

Three Essays on Congressional Governance in the 21st Century

Draft Dissertation, work in progress

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1 Is Being on the House Rules Committee Still Valuable?

1.1 Introduction

The U.S. House of Representatives is today characterized by the dominance of the majority party in formal positions of power and legislative agenda control (Gailmard and Jenkins 2007, Young and Wilkins 2007, Finocchiaro and Rohde 2008), in stark contrast to the more bipartisan post-war ‘Textbook Congress’ era. In their landmark book *Legislative Leviathan: Party Government in the House*, Cox and McCubbins develop a theory of the organization of the House, outlining what they describe as the ‘party cartel’— an institutional arrangement wherein the majority party takes control of the levers of power of the chamber, such as committee assignments, agenda control, and disbursement of policy/pork rewards, and disproportionately disburses these benefits amongst their party caucus to win and keep their support (Cox and McCubbins 1993, Cox and McCubbins 2007). Alongside these individualized benefits, the party also skews the legislative agenda to its benefit which creates a ‘party brand’ that majority party members collectively benefit from.

Key to the maintenance of the party cartel is the House Committee on Rules (hereby referred to as the Rules Committee). This committee, colloquially known as the ‘traffic cop of the House of Representatives’, is endowed with the power of scheduling consideration of, and structuring debate on, legislation through ‘special rules’. The committee’s control over the legislative agenda gives it a lot of power, and this power is implicitly acknowledged within the caucus rules of each party by restricting members from sitting on both the Rules Committee and other ‘exclusive’ committees such as Appropriations and Ways and Means (Frisch and Kelly 2006). Yet, the committee is also viewed as an arm of majority party leadership with scant independent power— the committee is stacked with a 9-4 majority for the majority party, the Speaker of the House controls the nomination of candidates for the committee, and the special rules passed by the committee are skewed towards the

interests of majority party leaders (Bryan W Marshall 2002a, Bryan W. Marshall 2019, Michael S. Lynch, Madonna, and Vick 2020). The Rules Committee rarely considers legislation of its own, either, giving members few opportunities to advance their own legislative interests in the committee. The Rules Committee has also seen a decline in its perceived ‘prestige’ by members of the House, indicated by the decreasing seniority of members on the committee, higher transfer rates, and declining number of committee staff (Curry and Gloekler 2009, Stewart III 2018, R. E. Petersen 2021). The committee, therefore, has the dual nature of being indispensable to the maintenance of the party cartel while seemingly providing little policy discretion in the modern era.

This begs the question— what individualized benefits do members of the Rules Committee receive and why? If the committee is so important to the majority party yet has less to offer in terms of policy benefits than an average committee, are there other benefits that compensate Rules Committee members in return? This question is particularly important for members, as there are significant opportunity costs to serving on Rules over another committee— although there are more ‘exclusivity’ violations in the modern era (i.e. members serving on Rules and at least one other committee), serving on the committee still takes significant time and effort, especially for majority party members, that could be used elsewhere on a different committee. Drawing from Fenno’s axiomatic goals of members of Congress, that being re-election, policy, and institutional power (Fenno 1973), I posit that the Rules Committee provides its members, specifically those of the majority party, indirect policy benefits through the ability to privilege legislation via special rule consideration. These indirect policy benefits are conditioned on the legislation being congruent with majority party interests due to the committee’s nature as an arm of the majority party, limiting these benefits to majority party members of the committee. I also posit that unique features of the Rules Committee that distinguish it from other committees, including the role it serves in promoting majority party interests, the knowledge and connections members gain from the committee through drafting rules & holding hearings on a wide range of high-profile and impactful legislation, as well as the position taking opportunities offered in the hearings, grant members other individualized benefits

that target their goals, including re-election, institutional power, as well as the separate goal of post-Congressional careers.

Using original data on bills considered via special rules from the 105th to 115th Congress, I find statistically significant evidence that special rules provide some amount of latent policy benefits to majority party Rules Committee members, yet the effect is substantively insignificant and does not fully replace the loss induced by the Rules Committee rarely considering legislation of its own, which removes an avenue for members to produce and develop legislation that works towards their policy goals. I also assess the effect of Rules Committee membership on leadership PAC formation and disbursement, campaign fundraising, post-Congress lobbying careers as well as the likelihood of becoming an elected party leader later on in one's congressional career, all with null results.

The null and substantively insignificant findings imply that Rules Committee membership provides no more individualized benefits than the average committee in the House of Representatives, contrasting with the committee's 'exclusive' nature and its historic role as an independent center of power in the chamber. Although previous work had provided descriptive evidence that was indicative of the Rules Committee's decline in power and prestige in the form of committee seniority and transfer rate (Curry and Gloekler 2009, Stewart III 2018), this paper is the first to systematically test the relative power, prestige, and influence of the Rules Committee and tie in these empirical patterns with existing theories of committees and parties in the House of Representatives. The evidence presented is consistent with the notion that the committee's meager benefits 'screen out' potentially disloyal members and leave behind the members whom are most invested in the collective party brand benefits that the committee generates, thus the most loyal members that party leaders can rely on to uphold the party cartel. The 118th Congress illustrates the dangers of having disloyal members on the Rules Committee— as part of a bargain with far-right members of his conference to win their support for his speakership bid, Speaker McCarthy appointed three arch-conservative members to the committee, Chip Roy, Thomas Massie, and Ralph Norman, giving them the balance of power in the committee in conjunction with the four Democrats (Kight 2023). These members

have disregarded the wishes of majority party leaders and voted down several rules for important legislation, forcing current Speaker Johnson to seek Democratic votes on key legislation through the suspension of the rules procedure (Feldman 2024). Combined with the evidence put forward by previous work that leverages within-member variation to analyze committee benefits (Berry and Fowler 2016, Berry and Fowler 2018), I also posit that formal institutions in the House, particularly committees, explain less variation in power & influence amongst rank-and-file members than previously thought, and that power in the House has centralized in the hands of party leaders and committee chairs in the last few decades.

1.2 Rules Committee & the Party Cartel

Historically, and even to this day, the Rules Committee has been known as one of the ‘prestige’ committees in the House of Representatives (Bryan W Marshall 2002a, Bryan W. Marshall 2019, Michael S. Lynch, Madonna, and Vick 2020). The committee is endowed with significant influence through their role as the ‘traffic cop’ of the House of Representatives, specifically through the use of special rules to structure debate and amendments on key legislation. The committee is key for controlling the agenda and has, in the past, used its influence to skew policy towards its preferences, especially in the ‘Textbook Congress’ era from the 1930s to the 1970s when the committee was stacked with conservative southern Democrats with sharply divergent views from the median Democrat in the House (Schickler and Pearson 2009). Schickler (2001) describes the Rules Committee during this time period as “the principal institutional power base in the House for the cross-party conservative coalition” (163), aided by the committee’s lifetime appointments and a cross-partisan conservative majority on the committee, which used its agenda-setting power to both block consideration of liberal legislation supported by party leaders, including major civil rights bills (Schickler 2001, Cox and McCubbins 2005).

However, the story is significantly different today— the Rules Committee is now viewed as an agent of party leadership that’s key to the maintenance of the majority party’s control of the legislative process. This shift in the role of the committee began in

December of 1974, when the House Democratic Caucus voted 146-122 to allow the Speaker to nominate Democratic Rules Committee members, subject to a confirmation vote by the whole caucus (Schickler 2001). This change, coupled with other reforms to the selection of committee chairs and members around the same time, came about as a result of angst amongst liberal Democrats over the gatekeeping abilities of predominantly southern and conservative committee chairs as well as the Rules Committee. These changes significantly empowered both majority party leadership in the House as well as the liberal majority of the Democratic caucus through mitigating the agenda-setting powers of these conservative Democrats on the Rules Committee, and when the Republicans took control of the House for the first time in decades in 1995, they kept these Rules Committee reforms in place.

The Rules Committee today, while invaluable for the maintenance of the party cartel, has relatively little in the way of direct policy benefits for its members. Unlike an average committee, the Rules Committee considers very few, if any, original jurisdiction bills within a given congressional term. The vast majority of the committee's time is spent designing special rules to structure floor consideration for legislation from other committees. Special rules have a two-fold purpose— they put legislation at the 'front of the line' on the legislative calendar and they structure the terms of debate for a bill, typically restricting amendments as a way to keep members from attaching dangerous riders that would tank the bill. These rules also allow for bills to pass the House with a simple majority vote, unlike Suspension of the Rules, the other main pathway for legislation in the House of Representatives, which requires that bills pass with a 2/3rds majority vote. Therefore, most high-profile and highly partisan bills are considered with a special rule, giving the Rules Committee a crucial role in setting the agenda for the most important bills for the majority party.

While this is a very important function for the party as a whole, it doesn't provide the same individual opportunities to draft and mark-up legislation that a typical standing committee does. Members of the committee generally have their 'hands' on legislation at a later stage in the legislative process than other committees, giving them fewer opportunities to affect the content of legislation. This lack of direct policy benefits

is potentially reflected in a decline in perceived prestige of the Rules Committee, with the average seniority of the committee declining over the decades and more members choosing to transfer out of what was once a very powerful committee (Curry and Gloekler 2009, Stewart III 2018).

To empirically assess the policy benefits, or lack thereof, of Rules Committee membership, I implement a series of two-way fixed-effects models assessing the impact of Rules Committee membership on legislative effectiveness drawn from the 105th to 115th Congresses. The outcome variable, legislative effectiveness, is drawn from the Volden and Wiseman Legislative Effectiveness dataset (Volden and Wiseman 2014). Legislative effectiveness is a variable constructed for each member-Congress pair that assesses how far each of a member's bills gets through each stage of the legislative process, from introduction to committee consideration all the way to being signed into law. Bills are weighted by their substance and significance, with substantive & significant bills receiving a higher weight than commemorative bills. Committee membership data is drawn from Stewart and Woon's committee roster dataset (Stewart III and Woon 2017).

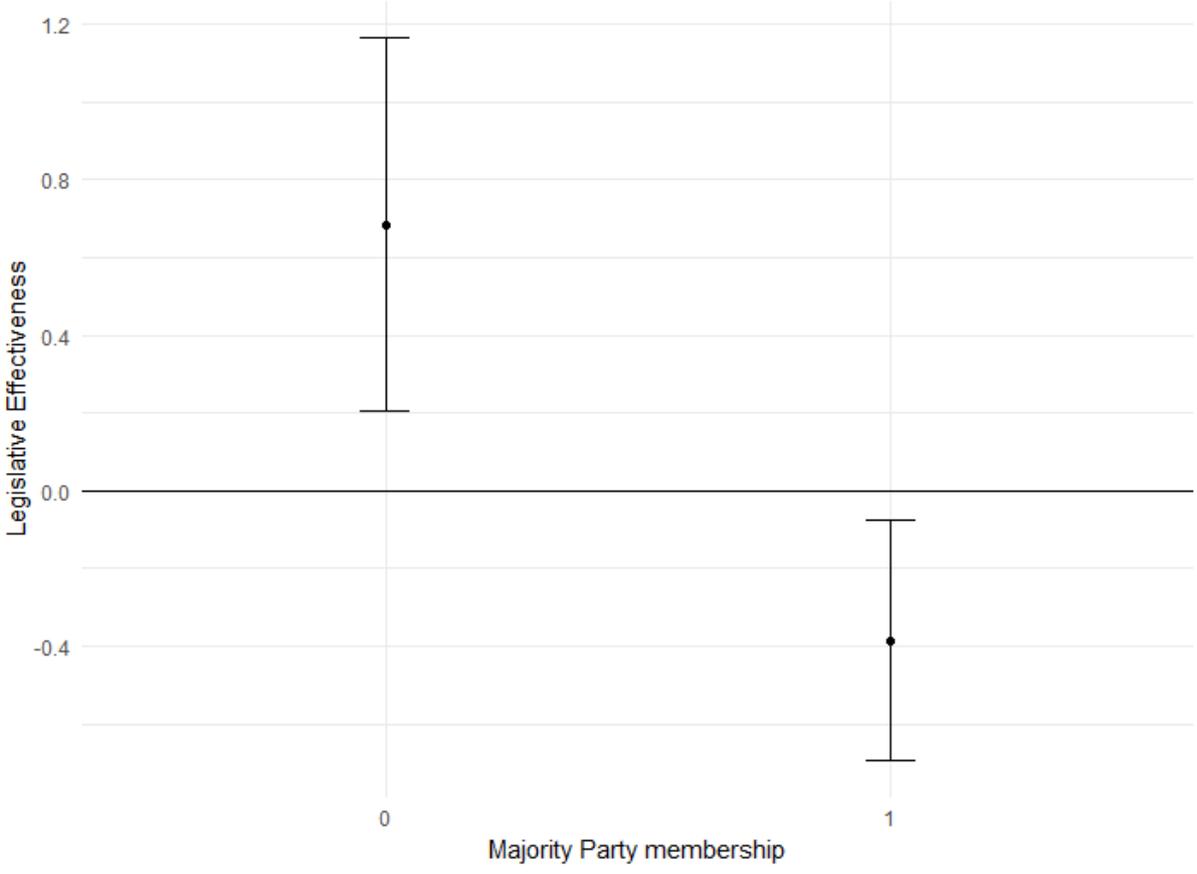
Table 1: Estimating the effects of Rules Committee membership on Legislative Effectiveness

	Legislative Effectiveness		
	(1)	(2)	(3)
Rules Committee Membership	0.005 (0.209)	-0.231 (0.195)	0.685*** (0.265)
Majority Party		0.840*** (0.041)	0.863*** (0.042)
Rules Committee Membership x Majority Party			-1.070*** (0.235)
Committee Chair		2.777*** (0.273)	2.805*** (0.271)
Seniority		-0.025 (0.033)	-0.027 (0.033)
Only on Rules		-0.071 (0.052)	-0.072 (0.053)
Observations	5,695	5,695	5,695
R ²	0.00000	0.335	0.338
Member and Time F.E.	✓	✓	✓
Robust S.E.	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01

Figure 1: AME of Rules Committee Membership on Legislative Effectiveness by Majority Party Membership (105th-115th Congresses)



As illustrated above in models 1 and 2 in Table 1, Rules Committee membership has no statistically significant effect on legislative effectiveness. That, in of itself, implies that the Rules Committee leads to no significant increase or decrease in legislative effectiveness. However, since the committee's powers are used to advance the interests of the majority party, it is important to parse out the effect conditional on being in the majority party. Model 3 illustrates the negative effect of the interaction term of majority party membership and Rules Committee membership and Figure 3 shows that, when a member is in the majority party, being a member of the Rules Committee significantly decreases a member's legislative effectiveness. This is to be expected—the outcome variable measures how far a members' sponsored legislation makes it through the legislative process, and the Rules Committee, as stated earlier, considers very little of its own original jurisdiction legislation—therefore, being a member of the committee, particularly a majority party member, could be considered a 'wasted' committee assignment with respect to getting one's own legislation through the legislative process. As for the positive effect amongst minority party members of the committee, I posit that these members, being almost entirely shut out of the substantive work of the committee, are able to focus on their legislative efforts in their other committee assignments in a way that majority party members cannot due to their need to be involved in Rules Committee business as agents of the majority party.

The results here should not be taken as a causal estimate of the effect of Rules Committee membership on legislative effectiveness—The committee does not consider much, if any, original jurisdiction legislation, biasing the results towards ineffectiveness amongst members on the committee. Rather, these results are intended to be illustrative of the limitations of Rules Committee membership relative to other committees.

The committee, therefore, has the dual nature of being invaluable for the party as a whole but being an inferior committee assignment for an individual member, at least from an individual policy perspective. Party leaders have to make sure that these members don't have too much discretion over the legislative agenda, lest they become a locus of power in of themselves and become a thorn in the side of leadership just like they were

in the mid-20th century and currently are in the 118th Congress. The key to balancing these two competing interests may lie in the special rule process, which I explain in more detail in the following section.

1.3 Special Rules & Committee Bypass

Committee consideration of legislation is a hallmark of ‘regular order’ in the House of Representatives. This typically involves a bill being put on the committee calendar by the committee chair for consideration, with the bill undergoing rounds of hearings and mark-ups before receiving a vote amongst committee members, receiving a committee report that provides information about the legislation to the parent chamber, and then being referred to said chamber for a final round of hearings, markups, and votes before being sent to the other legislative chamber for the process to repeat itself again.

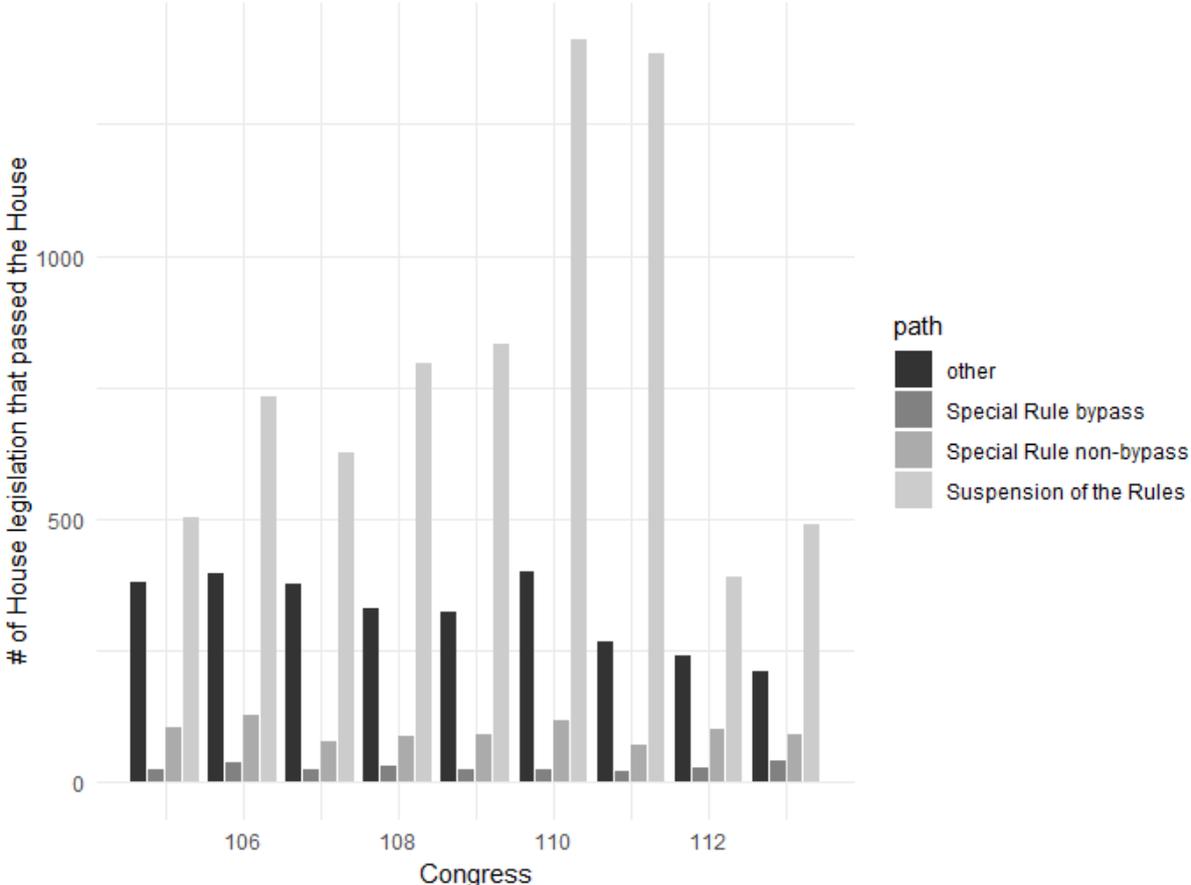
An important feature of this process is the ability for members of Congress, Congressional staffers, lobbyists and the public to receive information about a bill well before the bill goes to the floor for a final passage vote. If non-Congress actors find a bill to be unacceptable, the transparency of this process gives them time to mobilize opposition to the bill through lobbying members of Congress and mobilizing public opposition to the bill, and if members of Congress find a bill unacceptable, these members can pressure other members who support the bill to withdraw support or submit amendments changing problematic aspects of the bill. More time spent in the legislative process means more eyes on the bill, which means more opportunities for opposition, both within and outside Congress, to mobilize.

One method to quickly push legislation through the legislative process is to have it bypass committee consideration altogether. There are three ways this can occur: the discharge petition, suspension of the rules, and bypass via special rules (Sinclair 2017). Special rule bypass is unique in that it doesn’t require a bill to have 2/3rds majority support for final passage unlike suspension of the rules and that the procedure routes itself through the House Committee on Rules (*Special Rule Process* 2019). It occurs through the Rules Committee introducing a resolution that orders a bill currently in committee to be

‘in order’ to be considered on the floor of the House, passing it through their committee and then having the resolution pass on the floor of the House, where special rules are considered ‘privileged matters’ and will be taken up for consideration out of order (Davis 2019, Davis 2022). Once this special rule is passed, the bill can subsequently be considered on the floor, regardless of whether the committee has reported the bill out of committee or not.

Most legislation that bypasses committee consideration, let alone passes the House of Representatives at all, is through suspension of the rules. Figure 2 shows the count of all legislation that originated in, and was passed in, the House of Representatives, considered through four pathways of interest: Suspension of the rules, special rule consideration with and without bypassing committee, and other pathways (primarily through unanimous consent or regular order consideration).

Figure 2: Pathways through the legislative process for legislation that passed the House (105th-113th Congresses)



However, as stated above, suspension bills must be passed with a 2/3rds majority vote. Reaching this 2/3rds threshold on divisive and high-profile issues is difficult, particularly since legislative majorities in the House of Representatives tend to be quite small (Frances E. Lee 2016). Therefore, most major legislation is considered via a special rule, giving the procedure outsized weight despite the numerical majority of bills passing through other methods. Some notable pieces of legislation that bypassed committee via a special rule in the House of Representatives include the American Recovery and Investment Act of 2009, which was President Obama's landmark stimulus package in 2009 that appropriated \$800+ billion to stimulate the economy in the aftermath of the Great Recession (GAO 2019), the Respect for Marriage Act, which provided federal recognition of same-sex and interracial marriages for the first time and extended full faith and credit to same-sex marriages performed out-of-state, the Economic Growth and Tax Relief Reconciliation Act of 2001, which was the first of two major tax cut bills under President Bush that shifted the overall tax burden towards lower-income Americans (Horton 2017), as well as the Affordable Health Care for America Act, which was the House version of what would later become the Affordable Care Act (which notably contained a 'public option' healthcare plan that was later axed in negotiations with the Senate) (Dunham 2010).

The Rules Committee, through their ability to propose special rules and extract bills out of committee, has a method of positive agenda control that's oft overlooked in the Congress literature compared to their ability to block legislation or restrict amendments & floor debate on legislation (Bach and Smith 1988, Sinclair 1994, Schickler and Pearson 2009). In lieu of the policy domain of a typical committee, the ability of the Rules Committee to 'privilege' certain bills via special rules & special rule committee bypass could make being on the committee more appealing to members by giving them some indirect influence on which bills receive special rules. However, all special rules, including those that authorize a bill to bypass committee consideration, must first be approved by the entire House, typically through a strict party-line vote. This, combined with the Speaker and Minority Leaders' control over the committee roster, imply that there are

limits on what the Rules Committee can do with their agenda setting power, specifically that the bills receiving special rules must be compatible with the interests of the majority party. In sum, I posit that Rules Committee members in the majority party can use their influence over the legislative agenda, granted to them via their committee's agenda setting powers, to disproportionately push forward bills of interest to them, conditional on the bill being congruent with majority party interests. From this, I hypothesize the following:

Hypothesis 1 (H1): *Bills that are sponsored by a majority party member of the Rules Committee are more likely to be considered under a special rule than bills that are not.*

Hypothesis 2 (H2): *Bills that are sponsored by a majority party member of the Rules Committee are more likely to bypass committee via special rule extraction than bills that are not.*

Hypothesis 3 (H3): *Bills that are cosponsored by a majority party member of the Rules Committee and sponsored by a member of the majority party are more likely to be considered under a special rule than bills that are not.*

Hypothesis 4 (H4): *Bills that are cosponsored by a majority party member of the Rules Committee and sponsored by a member of the majority party are more likely to bypass committee via special rule extraction than bills that are not.*

To estimate the ability of Rules Committee members to extract 'rents' from their position through special rules and committee extraction, I implement several interactive fixed effects regressions that isolate the effect of Rules Committee 'interest' in a bill (operationalized as bill sponsorship or bill cosponsorship) on the bill's likelihood to receive a special rule and to bypass committee via special rule extraction. I use an original dataset of all bills that received a special rule in the House of Representatives in the 105th to 115th Congresses, covering a timespan of 22 years (1997-2018). My dataset, through hand-coding with a team of RAs, assesses whether each bill that received a special rule bypassed committee by looking at whether the bill was reported out of committee on

congress.gov. This yielded a dataset of 1612 unique bills considered under a special rule from the 105th to 115th Congress, with 1556 of these bills originating from the House of Representatives, and 437 unique bills bypassing committee, including 384 bills originating from the House of Representatives.

To focus my analysis on the most substantive bills, I subset my data to just House Bills, or HR bills for short. Most major legislation introduced in the House, with the exception of bills like continuing resolutions, are in HR bills. I also subset for important bills, which is a covariate in the Congressional Bills Project that primarily excludes minor bills like those renaming post offices. Finally, I subset to bills with major topic codes. There are 21 major topic areas in the Congressional Bills Project dataset, many of which are closely connected to a committee's 'turf', so to speak (i.e. Agriculture is both a major topic code and a committee in the House of Representatives). In the absence of data that connects each bill with the committee(s) it was referred to, major topic area will serve as an imperfect substitute for the purposes of implementing fixed effects that control for unobserved committee-specific dynamics that may affect the results. This leaves me with a dataset of 53,890 bills for this analysis.

The independent variables of interest are whether a bill was sponsored by a majority party member of the Rules Committee for Hypotheses 1 and 2, represented by the interaction term for Rules Sponsorship and Majority Party Sponsorship, as well as the interaction term of Majority Rules Cosponsorship and Majority Party Sponsorship for Hypotheses 3 and 4. Substantively, the latter captures the effect on a bill when both the Rules Committee member that cosponsors the bill and the sponsor of the bill are from the majority party. Rules Committee members were identified using Stewart and Woon's committee roster dataset and sponsorship data was collected directly from congress.gov (Stewart III and Woon 2017). Since I expect that majority rules cosponsorship should only have an effect on whether the bill bypasses committee when the bill is condorcet with majority party interests, this interaction term should be positive and significant. The outcome variable is whether a bill received a special rule, which is usually tantamount to passing the House since the special rule has to be adopted by a floor vote, as

well as whether a bill was ‘extracted’ from committee prematurely via a special rule.

I also add control variables, including whether a majority party leader cosponsored the bill drawn from congress.gov, the total number of cosponsors a bill has, whether a bill is one of the first 10 bills reserved to be introduced by party leadership, as well as whether a bill was sponsored by a committee chair. These variables are collected from the Congressional Bills Project (Adler and Wilkerson 2017-2018) and will help isolate the interests of other actors in the chamber and permit analysis of the independent interests of Rules Committee members. The results are presented in tables 2 and 3.

Table 2: Estimating the effects of Majority Party Rules Committee sponsorship on bill outcomes

	Received a special rule		Bypassed Committee via Special Rule Extraction	
	(1)	(2)	(3)	(4)
Rules Sponsorship	-0.006 (0.005)	-0.003*** (0.001)	0.002 (0.002)	-0.00002 (0.0003)
Majority Party Sponsorship	0.023*** (0.002)	0.023*** (0.002)	0.003*** (0.001)	0.003*** (0.001)
RulesSpon x MajPartySpon		-0.004 (0.006)		0.003 (0.003)
Majority Leader Cosponsorship	0.106*** (0.010)	0.106*** (0.010)	0.027*** (0.006)	0.027*** (0.006)
# of Cosponsors	0.0001*** (0.00003)	0.0001*** (0.00003)	0.00001 (0.00001)	0.00001 (0.00001)
Leadership Bill	0.599*** (0.066)	0.599*** (0.066)	0.232*** (0.048)	0.232*** (0.048)
Committee Chair Sponsorship	0.053*** (0.006)	0.053*** (0.006)	0.014*** (0.002)	0.014*** (0.002)
Observations	53,890	53,890	53,890	53,890
R ²	0.071	0.071	0.034	0.034
Topic x Congress F.E.	✓	✓	✓	✓
Robust S.E.	✓	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors are clustered by bill sponsor.

Table 3: Estimating the effects of Majority Party Rules Committee cosponsorship on bill outcomes

	Received a special rule		Bypassed Committee via Special Rule Extraction	
	(1)	(2)	(3)	(4)
Majority Rules Cosponsorship	0.012*** (0.004)	-0.002 (0.002)	0.002* (0.001)	-0.0004 (0.001)
Majority Party Sponsorship	0.021*** (0.002)	0.019*** (0.002)	0.002*** (0.001)	0.002*** (0.001)
MajRulesCosp x MajPartySpon		0.016*** (0.005)		0.003* (0.001)
Majority Leader Cosponsorship	0.104*** (0.010)	0.103*** (0.010)	0.027*** (0.006)	0.026*** (0.006)
# of Cosponsors	0.0001*** (0.00003)	0.0001*** (0.00003)	-0.00000 (0.00001)	-0.00000 (0.00001)
Leadership Bill	0.598*** (0.066)	0.598*** (0.066)	0.232*** (0.048)	0.231*** (0.048)
Committee Chair Sponsorship	0.053*** (0.006)	0.053*** (0.006)	0.014*** (0.002)	0.014*** (0.002)
Observations	53,890	53,890	53,890	53,890
R ²	0.072	0.072	0.034	0.034
Topic x Congress F.E.	✓	✓	✓	✓
Robust S.E.	✓	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors are clustered by bill sponsor.

Models 1 and 2 in Table 3 demonstrate significant evidence of Rules Committee members having a degree of discretion over which bills receive special rules. The effect size is small, but it is important to note that a bill receiving a special rule is, in most cases, tantamount to passing the House, since the special rule has to be approved by a majority vote on the floor. However, as shown in Table 2, a bill being sponsored by a majority party Rules Committee member does not increase the likelihood of a bill receiving a special rule or being extracted from committee. Likewise, contrary to the expectations in Hypothesis 4, Models 3 and 4 in Table 3 show that there is not enough evidence that Majority Rules cosponsorship has a significant impact on whether a bill bypasses committee via special rule extraction, although the sign is in the correct direction. This may be due to special rule extraction happening earlier in the legislative process than the typical special rule process—many bills that bypass committee via special rule extraction do so under very tight deadlines and receive a final passage vote within days of introduction, leaving little time for Rules Committee members, let alone any rank-and-file members, to read the bill and decide whether or not to cosponsor it. An ancillary analysis in Appendix A leverages suspension of the rules, a supermajoritarian method of considering legislation controlled by the Speaker without the involvement of the Rules Committee, to test the robustness of the significant finding in Models 1 and 2 of Table 3.

The results, while significant in the case of Hypothesis 3, are not particularly large in magnitude and likely do not paint the whole picture. Extracting latent policy benefits by privileging other members' bills that you take an interest in, while better than nothing, is still inferior to the potential policy and credit-claiming benefits that a member attains through using their position on a more normal committee to push their own legislation or amend legislation to their benefit.

1.4 Campaign Finance

The lack of significant policy benefits, direct or indirect, may point to there being a different source of benefits that Rules Committee members benefit from. Members of Congress must win elections to do their jobs in the first place—this sentiment of ‘re-

election first' is reflected in Mayhew's canonical book *Congress: The Electoral Connection*, with Mayhew employing the logic that members of Congress focus first and foremost on winning re-election in order to explain their behavior in office (Mayhew 2004). Mayhew divides these activities into three categories— advertising (building a brand image amongst constituents with non-ideological/political messages), credit claiming (claiming credit for something desirable/positive that the government has done), and position taking (staking a position on a relevant political issue), with these activities being strategically employed by members to boost their chances for re-election.

As mentioned earlier, the Rules Committee provides few credit claiming opportunities compared to other committees because of the committee's lack of original jurisdiction legislation, but the committee may serve as a prime position taking environment due to the breadth of legislation considered by the committee. Committee hearings on special rules provide ample opportunity for Rules Committee members to comment on the legislation being considered by the rules and have those comments be aired to interested audiences (Megan S. Lynch 2010), and the breadth and oftentimes high profile nature of legislation considered by special rules gives members a space to comment on most of the important and controversial legislation considered by the House. With the assumption that members will speak strategically on these bills in order to maximize their chances for re-election, it follows naturally that members will use these position taking opportunities to indirectly solicit campaign donations.

Campaign fundraising has become increasingly important for members of Congress in recent decades— elections are more expensive than ever and members are advised, by their own party leaders in Congress, to spend upwards of 4 hours a day making phone calls for campaign donations (Grim and Siddiqui 2013). Although the empirical literature has yet to make a definitive connection between campaign fundraising and electoral success, particularly in general elections (Abramowitz 1991, Gerber 1998, Stratmann 2005, Thomsen 2023), the long hours that members of Congress put into soliciting donations as well as the ballooning amount of money going into campaigns suggest that members put great value in fundraising and will likely view opportunities to fundraise as beneficial to

their re-election goals.

Considering the broad jurisdiction of the Rules Committee, the legislation that it considers, as well as the position taking opportunities that arise during special rule hearings, I draw the following hypothesis:

Hypothesis 5 (H5): *Members who serve on the Rules Committee will raise more money than members who are not on the Rules Committee.*

An alternative explanation for the effect of Rules Committee membership on campaign fundraising is that Rules Committee members, with their committee’s broad jurisdiction and influence over the legislative agenda, are valuable to interest groups trying to ‘buy’ access to influential members of Congress. Other research has found that donors target legislators with agenda-setting power (Fournaies 2018, Fournaies and A. B. Hall 2018) and that members of Congress are significantly more likely to schedule meetings with donors than non-donors (Kalla and Broockman 2016). Considering the committee’s nature as the ‘scheduling arm of the majority party’ (*Conference Rules of the 118th Congress* 2023), it is likely that the value derived from the committee’s agenda-setting power & connections for lobbyists is limited to committee members of the majority party. Thus, I hypothesize the following:

Hypothesis 6 (H6): *Majority party members who serve on the Rules Committee will raise more money than members who are not on the Rules Committee or in the majority party.*

To test these hypotheses, I employ a fixed-effects research design that assesses the effect of being on the Rules Committee on a member’s campaign fundraising. District and redistricting cycle interactive fixed effects are included to control for any variation in fundraising induced by a member running for a certain congressional district— this holds certain features of the electoral environment that may affect campaign fundraising, such as district competitiveness and the donor pool of district residents, constant. Drawing from Bonica’s Database on Ideology, Money in Politics, and Elections (DIME) dataset, I regress Rules Committee membership on the log amount of dollars raised from PACs and

individual donations (Bonica 2023). I also control for seniority, whether the member is a committee chair, the legislative effectiveness of the member, as well as the competitiveness of the district. The measure of district competitiveness is calculated by subtracting the district's most recent Democratic presidential vote share from 50 for Democrats and vice versa for Republicans, with higher values indicating that the district is less competitive. This data is drawn from Jacobson and Algara's Congressional Election Returns dataset (Jacobson and Algara 2024). To distinguish between the two potential mechanisms for Rules Committee membership's effect on campaign fundraising, I also specify interactive models that assess whether the benefits of committee membership are conditional on being in the majority party— if the effect is conditional on majority party status, it's more likely that the committee's benefits are driven through connections rather than public-facing position-taking behavior.

Table 4: Effect of Rules Committee Membership on Campaign Donations

	<i>Dependent variable:</i>			
	log(PAC)	log(PAC)	log(Individual)	log(Individual)
	(1)	(2)	(3)	(4)
Rules	0.171 (0.138)	0.340 (0.414)	0.174 (0.106)	0.232 (0.047)
Majority Party	0.125* (0.074)	0.130* (0.075)	0.066 (0.047)	0.068 (0.047)
Rules x Majority Party		-0.197 (0.454)		-0.067 (0.160)
Seniority	-0.007 (0.015)	-0.007 (0.015)	-0.007 (0.010)	-0.007 (0.010)
Committee Chair	0.141 (0.238)	0.149 (0.240)	0.171 (0.121)	0.174 (0.121)
Legislative Effectiveness	0.084** (0.033)	0.083** (0.033)	0.062*** (0.015)	0.062*** (0.015)
District Uncompetitiveness	-0.013 (0.009)	-0.013 (0.009)	-0.017*** (0.006)	-0.017*** (0.006)
Observations	5,367	5,367	5,367	5,367
R ²	0.005	0.005	0.012	0.012
Member and Congress F.E.	✓	✓	✓	✓
District x Redistricting Cycle F.E.	✓	✓	✓	✓
Robust S.E.	✓	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors are clustered by member.

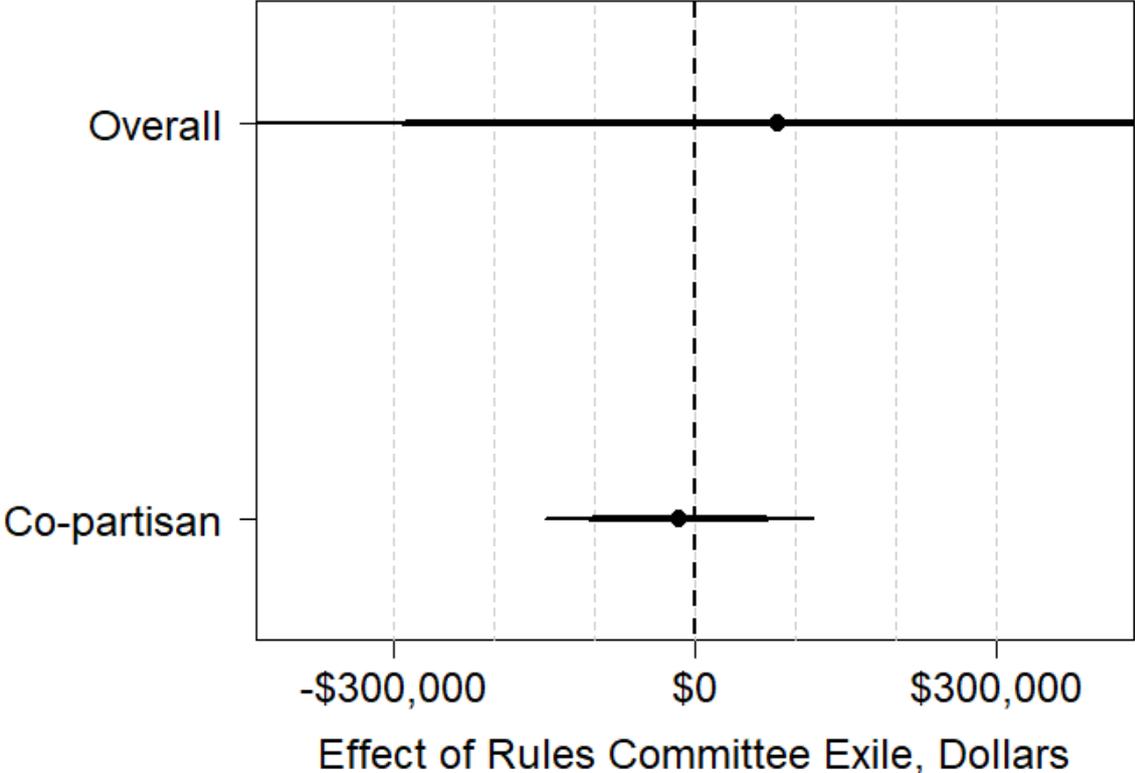
Table 4 shows no significant effects of Rules Committee membership on any measure of campaign fundraising regardless of the model specification or the outcome variable of interest. Neither mechanism is empirically supported. There could be competing interpretations of this, however— it could be that being on Rules perfectly makes up for the lost fundraising opportunities present in another committee, thus there may be an effect that is difficult to precisely estimate with this empirical approach. Appendix B contains alternative specifications of these models with and without the district and redistricting cycle interactive fixed effects, with similarly insignificant results.

To get closer to a true causal estimate of the effect of Rules Committee membership on campaign finance, I replicate the empirical analysis from Powell and Grimmer’s article entitled ‘Money in Exile: Campaign Contributions and Committee Access’ (Powell and Grimmer 2016). This article, alongside a previous article of theirs examining a more broad range of political outcomes for members of Congress (Grimmer and Powell 2013), use the plausibly exogenous instrument of changes in the party balance of committees after ‘wave’ elections that change the majority party in control of a given chamber in Congress to estimate the effects of committee membership. Exiled members are compared to non-exiled members who remained on the same committee in order to estimate the effects of losing a specific committee assignment. In the case of the Rules Committee, the committee always has a 9-4 ratio of majority party members to minority party members, meaning that five members are ‘exiled’ from the committee whenever the majority party changes in the House. The effect of exile, in their findings, is that exiled members receive a ‘subsidy’ for their loss of committee status from co-partisan PACs, which are PACs aligned with one of the two parties in Congress that has an interest in which party controls Congress, but these exiled members also lose money from industry PACs who donate to gain access to members on their committee of interest.

Because Rules has its hands on legislation from most committees yet has less substantive involvement than the committees of jurisdiction for a given bill, I expect that Rules membership will not have an industry specific effect like, for example, Energy and Commerce. Therefore, I focus on the effect of Rules Committee exile on overall PAC

donations and co-partisan PAC donations. If being on Rules gives members a boost to their campaign fundraising through the ability to appeal directly to donors with position taking behaviors during special rule hearings, I expect that exile will decrease the overall amount of money Rules Committee members receive and increase the amount received from co-partisan PACs as a way to compensate for their decreased fundraising capacity.

Figure 3: Effect of Rules Committee Exile on PAC Donations



As shown in figure 3, there is no statistically significant effect of Rules Committee exile on PAC donations. Given that members may adjust their behavior to compensate for the exile, I cannot conclude with certainty that the Rules Committee has a negative impact on a member’s ability to fundraise, but considering that co-partisan PACs do not seem to increase their donations to exiled Rules members and the results in table 4, it appears unlikely that the Rules Committee has a significantly positive impact on members’ ability to fundraise.

1.5 Party Promotion

If not policy or re-election, what, then, can be driving members to be on the Rules Committee? One of Fenno's other motivations for members in Congress is institutional promotion, i.e. seeking power within their chamber, whether it be through plum committee positions or party leadership positions (Fenno 1973). Being a committee chair grants formal agenda control power and greater access to staff and resources (R. L. Hall 1996, Berry and Fowler 2018, Oleszek et al. 2019), all valuable things for a member seeking re-election and aiming to implement their preferred policies. Likewise, being a party leader is also valuable for members seeking greater influence within the chamber— although much ink has been spilled about the importance (or lack thereof) of parties in Congress (Rohde 1991, Krehbiel 1991, Lebo, McGlynn, and Koger 2007, Patty 2008, just to name a few), party leaders are nonetheless endowed with a variety of formal and informal powers that render these positions valuable, including the agenda control powers of the Speaker as well as the fundraising and informal networks of power that party leaders are at the center of in the 21st century House.

However, not much is known about the career pathways of the Speaker of the House, let alone the other party leaders of importance, including the majority leader, party whip, caucus/conference chair, among others. In the case of the Speaker, the general trend is for the Speaker (or Minority Leader, the #1 position of the minority party in the House) to ascend to the position after serving as the #2 leader, which is either the Majority Leader or the Minority Whip (Jenkins and Stewart 2018). However, that doesn't account for most of the 20 or so years on average spent in the House before becoming speaker.

One reason members get elected or appointed to positions of power in the chamber is their fundraising prowess. As campaigns become more expensive, party leaders are increasingly expected to be effective fundraisers for their party (Cann 2008, Heberlig and Larson 2010, M. Currinder 2019). Through the formation of leadership PACs, which are specialized political action committees made by politicians for the purpose of redistributing campaign dollars to other politicians who need the money, members can contribute to their party's collective success and potentially gain more support for committee chair

or party leadership bids, which are decided by a majority vote of the party caucus or conference. Currinder, in her article ‘Leadership PAC Contribution Strategies and House Member Ambitions’, finds that members distribute leadership PAC funds according to a number of strategies, including the goal of advancement within the chamber, which is echoed by Kanthak’s finding that members aiming for leadership positions, either committee or party leadership, distribute their leadership PAC funds strategically to members to maximize their likelihood of forming a winning coalition (M. L. Currinder 2003, Kanthak 2007).

To that end, I theorize that the House Rules Committee, due to its unique nature as a heavily partisan committee key to the maintenance of the party cartel, provides an avenue for members to ‘audition’ for future party leadership promotions. Members, by slugging through committee service with little in the way of policy benefits for themselves but that is nonetheless invaluable for upholding the party cartel, are investing in their reputation as someone who is willing to put the goals of the party over their own personal policy goals. This reputation is made known to the rest of the chamber through their actions on the committee, which is unique among committees in that most major legislation from most committees will end up passing through the Rules Committee and receive a special rule there (Michael S. Lynch, Madonna, and Vick 2020, Davis 2022). Likewise, as campaign fund redistribution is necessary for forming winning coalitions for leadership positions, members on the committee who are auditioning will also focus more on forming leadership PACs and redistributing funds to secure their future winning coalition. From this, I derive the following hypotheses:

Hypothesis 7 (H7): *Members who serve on the House Rules Committee are more likely to have leadership PACs than members who do not.*

Hypothesis 8 (H8): *Members who serve on the House Rules Committee will distribute more money through their leadership PAC than members who do not serve on the committee.*

Hypothesis 9 (H9): *Members who serve on the House Rules Committee are more likely to attain party leadership positions later in their careers.*

To test hypotheses 7 and 8, I utilize data from [opensecrets.org](https://www.opensecrets.org) cataloging leadership PAC expenditures among House members from 1999 to 2018. I specify a two-way fixed effects model where the dependent variable of interest is either having a leadership PAC in time t , where t corresponds to a given campaign cycle, or the amount of money disbursed through the leadership PAC in time t . For the latter, I subset my observations to just members of the House who have a leadership PAC at time t . The independent variable is whether a member is on the Rules Committee at time t . I control for seniority, committee chair status, as well as majority party status, as sources of potential endogeneity. Fixed effects are specified at the member and time level and standard errors are clustered at the member level and reported in parentheses.

Table 5: Effect of Rules Committee Membership on Leadership PAC outcomes

	Likelihood of having a leadership PAC		Logged dollars disbursed by leadership PAC	
	(1)	(2)	(3)	(4)
Rules	-0.023 (0.056)	-0.027 (0.057)	0.360 (0.249)	0.262 (0.250)
Seniority		0.038** (0.016)		0.001 (0.120)
Committee Chair		0.084** (0.035)		0.322*** (0.116)
Majority Party		0.017 (0.013)		0.233*** (0.061)
Observations	5,709	5,709	2,424	2,424
R ²	0.0001	0.007	0.001	0.018
Member and Congress F.E.	✓	✓	✓	✓
Robust S.E.	✓	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors are clustered by member.

As shown in Table 5, there is no significant effect of Rules Committee membership on either having a leadership PAC or the amount disbursed by said leadership PAC. What this implies is that Rules Committee members do not engage in the type of coalition building in anticipation of future runs for party leadership positions more than the average House member. While they likely still engage in these activities, it seems unlikely that members with higher ambitions for leadership than the average member self-select onto the Rules Committee.

To test hypothesis 9, I examine members of Congress whose service began in the 103rd Congress (1993-1994) or later. I specify both a member fixed effects model and a two way fixed effects model. The outcome variable of interest is a member being a Party Leader in Congress t , with party leader data being drawn from the Center for Effective Lawmaking in their Legislative Effectiveness dataset, which is itself drawn from the Almanac of American Politics (Barone 2000, Volden and Wiseman 2014). Included in their operationalization of party leaders are the usual suspects like the Speaker and the Minority Leader, but also include whips, deputy whips, conference chairs and conference secretaries. The independent variable of interest is whether a member was on the Rules Committee at Congress $t - 1$ or before, with t referring to a two year Congress session. To control for any situations where a member attains a party leadership position before joining the Rules Committee, I also control for whether a member was a Party Leader at Congress $t - 2$ or before. I control for seniority and ideological distance from the majority party median to control for potential endogeneity. I use member and congress fixed effects to control for unchanging and unobserved variance that may endogenize the relationship between the independent and dependent variables, with all standard errors clustered at the member level and robust standard errors. The results are specified in Table 6 below:

Table 6: Effect of Rules Committee Membership on becoming a Party Leader

	Party Leader in Congress t	
	(1)	(2)
Rules ($t - 1$ or before)	0.052 (0.039)	0.053 (0.039)
Party Leader ($t - 2$ or before)	-0.019 (0.062)	-0.019 (0.062)
Seniority	0.009*** (0.002)	0.010*** (0.004)
Majority Party Median distance	-0.018 (0.014)	-0.018 (0.014)
Observations	3,340	3,340
R ²	0.017	0.004
Member F.E.	✓	✓
Congress F.E.		✓
Robust S.E.	✓	✓

Note:

* $p < 0.1$; ** $p < 0.05$; *** $p < 0.01$
Standard errors are clustered by member.

Regardless of the model specification, there is not enough evidence to support the assertion that Rules Committee members are more likely to become party leaders later on in their careers. The most likely reason for this is the low power of the test— there are only so many members who ever join the Rules Committee or are elected to a party leadership position, thus making a quantitative analysis difficult. The operationalization of party leadership as solely high-ranking elected positions limits the analysis of unelected party leadership positions of interest that can be examined in this model. It is also worth noting that, at least according to the Republican Party conference rules in the 118th Congress, the chair of the House Committee on Rules is considered a ‘designated’ party leader— unique among all committee chairs in that regard (*Conference Rules of the 118th Congress* 2023). Regardless, it is unlikely that the Rules Committee is a sure-fire path to future party leadership positions.

1.6 Revolving-Door Lobbying

A unique feature of the Rules Committee is that most major legislation routes through the committee via the special rule process, including legislation from all House committees. This means that, although the committee is not directly involved with the drafting of most legislation, it holds hearings and drafts rules for a broad cross-section of legislation, particularly important legislation. The uniquely broad knowledge and connections formed through performing the duties of the committee may make members on the Rules Committee particularly valuable and/or effective lobbyists after they leave the chamber, in part because the comparative advantage of so-called ‘revolving door’ lobbyists is their political experience and connections (LaPira and Thomas 2014, LaPira and Thomas 2017, McCrain 2018, Strickland 2020).

If it is the case that Rules Committee experience creates more effective ‘revolving door’ lobbyists, combined with the demonstrated lack of individual benefits that Rules Committee service provides that may incentivize committee members to leave Congress early, thus making it more likely that said member will pursue a post-Congress career instead of retiring, I posit that members who have served on the Rules Committee will be more likely to become lobbyists after leaving the chamber and will also be more effective lobbyists. Relative to other former members of the House, the comparative advantage of Rules Committee members should be their breadth of connections and knowledge, which should translate into a larger number and diversity of clients. From this, I draw the following hypotheses:

Hypothesis 10 (H10): *Among former members of the House of Representatives, those who have served on the Rules Committee are more likely to become lobbyists than those who have not.*

Hypothesis 11 (H11): *Among former members of the House of Representatives who have become lobbyists, those who have served on the Rules Committee will be more valuable than those who have not.*

Hypothesis 12 (H12): *Among former members of the House of Representatives who have become lobbyists, those who have served on the Rules Committee will serve more clients than those who have not.*

To test these hypotheses, I employ a simple OLS regression model assessing the effects of Rules Committee service on the outcome variables of interest. I draw data on the lobbying activities of former members of the House of Representatives from Ban et al. which examines the relationship between Congressional experience and the value of lobbyists (Ban, Palmer, and Schneer 2019). The dataset covers all members who left the House of Representatives from 1993 to 2012 (left, in this case, includes any means of departure, including retirement, death, and losing re-election) and codes the members who subsequently became lobbyists with their lobbying records. The outcome variables include whether a member became a lobbyist or not, the average number of annual clients served, as well as a measure of lobbyist value developed by Ban and coauthors that assesses the marginal increase in the cost of a contract by adding a given lobbyist (ex. the dollar amount increase in a contract by adding lobbyist B alongside lobbyist A compared to the dollar amount of the contract with lobbyist A alone) entitled *Lobbyist Value Added*. The independent variable is if a member of Congress served on the Rules Committee at any time in their congressional career. Controls are added for potential confounds, including other positions within the House that may influence lobbyist outcomes, the time in office served by a member, whether the member served on a non-Rules prestige committee, the party of the member, as well as the member's age upon leaving Congress.

Table 7: Effect of Rules Committee membership on post-Congress lobbying outcomes

	<i>Dependent variable:</i>		
	Became Lobbyist	Clients Per Year	log(Lobbyist Value Added)
	(1)	(2)	(3)
Rules	0.062 (0.121)	0.852 (2.741)	-5.285 (3.263)
Party Leader	0.348* (0.178)	0.675 (2.870)	0.390 (2.599)
Committee Chair	0.033 (0.078)	-1.212 (1.683)	-2.139 (1.632)
Committee Ranking Member	0.243*** (0.078)	2.224 (2.316)	0.568 (1.261)
ln(Time in Office)	0.065*** (0.023)	1.522* (0.801)	0.285 (0.601)
Republican	0.064* (0.034)	-0.301 (1.107)	-0.972 (0.736)
Prestige Committee	0.176*** (0.037)	2.893** (1.118)	-1.383* (0.738)
Age upon Leaving Congress	-0.009*** (0.002)	-0.119* (0.063)	-0.020 (0.042)
Constant	0.515*** (0.091)	7.770** (3.313)	12.127*** (2.345)
Observations	653	176	176
R ²	0.066	0.058	0.039
Robust S.E.	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01

As shown in Model 1 of Table 7, the effect of being a member of the Rules Committee on becoming a lobbyist post-Congress is statistically insignificant, and the effect is likewise insignificant for both measures of lobbyist value, conditional on becoming a lobbyist, in Models 2 and 3. Although there are constraints with the cross-sectional nature of the data, the results imply that the constraints on Rules Committee service and the connections developed during committee service do not disproportionately lead former members into lobbying post-Congress and do not affect their ability/value as a lobbyist.

1.7 Selection Effects

One of the main problems that have plagued previous studies of committee assignment benefits is the inability to control for selection effects that endogenize the relationship between being on a committee and the benefits that one accrues, such as earmarks and federal outlays (Evans 1994, Frances E Lee 2003). Berry and Fowler, using data on earmarks per capita for senators in the 110th and 111th Congresses, find that senators who were on the Appropriations Committee in both Congresses and senators who only joined the committee in the 111th Congress exhibit almost the same rate of earmarks per capita, even in the 110th Congress, implying that any perceived benefits from being on the committee are entirely due to high-earmark-demanding senators self-selecting onto the committee rather than any intrinsic benefits of committee membership itself (Berry and Fowler 2016). One advantage of the within-member two-way fixed effects regression models implemented in the Berry and Fowler piece, as well as in most of the analyses in this paper, is its ability to control for some of these selection effects and more directly examine the effects of committee membership on individualized benefits. However, a limitation of the two-way fixed effects model is that the unit and time fixed effects do not control for unit-and-time varying unobservable variables (Imai and Kim 2021). Therefore, there remains the possibility that there are unobservables that vary within members and between time periods that endogenize the relationship between having a seat on the Rules Committee and the benefits that a member receives, thus reintroducing the possibility for some form of selection effects, which is why the two-way fixed effects analyses in this

paper cannot be taken as strictly causal.

To analyze these potential selection effects, I estimate three models— all three have seniority fixed effects to account for the non-linear relationship between seniority and receiving the treatment, model 2 has member fixed effects, and model 3 has member and Congress fixed effects. These models estimate the effects of certain predictors at Congress t on a member of the House joining the Rules Committee for the first time at Congress $t + 1$. Members who receive the treatment are subsequently dropped from the dataset, as are members who started their first term in the House on the Rules Committee. This modelling decision is to get a more accurate estimation of these committee members before joining the committee. I control for factors that may predict being selected as a Rules Committee member, such as seniority, ideological distance from the majority party, as well as members' Party Unity Score, which is a score assessing how often a member votes with their party on 'party unity' roll-call votes which have 50%+ of the majority party voting one way and 50%+ of the minority party voting the opposite (J. B. Lewis et al. 2024).

Table 8: Rules Committee Membership Selection Effects

	<i>Dependent variable:</i>		
	First Rules Assignment at Congress $t + 1$		
	(1)	(2)	(3)
Majority Party	0.004 (0.007)	-0.005 (0.005)	-0.007 (0.008)
Majority Party Distance	0.0004 (0.012)	-0.006 (0.009)	-0.009 (0.012)
Legislative Effectiveness	-0.0001 (0.001)	-0.0002 (0.001)	-0.0003 (0.001)
Party Unity Score	0.0004** (0.0002)	0.00004 (0.0001)	0.0001 (0.0001)
District Uncompetitiveness	-0.00003 (0.0002)	0.00004 (0.0002)	0.00003 (0.0002)
log(Total Campaign Contributions)	-0.001 (0.001)	-0.0002 (0.0001)	-0.0003 (0.0002)
Observations	2,425	2,425	2,425
R ²	0.008	0.009	0.009
Seniority F.E.	✓	✓	✓
Member F.E.		✓	✓
Congress F.E.			✓
Robust S.E.	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors are clustered by member.

Model 1 in Table 8 reports a positive effect of a member's Party Unity Score on receiving their first Rules assignment in Congress $t + 1$, albeit this effect is washed out in models 2 and 3 when member fixed effects are added. What this implies is that there is some unobservable variable that confounds the relationship between a member's Party Unity Score and their likelihood of being assigned to Rules that drives selection onto the committee. The evidence, paired with the understanding of the committee as heavily tied to party leadership, is congruent with this unobservable potentially being a member's unobserved connections to their party's leadership as well as how much the member

values the collective ‘party brand’ that the committee generates. These characteristics of members vary between members and could also vary within members over time, making them difficult to capture with a standard regression model, and likely highly correlate with a member’s Party Unity Score, given that they are all related to a similar concept of loyalty to one’s party. These unobservables are, of course, difficult to measure and definitely test, but are at least consistent with the overall picture of the committee presented in the rest of the paper, that being a committee held on a tight leash with few individual benefits focused almost entirely on producing the collective ‘party brand’ benefits that the majority party benefits from. The members who would populate a committee like this are likely selected on their being more loyal to their party and receiving the most intrinsic benefit from the collective benefits the committee produces. This theory is not new to the field, however— several studies of special rules have assumed that the preferences of the Rules Committee align with the preferences of majority party leadership, with Marshall going as far as to say that the committee’s actions are best explained by a ‘partisan principal-agent framework’ (Bryan W. Marshall 2002b, Monroe and Robinson 2008).

The committee being stacked with party loyalists is contradictory with informational & partisan theories of committee composition, which posit that committees will be representative of either the floor or the majority party, respectively (Krehbiel 1991, Cox and McCubbins 1993). Distributive theory, which posits that committees will be composed of ‘high-demanders’ who receive the disproportionate share of benefits from the committee, is implicated as well, since it does not appear that members on this committee achieve any disproportionate benefits from committee service (Shepsle and Weingast 1981, Weingast and W. J. Marshall 1988). As for the implications this holds for the floor and policy outcomes in general, the committee being stacked with majority party loyalists gives the majority party control over the special rule process, which is the method through which most major legislation is considered in the House of Representatives. The fact that all other viable routes to the floor require some form of super-majority voting, such as suspension of the rules and unanimous consideration, demonstrates the importance to the majority party of having certainty over the one path that allows major bills to pass with

a simple majority vote. The composition of the Rules Committee upholds the House’s nature as a ‘dictatorship of the majority’.

1.8 Discussion

The results of this paper suggest that party leaders may grant some limited amount of influence over which bills receive special rules to members on the Rules Committee, yet the small magnitude of the effect, combined with the near-lack of original jurisdiction legislation considered by the committee and the lack of any other individualized benefits that exceed that of the average committee, suggest that members on the committee don’t get nearly as good of a deal as the exclusivity and importance of the committee may suggest.

This is likely by design; party leaders have to toe a fine line between delegating important tasks to rank-and-file members and ensuring that those members do not use their positions of power to accrue benefits for themselves at the expense of the party cartel. The Rules Committee, with its vitally important role in controlling the legislative agenda, is the one committee that majority party leaders absolutely cannot have rebelling against them— if Rules Committee members decide to stonewall legislation in hopes of extracting rents of some kind, the majority party loses their most important tool for passing legislation without the consent of some amount of minority party members. One only need look at the 118th Congress to observe the dangers of a disloyal Rules Committee— after former Speaker McCarthy was forced to appoint three outsider conservatives to the Rules Committee, including two Freedom Caucus members, in an agreement with far-right members of his conference to support him for Speaker, the committee has dealt more procedural defeats to the majority party than any Rules Committee in recent history, leaving current Speaker Johnson to use suspension of the rules to pass many of his priorities (Watson 2023, Feldman 2024). Since suspension of the rules requires a 2/3rds majority vote for passage of the bill under consideration, Speaker Johnson is now required to solicit Democratic votes for important legislation that would normally route through the Rules Committee and be considered with a special rule, including several stop-gap

funding bills that averted looming government shutdowns. The policy outcomes of the 118th Congress are being substantively shifted because the Speaker cannot rely on the Rules Committee like Speakers have in Congresses past and the rules that do pass have been increasingly voted down by the floor, a stark departure from past Congresses where votes on rules rarely, if ever, faced significant opposition by majority party members.

Although there's no hard statistical evidence on what Rules Committee members are being selected on, the fact that Rules Committee members tend to have higher Party Unity scores prior to joining the committee, as well as the lack of individualized benefits from the committee, is consistent with the notion that the committee is primarily composed of members whom derive the most benefit from being a 'loyal soldier' for their party and thus value the collective party brand benefits that the committee generates. In a way, the lack of individual benefits for members serves to hedge against members joining the committee for reasons that do not align with the collective goals of the party, whom could be potentially dangerous for the functioning of the party cartel. This partially contradicts the predictions of informational and partisan theories of committee organization, which posit that committees will be representative of either the floor or the party respectively (Krehbiel 1991, Cox and McCubbins 1993). The lack of benefits is also inconsistent with the common characterization of the committee as 'prestigious' in both the literature and popular media, insofar as 'prestigious' is used to mean valuable or desirable for individual members of Congress.

This paper is the first to directly test the benefits that the Rules Committee gives to its members and provide an explanation for the decline in the committee's perceived prestige. However, other work has shown that committee assignments have become less valuable in general in recent years, including articles by Berry and Fowler that find that only committee and Appropriations subcommittee chairs receive any significant individualized benefits from their committee positions (Berry and Fowler 2016, Berry and Fowler 2018). If the differences between the power and influence of members of Congress is driven entirely by unobservable factors such as back-door connections or innate ability that may lead members to self-select onto certain committees, rather than the positions on commit-

tees themselves, it implies that the institutions of Congress themselves have deteriorated in their importance and that the distribution of power is much more regulated by informal networks rather than formal institutions (Jenkins and Stewart 2018). Likewise, the significant results for committee chairs in the aforementioned articles may imply that the set of actors that truly have influence in policy produced by the House is a smaller subset than initially envisioned, with committee chairs, ranking minority members, and party leaders having the lion's share of influence. This distribution of power lies somewhere in-between existing theories, with partisan theory asserting that chairs are mere agents of the majority party (Cox and McCubbins 1993, Cox and McCubbins 2005) and distributive theory positing that rank-and-file members on committees receive disproportionate benefits by virtue of their committee service (Weingast and W. J. Marshall 1988). The field would benefit from research that presents a more fleshed out theory of if/why power has centralized in this group of actors and if/how this institutional setup is congruent, if not beneficial, to the interests of rank-and-file members whose power has been ceded to this smaller group of actors.

2 (Non-)Ideological Oversight of the Executive Branch: Evidence from Congress and Offices of Inspectors General

2.1 Introduction

One fundamental problem driving the existence and growth of the federal bureaucracy in the United States is that Congress does not have the time or capacity to write all of the laws for the country on its own. Congress therefore delegates significant policymaking and policy implementation powers to federal agencies, anticipating that the expertise and capacity of agency bureaucrats will produce more effective policies. This delegation brings with it the principal-agent problem of ensuring that the policies produced by federal agencies do not stray too far from Congress's policy preferences, including ideological preferences and preferences over policy valence, otherwise known as quality.¹ Congress has utilized both ex-ante (statutory limitations on policy-making, appropriations riders, etc) and ex-post (committee hearings, mandatory reporting requirements) tools to solve this agency problem, but the relative success of these measures remains a hot topic of scholarly and popular debate.

Much of the literature on congressional oversight of the executive branch focuses on the question of whether ideology/partisanship or policy valence concerns predict oversight frequency/intensity and under what conditions members of Congress pursue one form of oversight over the other. Findings have been mixed, with some citing the predictive power of divided government and/or policy alignment on oversight (Kriner and Schwartz 2008, McGrath 2013, Parker and Dull 2013, Bolton 2022) and others citing policy valence concerns as important drivers of oversight, particularly in private communications with

¹In this paper, I use the term 'valence' to refer to the quality of the implementation of a given policy, rather than the salience of a policy among the electorate. For example, a federal construction project that wastes money hiring expensive contractors with little experience would have lower valence than if said construction project were implemented with a cost-effective contractor instead. All actors are assumed to prefer a higher valence policy over a lower valence policy, holding ideological location constant (Hirsch and Shotts 2012).

agencies (Lowande 2018). However, the literature's focus on examining one mechanism of oversight at a time has left questions unanswered about how these mechanisms relate to one another, raising the possibility that ideological and non-ideological oversight in different venues may be complementary to one another and further Congress's policy and electoral goals.

This paper contributes to this ongoing debate by examining congressional control of Offices of Inspector General (OIG), an understudied yet highly consequential set of institutions in the U.S. federal government. OIGs are non-partisan, politically independent offices in executive branch agencies that conduct audits and investigations of the agency that they are housed in, issuing reports and recommendations aimed at minimizing waste and fraud in federal agency operations. Although they are housed in the executive branch, OIGs are unique in that they have a dual reporting role to both the head of their agency and Congress and also substantial statutory independence from their parent agencies, such as through their separate appropriations accounts and the requirement of advance congressional notification before their removal.

OIGs are useful for examining this debate, as the oversight they conduct is very much focused on correcting policy valence instead of ideological 'drift'. Therefore, if ideological/partisan motivations explain patterns of congressional interactions with OIGs, it provides strong evidence of ideological/partisan incentives' ability to explain patterns of congressional oversight as a whole. OIGs also contribute to Congress's oversight efforts in a variety of ways, allowing for the study of multiple oversight mechanisms and further theorizing about how they complement each other.

In this paper, I present a theory of how members of Congress are incentivized by political incentives to manipulate OIGs' auditing agenda and capacity in accordance with the broader political environment. I leverage OIG budget authority data, non-statutory directives to both OIGs and their parent agencies in appropriations committee reports, and witness invitation data to test this theory and assess if members of Congress prioritize partisanship/ideological disagreements over policy valence or other considerations in their oversight of the executive branch.

The mixed predictive power of political incentives on oversight intensity in these different empirical tests is suggestive of a complementarity between political and valence motivations for congressional oversight. OIG budgets and directives are not subject to consistent and significant political influence, be it through presidential opposition or ideological divergence, however, OIG witness patterns are congruent with some form of political motivations for oversight, particularly for Republicans. I posit that members of Congress have an incentive to refrain from politicizing the oversight that OIGs conduct because the value of their oversight to Congress comes from their reputation in the public eye as trustworthy non-ideological watchdogs. If Congress were to manipulate OIG oversight capacity or their agendas, it would, in effect, ‘poison the well’ and endanger the bipartisan credibility that makes OIG oversight so valuable for Congress.

By questioning the strict distinction between ideological and non-ideological oversight and examining an underexplored institution that conducts significant oversight of the executive branch, this paper highlights the importance of conceptualizing oversight as more than just a set of actions conducted in isolation by members of Congress. Different oversight mechanisms serve different goals of members of Congress and it is necessary to incorporate multiple oversight mechanisms and actors to have a complete understanding of congressional oversight and the incentives that drive the behavior of members of Congress with regards to holding the executive branch accountable.

2.2 Congressional Oversight

The elected representatives of Congress and their body of staffers are responsible for writing the laws of the federal government. However, Congress, as an institution, does not have the capacity or expertise to write all laws for a country of over 300 million people with an annual GDP of over 25 trillion USD. This has led to significant delegation of policy-making powers to the executive branch, including the President and federal agencies. Many federal regulations are written by federal agencies through the federal rulemaking process, with these statutes having the same legal standing as those written

by Congress.² With delegation, Congress runs the risk of federal agencies drifting from Congress’s preferences, whether it be preferences over the ideological location of policy or preferences over the efficiency/quality of implementation of policy, i.e. policy valence.

To control bureaucratic inefficiency, shirking, and policy drift, Congress turns to oversight, which is defined by McCubbins and Schwartz as actions taken by Congress to “detect and remedy executive-branch violations of legislative goals” (1984). These legislative goals, drawing from canonical conceptualizations of the goals of members of Congress (Fenno 1973, Mayhew 2004), can include both the implementation of policy congruent with a member’s ideological preferences and efficient implementation of policy more generally. Congress has a number of oversight ‘tools’ at their disposal—some of these oversight mechanisms are ‘formal’ in that they require significant coordination between multiple members of Congress, such as the design of statutes (Huber and Shipan 2002), committee hearings (Aberbach 1990, Mayhew 1991, Kriner and Schwartz 2008, McGrath 2013, Parker and Dull 2013) and limitation riders (Macdonald 2010), but others are more informal and require the involvement of as little as one member of Congress, such as private communications with federal agencies (Lowande 2018, Ritchie 2018, Lowande, Ritchie, and Lauterbach 2019, Ritchie and You 2019, Ritchie 2023), comments on federal rules (Lowande and Potter 2021), non-statutory directives in appropriations reports (Bolton 2022), and directing actors outside of Congress to conduct oversight of the executive branch (Kempf and Cabrera 2019, Drolc 2020). The use of oversight tools may be, in part, dictated by congressional capacity and legislative gridlock, as more formal methods of oversight may be unfeasible when ideological divisions within, and between, chambers of Congress and the President paralyze the lawmaking process and capacity constraints force members of Congress to pursue less costly and more informal means of overseeing the executive branch (McGrath 2013, Bolton 2022).

A salient question in the congressional oversight literature is when and where ideological disagreements or policy valence concerns predict oversight frequency and intensity

²The modern federal rulemaking process was standardized with the Administrative Procedure Act of 1946. Worth noting here is that there are even more instances of informal rulemaking by federal agencies that, although not having the same legal authority as federal statutes, still shape behavior and compliance amongst regulated parties (Parrillo 2019, Potter 2020).

by Congress. Scholars have found different answers depending on the type of oversight being conducted, with private and informal oversight, such as private communications with federal agency, hewing more towards non-ideological concerns such as constituent service and policy efficiency (Lowande 2018, though see Ritchie 2018) and public-facing oversight, particularly committee hearings, focusing on ideological and partisan concerns (Kriner and Schwartz 2008, McGrath 2013). A common thread connecting these findings is that the incentives for members of Congress to ‘pander’ to their electorates by focusing on ideological oversight are most salient in public-facing oversight, leaving private oversight as the pathway to oversee issues with fewer electoral benefits.

The lumping together of actions as disparate as committee hearings, private communications with agencies, and statute design under the umbrella of oversight, alongside the very different incentives surrounding each, illustrates the need for more theoretical clarity about oversight. The various mechanisms of congressional oversight do not exist in a vacuum and, in fact, likely feed into each other: congressional hearings often cite information gathered by congressional staffers through private communications with agencies, private communications between members of Congress and agencies can be sparked by the findings of an audit conducted by the Government Accountability Office, and audits themselves can be requested by Congress either in private communications or in statute. However, most empirical studies of congressional oversight only look at one of these oversight mechanisms at a time, leaving room for scholarship that bridges the theoretical gaps between these different oversight mechanisms that exhibit radically different patterns of ideological influence.

Building on this, Selin and Moore posit that congressional oversight is “a series of actions designed both to gather information on the executive and to facilitate legislative credit claiming and position taking” (Selin and Moore 2023, 187). Selin and Moore’s conceptualization highlights the distinction between the information gathering and political signaling aspects of oversight, with information gathering typically coming before political signaling in the oversight ‘process’. Though most oversight mechanisms can be construed as pursuing both information provision and political signaling (Eldes, Fong, and Lowande

2024), some are certainly more ripe for political signaling than others, particularly committee hearings, and it appears that the suitability of oversight mechanisms for political signaling is what drives the empirical patterns seen in the literature.

Importantly, conceptualizing congressional oversight as a ‘series of actions’ raises the possibility of a complementarity between ideological and non-ideological oversight. By only looking at one form of oversight at a time, the literature has yet to fully consider how Congress’s ideological and non-ideological motivations for oversight may not only be satisfied at different steps in the oversight ‘process’ but may also be complemented by one another, with a focus on non-ideological issues in one realm of oversight potentially contributing to the pursuit of ideological goals in other forms of oversight.

This paper contributes to this gap in the literature by examining congressional control of Offices of Inspector General (OIGs). These offices, housed in the executive branch but with statutory protections from presidential influence, conduct vital oversight of executive branch agencies with a focus on oversight of non-ideological issues, such as efficiency of government programs and criminal abuses within the executive branch. Together with the Government Accountability Office (GAO), these offices comprise the majority of the governmental workforce employed in executive branch oversight³ and contribute most directly to the information provision aspect of congressional oversight.

This paper expands upon the existing debate over the influence of ideology on congressional oversight in a few ways—first, by examining an underexplored oversight institution that primarily focuses on oversight of non-ideological issues and is prized for their independent, non-political expertise, the paper provides something of a ‘conservative’ test for the influence of ideology on congressional oversight more broadly. Second, by examining the various stages in the oversight ‘process’ in which Congress can utilize and manipulate the oversight conducted by OIGs for information gathering and political signaling, this paper hints at a complementarity between non-ideological information

³As of 2024, roughly 14000 people are employed at the various OIGs in the federal government, and the GAO employed 3510 people in 2023. In comparison, the House and Senate employed 15147 staffers in 2022, with only 2372 of them working in committees where oversight duties are most likely to occur (E. Petersen 2023, E. Petersen 2023, Temin 2024). The employment numbers likely underestimate the amount of oversight being conducted in OIGs and the GAO versus Congress, as congressional staffers are employed for a variety of duties whereas the other two institutions are primarily focused on oversight.

gathering and political signaling, as the non-partisan and expert reputation of OIGs is what allows Congress to effectively capitalize on their oversight for political signaling purposes. In the next section, I discuss OIGs in more detail, establish the non-ideological nature of the work they conduct, and outline the various ways in which Congress can manipulate the oversight conducted by OIGs for their ideological oversight goals.

2.3 Congress and Offices of Inspector General

Members of Congress are not alone in conducting oversight of the executive branch, particularly when it comes to gathering information on the executive branch. They are supported by congressional staffers who gather information in preparation for committee hearings, congressional support organizations such as the Government Accountability Office (GAO) and the Congressional Research Service (CRS), as well as the topic of this paper—Offices of Inspector General (OIG). OIGs are an important set of institutions whose main role is to conduct oversight of the executive branch, specifically with an eye towards reducing waste and fraud in government spending. Unlike the aforementioned congressional support organizations, OIGs are housed in the executive branch, giving them more ‘on-the-ground’ expertise of federal agency operations and a unique dual-reporting role to both Congress and the head of their agency. These institutions have their roots in the 1970’s and 1980’s, with many cabinet-level OIGs being formed after the passage of the Inspector General Act of 1978 (IG Act), which laid the framework for the modern OIG institution (Wilhelm 2023). OIGs are headed by an Inspector General (IG), a non-partisan, ostensibly politically independent official that is either nominated by the President and confirmed by the Senate, or directly appointed by the head of the agency under the OIG’s jurisdiction.⁴

According to a Congressional Research Service report, the IG Act specifies three main purposes for Inspectors General—

1. “Conduct audits and investigations of programs and operations of their affiliated

⁴These two methods of appointment are commonly referred to as PAS (Presidential Appointment and Senate Confirmation) and DFE (stands for Designated Federal Entity, refers to IGs that are appointed directly by agency heads). Most high-profile federal agencies, including all cabinet-level agencies and most large independent agencies, have PAS IGs.

federal entities;⁵

2. “Recommend policies that promote the efficiency, economy, and effectiveness of agency programs and operations, as well as preventing and detecting waste, fraud, and abuse;
3. “Keep the affiliated entity head and Congress “fully and currently informed” of fraud and “other serious problems, abuses, and deficiencies” in such programs and operations, as well as progress in implementing related corrective actions.” (Wilhelm 2023)

The work of OIGs is commonly split into two categories—audits, inspections and evaluations, which analyze the efficiency and efficacy of government programs, and investigations, which examine allegations of fraud, misconduct, and corrupt actions by agency employees and contractors. The former category is where OIGs produce policy recommendations for agency operations. These recommendations are largely geared towards improving the efficiency of agency operations and programs and not towards pushing a specific ideological vision of what the agency should be doing. On top of these, OIGs conduct peer reviews of other OIGs and publish semiannual reports for Congress detailing their activities in a 6 month reporting period, including a list of open recommendations that agencies have yet to implement. Table 9 provides a sampling of reports produced by various OIGs.

A 2012 report by the Department of Justice Office of Inspector General illustrates the non-ideological nature of the oversight conducted by OIGs. Entitled “Management of Immigration Cases and Appeals by the Executive Office for Immigration Review” (I-2013-001), the report examined inefficiencies in the management and processing of immigration cases by the Executive Office for Immigration Review (EOIR), a branch of the Department of Justice tasked with, among other things, adjudicating violations of

⁵‘Affiliated Federal Entities’ are departments or offices under the scope of a given OIG. Most OIGs cover one specific federal agency, but a few cover more than one agency, such as the EPA OIG’s jurisdiction including the Chemical Safety Board, and a few agencies have more than one OIG, such as the Department of Treasury with the Treasury OIG and the Treasury Inspector General for Tax Administration that covers the IRS.

Table 9: Examples of OIG Reports

Type of Report	Title	Agency	Date
Audit	FINANCIAL MANAGEMENT: Audit of the Federal Financing Bank's Financial Statements for Fiscal Years 2024 and 2023	Department of Treasury	11/12/24
Inspection / Evaluation	Inspection of the Federal Bureau of Prisons' Federal Medical Center Devens	Department of Justice	12/11/24
Investigation	Investigation Found Subgrantee Made Misrepresentations in its Grant Application and Progress Reports	AmeriCorps	10/28/24
Peer Review of OIG	External Peer Review of FTC OIG by FEC OIG	Federal Trade Commission	9/11/24
Semiannual Report	Semiannual Report to Congress, April 1 - September 30, 2024	National Science Foundation	11/30/24

immigration law and deciding whether or not to remove immigrants or grant relief from removal, thus allowing them to stay in the United States. Despite the report focusing on a hot-button political issue, the recommendations in the report aimed to address non-ideological inefficiencies in EOIR's handling of immigration cases. The recommendations addressed reporting issues in EOIR reports and delays in immigration case adjudication by improving data collection protocols, clarifying the criterion for adjudication, and hiring more staff. Notably, House Appropriations Committee Republicans issued a directive to EOIR to report on their implementation of the OIG's recommendations in their report accompanying the appropriations bill that would fund the Department of Justice for Fiscal Year 2016 (H.R. 2578).⁶

OIGs often quantify their 'value' to politicians and taxpayers by measuring how many dollars of taxpayer money are saved through implemented OIG recommendations relative to the taxpayer dollars spent on the OIG. A report by the Brookings Institute calculated that the mean return on investment for OIGs from 2010-2014 was 13.41, meaning every taxpayer dollar spent on an OIG saved taxpayers \$13.41 in return (Hudak and Wallack 2015). In fiscal year 2014, OIGs recovered \$32 billion from investigations and further

⁶The full list of recommendations in the report and the full text of the directive are listed in Appendix B.1.

questioned \$14 billion in costs through their audits (C. A. Johnson 2020). This positive return on investment is often cited by Inspectors General to justify their continued operation, both to politicians and the public (Barrón-López and Popat 2025).

In part because of their role in saving money for the American taxpayer, members of Congress have a clear interest in the work that OIGs conduct. While some OIG audits and investigations are self-initiated, many of them are requested by individual members of Congress. According to a report from the Bipartisan Policy Center, Inspectors General have reported that upwards of 60-80% of their oversight work is mandated and/or requested by Congress (2018).

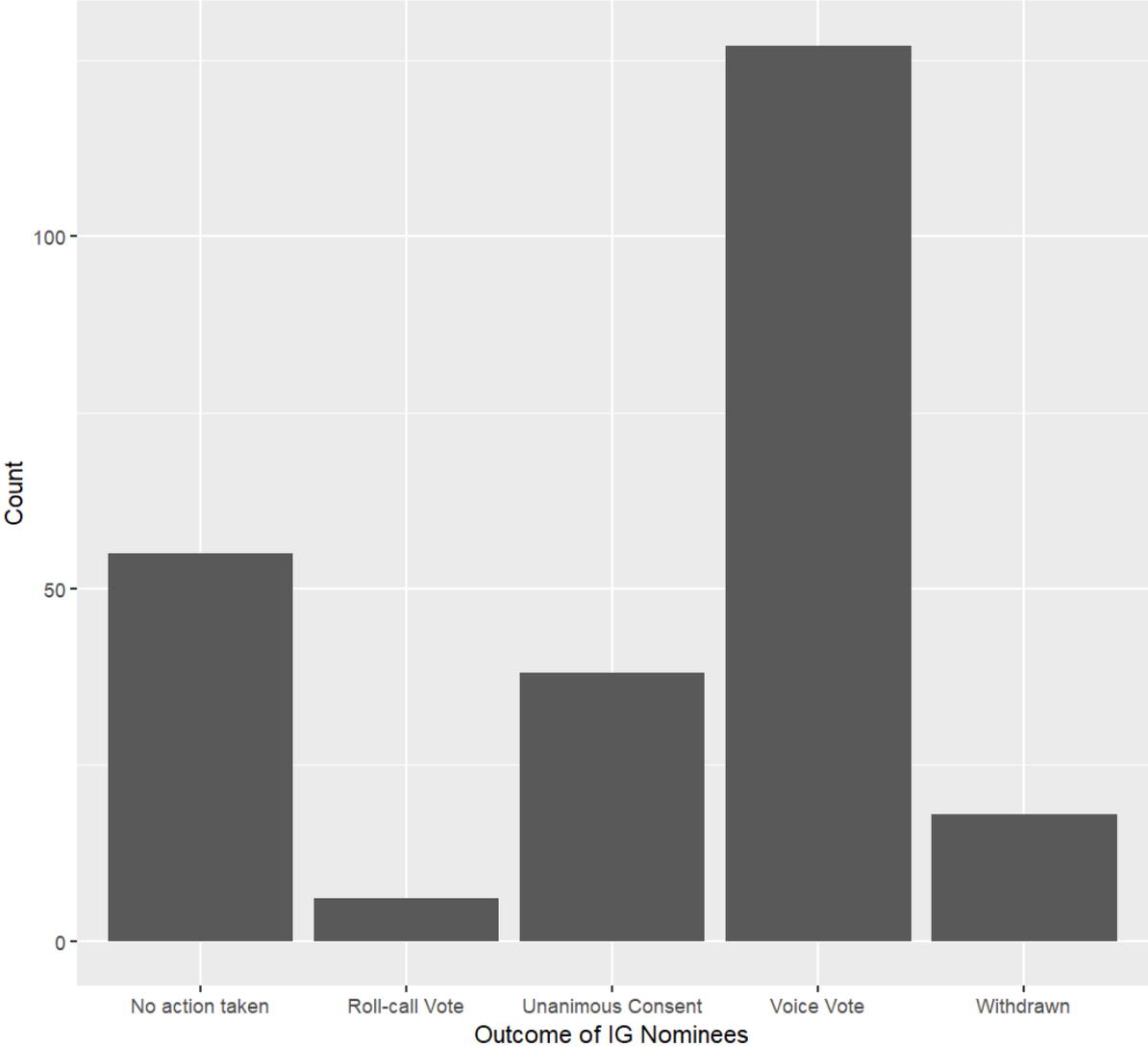
Support for Inspectors General has also been a traditionally bipartisan point of agreement among members of Congress, pointing to their success at establishing and maintaining a non-partisan image among policymakers. The IG Act received overwhelming bipartisan support, recording only 6 no votes from House members in its only roll-call vote in Congress, and subsequent bills expanding the powers and independence of Inspectors General⁷ have also passed their chambers with little to no dissent (Wilhelm 2023).

Likewise, support for Inspector General nominees has also been highly bipartisan—Figure 4 shows the distribution of outcomes for nominees for these offices, and of the 244 nominees in the data obtained from congress.gov, only 6 had roll-call votes on confirmation, and of those, only 3 faced any significant opposition. Worth noting is that these are just the nominees for agencies with PAS (Presidentially-appointed and Senate confirmed) Inspectors General, which are typically the agencies with the largest budgets and the most policy-making power, thus being where we would expect to see the greatest amount of partisan/ideological divisions on IG nominees. Serving IGs are also not significantly more likely to depart from their role at the start of a presidential term than in the middle or end unlike many political nominations in the executive branch (C. A. Johnson 2020). The lack of significant partisan divisions on both IG nominees and bills expanding the powers

⁷These acts include the Inspector General Act Amendments of 1988, which established a separate appropriations account for OIGs and expanded the number of IGs, the Inspector General Reform Act of 2008, which created the Council of Inspectors General on Integrity and Efficiency (CIGIE), an oversight agency for Inspectors General, as well as the Inspector General Empowerment Act of 2016, which enhanced IG access to data and records from federal agencies. These acts were passed under both Republican and Democratic administrations and Congresses.

of OIGs is evidence consistent with OIGs being an institution that conducts oversight on non-ideological issues.

Figure 4: Outcomes of PAS Inspector General nominees (1981-2025)



2.4 Congress and OIG Oversight

The reason that OIGs have such bipartisan appeal to Congress is their cultivated reputation of being non-ideological, non-partisan oversight agents focused on saving the American taxpayer their hard-earned dollars. Their oversight is crucial for Congress—their location in executive branch agencies themselves gives them a unique informational advantage vis a vis Congress and congressional support organizations, and their non-ideological reputation gives the oversight that they conduct a high degree of bipartisan

credibility in a way that in-house congressional oversight does not have. However, this bipartisan credibility does not necessarily shield them from political influence—certainly not from the agencies they oversee, but also Congress, who has several incentives to manipulate the oversight that they conduct and several tools to make it happen, including tools that affect OIGs’ contributions at various stages in congressional oversight.

Why would Congress want to use OIGs to pursue their political oversight goals, and how can they manipulate OIGs accomplish this? I posit that members of Congress are incentivized to manipulate the capacity and oversight agenda of OIGs in accordance with the political environment, in part because the bipartisan credibility of OIG oversight presents opportunities for Congress to politically damage enemies in the executive branch in a way that cannot be done within their own capacities as a political actor with well-known political motives. I then present several methods that Congress can use to achieve their oversight goals using OIGs—OIG budget manipulation, directing OIGs to conduct investigations and directing agencies to implement OIG recommendations, and inviting OIG staff to testify before Congress—and draw empirical predictions for each method that are consistent with a world in which members of Congress use OIG oversight to pursue their political goals, particularly reducing ideological policy drift between Congress and federal agencies.

2.4.1 Political Motivations for Non-Political Oversight

One reason that members of Congress may want to manipulate OIGs is that OIG reports can provide useful political fodder that can further the electoral goals of members of Congress, particularly so given OIGs’ non-partisan reputation amongst political actors and the general public. If an agency is revealed to be wasting taxpayer dollars or engaging in corrupt or illegal behavior, it calls into question the competence of the agency and could potentially lead to the resignation of high-ranking agency officials. For example, former Secretary of the Interior Ryan Zinke, who served at the start of the first Trump administration, resigned prematurely after repeated criticism over his improper expenditures in office, such as expensive charter flights and helicopter rides, and his real

estate dealings (Eilperin, Dawsey, and Fears 2018). According to a Washington Post article, “...the key moment in his loss of support at the White House came in October, when Interior’s inspector general referred one of its inquiries to the Justice Department” (2018). Although the reports issued by the Department of Interior’s OIG did not immediately cause Zinke’s resignation, the investigations conducted by the OIG significantly contributed to his political downfall.

The negative effects of a scathing report can have significant political consequences and give the presidential out-party material to cast their opponents as corrupt and fraudulent. When Ryan Zinke ran for the House of Representatives in Montana in 2022, his Democratic opponent, Monica Tranel, made frequent reference to his OIG investigations on the campaign trail, featuring the controversy in one of her TV advertisements. This scandal may have contributed to Zinke’s narrow 3% margin of victory over Tranel, despite running in a conservative-leaning district that he had already represented prior to serving as Secretary of the Interior. Even if the blowback does not directly implicate members of Congress, such as the current Representative Zinke in the aforementioned example, the electoral fates of members of Congress are increasingly tied to the popularity of the current President and their administration (Frances E. Lee 2008), giving members of Congress electoral incentives to manipulate OIGs in a way that increases/decreases the chances of damaging reports being published depending on their partisan alignment with the President.

These damaging reports can also serve as useful ammunition for Congress to use to attack the reputation and independence of federal agencies, justify implementing preferred policies, and gut funding for federal programs, pursuing the end goal of reducing policy drift between itself and federal agencies. By increasing OIG oversight on opposing agencies and decreasing oversight on allied agencies, Congress can aggressively pursue those agencies most likely to implement policies that Congress disagrees with, reducing policy drift.

Even without the production of damaging reports, an increase in OIG oversight can decrease policy drift. Recall that upwards of 60-80% of OIG oversight is mandated

by Congress. Agencies, seeing an uptick in oversight from their assigned OIG, may assume that this increase is being driven by congressionally initiated audits and investigations. This can signal an increase in congressional interest in an agency's operations and policymaking—in essence, agencies perceive that they are being watched by Congress. This creates a 'chilling effect' that encourages agencies to hew closer to congressional preferences in their general operations, even in areas not currently under audit or investigation by the Inspector General.

Which agencies are most likely to deviate from congressional policy preferences, and thus most likely to have congressional manipulation of their respective OIG's oversight? Aside from agencies with opposite-party heads appointed by the President, agencies also have a 'secular' ideology that may dictate their policymaking. An agency's secular ideology is the perceived left-right ideological leanings of an agency and its personnel, irrespective of the party of the President/head of the agency (Richardson, Clinton, and D. E. Lewis 2018). For example, the EPA, an agency that focuses on environmental regulations, is commonly perceived as an ideologically liberal agency, even when the head of the EPA is a Republican. Republican oversight of the EPA, given its liberal leanings, will bear more fruit in reducing policy drift compared to, say, oversight of the SEC, a conservative-leaning agency.

Another motivation that may drive oversight are political staffing patterns within agencies. Agency politicization is a concept that captures the degree to which the President has influence over the operations and decision-making of a federal agency, often operationalized with data on political appointees within a given agency. Politicization has been found to bias agencies towards presidential co-partisans (Lowande 2019) and reduce agency performance and expertise (Gailmard and Patty 2007, Wood and D. E. Lewis 2017, Richardson 2019). If members of Congress conduct oversight with respect to minimizing policy drift, they will focus their attention on politicized agencies when they are in opposition to the President as a way to combat the President's opposing policy influence. However, if oversight is driven by valence concerns, members of Congress should be most concerned by how politicization reduces agency efficacy and thus conduct

oversight of politicized agencies without regard to ideological or partisan divides.

The two parties, thus far, have been treated as the same re: their incentives to conduct oversight, including through OIG manipulation. However, Republicans in Congress, having stronger preferences for lower government spending than their Democratic counterparts, may find OIG oversight more valuable than Democrats in Congress because of the money saved through the adoption of OIG recommendations by federal agencies. Reagan hinted at this when justifying his firing of the Inspectors General appointed by Carter, stating that he wanted “meaner junkyard dogs” to cut down on federal spending (Light 1993). This does not necessarily mean that Republicans necessarily value policy valence higher than Democrats, it merely means that the taxpayer dollars saved through the adoption of OIG recommendations also achieve an ideological goal of Republicans that they hold in higher regard than Democrats, relatively speaking.

Despite OIG oversight primarily focusing on correcting policy valence, there are several ways in which controlling OIG oversight can achieve the political goals of members of Congress, such as their electoral goals and their ideological policy goals. Partisan opposition to the President, ideological distance from an agency, and identifying with the Republican Party will increase the demand for OIG oversight, and politicization will increase the demand for OIG oversight when in opposition to the President. Table 10 presents a summary of the empirical expectations for each of these political predictors of oversight, broken up into the expectations for when Congress is ideology-focused in its oversight and when Congress is valence-focused.

2.4.2 Mechanisms for Congressional Control of OIG Oversight

How can members of Congress utilize and manipulate OIG oversight for these aforementioned political goals if OIGs have significant statutory independence and are not even housed in the same branch of government? I examine a few mechanisms for Congress to capitalize on the oversight of OIGs—manipulating OIG budgets, directing OIGs to conduct oversight, directing agencies to implement OIG recommendations, and inviting OIG employees to testify in congressional hearings. The first mechanism involves manipulating

Table 10: Predictors of OIG Oversight Manipulation

Predictors	Oversight Motivations	
	Ideology	Valence
Presidential Out-party	+	N/A
Agency Politicization	N/A	+
Out-party x Politicization	+	N/A
Congress-Agency Ideological Distance	+	N/A
Republican	+	N/A

the budgets of OIGs to either expand or contract their capacity for oversight. Oversight is costly in a quite literal sense, with OIGs requiring significant sums of money to hire and retain personnel with the time and expertise to conduct audits and write reports. Drolc examines the determinants of the diversity of OIGs' oversight agenda and finds that an increase in OIG budgets leads to an increase in the issue-area diversity of the oversight agenda (Drolc 2020). A Brookings Institute report also warns of the potential dangers that cutting OIG budgets may have on their oversight capacity, ironically having the potential to grow federal deficits through budget cuts (Hudak and Wallack 2015). Congress, as the body responsible for appropriating money to federal agencies, has the opportunity to strategically manipulate the budgets of OIGs to either increase or decrease their capacity to conduct oversight, thus resulting in a higher/lower likelihood of a damaging OIG report being published, all else held equal.

While adjusting OIG budgets can expand or contract the oversight agenda, it is an imperfect tool for controlling OIG oversight as there is no direct manipulation of what OIGs conduct oversight of. Congress does have a more direct way of controlling OIG oversight—instead of indirectly controlling the agenda of oversight through manipulating capacity, Congress can direct Inspectors General to conduct oversight on specific issues. According to a report by the Bipartisan Policy Center, Inspectors General have reported that upwards of 60-80% of their oversight work is mandated and/or requested by Congress (2018). These directives can be found in laws passed by Congress, in private communica-

tions between members of Congress and OIGs, and in committee reports accompanying legislation.

A related method of utilizing OIG oversight to push Congress's oversight goals, without directly controlling the oversight agenda of OIGs, is through directives to agencies to implement OIG policy recommendations. OIG reports usually have specific policy recommendations that aim to reduce inefficiencies and waste in government operations. OIGs keep track of which recommendations have been implemented in their semi-annual report to Congress, giving Congress specific info about how many recommendations have been given, how many have been implemented, and, if applicable, how much money is projected to be saved by implemented recommendations.

In this paper, I collect and analyze novel data on both categories of directives in appropriations reports. Although directives in appropriations reports are non-statutory, thus not legally binding, Congress regularly uses them to constrain federal agencies, particularly when legislative gridlock is high (Bolton 2022). Inspectors General and federal agencies are strongly incentivized to comply with these directives as Congress can punish them with a reduction in their budget or, in the case of agencies, increased constraints on their policy-making power. Both types of directives can also produce the aforementioned chilling effect, reducing both ideological and valence drift from Congress's preferences out of fear of punishment from Congress.

Finally, I examine witness invitation patterns for committee hearings held by the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs. Committee hearings are a key opportunity for members of Congress to push their oversight goals, whether it be collecting information on government operations (Diermeier and Feddersen 2000, Ban, Park, and You 2023), reducing policy drift (McGrath 2013), sending political messages to constituents (Park 2021), or some combination of these goals (Eldes, Fong, and Lowande 2024). Committee investigations can also damage public opinion of the President (Kriner and Schickler 2014), making them an effective mechanism for achieving the electoral goals of members of Congress when they are in opposition to the President. By inviting OIG staff

to testify against enemies in the executive branch, Congress can strategically use the non-partisan reputation of OIGs to pursue their political oversight goals, highlighting a potential complementarity between non-ideological information gathering by OIGs and political signaling by Congress in committee hearings.

These various methods of OIG control can further the ideological and electoral goals of members of Congress by discouraging agencies from deviating from congressional policy preferences and providing opportunities for Congress to capitalize on OIG oversight when it is politically opportune for them to do so.

2.5 OIG Budgets

I estimate the effect of oversight motivations, as shown in Table 10, on OIG oversight capacity by assessing how the budgets of OIGs vary in accordance with the political environment, agency characteristics, and the budget of the agency as a whole. I use the following regression model and ordinary least squares estimation:

$$Y \log(\text{OIG Budget Authority} + 1)_{at+1} = \beta_1 \text{Congressional Characteristics}_t + \beta_2 \text{Agency Characteristics}_{at} + \beta_3 \text{Congressional} \times \text{Agency Characteristics}_{at} + \alpha_a + \alpha_p + \epsilon_{at}$$

where subscript a represents an agency and subscript t represents a year. *Congressional Characteristics* include whether Republicans control the House and Senate (*Rep. House* and *Rep. Senate* respectively) and the number of congressional chambers in opposition to the President. *Agency Characteristics* include the politicization of agency a at year t , the logged budget authority of agency a at year $t + 1$ (excluding OIG budget authority), and the number of entries agency a has on the GAO High Risk list at year t . Finally, *Congressional x Agency Characteristics* includes variables that vary with respect to both Congress and an Agency, including the ideological alignment between the party in control of the House and Senate and a given federal agency as well as the interaction between the number of congressional chambers in opposition to the President and the politicization

of a given agency. I also include Agency and President fixed effects⁸ and report standard errors clustered at the agency level.

Agency and OIG annual budget authority data is sourced from the Office of Management and Budget, with budget numbers adjusted using GDP data from the World Bank to control for inflation. I choose to analyze budget authority⁹ because I am interested in the strategic decision-making that Congress engages in when appropriating money for OIGs. Hammond and Rosenstiel present a critique of using budget outlays to assess the political determinants of the federal budget, as it can take years for authorized money to be spent, making it difficult to connect spending to any particular set of political variables observed at time t (Hammond and Rosenstiel 2020). Budget authority data reduces measurement error, relative to budget outlays, when assessing the effects of the political environment on appropriations.

The GAO High Risk List is published by the Government Accountability Office at the start of every Congress and outlines government programs and agencies at risk of waste, fraud, and abuse, very much in line with the oversight that OIGs do, and the presence of an agency on the list is an indicator that an agency is in need of the kind of oversight that OIGs provide.¹⁰ If the coefficient for this variable is positive, it is evidence in favor of Congress being motivated by non-ideological policy valence concerns.

The data for the agency politicization measure is sourced from the Office of Personnel Management. I follow Lewis's methodology and calculate the ratio of presidentially appointed managers to career civil servant managers for each agency in a given year. This measure calculates how politicized the management structure of an agency is, which is likely a more accurate measure of the degree of presidential influence over agency policy-making and operations given the outsized role that managers play in these areas (D. E. Lewis 2008). For agency ideology, I use survey-based ideology scores that measure the

⁸I chose President fixed effects over Congress fixed effects to allow for the analysis of variation with respect to some of the Congress-level variables, such as the parties in control of each chamber. Congress fixed effects would make these key explanatory variables entirely collinear with the fixed effects.

⁹Budget authority refers to money that is authorized by Congress through the appropriations process. This money is available to be spent by a federal agency after entering into a legal agreement to spend the money, known as an obligation.

¹⁰See Appendix B.2 for more information on the GAO High Risk List, how I connected entries on the list with agencies, and descriptive statistics.

extent to which observers view the agency as being ideologically conservative or liberal, regardless of who the current president is (Richardson, Clinton, and D. E. Lewis 2018). I interact the ideology scores with the party in control of each chamber of Congress, producing measures where positive values indicate an increase in ideological congruence between agency a and the House or Senate at year t .

I estimate two regression models for OIG budget authority, one on my entire sample of agencies¹¹ and one on just cabinet-level agencies. There may be reason to believe that mandatory spending, such as Social Security and Medicaid, has less room for fraud and waste due to their simplistic distribution process compared to discretionary spending, which can encompass large government projects that can face significant cost overruns due to inefficient spending and performance by government employees and contractors. To account for the potential differences in mandatory and discretionary spending, the models presented in Tables 11 and 12 control for overall agency budget authority. Additional analyses reporting year clustered standard errors and controlling for discretionary agency budget authority can be found in in Appendix B.5.

¹¹These agencies include every cabinet agency, the Social Security Administration (SSA), the Environmental Protection Agency (EPA), the General Services Administration (GSA), NASA, the Office of Personnel Management (OPM), the Small Business Administration (SBA), the National Science Foundation (NSF), the Nuclear Regulatory Commission (NRC), and AmeriCorps. These are the agencies for which I could obtain data on agency/OIG budget authority, ideology and politicization, though there remains some missingness on the politicization measure even within this sample. See Appendix B.4 for more information on the agencies in each of my analyses.

Table 11: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.036+				-0.035+	-0.035+
	(0.020)				(0.020)	(0.020)
Rep. Senate	0.002				0.021	0.021
	(0.013)				(0.016)	(0.016)
# Out-Partisan Chambers		-0.015			-0.016	-0.019
		(0.013)			(0.015)	(0.022)
Agency Politicization			-2.456		-2.364	-2.575
			(3.976)		(3.953)	(4.183)
House-Agency Ideological Alignment				0.018	0.013	0.013
				(0.012)	(0.011)	(0.011)
Senate-Agency Ideological Alignment				0.012	0.014	0.014
				(0.009)	(0.010)	(0.010)
# Out-Partisan Chambers x Agency Politicization						0.196
						(0.695)
log(Agency Budget+1)	0.086**	0.091**	0.088**	0.090**	0.081**	0.081**
	(0.025)	(0.025)	(0.024)	(0.024)	(0.024)	(0.025)
GAO High Risk List	0.017	0.020	0.016	0.018	0.020	0.020
	(0.020)	(0.020)	(0.019)	(0.020)	(0.020)	(0.021)
Observations	381	381	381	381	381	381
R ²	0.977	0.977	0.977	0.977	0.978	0.978
R ² Within	0.112	0.107	0.112	0.117	0.133	0.133
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

Table 12: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023) (excluding non-cabinet agencies)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.043 (0.025)				-0.047+ (0.026)	-0.048+ (0.026)
Rep. Senate	-0.006 (0.015)				0.009 (0.019)	0.012 (0.019)
# Out-Partisan Chambers		-0.012 (0.014)			-0.014 (0.021)	-0.032 (0.021)
Agency Politicization			-4.016 (5.561)		-3.902 (5.696)	-5.596 (5.766)
House-Agency Ideological Alignment				0.014 (0.015)	0.009 (0.013)	0.009 (0.013)
Senate-Agency Ideological Alignment				0.003 (0.007)	0.004 (0.007)	0.005 (0.007)
# Out-Partisan Chambers x Agency Politicization						1.127** (0.312)
log(Agency Budget+1)	0.111* (0.050)	0.125* (0.046)	0.119* (0.043)	0.123* (0.046)	0.100+ (0.047)	0.103* (0.047)
GAO High Risk List	0.012 (0.020)	0.014 (0.020)	0.013 (0.018)	0.012 (0.020)	0.016 (0.020)	0.016 (0.020)
Observations	234	234	234	234	234	234
R ²	0.927	0.926	0.928	0.926	0.929	0.930
R ² Within	0.099	0.088	0.105	0.092	0.124	0.134
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

The results in Tables 11 and 12 do not comport neatly with either set of empirical predictions. The finding for Republican House control is opposite of what was predicted, though the result never reaches full significance and is insignificant in other specifications in Appendix B.5. The most consistently significant finding is that agency budget authority significantly predicts OIG budget authority, which is to be expected as greater federal spending requires more auditors and investigators to keep tabs on the spending, but the coefficients indicate that only 8-12% of the size of the OIG budget is explained by the amount of spending that they have to oversee. Even when controlling for discretionary agency budget authority in the tables in Appendix B.5, at most 33% of the OIG budget is explained by the agency's budget authority. This implies that Congress is not single-mindedly focused on policy valence when appropriating money to OIGs, leaving open the door for other factors to influence their decision-making, even if the evidence above is not neatly consistent with our understanding of how politics can affect congressional preferences for oversight.

2.6 OIG Directives

Next, I examine two categories of non-statutory directives that I hand-coded instances of in House and Senate Appropriations Committee reports from 2005 to 2024, summing up the counts for each Agency-Year-Chamber triplet. I examine directives to OIGs to conduct audits/investigations of agency operations and directives to agencies to implement OIG recommendations. I also examine whether these directives come with a reporting requirement of some kind, likely reflective of the importance of an issue to Congress. Below, I present examples of each type of directive to explain my coding methodology.

Chemawa Indian School.—The Committee is highly concerned with the findings included in the recent audit published by the Department's Office of Inspector General regarding the financial oversight and management of the Chemawa School in Oregon. Therefore, the Committee directs the Bureau to brief the Committee within 30 days of enactment of this act on how the Bu-

reau intends to address the issues raised and implement the recommendations included in the audit. (Department of the Interior, Environment, and Related Agencies Appropriations Bill Senate Appropriations Committee Report, July 27th, 2023)

This is an example of a non-statutory directive to an agency to implement OIG recommendations with a reporting requirement attached. This directive is for the Department of the Interior’s Bureau of Indian Affairs to implement the recommendations issued in a DOI OIG report raising red flags about the financial governance of a Native American boarding school. Once again, this directive comes with a reporting requirement where the Bureau is directed to report to the Senate Appropriations Committee within 30 days of enactment on their progress implementing the recommendations listed in the report. These directives also allow Congress to intensify oversight on the agencies and programs that it wishes to conduct the most oversight of.

Mail Collection Box Removal.—The Committee directs the USPS OIG to conduct an audit of the mail collection box removal process and brief the Committee no later than 30 days after enactment of this Act. (Financial Services and General Government Appropriations Bill House Appropriations Committee Report, June 17th, 2024)

This is an example of a non-statutory directive to an OIG to conduct an investigation. In this case, the committee is directing the United States Postal Service (USPS) OIG to audit the process by which USPS decides when to remove mail collection boxes, which are sites where people can drop off mail to be delivered. The directive comes with a reporting requirement, specifically to update the House Appropriations Committee with their findings within 30 days of the implementation of the act. By issuing these directives, Congress can manipulate the oversight agenda of OIGs towards the agencies and programs that they want to conduct the most oversight of, whether it be for political or non-political reasons.

Both of these categories of directives often reoccur from year-to-year. Therefore, the presence of, for example, 5 directives to the EPA in both 2006 and 2007 does not

necessarily mean 5 unique directives for each year. However, the repeated inclusion, and subsequent dropping, of these directives is still informative about the relative intensity of oversight that Congress wants each agency to feel subject to. Likewise, not every directive has a reporting requirement attached to it, so the presence of a reporting requirement is informative about the relative intensity of oversight that Congress would like to conduct. More information about the data collection process, as well as descriptive tables, is in Appendix B.3.

I use the counts of these directives and the counts of directives with reporting requirements to assess the same aforementioned empirical predictors in Table 10. I use the following regression model and ordinary least squares estimation:

$$Y_{Directives_{act}} = \beta_1 Chamber_{Characteristics_{ct}} + \beta_2 Agency_{Characteristics_{at}} + \beta_3 Congressional_{Characteristics_t} + \beta_4 Chamber \times Agency_{Characteristics_{act}} + \alpha_a + \alpha_p + \epsilon_{act}$$

where subscript a represents an agency, subscript c represents a chamber in Congress, and t represents a year. *Chamber Characteristics* contains variables capturing political motivations for oversight such as whether the chamber that issued the directive is of the opposite party of the current President and whether the chamber is controlled by Republicans. I also control for whether the chamber issuing the directive is the Senate to control for confounding differences between the two chambers, such as the fact that the House is the first mover in the appropriations process.¹² *Agency Characteristics* include the same variables as the budget analysis (agency politicization and number of entries on the GAO High Risk List) as well as the number of OIG audit reports issued for that agency in year $t - 1$. I posit that the number of OIG audit reports is informative as to the number of ‘problems’ being identified by OIGs within a given agency,¹³ so I include this variable in the analysis to assess if these directives are being driven by the need for more

¹²Since the directives in the appropriations reports are only issued by two committees, that being each chamber’s respective appropriations committee, the Senate dummy variable in the regression is equivalent to committee fixed effects.

¹³For agencies where I was able to gather data on the number of new recommendations in each semi-annual report, the correlation between the number of audit reports issued and the number of new recommendations was 0.596, even without accounting for agency heterogeneity.

OIG audits and implementation of OIG recommendations, in line with a valence-based perspective on oversight. This data was collected from the mandated semi-annual reports published every 6 months by every OIG and submitted to Congress.

Congressional Characteristics includes whether the two chambers of Congress are controlled by opposite parties (Divided Chambers) to capture whether legislative gridlock increases reliance on non-statutory directives, in line with findings from Bolton (2022). Finally, *Chamber \times Agency Characteristics* includes the ideological alignment between the agency and the chamber of Congress issuing the directive as well as the interaction between agency politicization and whether the chamber of Congress is in opposition to the President. Like the budget analysis, I include agency and President fixed effects and report clustered standard errors at the agency level. Tables 13 and 14 report the results for the directives to both agencies and OIGs with reporting requirements. The results for overall directives without conditioning on reporting requirements, as well as specifications of the models with year clustered standard errors, can be found in Appendix B.6.

Table 13: Effects of Congressional and Agency Characteristics on directives to agency to implement OIG recommendations with reporting requirement (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	0.079 (0.084)				0.066 (0.077)	0.101 (0.106)
Agency Politicization		4.339 (4.100)			3.154 (4.527)	4.548 (4.935)
Chamber-Agency Ideological Alignment			0.064 (0.040)		0.062 (0.046)	0.063 (0.046)
Republican				-0.037 (0.089)	0.004 (0.092)	0.003 (0.092)
Presidential Out-Party x Agency Politicization						-2.280 (2.872)
Senate					-0.001 (0.101)	-0.001 (0.101)
Divided Chambers					0.023 (0.058)	0.019 (0.058)
$\log(\text{Audit Reports} + 1)_{t-1}$	-0.151 (0.152)	-0.179 (0.156)	-0.181 (0.155)	-0.181 (0.155)	-0.155 (0.148)	-0.159 (0.150)
GAO High Risk List	0.041 (0.162)	0.051 (0.165)	0.053 (0.163)	0.048 (0.167)	0.047 (0.169)	0.046 (0.169)
Observations	794	794	794	794	794	794
R ²	0.301	0.301	0.302	0.301	0.304	0.304
R ² Within	0.005	0.005	0.006	0.004	0.008	0.009
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

Table 14: Effects of Congressional and Agency Characteristics on directives to OIG to conduct audit/investigation with reporting requirement (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	0.044 (0.073)				0.032 (0.056)	0.070 (0.080)
Agency Politicization		6.312* (2.512)			5.611* (2.585)	7.098+ (3.866)
Chamber-Agency Ideological Alignment			-0.026 (0.035)		-0.049 (0.043)	-0.049 (0.044)
Republican				-0.052 (0.092)	-0.081 (0.111)	-0.082 (0.111)
Presidential Out-Party x Agency Politicization						-2.432 (3.686)
Senate					0.001 (0.062)	0.001 (0.062)
Divided Chambers					0.025 (0.063)	0.020 (0.061)
log(Audit Reports +1) $t - 1$	-0.032 (0.054)	-0.048 (0.054)	-0.047 (0.055)	-0.051 (0.055)	-0.036 (0.054)	-0.040 (0.054)
GAO High Risk List	0.261** (0.084)	0.267** (0.083)	0.265** (0.083)	0.263** (0.082)	0.258** (0.079)	0.257** (0.078)
Observations	794	794	794	794	794	794
R ²	0.301	0.301	0.302	0.301	0.304	0.304
R ² Within	0.005	0.005	0.006	0.004	0.008	0.009
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

The results for directives to agencies to implement OIG recommendations with reporting requirements in Table 13 are entirely statistically null, which makes it difficult to draw any conclusions about the motivations behind the usage of these directives. However, when examining directives to OIGs in Table 14, the coefficient for the GAO High Risk List is highly significant, even with agency fixed effects. The independent effect of agency politicization is substantively large¹⁴ and signed in the correct direction and, combined with the null effect of the interaction term, is evidence that Congress hews closer towards policy valence considerations than political considerations when directing OIGs to conduct investigations of federal agencies. This is consistent with the content of OIG audits and investigations being non-ideological in nature.

2.7 OIG Staff in Congressional Hearings

In this section, I examine when OIG staff, including Inspectors General and their affiliated staffers, are invited to testify before Congress. Congressional hearings are used for both gathering important information on agency operations and legislation (Diermeier and Feddersen 2000, Ban, Park, and You 2023) and political messaging by members of Congress (Park 2021, Eldes, Fong, and Lowande 2024), making them a useful tool for members of Congress to pursue their oversight goals, political or otherwise. By inviting OIG staff to testify before Congress about their oversight efforts, Congress can pursue its political goals by capitalizing on agency waste, fraud, and abuse for electoral and policy gains.

Pending a more robust data collection effort, I present preliminary results with OIG witness invitation data for the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs from 2005 to 2022.¹⁵ I chose these committees because they have universal oversight jurisdiction over the federal government, meaning that they are not limited to oversight of any particular

¹⁴The values of politicization in the dataset range from 0 to 0.1023, so a move from the lowest to the highest value of politicization results in an increase of roughly 0.7 additional directives with a reporting requirement per agency-chamber-year observation.

¹⁵Within this time period, OIG staffers were invited to testify before the House and Senate Oversight Committees 461 times and the heads of each OIG, the Inspector General, were invited to testify 310 times. Table 36 in Appendix B.8 has a breakdown of witness invitations by OIG.

federal agency in the way that other committees are, and they also conduct the most oversight of the executive branch of any committee (Dodd and Schott 1979, Parker and Dull 2013). I collect this data on witness invitation patterns using the Statements of Activities reports for both of the oversight committees from the 109th to 117th Congresses.

I conduct the analysis at the agency-chamber-year unit of analysis where the outcome variable is the number of times an employee of a given agency’s OIG office¹⁶ is invited to testify before Congress by a chamber of Congress in a given year. I choose this unit of analysis because it preserves the ability to analyze witness invitations with respect to agency-level variables such as politicization and ideology. Conducting the analysis at the hearing level would make it difficult to analyze important agency-level variables, particularly when a hearing invites multiple OIG staffers to testify. However, for completeness’s sake, I conduct another analysis of OIG witness invitation patterns at the hearing level using congressional hearing data from the Comparative Agendas Project Jones et al. 2025. The results are presented in Table 40 in Appendix B.8.

I use the following regression model and ordinary least squares estimation:

$$Y \# \text{OIG Witnesses Testifying}_{act} = \beta_1 \text{Chamber Characteristics}_{ct} + \beta_2 \text{Agency Characteristics}_{at} + \beta_3 \text{Chamber} \times \text{Agency Characteristics}_{act} + \alpha_a + \alpha_p + \epsilon_{act}$$

where subscript a represents an agency, subscript c represents a chamber in Congress, and subscript t represents a year. The political and valence variables are largely the same as the directives analyses in Tables 13 and 14, with the addition of a control variable for annual committee staff numbers to capture committee-level oversight and a control variable for the total number of hearings held by a committee within a given Congress. I cluster at the agency level and include President and agency fixed effects as before. The results are presented below in Table 15, with alternative specifications in Appendix B.8.

¹⁶Certain agencies, such as the Department of Treasury, are overseen by multiple OIGs—both the Department of Treasury OIG and the Special Inspector General for Tax Administration oversee Treasury operations, with the latter focusing on oversight of the Internal Revenue Service. This is rare, but for the purposes of analysis, I aggregate observations associated with each of these smaller OIGs to their appropriate parent agency.

Table 15: OIG Witness Invitation Patterns for House and Senate Oversight Committee Hearings (2005-2022)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	-0.013 (0.060)				-0.011 (0.060)	-0.029 (0.069)
Politicization		0.280 (1.880)			0.268 (1.889)	-0.357 (1.671)
Chamber-Agency Ideological Alignment			-0.006 (0.058)		0.048 (0.067)	0.048 (0.067)
Republican				0.184* (0.073)	0.220+ (0.107)	0.221+ (0.107)
Presidential Out-Party x Politicization						1.154 (3.893)
Senate	-0.245* (0.112)	-0.240+ (0.116)	-0.240+ (0.118)	-0.224+ (0.114)	-0.228* (0.109)	-0.228* (0.109)
Committee Staff	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)
Total Hearings Held	0.002 (0.001)	0.002 (0.001)	0.002 (0.001)	0.002 (0.001)	0.002 (0.001)	0.002 (0.001)
GAO High Risk List	-0.026 (0.112)	-0.027 (0.111)	-0.028 (0.109)	-0.018 (0.109)	-0.012 (0.108)	-0.011 (0.108)
log(Audit Reports+1) $t - 1$	-0.059 (0.109)	-0.056 (0.107)	-0.056 (0.106)	-0.053 (0.104)	-0.054 (0.109)	-0.052 (0.108)
Observations	794	794	794	794	794	794
R ²	0.272	0.272	0.272	0.280	0.281	0.281
R ² Within	0.037	0.037	0.037	0.047	0.049	0.049
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

As shown in Table 15, the agency-level variables best capturing a valence motivation for oversight, the count of audit reports at $t - 1$ and entries on the GAO High Risk List, are statistically null. However, Republicans are significantly more likely to invite OIG staffers to testify before Congress—a Republican-controlled oversight committee will, on average, invite 5.3 more OIG staffers to testify per year than a Democratic-controlled oversight committee. This result also holds true when standard errors are clustered by year—the results for this analysis are in Appendix B.8. Likewise, the limited hearing-level analysis in Table 40 in Appendix B.8 is also indicative of political factors driving OIG witness invitations, including presidential opposition and Republican control of Congress. This result, combined with an insignificant result on other political and valence variables, is congruent with a world in which Republicans prioritize the work that OIGs do over Democrats because they place a higher value on trimming government spending than Democrats. Alternatively, because of the public-facing nature of committee hearings, this result may also reflect a desire among Republicans to pander to anti-government views among their constituents. Regardless, this result is not particularly consistent with the literature’s understanding of the political motivations of congressional oversight, including in congressional hearings, which tend to find a positive effect of presidential opposition or ideological divergence between Congress and an agency on oversight intensity (McGrath 2013, Parker and Dull 2013, among others).

2.8 Discussion

The inconsistent results across the three sets of analyses of congressional manipulation of OIG oversight—budgets, directives, and witness invitations—perhaps point to differing levels of importance for political motivations across different modes of congressional oversight. Lowande, in his work on private communications between Congress and federal agencies, posits that electoral and ideological motivations only motivate oversight in public settings, with private oversight being motivated by valence concerns, because of the incentives for members of Congress to pander to their constituents when oversight is public (2018). The fact that an ideological motivation for oversight only appears in the

witness analysis, whereas valence predictors are more informative of oversight intensity in the directives analysis, is partially congruent with this understanding of when politics drives congressional oversight.

Why does Congress not politicize OIG oversight at every stage of the process? Referring back to Selin and Moore’s operationalization of oversight as “a series of actions designed both to gather information on the executive and to facilitate legislative credit claiming and position taking” (187, 2023), OIGs can contribute to both information provision and political posturing for members of Congress. What makes the information produced by OIG oversight different than, say, information produced by members of Congress and their staff, is the non-partisan credibility that comes with their political independence. The ability for Congress to use the information gathered by OIGs for credit claiming and position taking is contingent on OIGs retaining their credibility with the public and relevant stakeholders. Politicizing OIG oversight will ‘poison the well’, so to speak, and make the trustworthiness of the information produced by OIGs suspect, making OIG information no more useful than information gathered by Congress or congressional staffers. On top of that, the presence of several actors in Congressional oversight, including members of Congress themselves, congressional staffers, the Government Accountability Office, and several non-governmental actors, means that Congress does not need to politicize the information gathering of OIG offices to pursue political oversight of the executive branch.

The inconsistent results throughout the ‘process’ of OIG oversight also underline the importance of understanding congressional oversight as a multi-stage process (Selin and Moore 2023).¹⁷ Many committee hearings have their roots in reports written by congressional staffers or another actor with oversight responsibilities, such as OIGs, and the information-gathering process that produces these reports is itself dictated by the oversight and reporting structures that Congress sets up in statute and engages in on its own whim. Congress is constantly receiving information about government operations

¹⁷I do not claim that oversight is a strict step-by-step process that is followed in every case, but there is a general flow of oversight where information gathering by agents, such as congressional staffers, OIGs, and the GAO, happen before public-facing oversight by members of Congress, such as the publication of reports and the holding of hearings.

from a variety of sources and Congress must decide which information to use in a hearing or some other public-facing form of oversight with full knowledge of the political gain that public oversight of each of these agencies provides them (Aberbach 1990).

However, most empirical studies of congressional oversight examine one form of oversight in isolation, such as congressional hearings or private communications. The variation in the importance of electoral and ideological incentives in explaining oversight intensity are a result of the differing incentives present in each of these forms of oversight, as mentioned earlier with Lowande's study on direct communications with agencies (2018). Likewise, most studies of congressional oversight only focus on 'in-house' oversight conducted by members of Congress and their staffers, missing out on a large chunk of oversight conducted at the earlier stages in the oversight process where information about agency operations must be gathered.

One consequence of this focus on singular modes of 'in-house' oversight is that the field's theoretical understanding of how politics/policy valence drive oversight does not take into account how valence-focused oversight can produce politically beneficial outcomes for Congress. Though the evidence in this paper is not dispositive of this, there is reason to believe that Congress does not necessarily need to engage in political manipulation of up-stream information gathering, such as manipulating OIG budgets or selectively directing OIGs to investigate out-partisan agencies, to reap the electoral and ideological benefits of oversight. This is in part because Congress has discretion over whether to 'escalate' findings about federal agency misconduct from one of their agents, be it staffers, OIGs, or the GAO, into a more public setting like committee hearings where members of Congress can pander to their electorate. In fact, politicizing up-stream oversight can potentially hurt the political value of oversight for Congress, as the trustworthiness of the information produced by Congress's oversight agents, including OIGs, is conditioned on their political independence and trustworthiness in the eyes of the public. Therefore, the lack of empirical patterns consistent with politically-minded oversight, particularly in more private and 'early' forms of oversight, does not exclude the possibility that Congress is nonetheless acting in its best political interests.

2.9 Conclusion

By examining congressional manipulation of Office of Inspector General (OIG) oversight, I contribute to the literature by identifying variation in oversight incentives for members of Congress across different modes of oversight, validating the importance of understanding congressional oversight as a process. Though the results are noisy, there is some evidence that Congress uses OIG oversight to fulfill their ideological and electoral goals when the opportunity to publicize their oversight is present, specifically through inviting OIG staff to testify before Congress. However, political factors are far less important at explaining variation in OIG budgets and directives given to OIGs and agencies in appropriations reports, which imply that Congress refrains from manipulating the agenda and capacity of OIGs to pursue their ideological and electoral goals.

By preserving the capacity and independence of OIGs, the information OIGs produce through oversight remains trustworthy to both Congress and the public, thus allowing Congress to use this information to pursue their ideological and electoral goals as well as pressure agencies to be responsive to the non-ideological interest of reducing government waste, fraud, and abuse. These results suggest a complementarity between conducting oversight in accordance with minimizing policy valence, particularly in the information gathering process of oversight, and capitalizing on the information produced by this oversight to reap electoral gains, which is a distinct understanding of how politics affects congressional oversight than has been previously discussed in the literature. Much work is left to be done on theorizing about, and empirically testing, how different congressional oversight mechanisms can work with each other to satisfy Congress's oversight goals.

3 Why Comment? Participation in Notice-and-Comment Rulemaking by Members of Congress

3.1 Introduction

Congress often faces challenges in implementing its will over the bureaucracy. The complexity of governance in the United States has grown dramatically over the past century, with the federal government taking on more responsibilities and legislating in more complex issue areas. This requires substantial delegation of lawmaking authority to the bureaucracy, the body most able to execute the will of their political principals in Congress and the executive branch. Thus, the bureaucracy has grown faster than Congress's capacity to write legislation and conduct oversight.

There has been a substantial body of literature examining how Congress, in spite of its constraints as an institution vis-a-vis the bureaucracy, successfully (or unsuccessfully) constrains bureaucratic policymaking. Congress has been known to employ both statutory tools, such as statute design (D. Epstein and O'Halloran 1999, Huber and Shipan 2002) and limitation riders that limit bureaucratic spending discretion (Macdonald 2010), as well as non-statutory tools, such as committee hearings (McGrath 2013), committee reports (Bolton 2022), and direct communications with federal agencies (Ritchie 2018, Ritchie 2023), in an attempt to constrain the bureaucracy. However, there has been little academic research exploring one other tool that members of Congress may employ— participation in notice-and-comment rulemaking.

In this paper, I argue that commenting on proposed rules allows constrained lawmakers to not only publicly express opposition to agency rulemaking endeavors and attempt to push agency policymaking in their direction, but also allows lawmakers to leverage the veto power of another powerful principal with the ability to overturn agency rules— the federal courts. I theorize that members of Congress will comment on rules to provide information to courts, whom are at an information deficit vis-a-vis the bureaucracy, that can be used to overturn the rule under the 'arbitrary and capricious' standard, which has

been used to overturn rules on the basis of faulty reasoning and/or misinterpretation of empirical evidence (Lubbers 2012). At a time when congressional capacity for oversight is low, these comments provide a valuable opportunity for individual members, particularly members without influential institutional positions in their chamber, to constrain the bureaucracy by directly communicating their policy preferences to rulemakers and leveraging policy alignment with federal courts, whom may be more capable of curbing bureaucratic policymaking.

This paper will contribute to the literature on inter-branch relations in the US by exploring an undertheorized and underexplored means in which Congress can constrain the bureaucracy, as well as theorizing under what conditions Congress can utilize the capacity of another branch of government to achieve their policy goals in tandem, broadening the scope of this paper to all branches of the federal government.

3.2 Literature Review

Relatively little research exists on public commenting on federal rules in the United States, let alone specifically from members of Congress. One big overarching question in the work that does exist is whether agency rulemakers respond to public comments and, if so, why. Most comments on rules are from interest groups, which seemingly have no direct way to punish agencies for not responding to their preferences. Libgober and Rashin, in a study of public comments on rules from a number of agencies that handle financial regulations, finds that most public comments are strictly informational in nature (Libgober and Rashin 2023). Overt threats to bring in a political principal are relatively rare, as it is difficult to convince Congress, a capacity-constrained institution, to use their oversight powers on agencies to punish bad decision-making. On the other hand, there is research suggesting that interest groups have significant influence on the content of rules during the rule development stage, which is before rules are published and opportunities are given for public comment (Naughton et al. 2009, Yackee 2012).

However, there may be reason to expect that agencies respond differently to members of Congress during the public comment process. Congress, unlike interest groups,

have direct authority to overturn agency decisions and have other mechanisms to punish agencies, such as through limitation riders or hearings (Macdonald 2010, McGrath 2013). This difference in agency responsiveness may also, in turn, affect Congress's commenting behavior, leading to different commenting patterns than in the case of interest groups. Lowande and Potter, in the only current study on the subject, examine the commenting patterns of members of Congress and find that high levels of disagreement with agency proposals lead to an increase in a member of Congress's likelihood to submit a procedural comment that slows down the process of promulgating a rule (2021).

This paper seeks to contribute to the literature on public commenting on federal rules by examining the commenting behavior of one of the political principals of federal agencies. This will be the first paper to theorize about & examine the substantive commenting behavior of members of Congress. From this, we will further understand what tools are in the toolkit for Congress to constrain the bureaucracy and whether members of Congress strategically subsidize other, more capable, political principals in order to constrain the bureaucracy when their own capacity for punishment is limited.

3.3 Theory

The complexity of governance in the 20th and 21st centuries has rendered Congress's policy-making job increasingly difficult and time-consuming solely due to the constraints on the institution's time, resources, and expertise. As a result, Congress has increasingly delegated policy-making authority to federal agencies, allowing these agencies to promulgate rules with the same force of law as laws passed by Congress itself. This, of course, comes with the dilemma of Congress having to balance its delegation of policy-making with making sure that federal agencies do not stray too far from the policy preferences of Congress—a classic real-world case of the principal-agent problem.

To govern the increasing number of rules being written by the bureaucracy, Congress passed the Administrative Procedure Act (APA) in 1946, which outlined the rules and procedures that agencies must follow in the rule-making process (Lubbers 2012). One key procedure provided for in the APA is the requirement that agency rules, with a few

exceptions, must have a public comment period in which interested individuals can submit comments before the rule is finalized. This is to allow for a form of transparency & public accountability like is present in the legislative process in Congress. Lubber notes that although congressional intent in section 553 of the APA, the section governing the public comment period of notice-and-comment rulemaking, was not written to allow time for the public to generate dissenting views and challenge the basis of the rule, the general belief regarding section 553 has nonetheless changed over time to it being intended to allow for interested persons to challenge the assumptions that the agency is operating under when developing the rule (274).

Another feature of the rulemaking process provided for by the APA, and expounded upon by various court decisions, is the ability for courts to review rules. The most common legal standard under which rules are scrutinized by the courts is the ‘arbitrary and capricious’ standard, where rules are judged by the agency exercising due diligence in considering all the evidence laid before it and making a logical connection between the evidence and the rule. In *Motor Vehicle Manufacturers Association v. State Farm Auto Mutual Insurance Co.*, hereby *State Farm*, the Supreme Court described their criteria for adjudicating whether a rule is arbitrary and capricious: “if the agency has relied on factors which Congress has not intended it to consider, entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” This is another mechanism put in place by Congress to constrain the administrative state. By one estimate, as of 2009, the definition of ‘hard look review’, which is an application of the arbitrary or capricious test outlined in *State Farm*, had been cited 536 times since 1983 (“Rationalizing Hard Look Review After the Fact” 2009).

Despite the ‘arbitrary and capricious’ standard aiming to strike down rules on the basis of ill-informed decision-making rather than genuine policy disagreement, descriptive evidence suggests that judges are more likely to strike down rules using this standard if the rule is proposed by an agency with an opposing ideological viewpoint (Sunstein

and Miles 2007). This, combined with the countless reasons given by judges for a rule's violation of the arbitrary and capricious test (Lubbers 2012) and numerous complaints from administrative law scholars about the standard's overly broad criteria ("Rationalizing Hard Look Review After the Fact" 2009, Sidney A. Shapiro and R. Murphy 2011, Sidney A Shapiro and R. W. Murphy 2016), imply that this legal standard's considerable flexibility has been exploited by judges to pursue their own policy goals. Thus, the courts have significant discretion over which rules survive on both legal and political grounds.

Moving back to the comment period, members of Congress themselves frequently submit their own comments, either individually or in collective, on notice-and-comment rules. These comments range from procedural comments, asking for extensions to public comment periods or asking for documentation from the agency, to substantive comments, which can signal support or opposition to specific proposals within a rule or signal that the rule is not within the guidelines provided by congressional statute. Members of Congress, from 2007 to 2017, submitted 1517 comments on proposed rules from the EPA, including 1339 substantive comments and 178 procedural comments (Lowande and Potter 2021).

Why do members of Congress participate in this public comment process? It seems unusual upon first glance, considering that members of Congress have a host of other tools through which they can express stances on bureaucratic lawmaking, influence bureaucratic outcomes, or outright reverse bureaucratic decision-making.

If a member of Congress were simply interested in expressing a stance on a rule, they could just issue a press release, either individually or jointly. Likewise, if a member of Congress had the ability to change the rule entirely, they would just pass a law that supersedes the rule in question. Evidence has shown that members of Congress also have other avenues through which to constrain the bureaucracy, including nonstatutory policymaking in committee reports (Bolton 2022) and private direct communications with federal agencies (Ritchie 2018, Ritchie and You 2019).

What, then, is unique about participating in the public commenting process? Drawing from the literature on interest group participation in the public comment process, lobbyists have been found to participate in notice-and-comment rulemaking and view

their participation as similarly vital to achieving their policy goals as lobbying members of Congress (Furlong and Kerwin 2005). There are two ways lobbyists are able to influence bureaucratic policymaking— lobbying can be done to pressure and convince rulemakers to change the contents of rules closer to the preferences of the lobbyists, and lobbyists can also submit comments to get their views ‘on the record’ in the event of a court battle (Lubbers 2012). In a sense, public commenting can attempt to influence the contents of a rule and also ‘hedge’ against an unfavorable rule in the event that rulemakers do not listen to one’s comments during the public comment period, with the expectation that the information in the comment may be useful for getting the rule overturned in the courts.

Considering that members of Congress have preferences over bureaucratic outcomes and have been shown to lobby the executive branch and the bureaucracy themselves (Ritchie and You 2019), I theorize that members of Congress will use the public comment process as a way to both push bureaucratic policymaking in their direction and also ‘hedge’ against rules that they oppose in a similar way to lobbyists. Members will provide information in their comments that can be used by judges, who are asked to rule on quite complex and niche federal rules and are themselves quite resource and information constrained, in the event that the rule is challenged in court.

This information can include substantive criticism of the rule itself, such as challenging a cost-benefit analysis cited by the agency in the proposed rule, as well as information on whether an agency followed certain procedural requirements put forward by Congress. As an example of the latter, a bipartisan group of members submitted a comment on a proposed rule banning peanuts and peanut products on commercial airlines in 2010. In their comment, they mention that language in an appropriations bill in 2000 required that a “peer-reviewed scientific study” be released supporting the ban before any further bans be considered and point out that no such study had been conducted. They also note that the language in the appropriations bill should “be treated as permanent legislation”.

Finally, members of Congress can also include information as to whether the rule itself follows the intention of Congress. Each rule must reference the specific congressional statute that authorizes an agency to make policy in the given area, therefore,

members of Congress are uniquely advantaged in being able to provide information on whether a proposed rule follows congressional intent. As an example, members of the House of Representatives from the Miami metropolitan area issued a comment in opposition to a proposed rule outlining commercial airline reimbursement guidelines following the September 11th terrorist attacks. In their comment, they note that the proposed rule would unduly benefit non-U.S. airlines, stating that “Congress did not intend such treatment of U.S. airlines” and closing with “We ask that you take our views into account and modify the regulation to conform with Congressional intent”. This comment invokes both substantive criticism of the rule as well as providing clarification on the intent of Congress regarding a law that had been passed mere days earlier.

However, Congress has the authority to overturn bureaucratic decisions through the usual lawmaking process and can constrain the bureaucracy in other ways, such as through hearings or non-statutory policymaking in committee reports. Public commenting’s ability to constrain the bureaucracy relies more on the enforcement of the courts than the actual enforcement mechanism of Congress itself, making it a more uncertain and less consistently credible tool in the toolkit of members of Congress compared to other methods. Whereas members with high institutional status, such as committee chairs and party leaders, have more access to these more consistent means of constraining the bureaucracy, every member of Congress has equal access to commenting on federal rules. Therefore, I expect members of Congress with less institutional power in their chamber, be it based on committee chair status, party leadership, or even just being in the minority party, will be more likely to resort to public commenting as a means of constraining the bureaucracy because commenting is not gatekept from members on the basis of institutional status. From this, I draw the following hypothesis:

Hypothesis 1 (H1): *Members of Congress with lower institutional status will be more likely to comment on rules.*

Also worth mentioning is that comments can be both substantive and procedural—procedural referring to the use of comments to slow down the implementation of a federal

rule, such as by requesting additional documentation or requesting an extension of the public commenting period (Lowande and Potter 2021). Procedural comments are submitted in the same way as substantive comments and can complement substantive comments by allowing interested parties more time to mobilize against a rule, yet they do not hold the same weight in court battles as substantive comments which can be used to challenge a rule under the ‘arbitrary and capricious’ standard. Although Lowande and Potter argue that the informational requirements for members of Congress submitting procedural comments is higher than that of substantive comments, I posit that the knowledge of the use of procedural comments as a means of slowing down the rulemaking process is universally applicable to all notice-and-comment rules that a member is interested in, whereas the knowledge and investment required to draft a substantive comment is different from rule to rule, particularly if a member is seeking to provide information that can be used to overturn a rule in the courts. Each rule can reference any number of congressional statutes authorizing bureaucratic policymaking and rules can be hundreds of pages long, with bureaucrats increasingly feeling like they have to cover all their bases to make sure that their rules hold up in court (Sunstein and Miles 2007, Sidney A Shapiro and R. W. Murphy 2016). Following from this, I add onto Lowande and Potter’s theoretical expectations by positing that the propensity to submit a comment, as well as the propensity to submit a substantive comment over a procedural comment, is increasing in the capacity of a member of Congress.

Hypothesis 2 (H2): *Members of Congress with higher capacity will be more likely to comment on rules.*

Hypothesis 3 (H3): *Members of Congress with higher capacity will be more likely to submit substantive over procedural comments.*

The distinction between institutional status and capacity is worth mentioning—both of them are highly correlated with each other, as membership on a specific committee or being a chair of a committee gives a member access to committee staff, whom can subsidize the labor that a member of Congress has to undergo in order to submit a comment,

including researching the rule, researching the statutes that the rule cites, as well as picking at the evidence & reasoning provided by the agency for the rule and developing a counter-argument. To separate out the effects of capacity and institutional stature, I will include both individual staff levels and institutional positions as variables in the empirical analysis, which I will explain in further detail in the research design section. This will allow me to capture both individual-level changes in capacity, holding institutional status constant, as well as capture changes in institutional status, holding individual capacity constant.

Another factor that members have to consider is the credibility of the implicit threat in their comment, which, at least in part, is that the rule may be overturned in court. Federal rules are typically heard in the circuit court of appeals, particularly the D.C. Circuit, and judges in circuit courts, as mentioned above, seem to exhibit patterns of ruling based on policy preferences (Sidney A. Shapiro and R. Murphy 2011). Therefore, it stands to reason that members of Congress will be more likely to submit comments on rules when they are ideologically aligned with the expected court of jurisdiction for the rule, typically the D.C. Circuit, expecting that their comment will be taken more seriously by federal rulemakers or, in lieu of any policy concessions from rulemakers, have a higher chance of ‘paying off’ by having the rule overturned entirely by the courts. From this, I draw the following hypothesis:

Hypothesis 4 (H4): *Members of Congress with higher ideological alignment with the federal courts will be more likely to comment on rules.*

Finally, I expect that members of Congress will be more likely to submit comments when the rule of interest is against their policy preferences. This will be especially likely when the member of Congress is in the party opposing the President. Comments against an opposite-party executive branch also serve the purpose of being a useful way to take positions on key policy issues, provided for by public comments being, well, public, unlike direct communications with agencies (Ritchie 2018). From this, I draw the following hypothesis:

Hypothesis 5 (H5): *Members of Congress with lower ideological alignment with the agency will be more likely to comment on rules.*

It is worth noting here that Congress is a ‘they’, not an ‘it’, particularly when it comes to notice-and-comment rulemaking participation. Members of Congress have different policy views, individual policy salience, and capacity for action. Therefore, I will be focusing on the decision to comment by individual members of Congress, rather than Congress as a whole being the unit of analysis.

3.4 Data & Research Design

The sheer volume of rules and comments makes careful case selection important for this particular study. For the time being, I plan on studying comments on proposed rules by the Securities and Exchange Commission (SEC). The SEC publishes all of their proposed rules on their website going as far back as 1988 and publishes all of the proposed comments for each rule, notably listing the job title of the author of the comment, including for members of Congress. This will make extracting the comments from members of Congress relatively easy, allowing for work to begin on coding the sentiment (positive or negative) and substance of each comment relatively quickly. Another advantage of studying the SEC is that the commission is more insulated from outside political influence than most other agencies (Selin 2015), thus if members of Congress comment on SEC rules expecting that they will have an impact on policy outcomes, it will likely also be the case for other, less politically independent agencies. Notably, the SEC still features a degree of political control through the president’s appointment of the chair & board of the SEC, meaning that the SEC is not a complete outlier on the dimension of political independence.

The SEC also considers rules of significant importance to the securities industry, including rules pursuant to statutes in major legislation in the 21st century such as the Sarbanes-Oxley Act of 2002 and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Su 2023). This will provide a docket of rules that vary in political salience,

as these acts had considerable variance in terms of divisiveness amongst members of Congress.¹⁸ Financial regulations are also, in general, a politically salient issue area, with high-profile policy proposals from politicians such as Senator Bernie Sanders’ ‘Wall Street’ tax on securities trading (Zarroli 2016) and Senator Jon Ossoff’s ban on members of Congress buying & selling stocks (Burns 2024) serving as examples of the issue’s political salience, both to members of Congress and to their voters. This mix of relative political independence, overall issue area salience and varied rule-level salience make the SEC a good case for examining how member of Congress-level factors affect commenting behavior.

There are other federal agencies whose inclusion would enrich the sample of rules in this study, such as the Environmental Protection Agency (EPA) and the Consumer Product Safety Commission (CPSC)¹⁹. The inclusion of these agencies would diversify the sample and mitigate concerns that the unique features of the SEC, such as the industry it regulates or its relative political independence, explain any observed commenting patterns instead of commenting being a general phenomenon for most, if not all, federal agencies. Rule and comment data for both of these agencies can be found on regulations.gov and comment data for the EPA is also already collected in Lowande and Potter’s piece examining the use of procedural comments to slow down rulemaking (2021).

Once each comment from a Member of Congress is collected, I will, with the assistance of RAs, code each for their content and sentiment towards the proposed rule using a pre-outlined standard, with each rule receiving a rating from at least two coders to ensure inter-coder reliability of the measures of sentiment and content. Comments can range from overwhelmingly positive, to positive with some constructive criticism, to overwhelmingly negative. There are different empirical expectations for positive and negative comments, hence the necessity for this coding. I will also code comments for whether

¹⁸Sarbanes-Oxley was passed near unanimously in both chambers, whereas Dodd-Frank was highly controversial and faced unanimous opposition from Republicans and strong opposition from conservative Democrats

¹⁹I excluded the Federal Communications Commission (FCC) from this list— it appears that public comments for their proposed rules are not published online, since they do not publish their proposed rules & comments on regulations.gov like the EPA and CPSC do, and they do not publish public comments on their website like the SEC does.

they are procedural or substantive in nature, largely paralleling Lowande and Potter's coding in their 2021 paper. If the theoretical mechanism that I posit, that being commenting strategically with an eye towards having a court overturn the rule later on, is true, we would also expect certain patterns within the contents of the comments themselves. Specifically, I expect that negative comments will be longer and have more detailed critiques than positive comments, even positive comments with substantive criticism.

As an example of a positive comment with constructive criticism, Representative Stephen Lynch (D-MA) submitted a comment in 2006 on the SEC's implementation of a rule that issues guidance over how to implement section 404 of the Sarbanes-Oxley Act of 2002. The comment begins with some criticism for section 404 and praise for the SEC's willingness to issue more guidance around the implementation of section 404, with the rest of the comment focused on specific actions the SEC should take to best revise the implementation of section 404. In this case, Representative Lynch is overall positive with the agency's action and the rule, but expresses some positions on how the rule, and further agency action regarding section 404, could be improved.

On the other hand, Senators Schumer (D-NY), Menendez (D-NJ), Sununu (R-NH) and Enzi (R-WY), jointly submitted a comment in 2007 on a proposed SEC rule that would mandate that 'nationally recognized statistical rating organizations' use the credit score ratings of other agencies interchangeably with their own. Although they also begin their comment with brief praise for the agency considering "important issues" while drafting rules pursuant to the Credit Rating Agency Reform Act of 2006 (Reform Act), the comment then expresses specific concerns about the rule and how it would violate the intention of Congress embodied in the Reform Act. Unlike the previous comment, which took more of a "Yes, and..." approach to critiquing the rule while still supporting the rule in general, this comment expresses concerns that the rule, as currently drafted, would contravene the intention of Congress and should be urgently revised, thus counting as a negative expression of sentiment towards the rule.

The empirical analysis will be conducted at a Member of Congress-Year unit of analysis, with the outcome variable being the number of negative comments on proposed

SEC rules submitted by that member in that given year. I specify negative comments as my outcome of interest because negative comments will be more likely to speak to my theory that members comment with an eye towards providing information to judges that could get a rule overturned in court. Many comments are signed by multiple members of Congress, so each member whose signature is on a comment will be counted as having submitted a comment for that particular rule.

For Hypothesis 1, institutional status will be operationalized by the formal positions that a member has in a given year— this will include party leadership positions, committee and subcommittee chair positions, as well as whether the member is in the majority party of their chamber. For Hypotheses 2 and 3, capacity will be operationalized as the number of individual staff that each member of Congress has at a given year. Individual member staff has been used as a proxy for legislative capacity in both the congressional and state politics literature before (Montgomery and Nyhan 2017, Squire 2017, Crosson et al. 2021) in part because the more staff a legislator has, the more tasks they can delegate and accomplish, of which one of these tasks is conducting effective oversight of the executive branch. Following from Lowande and Potter’s operationalization of legislator capacity, I will also include median staff tenure as a measure of capacity (2021). This data can be obtained through a few potential sources, including quarterly disbursements of each chamber of Congress, as well as through Legistorm.

For Hypothesis 4, operationalizing ideological alignment proves difficult as members of Congress and federal court judges do not share a common measurement of ideology beyond partisanship. The methods for calculating DW-NOMINATE and JCS scores are not necessarily conducive to calculating comparable ideology scores as the voting agendas for Congress and federal courts are completely different (Poole and Rosenthal 2000, L. Epstein et al. 2007). Therefore, I will operationalize ideological alignment as whether the member of Congress shares the partisan affiliation of the majority partisan affiliation of the justices on the D.C. Circuit as measured by the party of the appointing president of each of the justices. As a robustness check, I will re-run this analysis with positive comments as the outcome variable, with the expected outcome being a null effect of

judicial alignment on commenting probability.

Finally, for Hypothesis 5, ideological alignment between agencies and Congress can be operationalized in a number of different ways, so to ensure that this test is robust, I will employ two agency ideology measures. The first is the Clinton-Lewis-Richardson agency ideology measure, estimated using a 2014 survey of over 1500 agency executives that asked about the perceived ideological leanings of federal agencies that are consistent between Democratic and Republican administrations (Richardson, Clinton, and D. E. Lewis 2018). These perceptions were recorded in 2014, meaning that they only capture one glimpse in time at agency ideology, which will make estimates less precise compared to an over-time measure. However, these scores do reflect the perceptions of agencies among elite agency actors, which may closest reflect the perceptions of agencies among members of Congress. I will likely pool these scores into bins and interact them with an MC's DW-NOMINATE score.

The second measure is the Chen-Johnson agency ideology measure, which uses campaign donation records from agency bureaucrats to create an ideology measure for each agency that maps onto the DW-NOMINATE Common Space, allowing for direct ideological comparison between members of Congress and agencies (Chen and T. Johnson 2015). This data is also measured at each presidential term from Clinton's first presidential term (1993-1996) to Obama's first presidential term (2009-2012), capturing any change over time in agency ideology. The correlation between these two measures of agency ideology is only 0.48 and they have their advantages and disadvantages, hence why I plan on using both. If the results are robust to both measures of agency ideology, it makes the claim that members of Congress strategically comment based on agency ideology even stronger.

As a side note, although the D.C. Circuit appears to be the most common court in which agency rules are challenged, including that of the SEC which is headquartered in Washington D.C., agency rules can be challenged in other federal courts, with a notable climate rule from the SEC being challenged in the Eighth Circuit Court of Appeals after an initial pause from the Fifth Circuit Court of Appeals. I will need to consider further how to control for the effects of court 'venue-shopping' in my empirical analysis.

To test these hypotheses, I will implement a regression analysis with member and year fixed effects of the following form:

$$\begin{aligned} \#ofComments_{it} = & \beta_0 + \beta_1 InstitutionalStatus_{it} + \beta_2 Capacity_{it} \\ & + \beta_3 CourtAlignment_{it} + \beta_4 AgencyAlignment_{it} + \gamma X_{it} + \alpha_i + \delta_t + \epsilon_{it} \end{aligned}$$

where subscript i is a member of Congress, subscript t is a time indicator, the outcome variable is the summation of comments on proposed SEC rules by member i at time t , β_0 is an intercept and each β represents an independent variable of interest. γX_{it} is a matrix of control variables for member i at time t , α_i is the member of Congress fixed effects term, δ_t is the time fixed effects term, and ϵ_{it} is an error term.

3.5 Discussion & Next Steps

This paper will be one of the political science papers to specifically focus on the commenting patterns of members of Congress and the first full-length paper, as well as the first one to focus on the substance of the comments by members of Congress. The Lowande and Potter piece was published in the JOP, which is a sign that a paper like this can be published, but I will need to expand upon what they do and provide pretty solid evidence that members of Congress do, in fact, follow this theoretical mechanism for their commenting patterns. The empirical test for ideological alignment with the D.C. Circuit Court will be key in establishing this, and I will likely need to include some descriptive evidence to this end.

There are a few questions remaining about this project that I would like some feedback on. First, will I need to prove that MC comments have an effect on rules being overturned in court to get this paper published, and if so, do I need an empirical test or will qualitative evidence be fine? Second, what features of comments would be worth collecting in the data collection process that I have not already mentioned (sentiment, substance)?

A natural extension of this paper would be examining the representation angle of members of Congress commenting on rules. There are a couple of ways to go about

measuring public sentiment on rules, such as by measuring the salience of a given agency and its decisions within each congressional district and seeing if that predicts congressional commenting patterns, or by examining whether public comments by district residents increases the subsequent probability that their member of Congress comments on the rule themselves. This would not only allow me to use the same comment data for two papers, but it would also answer a normatively important question that interests both academics and non-academics alike.

A Appendix for Paper 1: Is Being on the House Rules Committee Still Valuable?

A.1 Rules Committee Robustness Test

As a robustness test, I estimate the same model in Table 3 with the dependent variable changed to whether a bill was considered under Suspension of the Rules. This data is sourced from the replication data file from Bussing’s article entitled ‘Majority Party Strategy and Suspension of the Rules in the House’ (Bussing 2021). The data only extends to the 113th Congress, hence the smaller number of observations, but I do not expect the change in timespan to significantly bias the results. Suspension of the Rules is how the majority of bills in the House of Representatives are passed, as shown in Figure 2. Under suspension, a bill is allowed 40 minutes of debate, no amendments are allowed, and the bill must pass with a 2/3rds majority vote (Davis 2022). Thus, most bills considered under suspension are bipartisan bills and are often non-controversial in nature, although the majority party often uses these bills to boost the legislative records of their vulnerable members (Bussing 2021). Importantly, unlike special rules, the Rules Committee does not have their hands in the suspension process: the power to bring bills up for suspension lies in the hands of the Speaker. Therefore, I expect to see no significant effect of Majority Party Rules cosponsorship on whether a bill is considered via suspension of the rules. The results are presented below in Table 9:

Table 16: Estimating the effects of Rules Committee cosponsorship on the likelihood of a bill being considered under Suspension of the Rules

	Considered under Suspension of the Rules	
	(1)	(2)
Majority Rules Cosponsorship	-0.013*** (0.004)	0.025** (0.010)
Majority Party Sponsorship	0.053*** (0.004)	0.056*** (0.004)
MajRulesCosp x MajPartySpon		-0.044*** (0.011)
Majority Leader Cosponsorship	0.015 (0.012)	0.018 (0.012)
# of Cosponsors	0.0003*** (0.0001)	0.0003*** (0.0001)
Leadership Bill	-0.087*** (0.027)	-0.085*** (0.027)
Committee Chair Sponsorship	0.107*** (0.008)	0.107*** (0.008)
Observations	47,705	47,705
R ²	0.029	0.029
Topic x Congress F.E.	✓	✓
Robust S.E.	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01

Standard errors are clustered by bill sponsor.

The effect of Majority Rules cosponsorship on suspension is actually significantly negative. This provides further credence to the claim that the Rules Committee's privileged institutional position is what grants the members of the committee the ability to extract latent policy benefits through the special rule procedure. Had the effect of Rules cosponsorship on suspension been significantly positive, it would indicate that something unrelated to the powers of the Rules Committee itself are driving the connection between Rules Committee cosponsorship and special rule consideration, such as back-door political networks or some form of self-selection onto the Rules Committee that correlates with

cosponsorship trends.

A.2 Alternative Specifications for Campaign Finance Tests

Table 17: Effects of Rules Committee Membership on Campaign Donations

	<i>Dependent variable:</i>			
	log(All)	log(PAC)	log(Individual)	log(Party)
	(1)	(2)	(3)	(4)
Rules	0.115 (0.085)	0.279* (0.157)	0.178* (0.107)	-0.250 (0.462)
Seniority	-0.022 (0.032)	-0.417** (0.167)	-0.064 (0.045)	-0.101 (0.121)
Committee Chair	0.149** (0.064)	0.094 (0.230)	0.179 (0.120)	-0.175 (0.330)
Majority Party	0.071** (0.028)	0.063 (0.071)	0.063 (0.047)	-0.206* (0.118)
Legislative Effectiveness	0.049*** (0.009)	0.105*** (0.034)	0.060*** (0.015)	-0.002 (0.049)
District Uncompetitiveness	-0.011*** (0.003)	-0.012 (0.008)	-0.016*** (0.006)	0.016 (0.013)
Observations	5,367	5,367	5,367	5,367
R ²	0.022	0.011	0.012	0.002
Member and Time F.E.	✓	✓	✓	✓
District x Redistricting Cycle F.E.				
Robust S.E.	✓	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors are clustered by member.

Table 18: Effects of Rules Committee Membership on Campaign Donations

	<i>Dependent variable:</i>			
	log(All)	log(PAC)	log(Individual)	log(Party)
	(1)	(2)	(3)	(4)
Rules	0.106 (0.085)	0.171 (0.138)	0.174 (0.106)	-0.281 (0.463)
Seniority	0.050*** (0.006)	-0.007 (0.015)	-0.007 (0.010)	-0.452*** (0.026)
Committee Chair	0.145** (0.064)	0.141 (0.238)	0.171 (0.121)	-0.161 (0.329)
Majority Party	0.076*** (0.028)	0.125* (0.074)	0.066 (0.047)	-0.123 (0.118)
Legislative Effectiveness	0.050*** (0.009)	0.084** (0.033)	0.062*** (0.015)	-0.018 (0.049)
District Uncompetitiveness	-0.012*** (0.003)	-0.013 (0.009)	-0.017*** (0.006)	0.010 (0.013)
Observations	5,367	5,367	5,367	5,367
R ²	0.056	0.005	0.012	0.139
Member and Time F.E.	✓	✓	✓	✓
District x Redistricting Cycle F.E.	✓	✓	✓	✓
Robust S.E.	✓	✓	✓	✓

Note:

*p<0.1; **p<0.05; ***p<0.01
Standard errors are clustered by member.

B Appendix for Paper 2: (Non-)Ideological Oversight of the Executive Branch: Evidence from Congress and Offices of Inspectors General

B.1 Department of Justice OIG Report Information

Table 19: Recommendations in October 2012 DOJ OIG report (I-2013-001)

Number	Recommendation	Status*
Rec. 1	EOIR improve reporting of immigration court data to distinguish decisions on the removal of aliens from other case activities and reflect actual case length even when more than one court is involved.	Resolved
Rec. 2	EOIR eliminate case exemptions from completion goals to reflect actual case length, but identify case delays that EOIR considers outside the control of immigration judges.	Resolved
Rec. 3	EOIR develop immigration court case completion goals for non-detained cases.	Resolved
Rec. 4	EOIR analyze reasons for continuances and develop guidance that provides immigration judges with standards and guidelines for granting continuances to avoid unnecessary delays.	Unresolved
Rec. 5	EOIR develop a process for tracking time that immigration judges spend on different types of cases and work activities.	Resolved
Rec. 6	EOIR collect and track data on its use of staffing details of judges.	Resolved
Rec. 7	EOIR develop an objective staffing model to assist in determining staffing requirements and the allocation of positions among immigration courts.	Resolved
Rec. 8	EOIR consider seeking additional resources or reallocating resources to reduce delays in the processing of appeals for non-detained aliens.	Unresolved
Rec. 9	EOIR improve its collecting, tracking, and reporting of BIA appeal statistics to accurately reflect actual appeal processing times.	Resolved

*Recommendation status as of the publication of the report

Management of cases and appeals.—The Committee is aware that the Office of Inspector General (OIG) in an October 2012 report (I-2013-001) recommended ways to streamline immigration hearing proceedings, specifically the need for consistent tracking mechanisms that avoid double counting cases which occur when a person is transferred between jurisdictions to a different IJ team. The

Committee directs EOIR to brief the Committee not later than 90 days after enactment of this Act on the status of the implementation of these recommendations. (Commerce, Justice, Science and Related Agencies Appropriations Bill House Appropriations Committee Report, May 27th, 2015)

B.2 GAO High Risk List Coding Process & Descriptive Tables

The GAO High Risk List is published by the Government Accountability Office at the start of every Congress in January-April. Each report has roughly 30 or so entries detailing federal agencies and programs at the highest risk for waste, fraud, and abuse. For each publication from 2005-2025, I read the report associated with each entry and determined which federal agencies, if any, were the focus of the given entry by seeing if the text of the report discussed a given agency's operations and/or policies. Entries were aggregated at the highest level of agency (i.e. an entry focusing on the Transportation Security Administration was coded as an entry focusing on its parent agency, the Department of Homeland Security). Some entries were fairly self-explanatory, such as "NASA Contract Management", which is coded as an entry for NASA only. Others were more nuanced and focused on operations and policies from multiple agencies, such as "Improving Federal Management of Programs that Serve Tribes and Their Members", which focuses on ways in which the Bureau for Indian Affairs, a sub-agency of the Department of the Interior (DOI), and the Indian Health Service, an operating division of the Department of Health and Human Services (HHS), can improve provision of government services to Native Americans, including healthcare and education. This entry was coded for both DOI and HHS. Finally, some entries were broad and did not have a particular focus on a singular agency or set of agencies, and those entries were coded as N/As. Table 20 has the number of entries for each agency that appeared at least once in the GAO High Risk List in the time period from 2005 to 2025.

Table 20: GAO High Risk List entries by Agency and Congress (2005-2025)

Agency	109	110	111	112	113	114	115	116	117	118	119
DHS	1	3	3	3	4	4	4	4	5	5	6
DOC	0	1	2	1	3	3	4	3	3	2	2
DOD	8	9	9	8	8	8	9	8	7	7	7
DOE	1	1	1	1	1	1	2	2	2	2	2
DOI	0	0	0	1	1	1	2	2	2	2	2
DOJ	0	0	0	0	0	0	0	0	1	2	2
DOL	0	0	0	0	0	0	0	0	0	1	1
DOT	1	2	1	1	1	1	1	1	1	1	1
ED	0	0	0	0	0	0	0	0	1	1	1
EPA	0	0	1	1	1	1	1	1	1	1	1
FDIC	0	0	1	1	1	1	1	1	1	1	1
FED	0	0	1	1	1	1	1	1	1	1	1
FHFA	0	0	0	0	0	0	0	1	1	1	1
HHS	2	3	4	4	4	4	5	5	6	7	7
HUD	1	0	0	0	0	0	0	0	0	0	0
NASA	1	1	1	1	1	1	1	1	1	1	1
PBGC	1	1	1	1	1	1	1	1	1	0	0
SBA	0	0	0	0	0	0	0	0	1	1	1
SSA	1	1	1	1	1	1	1	1	1	1	1
STATE	0	1	1	1	1	1	1	1	1	1	1
TREAS	2	3	4	4	3	3	3	3	3	3	3
USDA	0	1	1	1	1	1	1	1	1	1	1
USPS	1	0	1	1	1	1	1	1	1	1	1
VA	1	1	1	1	1	2	2	3	3	3	3
N/A	5	5	5	5	4	5	4	5	5	5	5

B.3 Directives Coding Process & Descriptive Tables

To code non-statutory directives in appropriations committee reports, I gathered the House and Senate appropriations reports from congress.gov, when available, for each subcommittee’s initial version of an appropriations bill from fiscal years 2006 to 2025. Some reports were missing due to the development of certain appropriations bills being unorthodox and thus resulting in one chamber not producing a report for a given year. I then conducted a keyword search of ‘OIG’, ‘Inspector’, and ‘IG’ using the PDF viewer program Okular which allows for keyword searches of multiple words at the same time, thus capturing any mention of an Inspector General, an Office of Inspector General, and/or work conducted by an OIG in the report. I manually counted the number of directives that fit within the two main categories and then assessed whether the directive contained a reporting requirement or not.

The first main category is directives that direct an agency to implement policy recommendations issued by an OIG. My process in this was assessing whether the recommendations mentioned in the directive are either the direct product of an OIG report or are mentioned to be following from the findings of an OIG report. This excludes instances where Congress cites a fact or statistic from an OIG report to justify the directive to implement recommendations otherwise not produced by an OIG. I include instances where the language of the directive includes strict language such as ‘order’ and ‘direct’ as well as ‘softer’ language such as ‘encourages’ and ‘supports’ with respect to Congress’s order to the agency. I make the assumption that even these directives with softer language are reflective of Congress’s oversight preferences and that agencies face similar pressures to be responsive to these directives. Below is an example of a directive to the SBA to implement OIG recommendations with regards to SBA’s lender oversight process—note that it does not contain an explicit ‘directive’ or ‘order’ or even a reporting requirement but still clearly communicates Congress’s preferences for SBA’s operations.

Oversight.—The Committee is concerned about the quality of lender oversight activities at SBA, particularly considering the magnitude of SBA’s loan port-

folio, and notes that SBA's Office of Inspector General continues to identify weaknesses in SBA's lender oversight process. The Committee agrees with SBA's Inspector General recommendations and supports efforts to strengthen the Office of Credit Monitoring's ability to conduct strong oversight of SBA loan portfolios and the lenders that participate in order to reinforce general program soundness and manage overall risk. (Financial Services and General Government Appropriations Bill House Appropriations Committee Report, June 28th, 2019)

The other main category is directives that direct an OIG to conduct an audit or an investigation, focus their existing investigations on a specific area, or otherwise gather information about the operations of an agency. I examined each directive to an OIG and determined whether Congress was directing the agency to gather information about the OIG's respective agency, thus excluding instances where Congress directed OIGs to gather information about their own office. Like with the previous category, I include directives with both 'strict' and 'soft' language with respect to Congress's directive to the OIG. Below is an example of a directive to an OIG, specifically the Department of Justice OIG, to focus on the management of finances of a specific sub-agency in the Department of Justice with the new money appropriated to it by Congress. The directive does not include strict language nor a reporting requirement, but the directive is still reflective of the House's desire to control the oversight agenda of the DOJ OIG, indicating an overall interest in DOJ oversight by the House.

Grants management.—The Committee's recommendation also includes an increase of \$2,000,000 for enhanced auditing and oversight of the Department's grant programs. In the execution of these funds, the Committee urges OIG to include a focus on financial management issues at the Office of Justice Programs (OJP). The Committee is particularly interested in assessing OJP's ability to track the disbursement of its appropriations by activity. (Commerce, Justice, Science and Related Agencies Appropriations Bill House Appropriations Committee Report, June 12th, 2009)

Finally, I determined whether each directive includes a reporting requirement or not. Specifically, I look for directives that order either the agency or the OIG to provide a report to either chamber of Congress and/or either appropriations committee with respect to the progress of the agency in implementing the OIG recommendations or with respect to the results of the audit/investigation conducted by the OIG. Most of these reporting requirements include a deadline, mandating that the report be provided to Congress within x days of the passage of the appropriations bill, but I do not code for it in this analysis. Table 21 includes the mean annual directives of each category for each agency in the empirical analysis.

Table 21: Mean Annual Directives by Agency

Agency	Agency Implement	Agency Report	OIG Audit	OIG Report
CNCS	0.08	0.08	0.19	0.15
DHS	3.30	2.67	2.85	2.03
DOC	2.00	1.20	2.00	0.53
DOE	0.78	0.50	0.16	0.16
DOI	0.47	0.32	0.26	0.12
DOJ	1.37	0.90	1.53	0.80
DOL	0.78	0.26	0.09	0.00
DOT	2.21	1.21	2.36	2.24
ED	0.15	0.12	0.04	0.04
EPA	0.50	0.42	0.33	0.17
FCC	0.06	0.03	0.03	0.00
FDIC	0.00	0.00	0.00	0.00
GSA	0.19	0.16	0.00	0.00
HHS	0.64	0.36	0.64	0.36
HUD	1.24	0.82	0.88	0.82
NASA	0.84	0.65	0.29	0.13
NRC	0.03	0.03	0.06	0.00
NSF	0.39	0.36	0.21	0.18
OPM	0.22	0.22	0.41	0.25
SBA	0.66	0.34	0.34	0.34
SEC	0.09	0.00	0.06	0.06
SSA	0.31	0.23	0.04	0.00
STATE	0.80	0.60	1.12	0.24
TREAS	3.12	1.38	2.34	1.16
USAID	0.12	0.09	0.56	0.22
USDA	1.53	1.26	0.94	0.06
VA	0.10	0.10	0.70	0.20

B.4 Agencies in each empirical analysis

The availability of data for each agency in each empirical analysis varied, hence the varied sample across the various empirical analyses. The most common causes were the OMB budget data not including every agency's OIG as a separate budget account, some agencies not having politicization or ideology data, and some agencies not having any OIG witness observations across the entire empirical analysis in Table 15. Table 22 lists each agency present in at least one of the empirical analyses and the analyses that they appear in.

Table 22: Agencies within each empirical analysis

Agency	OIG Budgets (Table 11)	Cabinet OIG Budgets (Table 12)	OIG Directives (Tables 13 & 14)	OIG Witnesses (Table 15)
CNCS			✓	
DHS	✓	✓	✓	✓
DOC	✓	✓	✓	✓
DOD	✓	✓		
DOE	✓	✓	✓	✓
DOI	✓	✓	✓	✓
DOJ	✓	✓	✓	✓
DOL	✓	✓	✓	✓
DOT	✓	✓	✓	✓
ED	✓	✓	✓	✓
EPA	✓		✓	✓
FCC			✓	
FDIC			✓	✓
GSA	✓		✓	✓
HHS	✓	✓	✓	✓
HUD	✓	✓	✓	✓
NASA	✓		✓	✓
NRC	✓		✓	
NSF	✓		✓	✓
OPM	✓		✓	✓
SBA	✓		✓	✓
SEC			✓	✓
SSA	✓		✓	✓
STATE	✓	✓	✓	✓
TREAS	✓	✓	✓	✓
USAID			✓	✓
USDA	✓	✓	✓	✓
VA	✓	✓	✓	✓

B.5 OIG Budget Analysis Alternative Specifications

- Table 23—Controlling for agency discretionary budget authority
- Table 24—Controlling for agency discretionary budget authority among cabinet agencies
- Table 25—Year Clustered SEs
- Table 26—Cabinet agencies, Year Clustered SEs
- Table 27—Controlling for agency discretionary budget authority, Year Clustered SEs
- Table 28—Controlling for agency discretionary budget authority among cabinet agencies, Year Clustered SEs

Table 23: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.036 (0.021)				-0.033 (0.022)	-0.033 (0.022)
Rep. Senate	0.008 (0.011)				0.024 (0.015)	0.024 (0.015)
# Out-Partisan Chambers		-0.009 (0.012)			-0.009 (0.015)	-0.011 (0.021)
Agency Politicization			-3.047 (3.862)		-3.022 (3.870)	-3.172 (3.988)
House-Agency Ideological Alignment				0.019 (0.011)	0.014 (0.010)	0.014 (0.010)
Senate-Agency Ideological Alignment				0.010 (0.008)	0.012 (0.009)	0.013 (0.009)
# Out-Partisan Chambers x Agency Politicization						0.143 (0.676)
log(Agency Discretionary Budget+1)	0.156* (0.061)	0.163* (0.061)	0.160* (0.060)	0.162* (0.060)	0.148* (0.060)	0.148* (0.061)
GAO High Risk List	0.016 (0.020)	0.017 (0.021)	0.014 (0.019)	0.016 (0.021)	0.017 (0.020)	0.017 (0.020)
Observations	385	385	385	385	385	385
R ²	0.978	0.977	0.978	0.978	0.978	0.978
R ² Within	0.131	0.124	0.136	0.136	0.154	0.154
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

Table 24: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023) (excluding non-cabinet agencies)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.029 (0.024)				-0.025 (0.027)	-0.026 (0.026)
Rep. Senate	0.013 (0.012)				0.019 (0.016)	0.022 (0.016)
# Out-Partisan Chambers		0.004 (0.013)			0.003 (0.019)	-0.012 (0.018)
Agency Politicization			-3.468 (5.032)		-3.568 (5.330)	-4.849 (5.388)
House-Agency Ideological Alignment				0.013 (0.012)	0.009 (0.011)	0.009 (0.011)
Senate-Agency Ideological Alignment				0.000 (0.006)	0.004 (0.005)	0.004 (0.006)
# Out-Partisan Chambers x Agency Politicization						0.929* (0.360)
log(Agency Discretionary Budget+1)	0.310** (0.095)	0.325** (0.094)	0.312** (0.086)	0.319** (0.091)	0.299** (0.092)	0.299** (0.093)
GAO High Risk List	-0.005 (0.024)	-0.006 (0.025)	-0.003 (0.023)	-0.005 (0.025)	-0.003 (0.024)	-0.002 (0.024)
Observations	236	236	236	236	236	236
R ²	0.937	0.937	0.938	0.937	0.939	0.939
R ² Within	0.224	0.220	0.234	0.224	0.243	0.250
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

Table 25: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.036 (0.028)				-0.035 (0.025)	-0.035 (0.025)
Rep. Senate	0.002 (0.021)				0.021 (0.024)	0.021 (0.024)
# Out-Partisan Chambers		-0.015 (0.017)			-0.016 (0.012)	-0.019 (0.018)
Agency Politicization			-2.456 (1.898)		-2.364 (1.794)	-2.575 (1.962)
House-Agency Ideological Alignment				0.018 (0.013)	0.013 (0.011)	0.013 (0.011)
Senate-Agency Ideological Alignment				0.012 (0.011)	0.014 (0.011)	0.014 (0.011)
# Out-Partisan Chambers x Agency Politicization						0.196 (0.808)
log(Agency Budget+1)	0.086*** (0.010)	0.091*** (0.011)	0.088*** (0.013)	0.090*** (0.010)	0.081*** (0.013)	0.081*** (0.014)
GAO High Risk List	0.017 (0.018)	0.020 (0.019)	0.016 (0.018)	0.018 (0.018)	0.020 (0.018)	0.020 (0.018)
Observations	381	381	381	381	381	381
R ²	0.977	0.977	0.977	0.977	0.978	0.978
R ² Within	0.112	0.107	0.112	0.117	0.133	0.133
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 26: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023) (excluding non-cabinet agencies)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.043+				-0.047+	-0.048+
	(0.024)				(0.024)	(0.023)
Rep. Senate	-0.006				0.009	0.012
	(0.021)				(0.023)	(0.023)
# Out-Partisan Chambers		-0.012			-0.014	-0.032+
		(0.017)			(0.010)	(0.016)
Agency Politicization			-4.016		-3.902	-5.596*
			(2.481)		(2.343)	(2.598)
House-Agency Ideological Alignment				0.014	0.009	0.009
				(0.011)	(0.011)	(0.011)
Senate-Agency Ideological Alignment				0.003	0.004	0.005
				(0.009)	(0.009)	(0.009)
# Out-Partisan Chambers x Agency Politicization						1.127
						(0.790)
log(Agency Budget+1)	0.111**	0.125**	0.119**	0.123**	0.100**	0.103*
	(0.034)	(0.035)	(0.035)	(0.036)	(0.033)	(0.036)
GAO High Risk List	0.012	0.014	0.013	0.012	0.016	0.016
	(0.014)	(0.014)	(0.014)	(0.015)	(0.013)	(0.014)
Observations	234	234	234	234	234	234
R ²	0.927	0.926	0.928	0.926	0.929	0.930
R ² Within	0.099	0.088	0.105	0.092	0.124	0.134
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 27: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.036+				-0.033+	-0.033+
	(0.020)				(0.018)	(0.018)
Rep. Senate	0.008				0.024	0.024
	(0.018)				(0.020)	(0.020)
# Out-Partisan Chambers		-0.009			-0.009	-0.011
		(0.014)			(0.009)	(0.014)
Agency Politicization			-3.047+		-3.022*	-3.172+
			(1.558)		(1.429)	(1.541)
House-Agency Ideological Alignment				0.019	0.014	0.014
				(0.012)	(0.010)	(0.010)
Senate-Agency Ideological Alignment				0.010	0.012	0.013
				(0.010)	(0.010)	(0.010)
# Out-Partisan Chambers x Agency Politicization						0.143
						(0.619)
log(Agency Discretionary Budget+1)	0.156***	0.163***	0.160***	0.162***	0.148***	0.148***
	(0.017)	(0.019)	(0.019)	(0.018)	(0.019)	(0.019)
GAO High Risk List	0.016	0.017	0.014	0.016	0.017	0.017
	(0.014)	(0.014)	(0.014)	(0.014)	(0.014)	(0.014)
Observations	385	385	385	385	385	385
R ²	0.978	0.978	0.978	0.978	0.978	0.978
R ² Within	0.131	0.129	0.136	0.136	0.154	0.154
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 28: Estimating the Effects of Congressional & Agency Characteristics on OIG Budget Authority (2006-2023) (excluding non-cabinet agencies)

	(1)	(2)	(3)	(4)	(5)	(6)
Rep. House	-0.029*				-0.025	-0.026
	(0.013)				(0.015)	(0.015)
Rep. Senate	0.013				0.019	0.022
	(0.017)				(0.017)	(0.017)
# Out-Partisan Chambers		0.004			0.003	-0.012
		(0.008)			(0.007)	(0.010)
Agency Politicization			-3.468+		-3.568+	-4.849*
			(1.903)		(1.947)	(2.054)
House-Agency Ideological Alignment				0.013	0.009	0.009
				(0.008)	(0.009)	(0.008)
Senate-Agency Ideological Alignment				0.000	0.004	0.004
				(0.007)	(0.007)	(0.007)
# Out-Partisan Chambers x Agency Politicization						0.929+
						(0.489)
log(Agency Discretionary Budget+1)	0.310***	0.325***	0.312***	0.319***	0.299***	0.299***
	(0.034)	(0.033)	(0.027)	(0.031)	(0.033)	(0.032)
GAO High Risk List	-0.005	-0.006	-0.003	-0.005	-0.003	-0.002
	(0.009)	(0.008)	(0.009)	(0.009)	(0.009)	(0.010)
Observations	236	236	236	236	236	236
R ²	0.937	0.937	0.938	0.937	0.939	0.939
R ² Within	0.224	0.220	0.234	0.224	0.243	0.250
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

B.6 Directives Analysis Alternative Specifications

- Table 29—Directives to agencies without conditioning on reporting requirements
- Table 30—Directives to OIGs without conditioning on reporting requirements
- Table 31—Directives to agencies with reporting requirement, Year Clustered SEs
- Table 32—Directives to OIGs with reporting requirement, Year Clustered SEs
- Table 33—Directives to agencies without conditioning on reporting requirements, Year Clustered SEs
- Table 34—Directives to OIGs without conditioning on reporting requirements, Year Clustered SEs

Table 29: Effects of Congressional and Agency Characteristics on directives to implement OIG recommendations (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	-0.003 (0.104)				0.067 (0.090)	0.127 (0.126)
Agency Politicization		6.404 (5.429)			5.870 (5.721)	8.270 (5.973)
Chamber-Agency Ideological Alignment			0.038 (0.057)		0.010 (0.069)	0.010 (0.069)
Republican				-0.129 (0.129)	-0.102 (0.146)	-0.104 (0.147)
Presidential Out-Party x Agency Politicization						-3.926 (3.878)
Senate					0.189 (0.183)	0.189 (0.183)
Divided Chambers					-0.052 (0.109)	-0.059 (0.109)
$\log(\text{Audit Reports} + 1)_{t-1}$	-0.255 (0.199)	-0.254 (0.196)	-0.256 (0.196)	-0.261 (0.197)	-0.248 (0.199)	-0.254 (0.200)
GAO High Risk List	0.212 (0.223)	0.213 (0.223)	0.213 (0.221)	0.206 (0.223)	0.196 (0.222)	0.195 (0.223)
Observations	794	794	794	794	794	794
R ²	0.361	0.361	0.361	0.362	0.366	0.366
R ² Within	0.009	0.010	0.009	0.011	0.017	0.018
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

Table 30: Effects of Congressional and Agency Characteristics on directives to OIG to conduct audit/investigation (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	0.034 (0.094)				0.107 (0.088)	0.149 (0.112)
Agency Politicization		3.272 (3.192)			2.467 (3.312)	4.179 (4.600)
Chamber-Agency Ideological Alignment			-0.032 (0.041)		-0.031 (0.056)	-0.030 (0.056)
Republican				0.013 (0.087)	0.007 (0.128)	0.006 (0.128)
Presidential Out-Party x Agency Politicization						-2.801 (4.023)
Senate					0.178 (0.130)	0.178 (0.130)
Divided Chambers					-0.069 (0.072)	-0.075 (0.072)
log(Audit Reports +1) $t - 1$	-0.034 (0.133)	-0.046 (0.113)	-0.044 (0.113)	-0.045 (0.114)	-0.020 (0.140)	-0.024 (0.141)
GAO High Risk List	0.569*** (0.132)	0.574*** (0.128)	0.571*** (0.128)	0.573*** (0.127)	0.555*** (0.131)	0.554*** (0.130)
Observations	794	794	794	794	794	794
R ²	0.469	0.469	0.469	0.468	0.473	0.474
R ² Within	0.070	0.070	0.070	0.070	0.078	0.079
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

Table 31: Effects of Congressional and Agency Characteristics on directives to agency to implement OIG recommendations with reporting requirement (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	0.079 (0.065)				0.066 (0.060)	0.101 (0.095)
Agency Politicization		4.339 (3.037)			3.154 (3.046)	4.548 (3.563)
Chamber-Agency Ideological Alignment			0.064 (0.038)		0.062 (0.054)	0.063 (0.055)
Republican				-0.037 (0.068)	0.004 (0.099)	0.003 (0.099)
Presidential Out-Party x Agency Politicization						-2.280 (3.350)
Senate					-0.001 (0.087)	-0.001 (0.087)
Divided Chambers					0.023 (0.100)	0.019 (0.103)
$\log(\text{Audit Reports} + 1)_{t-1}$	-0.151 (0.114)	-0.179 (0.109)	-0.181 (0.111)	-0.181 (0.110)	-0.155 (0.118)	-0.159 (0.118)
GAO High Risk List	0.041 (0.099)	0.051 (0.100)	0.053 (0.100)	0.048 (0.101)	0.047 (0.100)	0.046 (0.100)
Observations	794	794	794	794	794	794
R ²	0.301	0.301	0.302	0.301	0.304	0.304
R ² Within	0.005	0.005	0.006	0.004	0.008	0.009
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 32: Effects of Congressional and Agency Characteristics on directives to OIG to conduct audit/investigation with reporting requirement (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	0.044 (0.062)				0.032 (0.058)	0.070 (0.081)
Agency Politicization		6.312+ (3.348)			5.611 (3.243)	7.098+ (3.561)
Chamber-Agency Ideological Alignment			-0.026 (0.037)		-0.049 (0.044)	-0.049 (0.044)
Republican				-0.052 (0.060)	-0.081 (0.071)	-0.082 (0.071)
Presidential Out-Party x Agency Politicization						-2.432 (3.029)
Senate					0.001 (0.045)	0.001 (0.045)
Divided Chambers					0.025 (0.064)	0.020 (0.064)
log(Audit Reports +1) $t - 1$	-0.032 (0.085)	-0.048 (0.082)	-0.047 (0.082)	-0.051 (0.085)	-0.036 (0.083)	-0.040 (0.081)
GAO High Risk List	0.261*** (0.050)	0.267*** (0.051)	0.265*** (0.050)	0.263*** (0.048)	0.258*** (0.051)	0.257*** (0.051)
Observations	794	794	794	794	794	794
R ²	0.432	0.434	0.432	0.433	0.436	0.436
R ² Within	0.029	0.031	0.029	0.029	0.035	0.036
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 33: Effects of Congressional and Agency Characteristics on directives to implement OIG recommendations (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	-0.003 (0.095)				0.067 (0.071)	0.127 (0.123)
Agency Politicization		6.404+ (3.521)			5.870 (3.396)	8.270+ (4.230)
Chamber-Agency Ideological Alignment			0.038 (0.059)		0.010 (0.092)	0.010 (0.091)
Republican				-0.129 (0.100)	-0.102 (0.138)	-0.104 (0.137)
Presidential Out-Party x Agency Politicization						-3.926 (4.721)
Senate					0.189+ (0.102)	0.189+ (0.102)
Divided Chambers					-0.052 (0.128)	-0.059 (0.131)
$\log(\text{Audit Reports} + 1)_{t-1}$	-0.255 (0.149)	-0.254 (0.150)	-0.256 (0.152)	-0.261 (0.153)	-0.248 (0.153)	-0.254 (0.154)
GAO High Risk List	0.212 (0.134)	0.213 (0.136)	0.213 (0.137)	0.206 (0.138)	0.196 (0.133)	0.195 (0.133)
Observations	794	794	794	794	794	794
R ²	0.361	0.361	0.361	0.362	0.366	0.366
R ² Within	0.009	0.010	0.009	0.011	0.017	0.018
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 34: Effects of Congressional and Agency Characteristics on directives to OIG to conduct audit/investigation (2005-2024)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	0.034 (0.080)				0.107 (0.066)	0.149+ (0.084)
Agency Politicization		3.272 (3.815)			2.467 (3.566)	4.179 (4.215)
Chamber-Agency Ideological Alignment			-0.032 (0.041)		-0.031 (0.049)	-0.030 (0.049)
Republican				0.013 (0.075)	0.007 (0.078)	0.006 (0.077)
Presidential Out-Party x Agency Politicization						-2.801 (2.954)
Senate					0.178* (0.077)	0.178* (0.076)
Divided Chambers					-0.069 (0.079)	-0.075 (0.079)
log(Audit Reports +1) $t - 1$	-0.034 (0.089)	-0.046 (0.086)	-0.044 (0.086)	-0.045 (0.086)	-0.020 (0.090)	-0.024 (0.089)
GAO High Risk List	0.569*** (0.087)	0.574*** (0.085)	0.571*** (0.085)	0.573*** (0.085)	0.555*** (0.086)	0.554*** (0.086)
Observations	794	794	794	794	794	794
R ²	0.469	0.469	0.469	0.468	0.473	0.474
R ² Within	0.070	0.070	0.070	0.070	0.078	0.079
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

B.7 OIG Witness Descriptive Tables

The following tables present descriptive statistics from data collected from the Statements of Activities Reports from the House Committee on Oversight and Government Reform and the Senate Committee on Homeland Security and Governmental Affairs from 2005 to 2022. Not all agencies listed in Table 36 are in the empirical analyses due to a lack of data availability for politicization, agency ideology, or otherwise. Each Special Inspector General witness was aggregated with their respective agency (SIGTARP and TIGTA with Treasury, SIGAR and SIGIR with State).

Table 35: Number of witness invitations for each year-committee pair (2005-2022)

Year	House Oversight Committee		Senate Oversight Committee	
	# OIG Staff	# IGs	# OIG Staff	# IGs
2005	21	14	5	3
2006	18	12	12	9
2007	18	13	7	6
2008	7	3	6	4
2009	17	16	11	7
2010	13	11	17	11
2011	23	13	16	11
2012	25	14	9	7
2013	33	17	11	6
2014	25	15	14	13
2015	30	19	13	11
2016	18	9	6	6
2017	23	16	5	4
2018	11	8	4	2
2019	13	9	2	1
2020	4	2	1	1
2021	9	7	3	2
2022	7	4	4	4
Total	315	202	146	108

Table 36: Number of House and Senate Oversight Committee witness invitations for each OIG (2005-2022)

Agency	# OIG Staff	# IGs
Amtrak	2	2
Appalachian Regional Commission	1	1
Army	1	1
Federal Reserve	1	1
Commodity Futures Trading Commission	1	1
Department of Homeland Security	65	45
Department of Commerce	15	11
Department of Defense	45	19
Department of Energy	9	7
Department of the Interior	11	5
Department of Justice	37	35
Department of Labor	4	3
Department of Transportation	6	4
Department of Education	8	6
Environmental Protection Agency	13	5
Export-Import Bank	3	2
Federal Deposit Insurance Corporation	2	2
Government Publishing Office	2	2
General Services Administration	14	11
Department of Health and Human Services	22	4
Department of Housing and Urban Development	3	3
Intelligence Community	3	2
National Archives and Records Administration	3	3
National Aeronautics and Space Administration	1	1
National Credit Union Administration	1	1
National Science Foundation	4	4
Office of Personnel Management	12	9
Peace Corps	6	6
Railroad Retirement Board	1	1
Small Business Administration	9	8
Securities and Exchange Commission	2	2
Special Inspector General for Afghanistan Reconstruction	17	15
Special Inspector General for Iraq Reconstruction	16	15
Special Inspector General for the Troubled Asset Relief Program	9	9
Social Security Administration	8	7
Department of State	17	7
Treasury Inspector General for Tax Administration	22	11
Department of Treasury	6	5
Tennessee Valley Authority	1	1
United States Agency for International Development	10	6
Department of Agriculture	9	8
United States Election Assistance Commission	1	0
United States Postal Service	21	13
Department of Veterans Affairs	14	3
Washington Metropolitan Area Transit Authority	3	3
Total	461	310

B.8 OIG Witness Analysis Alternative Specifications

- Table 37—Alternative specification with number of Inspectors General witnesses as the outcome variable (excluding non-IG staff in OIG offices)
- Table 38—Year Clustered SEs
- Table 39—Alternative specification with number of Inspectors General witnesses as the outcome variable, including Year Clustered SEs
- Table 40—Hearing-level analysis

Table 37: IG Witness Invitation Patterns for House and Senate Oversight Committee Hearings (2005-2022)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	-0.048 (0.048)				-0.050 (0.049)	-0.054 (0.058)
Politicization		0.363 (2.309)			0.765 (2.429)	0.637 (2.174)
Chamber-Agency Ideological Alignment			0.022 (0.048)		0.057 (0.062)	0.057 (0.061)
Republican				0.099 (0.070)	0.141 (0.105)	0.142 (0.105)
Presidential Out-Party x Politicization						0.237 (2.947)
Senate	-0.187* (0.074)	-0.168* (0.071)	-0.170* (0.073)	-0.160* (0.072)	-0.179* (0.074)	-0.179* (0.074)
Committee Staff	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)
Total Hearings Held	0.000 (0.001)	0.001 (0.001)	0.001 (0.001)	0.001 (0.001)	0.000 (0.001)	0.000 (0.001)
GAO High Risk List	-0.025 (0.079)	-0.031 (0.078)	-0.029 (0.076)	-0.025 (0.078)	-0.014 (0.077)	-0.014 (0.077)
log(Audit Reports+1) $t - 1$	-0.089 (0.112)	-0.077 (0.110)	-0.076 (0.109)	-0.075 (0.108)	-0.086 (0.113)	-0.085 (0.113)
Observations	794	794	794	794	794	794
R ²	0.260	0.259	0.260	0.263	0.267	0.267
R ² Within	0.026	0.025	0.026	0.030	0.036	0.036
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by agency.

Table 38: OIG Witness Invitation Patterns for House and Senate Oversight Committee Hearings (2005-2022)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	-0.013 (0.095)				-0.011 (0.083)	-0.029 (0.077)
Politicization		0.280 (3.600)			0.268 (3.455)	-0.357 (3.039)
Chamber-Agency Ideological Alignment			-0.006 (0.036)		0.048 (0.037)	0.048 (0.037)
Republican				0.184* (0.078)	0.220* (0.086)	0.221* (0.086)
Presidential Out-Party x Politicization						1.154 (2.350)
Senate	-0.245+ (0.127)	-0.240+ (0.135)	-0.240+ (0.135)	-0.224+ (0.120)	-0.228+ (0.117)	-0.228+ (0.117)
Committee Staff	0.001 (0.003)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)
Total Hearings Held	0.002 (0.002)	0.002 (0.002)	0.002 (0.002)	0.002 (0.002)	0.002 (0.002)	0.002 (0.002)
GAO High Risk List	-0.026 (0.092)	-0.027 (0.091)	-0.028 (0.090)	-0.018 (0.090)	-0.012 (0.093)	-0.011 (0.093)
$\log(\text{Audit Reports}+1)_{t-1}$	-0.059 (0.080)	-0.056 (0.090)	-0.056 (0.088)	-0.053 (0.081)	-0.054 (0.079)	-0.052 (0.079)
Observations	794	794	794	794	794	794
R ²	0.272	0.272	0.272	0.280	0.281	0.281
R ² Within	0.037	0.037	0.037	0.047	0.049	0.049
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 39: IG Witness Invitation Patterns for House and Senate Oversight Committee Hearings (2005-2022)

	(1)	(2)	(3)	(4)	(5)	(6)
Presidential Out-Party	-0.048 (0.059)				-0.050 (0.055)	-0.054 (0.056)
Politicization		0.363 (2.872)			0.765 (2.746)	0.637 (2.801)
Chamber-Agency Ideological Alignment			0.022 (0.030)		0.057+ (0.033)	0.057+ (0.033)
Republican				0.099+ (0.054)	0.141* (0.061)	0.142* (0.062)
Presidential Out-Party x Politicization						0.237 (2.375)
Senate	-0.187+ (0.093)	-0.168+ (0.093)	-0.170+ (0.095)	-0.160+ (0.085)	-0.179+ (0.087)	-0.179+ (0.087)
Committee Staff	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)	0.001 (0.002)
Total Hearings Held	0.000 (0.001)	0.001 (0.001)	0.001 (0.001)	0.001 (0.001)	0.000 (0.001)	0.000 (0.001)
GAO High Risk List	-0.025 (0.066)	-0.031 (0.066)	-0.029 (0.066)	-0.025 (0.065)	-0.014 (0.066)	-0.014 (0.066)
$\log(\text{Audit Reports}+1)_{t-1}$	-0.089 (0.070)	-0.077 (0.072)	-0.076 (0.071)	-0.075 (0.068)	-0.086 (0.073)	-0.085 (0.073)
Observations	794	794	794	794	794	794
R ²	0.260	0.259	0.260	0.263	0.267	0.267
R ² Within	0.026	0.025	0.026	0.030	0.036	0.036
Agency Fixed Effects	✓	✓	✓	✓	✓	✓
President Fixed Effects	✓	✓	✓	✓	✓	✓

Note:

+p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by year.

Table 40: OIG Witness Invitation patterns for House and Senate Oversight Committee Hearings (2005-2018)

	(Has OIG Witness)	(# of OIG Witnesses)
Presidential Out-Party	0.027* (0.010)	0.015 (0.013)
Republican	0.020+ (0.010)	0.034+ (0.016)
Senate	-0.051* (0.015)	-0.098** (0.018)
Committee Staff	0.001+ (0.000)	0.001** (0.000)
Lawmaking Hearing	-0.078* (0.030)	-0.102 (0.055)
Observations	1942	1942
R ²	0.050	0.037
R ² Within	0.013	0.011
CAP Topic Fixed Effects	✓	✓
President Fixed Effects	✓	✓

Note: ⁺p<0.1; *p<0.05; **p<0.01; ***p<0.001
Standard errors are clustered by Congress.

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