucracy has a lengthy history because of the administrative state’s critical role in policy making (e.g., de Tocqueville 1835; Weber 1946; Wilson 1887; Wilson 1989). If unelected administrators make policy, they should arguably do so at the behest of democratically elected officials such as Congress or the president. Difficulties emerge because both Congress and the president have a constitutional claim over the actions of

¹ See, “Who Oversees Homeland Security? Um, Who Doesn’t?” National Public Radio, July 10, 2010 (<http://www.npr.org/templates/story/story.php?storyId=128642876>, accessed January 31, 2011).

² See, for example, “Wayward Eye on the Homeland.” *New York Times*, December 20, 2008, A26.

the bureaucracy and the two branches often compete for control. This situation begs the question: to whom are bureaucracies more responsive? Further, how does the internal organization of Congress shape political responsiveness? There is no shortage of predictions about the possible effects of increased committee involvement. Scholars have argued that more committees with overlapping jurisdictions and interests in agency policy may increase (e.g., Bendor 1985; Aberbach 1990; King 1997; O'Connell 2006) or decrease (e.g., Dodd and Schott 1979; Miller and Hammond 1990; Hammond and Knott 1996, 1999; Gailmard 2009) the relative influence of Congress over the bureaucracy.

Unfortunately, difficulties in measuring key relationships detailed in the wide ranging theoretical predictions have limited scientific progress. In particular, how can we measure the elusive concept of influence? We advance the literature in important ways by using a survey of 2,400 federal executives responsible for implementing agency policy in 128 different agencies and bureaus that was conducted during the 110th Congress (2007-2009). Scholars have certainly conducted important surveys of federal executives in the past (e.g., Aberbach and Rockman 2000; Golden 2000; Maranto 1993a,b; 2005; Maranto and Hult 2004; Meier and Nigro 1976), but they have not focused on the question of relative congressional and presidential influence over the bureaucracy and they have typically focused on a limited number of agencies or executives.

Between and within agencies, we explore whether the institutional structure of Congress and a system of bureaucratic oversight that relies on multiple committees with overlapping jurisdiction tends to increase or decrease the ability of Congress to control the bureaucracy when faced with a president from the opposing party. We find that when more committees are involved in monitoring and potentially directing agency policymaking, Congress is less influential than the president for determining agency policy. Increasing the number of involved committees may

maximize the electoral benefits for members and provide a platform for making public proclamations on issues of importance (Mayhew 1974, Fiorina 1977), but it appears that an increase in the number of committees also undercuts the ability of Congress to respond collectively to the actions of the presidency or the bureaucracy. While our interest lies in the necessary first step of characterizing the apparent empirical regularity rather than trying to test the multiple of theories relating to conditions under which Congress may influence agency policy, the provocative results suggest that an institutional arrangement that may be electorally beneficial for individual members may not be optimal for Congress as a whole (Mayhew 1974).

The paper proceeds as follows. Section 1 reviews the possible relationships between committee involvement and relative congressional influence over agency policy. Section 2 discusses the critical measurement issues and how our survey and new measures address existing concerns. Section 3 uses variation between agencies to demonstrate that as the number of committees actively overseeing an agency in the 110th Congress increases, federal executives report committees to be less influential relative to the president. Section 4 uses variation within the programs administered by agencies to show that a weaker relationship also exists for administration of policy within an agency. Section 5 locates the agencies relative to the committees exercising active oversight to look for further support for why the relationships estimated in Sections 3 and 4 may exist and whether the relationships stem from increasing the number of actors involved or increasing the preference divergence between key actors. Section 6 concludes.

1. The Nature of Congressional and Presidential Influence

It is well established that members of Congress seek to structure the organization of Congress so that they are able to provide input on issues of potential reelection importance (e.g.,

Fenno 1973; Mayhew 1974; Fiorina 1977; Shepsle 1978; Dodd and Schott 1979; Hall 1996; Evans 2005). The desire for members to be involved in important policy debates contributes to ambiguous and overlapping committee jurisdictions, resulting in multiple committees being potentially interested in the same actions of the bureaucracy (cf., Dodd and Schott 1979; Baumgartner and Jones 1993; Talbert, Jones, and Baumgartner 1995; King 1997; Evans 1999). There are at least four committees overseeing every agency – an authorizing and an appropriations committee from each chamber – and the number appears to be increasing (Baumgartner, Jones and MacLeod 2000). For some agencies and programs the number is much larger (e.g., the Department of Homeland Security).

We seek to characterize how the structure of congressional oversight conducted via a committee system with overlapping jurisdictions and the redundancy created by bicameralism affects the ability of Congress to influence agency policy-making relative to the much more centralized institution of the presidency. To be clear, both institutions can, and do, affect agency policymaking and our investigation should not be construed to imply that either institution is impotent or that the mechanisms of influence that others have found are unimportant. We focus on characterizing the relative influence across agencies because we are interested in the effects on agency policymaking that occur in a political system where the chief executive and legislature may disagree about the direction and magnitude of policy change. The amount of influence wielded by one branch tells us little about the overall extent to which Congress and president are able to influence agency policy; more informative is the net effect on agency behavior of the interactions of the two branches.

While committees can enhance congressional capabilities because of the resulting division of labor, lowered transaction costs, and the incentives for specialization (cf., Deering and Smith

1997), the effects of the committee system on the ability of Congress to influence agency policymaking relative to a unitary chief executive is less settled. Some speculate that increasing the number of involved committees may increase congressional influence over agency policy if committees focus on different types of oversight, examine distinct aspects of agency performance, maintain committee-specific information networks, or are able to coordinate their efforts (see Aberbach 1990). The redundancy resulting from two standing committee systems may allow duplicate committees to discover more effective ways of doing things or to observe agency malfeasance missed by other committees (see Bendor 1985; King 1997; O'Connell 2006). Combined with members' electoral incentives, the ability of committees to act unilaterally through the use of advice and consent, investigatory, and appropriations powers may also increase congressional influence (e.g., Fiorina 1977, Arnold 1980, Banks and Weingast 1992; Adler 2002). If multiple committees act unilaterally, the number and magnitude of congressional demands may overwhelm the ability of the agency (or the president) to resist congressional influence.

In contrast, others argue that increasing the number of committees may decrease congressional influence relative to the chief executive due to the increased transaction costs resulting from the time and resources needed to influence agency behavior through practices such as information gathering and dissemination, coalition building, and vote-buying (Dodd and Schott 1979; Miller and Hammond 1990; Hammond and Knott 1996; Gailmard 2009). When presidents act unilaterally to influence agency policy through appointments, budget proposals, regulation, or other actions, Congress often must coordinate a collective response. There are likely to be many acceptable courses of legislative action – e.g., a new piece of legislation, an appropriations rider, or a threat to retaliate against the executive by another mean such as holding up one of the president's priorities – and it takes time, effort, and resources to coordinate and pursue a response

(Cohen, Cuellar, and Weingast 2006). Agreeing upon and implementing a legislative response becomes more costly as the number of involved committees increases not only because of the relatively mundane (but time-consuming) tasks such as setting up meetings, circulating legislation, holding hearings, and finding time on the legislative calendar (Ogul and Rockman 1990), but also because some committees may exert something like veto authority over legislative activity in particular policy areas (e.g., Hammond and Knott 1996; Miller and Hammond 1990; Moe 1984, 1987).

If congressional actors disagree on what they want an agency to do, influencing agency policy may be especially difficult (e.g., Dahl and Lindblom 1953; Woolley 1993; Bawn 1995; Balla 2000; Hall and Miler 2008). Insofar as increasing the number of involved committees also increases the chances of disagreement within Congress, the cacophony of congressional interests may be disadvantaged in affecting agency policy relative to a president who can speak with a single voice (e.g., Ferejohn and Shipan 1990; Steunenberg 1992; Wood and Waterman 1993; King 1997; Whitford 2005). As Congress tries to reconcile differences between chambers and committees, the president may have an opportunity to exert influence (Moe 1984, 1985, 1987). Moreover, agencies that disagree with one chamber or committee may be able to protect themselves by aligning with those sharing the agencies' preferences (Wilson 1989; Hammond and Knott 1996).

Even if committees can agree to a course of action, they may not have enough incentive to respond. Committees have scarce resources in time, effort, and staff to commit to influencing agency policymaking, and committees may be motivated to let others bear the costs of initiating a collective response. Because the incentive to free-ride likely increases as the number of committees increases (Laffont and Tirole 1993; Gailmard 2009), this may affect the ability of

Congress to compete with the president in influencing agency policy. Alternatively, perhaps committees can rely on interest groups with aligned preferences to exert influence when the committees do not (or cannot).

A third perspective on the question of whether increased committee involvement affects congressional influence over agency policy relative to the president is that there is no relationship because the majority party is able to coordinate congressional responses. The difficulties that Congress may face when trying to influence agency policy relative to the president are obviously not unique to agency oversight. Many argue that political parties are an important part of congressional decision-making precisely because they help overcome similar problems in lawmaking (cf. Aldrich 1995). The Speaker of the House, for example, can determine the primary jurisdiction for new legislation and set deadlines for the delivery of legislation involving multiple committees (Evans 2005).

Similarly, it is possible that the resources of the majority party can safeguard congressional interests and prevent a multitude of involved committees from undermining congressional influence relative to the president. While parties can certainly wield influence over agency policy making through the committee system itself, the question is whether there is evidence of party influence occurring independently of the committee system. Put differently, do actions taken by political parties outside of the committee system mitigate the difficulties that may result from having multiple committees involved in the oversight of agencies and programs?

In short, there is an abundance of conflicting predictions regarding how increasing the number of involved committees may affect the ability of Congress to influence agency policy and a robust literature theorizes about the possible mechanisms through which congressional committees may exert influence. We focus on characterizing the empirical relationship and

whether a greater number of committees appears to lead to *more* influence (perhaps because of the ability of committees to act unilaterally), *less* influence (perhaps because of increased transaction costs or more actors with an implicit veto), or whether there is *no* effect on congressional influence (perhaps because of the ability of political parties to coordinate congressional activity).

2. Measuring the Relationship

Despite well-formulated theories of congressional and presidential influence over the bureaucracy, assessing the relationship empirically has proven to be exceptionally difficult. Consider, for example, the empirical regularity that characterizes the starting point for modern research on political oversight of the bureaucracy – the relatively low level of observable behavior related to legislative oversight (e.g., Ogul 1976; Dodd and Schott 1979; Mann and Ornstein 2006). Some scholars interpret the infrequent activity as evidence that the nature of legislative decision making, the close connection between bureaucrats and powerful constituencies, and the information asymmetry between Congress and the bureaucracy inhibits oversight and fosters agency independence (Dodd and Schott 1979; Freeman 1958; Lowi 1979; Rourke 1972; see, however, Aberbach 1990). Others, however, argue that the lack of hearings or investigations does not necessarily imply bureaucratic independence if Congress has created an effective system of rewards and sanctions to prevent errant agency behavior (Weingast and Moran 1983; McCubbins and Schwartz 1984; McCubbins, Noll, and Weingast 1987, 1989). In other words, it is unclear what the presence or absence of observable congressional oversight reveals about congressional influence over the bureaucracy.

The indeterminacy between observable oversight activities and influence over agency policy has led scholars to look beyond congressional activity to characterize congressional

influence (e.g., Miller 2005). Examining whether changes in agency outputs correlate with changes in congressional preferences (e.g., Weingast and Moran 1983; Weingast 1984) is revealing, but it requires comparing the preferences of the bureaucracies and relevant political actors and it is limited to only those agencies with comparable and measurable outputs (e.g. Scholz and Wood 1998; Snyder and Weingast 2000; Bertelli and Grose 2009). Moreover, such research is limited in its ability explore how the committee system affects congressional influence (e.g., Calvert, McCubbins, and Weingast 1989; Wood and Anderson 1993; Whitford 2005; MacDonald 2007).

Three measurement problems severely affect the ability to measure the relative influence of Congress and the presidency over agency policy making. First, observable congressional activity may occur most when Congress has *failed* to effectively direct agency policy (Aberbach 1990; McCubbins and Schwartz 1984). If so, interpreting the effect of observable congressional oversight activity is difficult because it indicates a congressional response to the lack of influence. Second, it is difficult to identify which congressional committees are relevant for agency and program oversight due to expanding, ambiguous, and overlapping committee jurisdictions (Aberbach 1990; Dodd and Schott 1979; King 1997). Finally, even if the list of committees is known, it is difficult to compare the policy preferences of the agency, president, and relevant committees in the House and Senate.

It is important to emphasize that the difficulty of measuring oversight and influence is not restricted to academics. *Congress itself has also struggled to identify jurisdictional overlaps among committees.* During the 103rd Congress, for example, the Joint Committee on the

Organization of Congress analyzed committee jurisdiction over executive branch agencies.³ Acknowledging the difficulty of identifying the totality of interaction between committees and agencies, the committee carried out three separate analyses of jurisdiction - a telephone survey of senior, career employees in the agencies' legislative offices; an examination of the hearing appearances of executive branch witnesses; and a review of patterns of multiple referrals in the House and Senate (S. Prt 103-55). The fact that Congress itself lacks a clear idea of which committees oversee which agencies not only highlights the difficulty of measuring oversight, but it is also provocatively suggests a preliminary conclusion – if Congress itself does not even know which of its own committees are responsible for overseeing the various executive agencies, it may have difficulty influencing agency policy.

We address these measurement challenges using a survey of federal agency administrators and program managers designed to measure congressional and presidential influence over agency policy making during 2007-2008. It is worth emphasizing that in measuring oversight and influence we use one of the methods that Congress itself used to measure its oversight of the bureaucracy. Even if our survey based measure is imperfect, those imperfections likely also affect the understanding that Congress has about its relationship with executive agencies.

We survey nearly 2,400 appointed and career federal executives from across the federal bureaucracy to get their opinions and perspectives on political influence in their respective agencies and bureaus.⁴ Because we attempt to survey every agency administrator or program

³ U.S. Congress. Joint Committee on the Organization of Congress. 1993. *Background Materials: Supplemental Information Provided to Members of the Joint Committee on the Organization of Congress*. 103rd Congress, 1st Session. S. Prt. 103-55.

⁴ See Clinton et al. (2012) for details. Briefly, the survey was sent to 7,448 federal administrators and program managers. The number of respondents is large (2,398), but the response rate was noticeably higher among career professionals than appointees. Clinton et al. (2012) have responses from 259 political appointees, compared to 2,021 career professionals. Of the appointees, 102 were Senate-confirmed appointees. Of the approximately 550 policy-relevant Senate-confirmed appointees, this amounts to a 19% response rate. There were 131 appointed members of the Senior Executive Service who responded out of approximately 700 total (19%), but not all of the 700 appointees

manager, we can examine the relative amount of congressional and presidential influence over agency policy making across the entire federal bureaucracy in the 110th Congress (2007-2009). Executives from 128 different agencies and bureaus responded, and the average agency contains 14 respondents (the overall response rate was 33%). (Appendix B provides a more complete description of the survey.)

While important surveys of federal executives have been conducted previously (e.g., Aberbach and Rockman 2000; Golden 2000; Maranto 1993a,b, 2005; Maranto and Hult 2004; Meier and Nigro 1976), they are of limited use for determining congressional and presidential influence over agency policy. Not only do existing surveys interview fewer executives – the largest prior single survey contained 612 respondents – from fewer agencies (prior surveys included a maximum of 15 agencies), but the surveys also failed to ask the executives about oversight and influence. The survey closest to our own is Golden’s (2000) survey focusing on the president's ability to direct policy within four agencies, but the survey is limited for our purposes because it doesn’t consider the possible influence of Congress.⁵

Determining how congressional and presidential influence over bureaucratic policymaking correlates with the number of committees overseeing an agency requires measuring both the relative influence of the elected branches and the number of involved committees. Using the opinions and perceptions of administrators and program managers provides two important advantages. First, because the individuals surveyed are the individuals responsible for

in the SES were administrators or program managers. The overall response rate was 33% and an evaluation of public voter registration information revealed that the sample is representative of the population of federal executives with regard to partisanship.

⁵ The other surveys focus on the dynamics between careerists and political appointees (Maranto 1993a, b, 2005; Maranto and Hult 2004), representative democracy (Meier and Nigro 1976), and the alleged quiet and noisy crises in the civil service (Aberbach and Rockman 2000). Aberbach and Rockman use interviews conducted in 1970 (126 executives), 1986-87 (199 executives), and 1991-92 (151 executives) for a total of 476 executives, and Maranto and Hult 2004 and Maranto 2005 uses a combination of 2 surveys (one from 1987, one from 1993) for a total of a little over 1,100 respondents.

implementing agency policy, their perceptions are especially meaningful. If executives perceive political influence, it is likely that those perceptions affect how executives conduct themselves when working in the agency. Executives who believe that Congress is more influential, for example, likely take actions on the job that reflect and validate this belief.

Second, by relying on the perceptions of those responsible for implementing agency policy, we can measure influence and interactions that are not observable or easily interpretable by those outside of the agency. For example, a difficulty in using observed behavior is that it cannot account for influence that results from anticipatory preemption; congressional committees may influence agency policy without taking an observable action if agencies react to the expectation of negative consequences that would result if the agency offended Congress (Weingast and Moran 1983; McCubbins and Schwartz 1984; McCubbins, Noll, and Weingast 1987, 1989). In contrast, the opinions and perceptions of federal executives presumably reflect such influence.

Despite these reasons for preferring our measure to existing measures, no measure is perfect. One concern with a survey based measure is that individuals may use the scales differently because of how they interpret the meaning of the response categories. By examining the *difference* in perceived influences, however, we can eliminate any idiosyncratic respondent-specific effects (e.g., if some respondents choose higher or lower values than others).

A more troubling concern with using survey responses to measure influence is that the circumstances of the survey (e.g., a Democratic Congress grappling with a Republican president in his second term) or personal biases of respondents may affect the meaning of the reported measures. If, for example, executives are more likely to perceive the actions of those with which they disagree, this would obviously affect the meaning of the survey responses. To minimize this

possibility, we use additional information about the respondents and the agencies in which they work to control for potential sources of bias when conducting the analysis. Controlling for the ideology and partisanship of the executive, for example, allows us to focus on characterizing the variation in the perceived relative influence that is unrelated to variation in personal characteristics or agency features.⁶ A fourth, and related, concern is that the set of executives who choose to respond are non-representative; perhaps those who are the most willing to respond to a survey on the “future of government service” are the happiest (or most despondent) given the political circumstances. Comparing the partisanship of respondents to non-respondents using voter registration data where available, however, reveals no discernible differences (see Appendix B for details).

To measure influence over agency policy making we simply ask career executives and program managers: “In general, how much influence do the following groups have over policy decisions in your agency?” We ask about “Democrats in Congress” (the majority party in the House and Senate in 2007-2009), “Congressional committees,” the “White House,” and “Interest Groups.” To facilitate comparing relative influence, respondents assess the influence of each using a grid that lists all of the groups being rated. The format of the question not only primes each executive to think about the relative influence of the various political actors, but it also eliminates the possibility of forgetting earlier responses. The perceived influence of each group over the policy decisions in the executive’s agency ranges from 4 (“A great deal”) to 0 (“None”). Because the amount of influence wielded by one branch in isolation tells us little about the extent to which Congress and president influence agency policy in a political system where the chief

⁶ Similarly, if appointees are selected because they share the president’s preferences, we might worry that using self-reported measures of influence ignore the influence occurring because of staffing decisions instead of explicit directives. We therefore also use characteristics of the respondent and agency that are correlated with possible selection-based influence (e.g., excluding the opinions of political appointees because they would be most likely to underreport the influence of the appointing president due to selection issues).

executive and legislature may disagree and because individuals may use the scales differently, we difference the measure of congressional influence (i.e., either “Congressional Committees” or “Democrats in Congress”) from the measure of White House influence at the respondent level. The resulting measure of relative influence can range from -4 (total domination by Congress) to +4 (total domination by the White House).

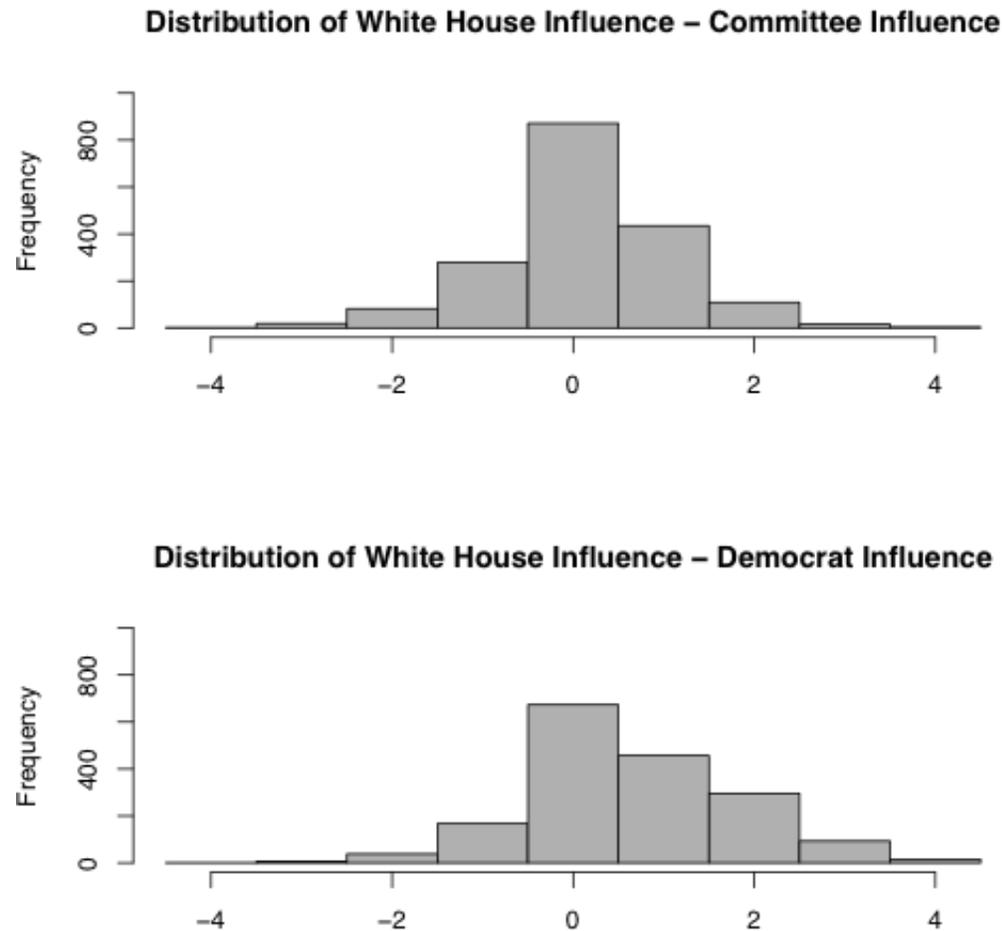


Figure 1: White House Influence Relative to Congress: Higher values indicate greater White House Influence.

Figure 1 presents the distribution of the individual level differences in perceived influence. The modal response suggests equal influence, but more executives report greater White House influence than either congressional committees (top) or the majority party in Congress (bottom).

The results suggest that, to the extent that parties matter for influencing agency policy, they largely do so through the committee system.

The second measurement task involves determining the number of congressional committees overseeing agency policymaking. Because committee involvement can take many forms – not all of which are readily observable (e.g., unpublished hearings, personal communications) – we again rely on the bureaucrats’ self-reports. Using the perception of those executives responsible for implementing agency policy allows us to capture the myriad of ways in which committees might interact with the agency both formally and informally. To do so, we ask: “How many congressional committees would you estimate exercise active oversight of your agency? (0; 1-2; 3-4; 5-6; 7-8; 9+).” The modal response was “3-4” committees. (For context, in the House at the time, there were 21 standing committees, 4 joint committees and a special committee.)

Because every executive belongs to a cabinet department, administration, bureau, or commission, we aggregate the individual measures to characterize the average perception in an agency or bureau. Respondents working in a large, distinct bureau (e.g., FBI, Census) are identified with that bureau, but executives working in smaller offices or divisions (e.g. Office of the Secretary, Inspector General) in larger departments are identified with their larger department or agency. The average response in an agency reveals reassuring variation that can range from 0 (“0 committees”) to 6 (9+ committees”). The Department of Homeland Security (4.70) and the Environmental Protection Agency (4.13) have among the highest levels of perceived committee oversight, while the Veterans Benefits Administration (2.64) and the Bureau of Labor Statistics (2.4) have among the smallest.

The fact that the average response for the Department of Homeland Security indicates that 7-8 committees exercise active oversight may appear puzzling given that 108 committees and subcommittees had jurisdiction over the agency. However, recall that the question only asks about committees, not subcommittees, and the measure is the average of the number of committees involved. Moreover, because we know only the number and not the identity of the involved committees (but see the analysis of section 5), if individuals working in an agency interact with different committees, this average will underreport the number of unique committees involved (i.e., two executives may each mention “3-4” but the committees being referred to may be disjoint sets).

Comparing our measure of congressional oversight based on the average agency response to other publicly available measures of congressional oversight reveals a reassuringly positive relationship. There is a modest (.39) correlation between the agency average and the number of unique committees holding a published hearing related to agency policy in the prior year according to the *Policy Agendas* dataset (Figure 2). (Using the number of hearings reveals a similar pattern.) Moreover, the Department of Homeland Security (DHS) has the highest average response as well as the highest number of unique committees holding hearings, and agencies such as the Bureau of Labor Statistics (BLS), the National Archives and Record Administration (NARA) have the least amount of oversight according to either measure.

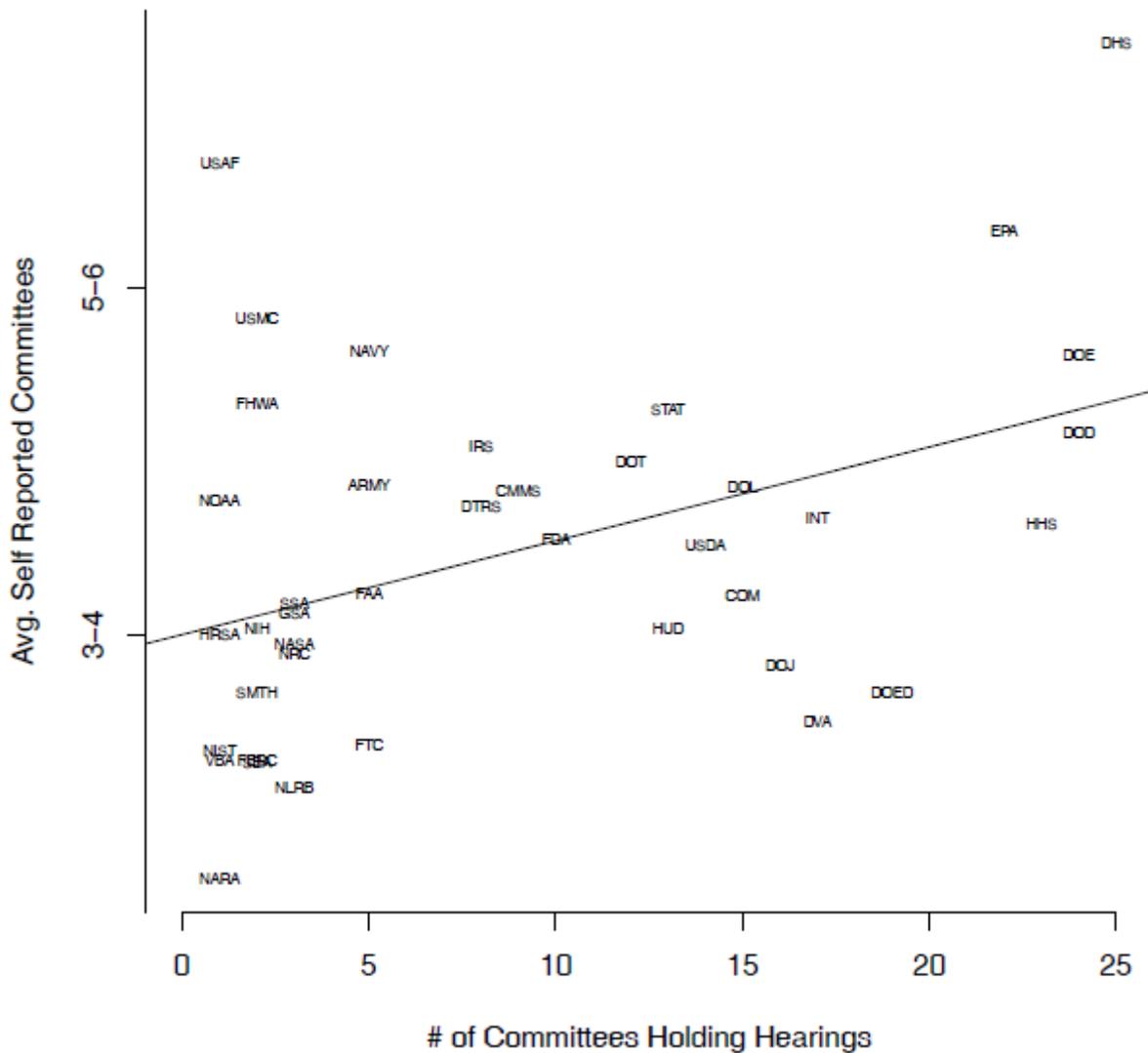


Figure 2: Relationship Between the Average Number of Committees Reported to be Conducting Active Oversight (Self-Reported) and the Number of Committees Holding Hearings: Committee hearing data based on the Policy Agendas Project (www.policyagendas.org).

As yet another check on the validity of our measure, we use the daily issues of the Congressional Record for the 110th Congress to identify each hearing at which an executive branch official testified. There were a total of 5,819 unique hearing appearances in the 110th Congress by executive branch officials from the agencies represented in our survey. Counting the

number of committees and subcommittees that heard testimony for each agency reveals a correlation of .47 between this measure of committee oversight and our agency survey average. DHS again stands out as having one of the highest numbers of unique committees (26 committees and 60 subcommittees heard testimony from DHS officials).

To begin the analysis, we examine the simple bivariate relationship between the number of involved committees and increased presidential influence. Figure 3 graphs the relationship between the number of committees overseeing the respondent's agency and the respondent's evaluation of the relative influence of the White House vis-à-vis Congress and the Democratic Party. Two patterns are evident. First, respondents always perceive congressional committees to be more influential than majority party Democrats in Congress – suggesting that any party influence largely occurs through the committee system. Second, the relative influence of the White House increases in a nearly linear fashion as the number of committees exercising active oversight increases.

The relationship evident in Figure 3 also suggests that executives do not simply equate oversight and influence. If so, we would expect bureaucrats to report that congressional influence increases with the number of committees exercising active oversight. Because we observe the opposite relationship, even if bureaucrats mistakenly equate oversight and influence, this only increases the disparity in influence we document.⁷

⁷ Aggregating the measures by agency (using the perceptions of executives within an agency or bureau) reveals a similar relationship – the correlation between the number of involved committees and increased presidential influence relative to congressional committees and the Democratic Party is 0.32 and 0.29 respectively.

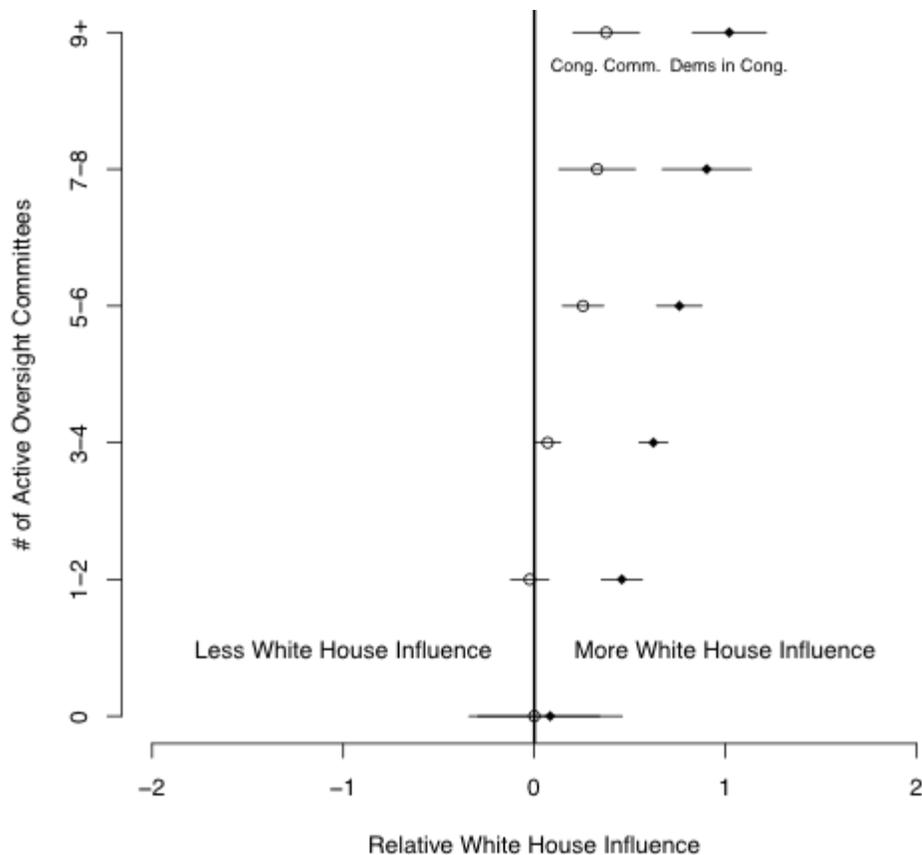


Figure 3: Relationship between Relative White House Influence and Number of Committees Exercising Active Oversight: Differences and 95% confidence intervals relative to congressional committees (open) and Democrats in Congress (solid) are plotted.

3. Estimating the Relative Influence of the President and Congress over Agency Policy

The correlations reported in the prior section suggest that Congress is less influential than the president over agency policy when more committees are involved, but there are obviously many possible rival explanations and confounding characteristics that need to be explored before we can characterize the relationship with any confidence. We first explore how the relationship varies across agencies before turning to exploring the variation evident in the individual-level experiences of career executives. (Section A3 shows that the relationship is also unchanged if we use interest group influence as a proxy for congressional influence as might be expected if Congress relies on interest groups to influence agency policy; Section A4 in the Appendix

replicates the analysis that follows to show that examining the influence of the majority party in Congress does not affect the results.)

Several alternative explanations may explain why increased committee involvement results in less congressional influence relative to the president. One possibility is that the number of tasks an agency performs may produce the noted correlation; agencies handling many tasks across multiple issues may both be more likely to cross the jurisdictions of multiple committees and be harder for Congress to control because of the agency's specialized information and expertise. If so, a negative relationship between the number of involved committees and relative congressional influence would occur because of the number of tasks rather than the number of involved committees. We use multiple measures to control for this possibility, but the results that follow use the number of distinct *Policy Areas* in which the agency is involved according to budgetary documents.⁸

A second alternative explanation for the relationship between the number of committees and relative presidential influence is due to the salience of an agency's work to the president's agenda. If the president prioritizes some agencies and programs over others and those agencies consequently report higher levels of presidential influence because of the increased presidential attention, the observed relationship would be spurious if the importance of the agency for the president's agenda correlates with the number of committees involved (perhaps because members of Congress want to appear responsive on the same issues). To measure which agencies are important for achieving the policy goals of President Bush during the 110th Congress, we create

⁸ As part of budget preparations during the Bush Administration, the Office of Management and Budget spearheaded efforts to evaluate all federal programs. As part of this process, they categorized federal programs into 17 policy areas (programs could have more than one category). For each agency we counted the number of different policy areas covered by the agency's programs. Auxiliary analyses reveal that our conclusions are robust to using a host of alternative measures of agency tasks, including the number of distinct bureaus within an agency and the proportion of an agency's programs that are in one policy area. The relationship between the number of policy areas in which an agency is involved and the number of committees perceived to be actively overseeing the agency is very weak (correlation of 0.17).

an indicator variable (*Bush Agenda?*) using the 2007 State of the Union Speech and a 2006 evaluation of his agenda by the *New York Times* (Fishel 1985) and we to identify the agencies that implemented policies important to President Bush.

We also control for several characteristics that may affect respondents' perceptions of influence and oversight. It may be that the ideology of the executive or agency biases perceptions of influence. Liberal executives, or members of more liberal agencies, may be more sensitive to attempted influence by the Republican president than the Democratic Congress because of their ideological disposition. If so, the disparity in influence may be illusory. We therefore control for the ideology of the agency (*Agency Preferences*) using experts' assessments (Clinton and Lewis 2008) to account for the possibility that an agency's ideology either affects the actual receptiveness of the agency to congressional or presidential influence or else ideology influences the perceptions of executives and program managers.

To account for possible variation in the amount of political influence across different types of agencies we include indicators for agencies that are or are located within independent commissions (*Independent Commission?*) and cabinet departments (*Cabinet Department?*). Because the proximity of career executives to Washington, DC may affect how responsive the executives perceive congressional and presidential influence, we also control for the percentage of respondents in the agency who are located in a field office outside of Washington, DC (*% Field Office*). Finally, because presidents may exercise influence through the appointment process and appointees therefore may be less likely to perceive presidential influence, we also control for the percentage of respondents who are political appointees (*% Political Appointee*).

	White House Influence Relative to Congressional Committees	White House Influence Relative to Congressional Committees	White House Influence Relative to Democratic Party	White House Influence Relative to Democratic Party
	All Executives	Careerists Only	All Executives	Careerists Only
	(Model 1)	(Model 2)	(Model 3)	(Model 4)
<i>Constant (Std. Err)</i>	-.39 (.36)	-.43 (.33)	.11 (.35)	.26 (.36)
<i>Avg. # of Oversight Committees</i>	.22* (.11)	.25* (.10)	.22* (.10)	.20* (.09)
<i># Policy Areas for Agency</i>	.01 (.01)	.01 (.01)	.02 (.02)	.02 (.02)
<i>Bush Agenda?</i>	-.05 (.09)	-.01 (.10)	-.07 (.10)	-.08 (.11)
<i>Agency Ideal Point</i>	-.14* (.04)	-.15* (.04)	-.11* (.05)	-.10* (.05)
<i>Independent Commission?</i>	-.78* (.16)	-.99* (.21)	-.72* (.18)	-.98* (.24)
<i>Cabinet Department?</i>	-.12 (.13)	-.19 (.12)	-.04 (.15)	-.14 (.16)
<i>% Political Appointees</i>	.12 (.37)		-.06 (.34)	
<i>% Employed in Field Office</i>	-.28* (.15)	-.23 (.16)	-.56* (.20)	-.55* (.22)
R ²	.39	.43	.39	.39
N	95	95	95	95

Table 1: Agency Level Regression Results for the Effect of Multiple Committee Oversight on Influence. * denotes two-tailed significance at .10 or better.

Using the agency level variation, Table 1 reveals that the more congressional committees involved in overseeing an agency or bureau, the more influential the president is relative to Congress even controlling for possible rival and confounding effects. Model 1 suggests that increasing the average number of committees overseeing an agency from “1 to 2” to “3 to 4,” for example, increases the president’s relative policy influence by 0.22, which is nearly 1/3 of a standard deviation. The difference in relative presidential influence for an agency with no committee oversight compared to an agency with “9+” committees is nearly two standard

deviations. That is, we go from a world where, for example, a respondent suggests the two branches both exert “A good bit” of influence to one where the respondent reports that the President still exerts “A good bit” of influence but the Congress exerts only “some” influence. Excluding the opinions of political appointees does not change the results (Model 2).⁹

Model 3 reveals that party institutions do not exercise much influence independent of the influence wielded by congressional committees. The fact that President Bush’s influence relative to the Democratic Party controlling the House and Senate remains strongly correlated with the number of committees involved in the oversight of the agency suggests that parties do not solve the problems that result from the involvement of multiple congressional committees.¹⁰ If parties mitigated the problems that may result from the presence of multiple involved committees as noted in section 1, the number of committees overseeing an agency should be unrelated to the influence of the president relative to that of the majority party. Table 1 reveals no evidence of this; the relationship evident in Model 1 persists in Model 3 and the substantive magnitudes are nearly identical.

The other included covariates have reasonable effects. Agency salience and work complexity do not affect the relative influence of presidents, but other factors do. As more of an agency is located in field offices, the relative influence of the president decreases – presumably because of the local influence wielded by the members of Congress in whose district the offices are located. Similarly, independent commissions report far more influence by Congress. Finally, the negative correlation between agency ideology and relative presidential influence suggests that respondents in the most liberal agencies report the most presidential influence relative to

⁹ Replicating the results using only the opinions of appointees is impossible because of the small number of appointees in each agency and confidentiality agreements.

¹⁰ We do not deny that the parties may play an important role in ability of congressional committees to exercise influence; our point is simply that there is no evidence that parties are able to overcome the difficulties that may result from having multiple committees involved in agency policymaking and oversight.

Congress. We cannot determine whether this is because presidents target such agencies for action or because such executives are most likely to perceive presidential influence, but the critical point to note is that our identification of the relationship between the number of committees involved in oversight and policy influence controls for either possibility.

3.1 A Response rather than a cause?

Given the documented relationship between increased committee oversight and decreased congressional influence relative to the president, one might question whether the existence of multiple committee overseers is a *cause* of congressional weakness or a *response* to previous presidential influence? Put differently, if the negative relationship we document is due to Congress reacting to prior presidential action in an agency and if more committee involvement leads to more congressional influence relative to the president, our interpretation is backwards.

Because the House and Senate rules that define committee jurisdictions effectively fix the scope of committee oversight in the short term, there is a good reason to believe that the proliferation of committees is the cause of the lack of congressional control rather than a response. Committee jurisdictions certainly change over time as committees redefine their jurisdictions to oversee particularly salient issues (Baumgartner, Jones, and MacLeod 2000; King 1997), but there is no evidence that the 110th Congress changed congressional jurisdictions in response to presidential influence over agency policy.

To further explore the possibility of reverse causality, we examine whether the perceived number of committees that exercise active oversight varies with past presidential interest and influence in the agency. To do so, we estimate the number of committees conducting active oversight controlling for whether the respondent approves of recent changes in the agency (*Agree with Changes?*), whether political appointees have recently been “burrowing” into the career civil

servant positions in the agency (thereby presumably increasing presidential influence (*Aware of Burrowing?*)), whether the number of appointees in the agency is increasing (*Number of Political Appointees Increasing?*), whether the executives report that the president is increasingly involved in agency activity (*White House Involvement Increasing?*), and whether the agency is responsible for policy priority of President Bush (*Bush Agenda?*). If the number of committees exercising oversight is a consequence rather than a cause of increasing presidential control, we should expect at least some of these covariates to be positively related to the number of committees involved.

	Coefficient
<i>Constant</i> (Clustered Std. Err.)	3.27* (.21)
<i>Agree with Changes?</i>	-.04 (.03)
<i>Aware of Burrowing?</i>	-.08 (.07)
<i>Number of Political Appointees Increasing?</i>	.02 (.02)
<i>White House Involvement Increasing?</i>	-.05 (.04)
<i># Agency Policy Issue Areas</i>	.03* (.01)
<i>Bush Agenda?</i>	.33* (.12)
N	1486
R ²	.05

Table 2: Predicting the Number of Committees Exercising Active Oversight: * denotes two-tailed significance at .10 or better.

Table 2 reveals no reason to reject our interpretation of the relationship evident in Table 1. Most notably, committees are not more involved in those agencies where White House influence is increasing, there are fewer committees involved in agencies where more burrowing by political appointees is occurring, and there is less committee oversight of agencies where changes objected to by the executive are taking place. While there is a positive correlation between the number of committees involved in oversight and whether the agency is responsible for the policy priorities

of President Bush, recall that we explicitly control for this relationship in earlier specifications. Not only do the variables in Table 2 account for very little of the variation in the number of committees exercising active oversight, but there is little evidence that increasing White House influence leads to increased levels of active committee oversight.

4. Program Manager and Executive Level Analysis

Agencies and bureaus are responsible for managing many different types of programs and policies, but the analysis of section 3 cannot account for variation in the amount of oversight and influence that may exist within an agency. Does the relationship between the increased relative presidential influence over agency policy and committee involvement persist when looking at the variation across the programs implemented within an agency? For example, federal executives that work in more political portions of the Defense Department such as the Joint Chiefs of Staff, Missile Defense Agency, or Comptroller likely have different experiences than those who work in less visible parts such as the Defense Logistics Agency or Networks and Information Integration. In fact, executives in the first group report an average of 7 to 8 committees compared to 3 to 4 committees for executives working in the second group. Exploring such variation in the opinions of the executives and program managers within an agency provides additional information about the nature of the relationship between the number of involved committees and congressional influence.¹¹

Because executives and program managers all work for a larger agency or bureau, running a regression on the pooled responses is inadvisable because of likely unaccounted for agency-level effects (that are therefore clearly not independent across respondents). For motivation, consider the simple univariate regression of executive i 's opinions about the perceived relative

¹¹ We interpret the variation in the responses of executives and program managers as reflecting the variation in their experiences when working to implement the various programs and policies of the agency.

influence of the president in agency j (Y_{ij}) and the number of committees perceived to be exercising oversight in agency j (X_{ij}) given by: . In addition to the typical idiosyncratic errors u_{ij} , there are also likely omitted effects correlated within an agency (denoted by u_j) because multiple executives and program managers belong to the same agency.

There are several ways to account for common unobserved factors. Agency fixed effects permit the unknown agency level effects u_j to be correlated with the included covariates X_{ij} and estimates separate agency-level intercepts. A random effects model assumes that the agency level errors u_j are uncorrelated with the included covariates, but allows the error variance to differ across agencies. A “mixed” effects model (sometimes called a multilevel model or a hierarchical model) specifies covariates for the variation in u_j (i.e., there is a regression for the respondent level characteristics and a regression for the agency level characteristics).¹²

We estimate the relationship within an agency controlling for several characteristics of the surveyed executives using these three specifications (as well as a pooled OLS and a Bayesian multilevel model). We control for the executives’ ideal point on salient political issues to control for the possibility that individual policy preferences affect the level of perceived presidential influence (Clinton et al. 2012). To control for possible systematic differences in either actual or perceived influence we also control for whether the respondent is a political appointee (*Appointee Indicator*), works in a field office rather than in Washington, DC (*Employed in Field Office?*), the number of years the respondent has been employed in the federal bureaucracy (*Years Employed in*

¹² It is well known that both fixed effects and random effects are consistent estimators of β if u_j and X_{ij} are uncorrelated, but the random effect estimator will be a more efficient estimator because it is estimating fewer parameters by not estimating the agency-level fixed effects. If the agency level error components u_j are correlated with the included covariates, however, the only consistent estimator is the fixed effects estimator. A Hausman test uses this relationship to determine the correct specification by determining whether the coefficients for the fixed effect and random effect models sufficiently differ. Comparing the difference in coefficient estimates for fixed and random effects models using a Hausman test yields a test statistic of 6.09. This is not distinguishable from zero, given a chi-squared value of 6 degrees of freedom. Nonetheless, we report estimates from both models.

Agency), and the respondent's pay grade (*Executive Pay Grade*).¹³ The critical variable for the analysis, however, is the number of committees exercising active oversight according to the respondent (*# Oversight Committees*). Table 3 reports the relationship evident in executives' opinions using several specifications.¹⁴

White House Influence Relative to Congressional Committees	OLS	Fixed Effects by Agency	Random Effects by Agency	Mixed Effect Model by Agency
	(Model 5)	(Model 6)	(Model 7)	(Model 8)
<i>Constant</i> (Std. Err)	-.0002 (.13)	-.14 (.11)	-.20 (.13)	-.05 (.11)
<i># Oversight Committees</i>	.08* (.03)	.07* (.03)	.07* (.02)	.07* (.02)
<i># Policy Areas for Agency</i>	.02 (.01)			
<i>Bush Agenda?</i>	.04 (.07)			
<i>Agency Ideal Point</i>	-.12* (.03)			
<i>Independent Commission?</i>	-.91* (.16)			
<i>Cabinet Department?</i>	-.22* (.11)			
<i>Bureaucrats' Ideal Point</i>	-.08* (.04)	-.07* (.04)	-.07* (.03)	-.07* (.03)
<i>Appointee Indicator</i>	-.05 (.10)	-.01 (.09)	-.02 (.09)	-.04 (.09)
<i>Employed in Field Office?</i>	-.02 (.06)	.07 (.08)	.07 (.07)	-.02 (.07)
<i>Years Employed in Agency</i>	-.002 (.002)	-.001 (.002)	-.001 (.002)	-.002 (.002)
<i>Executive Pay Grade</i>	-.002 (.01)	.008 (.01)	.01 (.01)	.0001 (.01)
R ²	.09	.13		
N	1509	1670	1670	1521

¹³ This would occur if, for example, liberal executives were either more likely to be targeted for presidential activity or else more likely to perceive attempted influence by the president, or if lower level executives (either in terms of pay or time-served) or executives in field offices perceived interactions differently than others.

¹⁴ We probe the robustness of the results by including fixed effects by agency, by pay grade (to account for differences in opinions based on the location of the respondent in the agency hierarchy), and by allowing a non-linear relationship between the number of committees involved and congressional influence. None of these change the substantive conclusion.

Table 3: Executive Level Regression Results for the Effect of Multiple Committee Oversight on White House Influence. * denotes two-tailed significance at .10 or better. Standard errors are clustered by agency in Models 5 and 6.

As Table 3 reveals, regardless whether we model the data using a fixed effect, random effect, or multilevel model, the substantive relationship between committee involvement and congressional influence is identical. (The appendix reveals that a Bayesian multilevel model with intercepts and that are allowed to vary based on agency characteristics reveals the near-identical posterior estimated coefficient of .075 (with a 95% highest posterior density region of [.03,.12]) for the relationship between the number of involved committees and presidential influence.)

Similar to the agency-level relationship examined in section 3, Table 3 reveals that as the number of committees exercising active oversight increases, so does the influence of the president relative to Congress. Increasing the number of committees from “1-2” to “3-4,” for example, is correlated with an increase of relative presidential influence between 0.07 and 0.09. In terms of the substantive impact, this change is about one-tenth of a standard deviation. The most extreme case of moving from no committees exercising active oversight to “9+” committees results in a net change of roughly one-half a standard deviation change in relative influence (.45).

While the relationship between the amount of committee involvement and increased presidential influence relative to the committees appears in the variation that occurs between agencies and within agencies, the substantive magnitudes of the within-agency effects of Table 2 are considerably smaller than the magnitude of the between agency effects reported in Table 1. As we would expect, the relationship is stronger across agencies than within agencies.¹⁵ In both cases, however, the greater the number of committees that are involved in the oversight of the

¹⁵ Tangential to the primary relationship of interest, conservative executives and executives working in conservative agencies are less likely to report increased presidential influence relative to congressional committees. While it is unclear whether this is because they are less sensitive to presidential influence or because their presence in the agency lessens the need for White House direction influence, the important point is that we control for either possibility.

agency (or program within the agency), the more influential the president is for agency policy making relative to the congressional committees.

5. Examining Reasons for the Relationship

Sections 3 and 4 document a strong correlation between the number of involved congressional committees and relative presidential influence among and within agencies in the 110th Congress. The analyses do not, however, reveal which of the many possible reasons sketched in section 1 are most likely responsible for the estimated relationship. One possibility is that as the number of committees involved in overseeing an agency increases, there are more likely to be policy disagreements among the involved committees. Alternatively, and regardless of whether the committees' preferences diverge, the relationship may be due to collective action problems and increased transaction costs; more committee involvement may result in less influence even if the involved committees prefer the same policy outcome.

Disentangling these two possible explanations is difficult, if not impossible, given the data required. Such an analysis requires not only identifying which committees exercise active oversight, but it also requires locating the policy preferences of the committees relative to one another and relative to the agencies themselves in order to measure preference divergence. Finally, even if it is possible to overcome these measurement difficulties, it is possible that the data is ultimately uninformative as to which aspect is most responsible for the relationship evident in sections 3 and 4 because the explanations are obviously not mutually exclusive – Congress may confront preference divergence among these actors and increased transaction costs stemming from an increase in the number of key actors.

Even if it is impossible to determine which explanation is most likely responsible for the relationships estimated in the prior sections, exploring the relationship between agencies and

committees in more detail is useful because it reveals whether the configuration of preferences and the number of involved committees in the 110th Congress is consistent with the relative lack of congressional influence we find. Finding multiple committees on either side of every agency's ideal point would provide evidence consistent with the apparent lack of congressional influence relative to the actions of a unilateral executive.

Our survey of executives and program managers provides some ability to measure the required concepts. To identify the identity of the committees involved in the oversight of an agency, we use the responses of career executives to two open-ended questions that asked for the name of the committee in the House and the Senate whose jurisdiction overlaps *most* with the work of the respondent's agency or program. We measure committee involvement using every committee mentioned in either the House or the Senate.¹⁶ The number of unique committees named by career executives within an agency varies from 3 (NLRB) to 21 (USDA). We could use the open-ended responses of 30 agencies due to confidentiality agreements, and respondents in these agencies named 11 different committees on average.¹⁷ Not surprisingly, the Appropriations Committee was most frequently mentioned committee in each chamber— it constituted 22% of the mentions in the House (408/1866) and 20% of the mentions in the Senate (361/1847).

Using this list of named committees for each agency, we then identify the ideal point for the median member in each committee for each agency based on the roll calls from the 110th Congress using the estimator of Clinton, Jackman, and Rivers (2004). Using the executives' ideal points based on the 14 issues that were voted upon in the 109th Congress (Clinton et. al. 2012), we

¹⁶ Some respondents provided more than one committee (some named up to 5). In those cases, we used all of the named committees. One limitation is that the question of which committee has a jurisdiction which overlaps most is not necessarily equivalent to the question we analyze in section three regarding how many committees are actively involved.

¹⁷ As per the confidentiality requirements of the survey, users can only identify agencies and bureaus with more than 10 respondents.

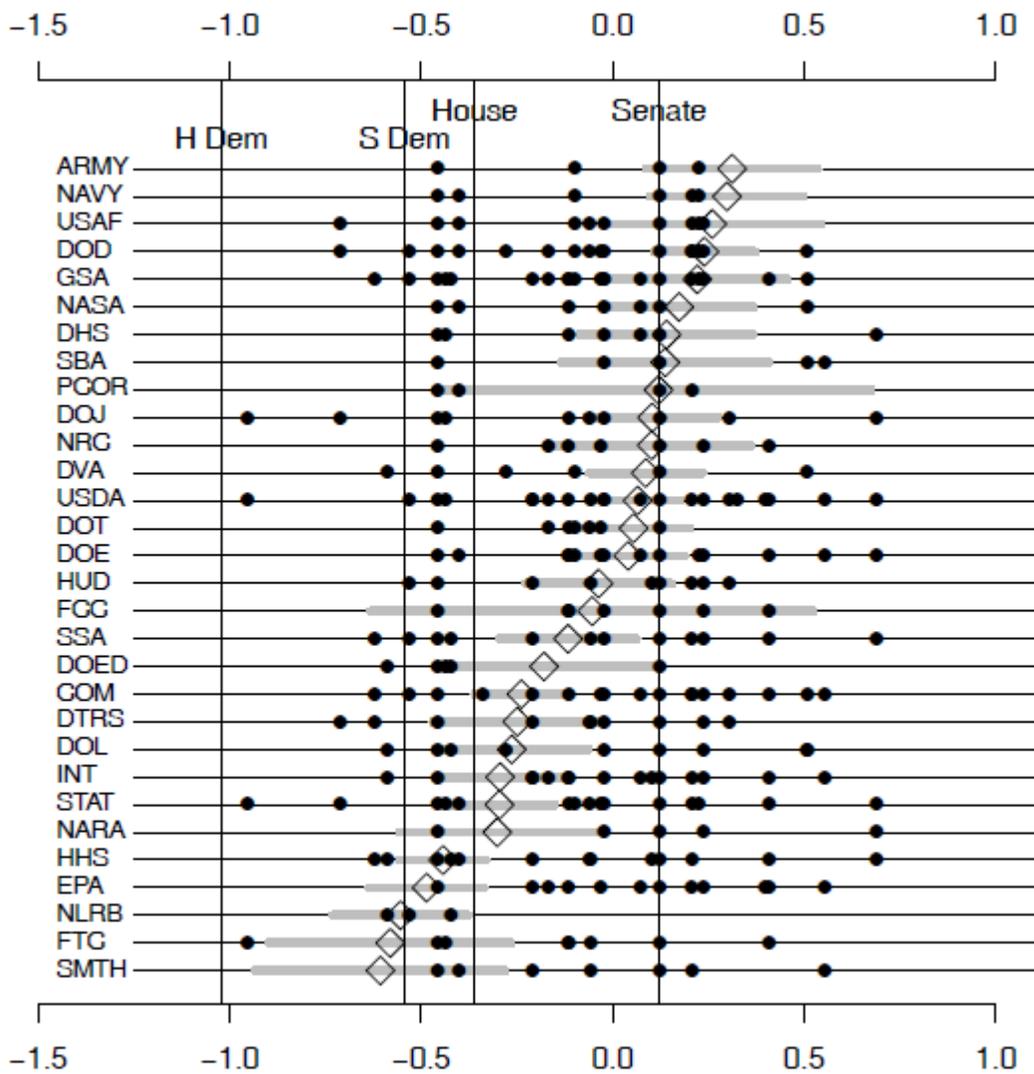
can place agency preferences in the same space as elected officials.¹⁸ To try to measure an agency's preference, we use the average ideal point of the careerists in the agency.¹⁹

Figure 4 graphs the preference configuration for the 31 agencies and bureaus with more than 10 respondents. The figure plots: the preferences of the average careerist in an agency, the median committee member for every named committee, the president, and the median members of the chambers and majority parties. The preference configuration relevant for each agency is plotted with agencies arranged from the most liberal (bottom) to the most conservative (top). The open diamond denoted the mean location of careerists for the labeled agency and its 95% credible interval. The ideal points of the median members belonging to those committees mentioned by executives in the agency are plotted using solid circles, and the number of circles reflects the number of named committees relevant for each agency. The labeled vertical lines denote the location of median House and Senate Democrats as well as the House and Senate medians. President Bush's ideal point is omitted because it is more conservative than any of the agencies and committee medians (his ideal point is 1.25).²⁰

¹⁸ One complication is that the issues were considered in the 109th Congress, but the questions about oversight involve the 110th Congress. To use the estimates from the 109th Congress to generate estimates for the 110th Congress we jointly analyze the voting behavior of the 109th and 110th Congress holding the ideal points of members serving in both Congresses constant to fix the scale of the recovered ideal points. We then regress the agency comparable ideal points of Clinton et al (2012) on these ideal points for those members who serve in the 109th Congress. The resulting relationship is used to generate an agency comparable ideal point for members newly elected in the 110th Congress.

¹⁹ An alternative means of measuring agency ideal points would be to use some weighted average of careerist and appointee ideal points (Clinton et al. 2012). Since appointees are a mechanism through which presidents (and Congress) influence agency policy, measures of agency ideal points themselves reflect political influence. We use only careerist ideal points to measure agency ideal points to estimate agency preferences leaving aside the consequences of including appointees.

²⁰ Figure A3 in the appendix presents the full distribution of congressional ideal points.



Median Ideal Point of Agencies, Committees, Chambers and Parties

Figure 4: Policy Preferences of Agencies and the Committees Identified as Exercising Oversight over the Agency in the 110th Congress: Only agencies with at least 10 respondents are graphed. Ideal points are based on the estimates from Clinton et. al. (2012). Vertical lines denote the ideal points of, from L to R: House Democratic median, Senate Democratic median, House median, Senate median.

Locating agencies relative to the critical political actors reveals that every agency except for the NLRB has multiple committee medians to the left of the agency's ideal point. Moreover, 28 out of the 31 agencies have committees with at least one committee on either side of their ideal

point), and 25 agencies and bureaus have at least 2 committee medians on either side. For these agencies in the 110th Congress, there is therefore almost always at least one committee (and often at least one chamber) that would oppose an attempt by Congress to move agency policy in either ideological direction. Given this arrangement, if the president sought to influence agency policy by moving it to the right through appointments, regulatory review, or some form of unilateral executive action, Congress would be divided about whether or not to respond (depending on the magnitude of the shift urged by the president).

Given the configuration of preferences in Figure 5, we can clearly see why the empirical results of section 3 and 4 obtain and why Congress may have difficulty in responding to presidential influence. However, it is extremely difficult to disentangle the relationship further and determine whether the effects of sections 3 and 4 are primarily due to preference divergence among the committees overseeing the agency or transaction costs and coordination problems because of the number of committees involved in oversight. Although necessarily speculative because the observations identifying the effect are rather weak (i.e., both effects are present in almost all of the observations) and the magnitude of the observed preference divergence is relatively modest given that the Democrats controlled both chambers in the 110th Congress, regressions controlling for the number of committees involved and the dispersion in the committee preferences using several measures (e.g., the range, the standard deviation) cannot reject the null that the ideological dispersion of the committee medians has no influence on the relative influence of Congress. The number of involved committees continues to have a strong positive correlation with increased presidential influence over agency policy making in these regressions.

The ability to locate agencies vis-à-vis relevant political actors in the 110th Congress because of our survey of federal executives reveals confirmatory evidence that the number and preferences of the committees involved likely make it difficult for Congress to respond to presidential attempts to influence agency policy. Given the variation in the data, however, it is unclear whether the increased influence of the president relative to congressional committees that we document in sections 3 and 4 is primarily due to divergent preferences among the involved committees or the difficulties associated with having many committees involved.

6. Conclusion and Implications

Modern governance is largely bureaucratic governance because legislatures and executives delegate significant policymaking authority to unelected administrators. There are many reasons for this deference, but understanding the nature of bureaucratic policymaking in the modern state requires an awareness of the relative ability of Congress and the president to influence the policy and programs of the bureaucracy. The answer to the question “who controls the policy making in the bureaucracy” has broad implications for governance and democratic accountability.

Despite the importance of the question, it is one that has proven to be notoriously difficult to answer. Existing hypotheses point in all directions and empirical work has been hampered by the lack of compelling data that allows us to sort out these wide ranging predictions. Our survey of career executives in the federal bureaucracy provides an opportunity to break this logjam. Focusing on the variation among and within agencies in the 110th Congress (2007-2009), we offer some important conclusions about the relative ability of Congress and the president to influence agency policymaking. Specifically, we demonstrate a strong relationship between the number of committees involved in oversight and the lack of congressional influence relative to the White

House. This relationship is evident both among agencies and the bureaus within agencies. Based on the perceptions and opinions of those individuals most responsible for implementing agency policy, the more congressional committees involved in the oversight of an agency, the weaker Congress is relative to the president. This suggests that the more Congress cares about an issue – at least as reflected in the structure of its committee system – the less influence Congress may have over the direction of agency policy making. A troubling tension may therefore exist between the institutions that maximize members’ electoral benefits and constituency responsiveness and those that maximize congressional influence over policy outcomes.

To be clear, our results do not suggest that Congress is ineffectual in influencing agency policy. Nor does it call into question prior findings that electorally minded members of Congress are able to influence the spending decisions of agencies. Instead, our results relate to the net effect of the interplay of presidential and congressional influence over the totality of agency policymaking (consisting of both the provision of private goods affecting particular localities and public goods concerning matters of general policy), and even if the committee system is optimally designed to allow members of Congress to respond to the demands of their constituents and claim credit for the goings-on of the federal bureaucracy, this does not necessarily translate into an ability (or willingness) to influence overall agency policy.

Interpreting our results alongside the existing literature suggests that increasing the number of committees with access to an agency may both simultaneously increase the ability of members to secure electorally valuable private goods for their constituents, but also undermine the ability of Congress as an institution to respond collectively to the actions of the presidency or the bureaucracy. For example, the 108 committees and subcommittees overseeing the Department of Homeland Security may provide members with access to DHS resources but also affect the

ability of Congress to compete with presidential influence over the general direction of agency policy. Members overly focused on securing district resources such as homeland security grants, visas for constituents, and disaster relief from the Department may be unwilling or unable to focus on the larger policy goals. The ability and incentive of members of Congress to secure private goods for their district does not imply that a similar ability and incentive exists when dealing with the provision of public goods and the more diffuse policy goals.

Congress is not unaware of the predicament it confronts when trying to oversee and influence the executive branch. The Joint Committee on the Organization of Congress in the 103rd Congress (1993-1994), for example, weighed several different options of jurisdictional reform to eliminate policy overlaps, including a proposal to correspond committee jurisdiction with executive branch structure. While acknowledging that such a committee system could improve the relationship between Congress and the bureaucracy and might help facilitate more comprehensive oversight of the executive branch, the Joint Committee ultimately decided against a reorganization and it reached the curious conclusion that “the Executive Branch is not optimally organized, making executive reorganization a desirable precursor to this arrangement” (S. Prt. 103-55, pg 793). As was the case when the Department of Homeland Security was established, despite recognizing the potential difficulties for effective congressional oversight and influence (and, having to survey career executives to try to figure out which of its committees was interacting with the various executive agencies!), Congress intentionally decided against reorganizing the nature of congressional oversight.

Given the role played by the unelected bureaucracy in implementing policy, examining the ability of the elected branches to influence agency behavior is critically important. We find that the structure of the committee system leads to potential problems for congressional influence

relative to the unitary executive. Combined with the fact that members have little incentive to change a system that works for them (Adler 2002), the prospects for congressional control over the direction of agency policy seems remote in some areas. To the extent that the bureaucracy is responsive to elected officials when implementing policy, the structure and incentives present suggest a strong bias in favor of the president relative to Congress.

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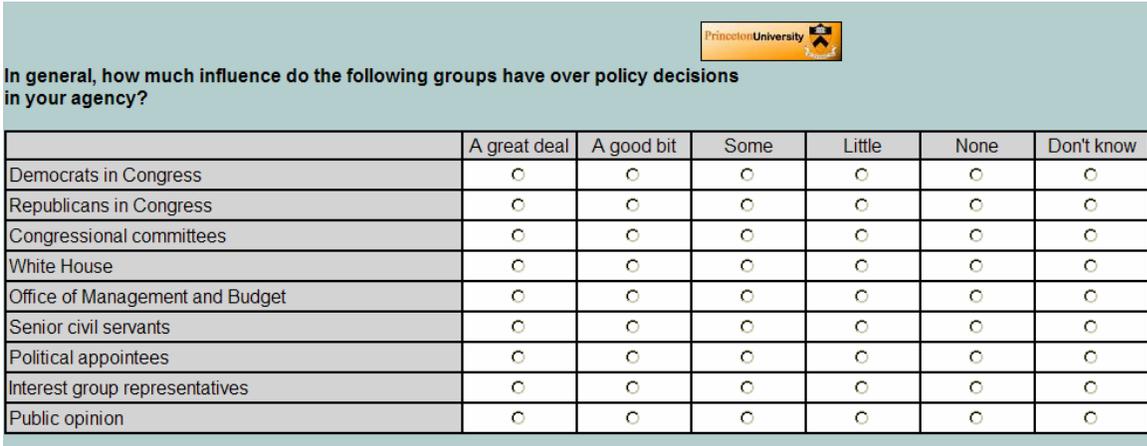
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Appendix A:

Appendix A contains descriptive statistics for the analyzed variables and additional specifications to probe the robustness of the results reported in the text. Appendix B presents additional details on the survey from Clinton et al. (2012).

A1. Questions and Descriptive Statistics

To collect the opinions of executives on the level of influence that the various political actors exert over agency policymaking described in section 2 and analyzed in sections 3 and 4, we analyze the questions captured in the survey screen shot of Figure A1.



	A great deal	A good bit	Some	Little	None	Don't know
Democrats in Congress	<input type="radio"/>					
Republicans in Congress	<input type="radio"/>					
Congressional committees	<input type="radio"/>					
White House	<input type="radio"/>					
Office of Management and Budget	<input type="radio"/>					
Senior civil servants	<input type="radio"/>					
Political appointees	<input type="radio"/>					
Interest group representatives	<input type="radio"/>					
Public opinion	<input type="radio"/>					

Figure A1. Screen Shot of Influence Questions from the *Survey on the Future of Government Service*.

To collect the number of committees that are perceived to actively oversee the agency – the critical independent variable for our investigation -- as well as the names of the most involved committee in the House and Senate we use in the analysis of Section 5, we ask the series of questions captured in the screen shot in Figure A2.

How many congressional committees would you estimate exercise active oversight of your agency?

0
 1-2
 3-4
 5-6
 7-8
 9+

Of all the House committees, what committee's jurisdiction overlaps most with the work of your agency or program?

Of all the Senate committees, what committee's jurisdiction overlaps most with the work of your agency or program?

Figure A2. Screen Shot of Oversight Questions from the *Survey on the Future of Government Service*.

Table A1 presents the agency level variables that result from aggregating executive opinions or collecting agency level data and Table A2 provides a description of the executive level variables used in the analysis.

Variable	Obs.	Mean	Std. Dev	Min	Max
<i>Difference in Influence: White House - Committees</i>	128	-.01	.58	-2	1.25
<i>Difference in Influence: White House – Dem. Party</i>	127	.55	.69	1	5
<i># Oversight Committees</i>	128	3.00	.70	1	5
<i># Policy Areas for Agency</i>	108	4.47	4.00	1	13
<i>Bush Agenda?</i>	137	.26	.44	0	1
<i>Agency Ideal Point</i>	109	.25	1.13	-1.72	2.4
<i>Independent Commission?</i>	128	.17	.38	0	1
<i>Cabinet Department?</i>	125	.51	.50	0	1
<i>% Appointees</i>	128	.13	.19	0	1
<i>% Employed in Field Office</i>	128	.14	.23	0	1
<i># Respondents</i>	128	14.48	17.48	1	87
<i>Agency Response Rate</i>	128	.30	.15	.04	1

Table A1: Agency Level Summary Statistics: The average responses for executives and program managers in the agencies and bureaus we examine.

Variable	Obs.	Mean	Std. Dev.	Min	Max
<i>Difference in Influence: White House - Committees</i>	1816	.12	1.01	-4	4
<i>Difference in Influence: White House – Dem. Party</i>	1743	.64	1.17	-4	4
<i># Oversight Committees</i>	1798	3.21	1.10	1	6
<i># Policy Areas for Agency</i>	1674	6.20	4.36	1	13
<i>Bush Agenda</i>	1816	.39	.49	0	1
<i>Agency Ideal Point</i>	1729	.18	1.07	-1.72	2.4
<i>Independent Commission?</i>	1816	.09	.28	0	1
<i>Cabinet Department?</i>	1791	.68	.47	0	1
<i>Bureaucrats’ Ideal Point</i>	1765	-.04	.82	-1.51	1.79
<i>Appointee Indicator</i>	1810	.11	.32	0	1
<i>Employed in Field Office?</i>	1809	.19	.39	0	1
<i>Years Employed in Agency</i>	1801	18.68	11.71	0	50
<i>Executive Pay Grade</i>	1744	5.23	2.45	1	11

Table A2: Executive Level Summary Statistics: The distribution of individual responses. These are aggregated to produce the means reported in Table A1.

A2. Robustness Results: Table 1 in the Text

Table A3 replicates the results of Table 1 in the text using the number of committees that held hearings involving the agency during the 110th Congress instead of the respondents’ perceptions of the average number of committees with oversight jurisdiction. The results are in the same direction, but the effect is extremely imprecise. For the reasons we provide in the text, we believe that our measure is superior as it is not entirely clear what the number of committees holding hearings means in terms of the level of active oversight.

	White House Influence Relative to Congressional Committees	White House Influence Relative to Congressional Committees	White House Influence Relative to Democratic Party	White House Influence Relative to Democratic Party
	All Executives	Careerists Only	All Executives	Careerists Only
	(Model 1)	(Model 2)	(Model 3)	(Model 4)
<i>Constant (Std. Err)</i>	.37* (.15)	.37* (.16)	.90* (.14)	.92* (.15)
<i># of Committees</i>	.009	.009	.006	.004

<i>Holding Hearings</i>	(.009)	(.009)	(.01)	(.01)
<i># Policy Areas for Agency</i>	.02 (.01)	.009 (.01)	.03 (.02)	.02 (.02)
<i>Bush Agenda?</i>	-.03 .11	.02 (.13)	-.06 (.14)	-.03 (.15)
<i>Agency Ideal Point</i>	-.12* (.05)	-.11* (.06)	-.10 (.06)	-.09 (.06)
<i>Independent Commission?</i>	-.90* (.19)	-1.24* (.26)	-.88* (.22)	-1.19* (.25)
<i>Cabinet Department?</i>	-.31* (.13)	-.35* (.14)	-.24 (.15)	-.28* (.15)
<i>% Political Appointees</i>	-.31 (.74)		-.43 (.54)	
<i>% Employed in Field Office</i>	-.13 (.17)	.03 (.20)	-.29 (.24)	-.13 (.25)
<i>R²</i>	.49	.52	.45	.49
<i>N</i>	58	58	58	58

Table A3: Agency Level Regression Results for the Effect of Multiple Committee Oversight (i.e., Holding Hearings) on Influence. * denotes two-tailed significance at .10 or better.

A3. Robustness Results: Influence of Interest Groups

It is well known that that measures of congressional involvement may be inadequate because Congress can rely on others to monitor and influence bureaucratic activity (McCubbins and Schwartz 1984). To address this possibility, we examine how much influence interest groups are reported to have over agency policy according to the executives. Interest groups are reported to have far less influence than congressional committees. Even if Congress relies on interest groups to monitor agency activity, in the eyes of the individuals responsible for directing agency policy, interest groups are not substitutes for congressional involvement. Possible involvement by interest groups in agency policy making does not undermine the conclusions that follow.²¹

Table A4 looks at the relative influence of the White House relative to interest groups to examine whether the relationship in the text is a misleading indication of the level of congressional influence because of the ability of committees to rely on interest groups to affect

²¹ Additionally, because we focus on variation among agencies, so long as interest group activity is either correlated with the number of involved committees (or, in fact, any other variable that we control for in the regressions that follow), the possibility of additional groups monitoring agency activity does not affect our substantive conclusions.

agency policy. The results in Table A4 are qualitatively identical to the results in Table 1 – more committee involvement leads to more presidential influence relative to interest group influence. The fact that the relationship is unchanged suggests that interest groups are not substitutes for congressional committees.

	White House Influence Relative to Int. Groups	White House Influence Relative to Int. Groups
	All Executives	Careerists Only
	(Model 5)	(Model 6)
<i>Constant</i> (Std. Err)	-.66 (.48)	-1.01 (.68)
<i>Average # of Oversight Committees</i>	.57* (.16)	.57* (.19)
<i># Policy Areas for Agency</i>	-.004 (.02)	.005 (.02)
<i>Bush Agenda?</i>	.03 (.13)	-.10 (.23)
<i>Agency Ideal Point</i>	-.01 (.06)	-.38* (.09)
<i>Independent Commission?</i>	-.98* (.21)	-.47 (.44)
<i>Cabinet Department?</i>	-.27* (.15)	.02 (.26)
<i>% Political Appointees</i>	.41 (.44)	
<i>% Employed in Field Office</i>	-.48* (.20)	.05 (.41)
R ²	.52	.24
N	95	95

Table A4: Agency Level Regression Results for the Effect of Multiple Committee Oversight on Presidential influence relative to Interest Groups: * denotes two-tailed significance at .10 or better.

A4. Robustness Results: Influence of Democratic Party

Table A5 replicates the results of Table 3 in the text for the influence of the president relative to the Democratic Party. As was the case in Table 3, the results are not affected by

accounting for omitted agency-level variation. The estimated effect of increasing the number of committees on the difference in presidential and congressional influence ranges from .10 to .12.

White House Influence Relative to Democratic Party	OLS	Fixed Effects by Agency	Random Effects by Agency	Mixed Effect Model by Agency
	(Model 1)	(Model 2)	(Model 3)	(Model 4)
<i>Constant</i> (Std. Err)	.18 (.15)	.26 (.14)	.25* (.14)	.30* (.13)
<i># Oversight Committees</i>	.12* (.02)	.10* (.03)	.10* (.03)	.11* (.03)
<i># Policy Areas for Agency</i>	.03* (.01)			
<i>Agency Ideal Point</i>	-.08* (.04)			
<i>Independent Commission?</i>	-.78* (.16)			
<i>Bureaucrats' Ideal Point</i>	-.15* (.04)	-.14* (.04)	-.14* (.04)	-.15* (.04)
<i>Appointee Indicator</i>	-.14 (.10)	-.10 (.10)	-.11 (.10)	-.13 (.11)
<i>Employed in Field Office?</i>	-.17* (.09)	-.07 (.09)	-.06 (.08)	-.14* (.08)
<i>Years Employed in Agency</i>	.001 (.003)	.002 (.002)	.001 (.003)	.001 (.003)
<i>Executive Pay Grade</i>	.004 (.02)	.01 (.02)	.01 (.01)	.006 (.01)
R ²	.09	.12		
N	1460	1584	1584	1446

Table A5: Regression Results for the Effect of Multiple Committee Oversight on Democratic Party Influence. * denotes two-tailed significance at .10 or better. Standard errors are clustered by agency in Models 1 and 2.

A.5 Bayesian Hierarchical Model Results

Given the results of Table 3, there should be no reason to suspect that a different answer results from using a Bayesian hierarchical model. Nonetheless, we estimate hierarchical models allowing the intercepts to vary according to agency characteristics as well as a model that allowed the intercept and the slope coefficient on *Number of Committees* to vary. None of the substantive

results are sensitive to this specification choice – presidential influence relative to Congress increases as the number of involved committees increases.

For executive i , serving in agency j , we estimate their opinion on the influence of the president relative to Congress controlling for aspects at the individual and agency level that may either affect the actual amount of relative influence or affect the individual’s perception of the relative influence.

$$y_i = \alpha_{[j]} + \beta_{[j]} \cdot Num.Comm_i + X[i,]\theta + e_i$$

where $X[i,]$ is a row vector of individual level characteristics that may affect the actual or perceived amount of relative influence over that aspect of agency j in which individual i works and θ is the column vector of individual level coefficients.

To allow for the average amount of relative influence to vary across agencies, we estimate a separate intercept for each agency ($\alpha_{[j]}$). We can also allow for the relationship between the number of committees involved in the oversight of any agency and the relative amount of presidential influence to vary across agencies by estimating separate intercepts for each agency ($\beta_{[j]}$).

Because we can hypothesize about the agency level characteristics that may explain variation in the relative influence of the president, we model the agency level intercepts using agency level data. More precisely, $\alpha = Z\kappa + \zeta$ where Z is a matrix of agency level covariates, κ is the column vector of agency level coefficients. The individual and agency level covariates are as described in the text. We assume diffuse, mean-zero, priors for the coefficient vectors θ and κ and we assume that the varying intercepts are drawn from a common distribution: $\alpha_{[j]} \sim N(\mu, \tau)$.

The JAGS code for estimating a model with varying intercepts with individual and agency covariates, as well as the choice of priors is as follows:

```
model{
  for(i in 1:N){
    y[i] ~ dnorm(y.hat[i], tau.y)
    y.hat[i] <- a[agency[i]] + b*numcom[i] + inprod(b.0[], x.0[i,])
  }

  tau.y <- pow(sigma.y, -2)
  sigma.y ~ dunif(0,100)
  b ~ dnorm(0, .0001)

  for(j in 1:J){
    a[j] ~ dnorm(a.hat[j], Tau.A)
    a.hat[j] <- inprod(g.a[], U[j,])
  }

  for(k in 1:K.0){
    b.0[k] ~ dnorm(0, .0001)
  }

  for(k in 1:(G.0)){
    g.a[k] ~ dnorm(0, .0001)
  }

  Tau.A <- pow(sigma.a, -2)
  sigma.a ~ dunif(0,100)
}
```

A.6: Distribution of Congressional Ideal Points

Figure A3 plots the distribution of ideal points of all members of Congress using the ideal point estimates that are used in Section 5. The fact that the Senate median in the Democratically-controlled Senate is positive is entirely an artifact of the mean 0, variance 1 normalization assumption after including the “votes” of the career executives (who are more likely to be liberal than conservative and who are more numerous than members of Congress).

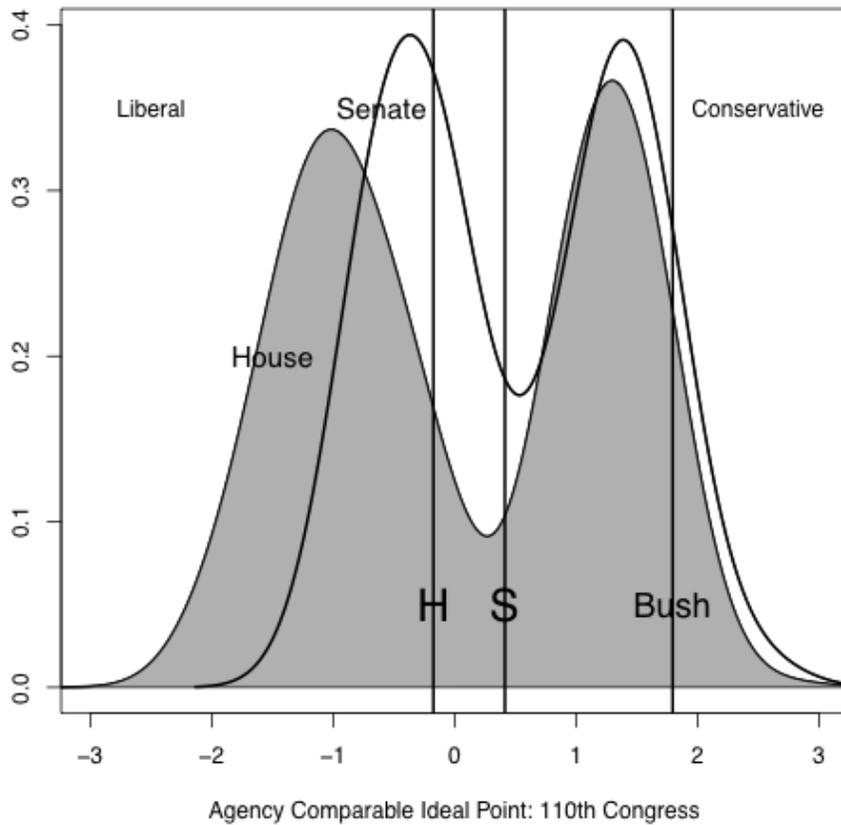


Figure A3: Distribution of Agency Comparable Ideal Points in the 110th House and Senate: Using the estimates of Clinton et al (2012), we plot the density of ideal points in the House (shaded) and Senate (unshaded) as well as the locations of President Bush and the chamber medians.

Appendix B: Details of the Survey on the Future of Government Service

The principal investigators of the survey obtained the contact information for all federal agency administrators and program managers from Leadership Directories, Inc., the firm that publishes the *Federal Yellow Book*. Of the 7,448 names provided, 297 turned out to be incorrect; they either were no longer in their position or their contact information was incorrect. The survey was web-based and conducted by the Princeton Survey Research Center (PSRC). Each potential respondent was sent a letter on Princeton University letterhead inviting them to participate and giving them options about how to do so. Those for whom PSRC had email addresses (77%) were told that they would be getting an email of the survey one week after the initial letter. They were also told they could go to a website and login immediately with information included in the invitation letter. All respondents for whom PSRC had an email received an initial letter, an email invitation, up to three follow up email reminders, and a telephone call. The response rate from this group was 35%.

Those for whom PSRC did not have email addresses were asked to provide an email or go to the website directly and use the login and password provided. PSRC then scheduled a series of follow up emails, letters, and ultimately, telephone calls. Those respondents whose email PSRC did not have received an initial letter, a follow up letter, a telephone call, and a final reminder letter. The response rate for this group was 20%.

The overall response rate, once persons incorrectly included were excluded, is 34% (2,398/7,151). Of the 2,398 respondents, 2,069 completed the full survey. Agency-by-agency, the lowest responders were the Executive Office of the President (11%), the United States Post Office (15%), and the Department of the Treasury (20%). The highest responders were the Nuclear Regulatory Commission (56%), the Federal Trade Commission (63%), and the National Archives

and Records Administration (71%). Agencies closer to the president have lower response rates on average than other agencies.

The response rate was noticeably higher among career professionals than appointees. The survey produced responses from 259 political appointees, compared to 2,021 career professionals. Of the appointees, 102 are Senate-confirmed appointees. Of the approximately 550 policy-relevant Senate-confirmed appointees, this amounts to a 19% response rate. There are 131 appointed members of the Senior Executive Service (SES) who responded out of approximately 700 total (19%), but not all of the 700 appointees in the SES are administrators or program managers. This suggests that the response rate from appointees in the SES is higher.

In the sample, PhDs and men were also more likely to respond to the survey. The original list also included 461 potential respondents from the National Science Foundation (NSF) because the firm incorrectly labeled NSF program officers as managers or executives. If NSF employees are removed the response rate is 33% (2,250/6,690).

Nonresponse weights based on available covariates such as gender, agency, and whether the appointee was a career civil servant or a political appointee were constructed and applied to the data when constructing the agency means, but no appreciable differences emerged from so doing.