Administrative Constellations: Bureaucratic Coalition Building and Power in the Administrative State

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Chapter 6. Executive Coalitions and Congress: Inducing Collective Action Problems

Abstract. Why do executive agencies form policymaking coalitions? Legislative coalitions are widely theorized and studied, but less attention has been paid to executive coalitions. Executive agencies' dependence on the political branches calls for a distinctive theory of coalition building. This article presents such a theory, arguing that agencies form coalitions to optimize their autonomy given their subordinate position in a separation of powers system by exploiting and inducing collective action problems in Congress. Using data on dozens of agencies over seventeen years, I find that agencies are most likely to form coalitions when it helps them induce collective action problems among their overseers in Congress: namely, committee freeriding in oversight and gridlock in lawmaking. Agencies form coalitions actively in order to insulate their policies against congressional oversight.

In his influential book on the U.S. Congress, David R. Mayhew (1974) observed a simple yet important feature of the national legislature: "the organization of Congress meets remarkably well the electoral needs of its members." Going even further, he argued that "if a group of planners sat down and tried to design a pair of national assemblies with the goal of serving members' electoral needs year in and year out, they would be hard pressed to improve on what exists" (81). But members' electoral needs are only rarely so aligned as to facilitate national policy change or effective oversight of the executive branch: polarization, gridlock, and party gatekeeping can stall legislative activity even on issues where a majority of legislators and voters might prefer revision of the status quo. Despite the apparent ingenuity of U.S. legislative design for members' electoral needs, collective action problems plague the institution, often rendering it incapable of responding to the popular will or overseeing the executive branch.

Legislating in the American system requires herculean efforts. Once introduced, bills must pass through at least two committees controlled by the majority party to make it to the floor of each chamber. Once on the floor, the House of Representatives must pass the bill by a simple majority vote, but a minority of senators in the upper chamber can halt the legislative process indefinitely. Even if the bill passes both chambers, the president may veto it which can only be overridden by supermajorities in both chambers.[1] Such a system, designed in the eighteenth century when the scope of the national government was contested, has at times seemed ill equipped to respond to national necessities. The rise of polarization since the 1970s has further highlighted the problems of legislative organization since Congress seems unable on occasion to respond to even the most basic national needs or hold presidents and other executives accountable for obvious violations of the public trust.

So great are congressional collective action problems, in fact, that Congress has not infrequently bestowed (or perhaps foisted) its authority to make policy upon the Executive Branch. Unlike Congress, executive agencies are hierarchical and centralized organizations usually headed by a single secretary or administrator at the top and filled with layers of careerists underneath. Although the bureaucratic policymaking process is neither unilateral nor without cost, agencies do not suffer from the same collective action problems that Congress does. Therefore, when congressional collective action problems become too much to bear, Congress delegates to the Executive Branch (Epstein and O'Halloran 1999). Over the last century or so, the Executive Branch has become responsible for such constitutionally legislative duties as budgeting, apportionment,

[1] Krehbiel (1998) explains how bicameralism, separation of powers, and supermajoritarian requirements in the U.S. Congress lead to gridlock, and Cox and McCubbins (2005) explain how parties exert negative agenda control using the committee system. Combined, bicameralism, separation or powers, supermajoritarian requirements, and party gatekeeping limit the range of policies Congress can pass.

tariffs, and military engagement (see, *e.g.*, Dearborn 2021). But delegation as such does not always resolve Congress' collective action problems; it may only delay them.

After delegation, bicameralism, separation of powers, and the committee system continue to limit legislative responses to the administrative state. Congress is not the only institution responsible for overseeing the bureaucracy: the president and the courts also play an important role in overseeing federal agencies. These multiple principals, or overseers, create collective action problems in the post-delegation stage of bureaucratic oversight. Even if majorities in each chamber of Congress support punishing an agency for its policies, the president can veto whatever sanction that legislative coalition supports or a court can nullify the law. The more disagreement among those principals, the more likely it is that agencies will be able to act with impunity since all must agree to punish an agency for such a punishment to be doled out (see, *e.g.*, Boushey and McGrath 2020; Hammond and Knott 1996; 1999; MacDonald 2007).

Even just within Congress, agencies are subjected to (or enjoy) oversight by multiple principals. Both chambers of the U.S. Congress have organized themselves into several committees, each with a specific policy jurisdiction that members guard jealously (see, *e.g.*, Weingast and Marshall 1988). For example, both the House and Senate have an Agriculture Committee, both an Armed Forces Committee, and both a committee handling education and labor policy. When Congress delegates the power to make policy to the Department of Agriculture, for example, both representatives in the House Agriculture Committee and senators in the Senate Agriculture Committee are responsible for overseeing the Department's activity. Such duplication leads to yet another collective action problem since each committee may free ride off the other's supervisory activity and each committee must agree to any legislative action curbing the agencies (Clinton, Lewis, and Selin 2014; Gailmard 2009; Rezaee, Gailmard, and Wood n.d.; Shipan

2004; Woolley 1993). Collective action problems in Congress, in short, benefit agencies because legislative sclerosis limits legislative responses to agency actions.

The politically astute bureaucrat recognizes congressional collective action problems at both the policymaking and oversight stages and exploits them to their benefit. This chapter considers how executive coalition building offers bureaucrats a tool to exploit congressional collective action problems and argues that one of the key political functions of contemporary executive coalition building is to induce collective action problems among congressional overseers. In so doing, bureaucrats can promulgate policies that overseers cannot repeal by increasing the number of overseers (and therefore veto players), compounding both the free rider and collective action problems endemic to legislative institutions. In short, bureaucrats understand how the legislative process and legislative organization limit congressional responses to agency actions and how to manipulate the legislative process in order to further limit Congress's ability to limit agency behavior.

Exploiting Collective Action Problems

Agencies are not passive actors in the American political system. They recognize opportunities to achieve their policy goals in the face of political opposition. They may leverage their superior knowledge of the regulatory process to get what they want, wait to produce certain policies until congressional, presidential, or judicial conditions are more favorable (Potter 2017; 2019), or activate diverse networks of support to lobby or otherwise convince overseers to defer to agency desires (Carpenter 2001). To this, I add that agencies collaborate strategically to induce collective action problems in Congress and achieve their preferred policy outcomes.

Much of the work on multiple principals studies either congressional outcomes like hearings held (McGrath 2013; Rezaee, Wood, and Gailmard n.d.), individual forms of oversight that

do not require collective action (Bolton 2021; Lowande 2018; Lowande and Potter 2020), or regulatory output from individual agencies given different partisan or ideological arrangements among principals (Boushey and McGrath 2020; Palus and Yackee 2020; Shipan 2004). But all of these previous studies overlook the ability of agencies to *induce* collective action problems among multiple principals. Agencies do not simply observe whether their principals are divided and choose to act – although waiting until political conditions among overseers are friendlier to agency action is a strategy agencies do use (Potter 2017; 2019) – they also work actively to amplify political divisions among their overseers, activating additional oversight committees by collaborating with other agencies with different oversight committees.

Consider a simple spatial model in one dimension with three actors, an agency with ideal point A, a House committee whose median's ideal point is C_H, and a Senate committee whose median's ideal point is C_S, represented in figure 6.1.[2] The agency first promulgates a policy, A, pursuant to some grant of authority. Then, a member of Congress can introduce a bill revising the agency action which will be assigned to committee C_H in the House and C_S in the Senate. Either committee can kill the bill reverting the policy to whatever the agency did in the first place. If a committee kills the bill, then the policy outcome is the agency's action. If both committees pass the bill, then the policy outcome is the bill introduced in Congress. (This is a simplified version of the model presented in Shipan (2004).)

[2] A fully fleshed out spatial model of this process would require also including floor medians and filibuster pivots in the House and Senate respectively, but for the purposes of this example, assuming each chamber passes any bill that a committee reports favorably is sufficient to show the logic. This example is a slight modification of the model in Shipan (2004). Additionally, although my argument concerns agencies collaborating with each other, the simple spatial models present only one agency for simplicity and to present the basic logic of the argument with less clutter.

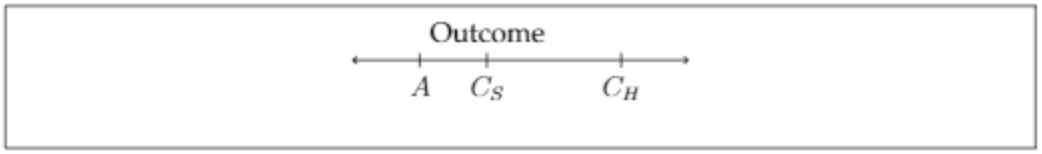

Figure 6.1: Spatial Model with Two Committees.

Under standard assumptions, each player has a single-peaked ideal point such that each actor's most preferred policy is represented by their ideal point and their utility decreases symmetrically as policy outcomes diverge from their ideal point. Since preferences are fixed in (at least) the short-run, agencies can only manipulate outcomes by bringing in more veto players such that at least one prefers a policy outcome closer to the agency than any proposed bill that could pass all committees and both chambers.

To see why, suppose two committees in the Senate are responsible for a bill to revise the agency's policy, leading to the preference configuration represented in figure 6.2. As before, *A* represents the agency's ideal point and C_H represents the ideal point of the House committee's median. Now, however, C_S^1 represents one of the Senate committee median's ideal point, and C_S^2 represents the second's. Under this preference configuration, the agency can set policy at exactly its ideal point. Even if the first Senate committee median would set policy at C_S^1 instead of *A*, the second Senate committee prefers *A* to C_S^1so it will block the bill, reverting policy to *A*, the agency's original proposal. As a general matter, if agencies can expand the scope of conflict to include at least one veto player closer to its ideal point than existing veto players, the agency can be no worse off and may often fare better.

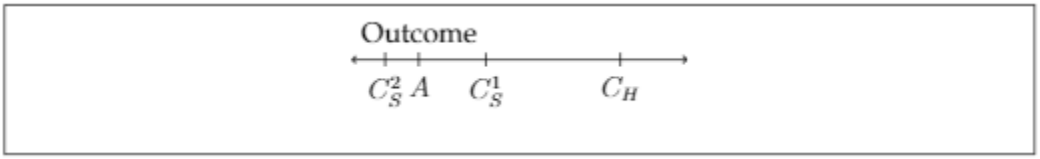

Figure 6.2: Spatial Model with Three Committees.

But agencies do not refer bills to committees: Congress does. House rules enacted in the 1970s prescribe that each bill introduced in the House must be referred to all committees with jurisdiction over the subject matter of the bill.[3] For example, the Department of Homeland Security Blue Campaign Authorization Act, designed to aid the Department of Homeland Security in addressing human trafficking and signed into law by President Trump in 2018, was referred to both the House Homeland Security and Judiciary committees as it dealt with both issues of homeland security and law enforcement.[4] The United States Parole Commission Extension Act of 2018, extending the authority of the U.S. Parole Commission by two years and also signed into law by President Trump in 2018, on the other hand, was referred only to the House Judiciary Committee as it dealt solely with law enforcement.[5] The Senate has a longer history of multiple referrals (Davidson 1989; Sinclair 2016). Unsurprisingly, research indicates that multiply referred bills are less likely to be reported to the floor of the House than singly referred bills due to the increasing number of veto players created by multiple referrals (Davidson, Oleszek, and Kephart 1988; Krutz and Cullison 2008; Young 1996).

Since bills must be referred to all committees with reasonable claims to jurisdiction over the issue, any bill that affects agencies with disparate jurisdictions should be referred to all committees with those same jurisdictions. For example, if Congress wishes to address a recent action by the Department of Homeland Security, a member can introduce a bill which will be referred to the Homeland Security committees in the House and Senate. But if Congress wishes to ad-

[3] When the House changed its rules in the 1970s to allow for multiple referrals, it created three types of multiple referrals (Davidson 1989). The first is the joint or concurrent referral where a bill is referred to more than one committee simultaneously. The second is the split or divided referral where each of the multiple committees responsible for a bill are responsible for different sections or titles of that bill. The last is the sequential referral where a bill is referred to multiple committees sequentially such that no committee considers the same bill at the same time. Upon taking control of the House for the first time in decades in 1995, Republicans changed House rules to require that the Speaker of the House designate one committee the primary committee, a change that somewhat lessened the effect of multiple referrals on bill progression, but only at the pre-floor stage (Krutz and Cullison 2008).
[4] Department of Homeland Security Blue Campaign Authorization Act, H.R. 4708, 115th Cong. (2018).
[5] United States Parole Commission Extension Act of 2018, H.R. 6896, 115th Cong. (2018).

dress a recent action by both the Department of Homeland Security and the Department of Energy, the bill will likely be referred to four committees: Homeland Security in the House and Senate, and Energy and Commerce in the House and Senate. Therefore, by forming a coalition, the Departments of Homeland Security and Energy can increase the number of veto players required to overturn their action. As a concrete example, in response to a rule promulgated by the Environmental Protection Agency and Army Corps of Engineers related to the Clean Water Act in 2015, David Rouzer (R-NC) introduced a bill prohibiting the EPA from using its appropriated funds for the year 2015 until the rule was rescinded, and that bill was referred to four committees in the House.[6] A similar bill was introduced in the Senate and referred to two committees, only one of which even held hearings on the bill.[7] Neither bill passed either chamber.

To generalize, if agencies work together and increase the number of veto players – that is, committee medians – with a say in whether a bill punishing those agencies can move through the legislative process, they can induce a collective action problem and foreclose legislative action. If agencies use such a strategy, then we should observe agencies forming coalitions with other agencies when doing so increases the ideological disagreements among committees responsible for legislating in the agencies' policy areas.

Oversight committee medians for pairs of agencies may be arranged in three possible ways. First, two agencies can have the same oversight committees. For example, the Equal Employment Opportunity Commission and the Department of Labor are both overseen by the same agencies in the House (House Committee on Education and Labor) and the Senate (Senate Committee on Health, Education, Labor, and Pensions).[8] For agencies with oversight committees

[6] Don't Ignore the Will of the People Act, H.R. 2599, 114th Cong. (2015).
[7] Defending Our Rivers from Overreaching Policies Act of 2015, S. 1178, 114th Cong. (2015).
[8] Throughout this chapter, I consider the primary oversight committee of each agency as those responsible for confirming nominees to each agency in the Senate, and their counterparts in the House.

arranged in this way, collaborating will make no difference in the ideological disagreement or gridlock between committees since no additional veto players are brought in. This regime is represented in figure 6.3 in the first panel: (a) Same Oversight Committees. Agency 1 is overseen by C_S^1 and C_H^1 and agency 2 is overseen by C_S^2 and C_H^2 in each regime.

Second, two agencies can have different oversight committees, but the ideological distance between the most liberal and most conservative of the four committees jointly responsible for overseeing those two agencies is only larger than the ideological distance between the most liberal and most conservative of each pair of committees for one agency. This occurs when the ideal points of both House and Senate committee medians for one agency lie between the ideal points of the other agency. For agencies with oversight committees arranged in this way, the agency with less ideologically diverse committees benefits from coalition building, but the agency with more distant oversight committee medians may not. This regime is represented in figure 6.3 in the second panel: (b) Larger for One.

Finally, two agencies can have different oversight committees, and the ideological distance between the most liberal and most conservative of the four committees jointly responsible for overseeing those two agencies is larger than the ideological distance between the most liberal and most conservative of each pair of committees for both agencies. This occurs when the interval between the House and Senate committee medians for each agency overlap but neither is wholly contained in the other. [9] For pairs of agencies with oversight committees arranged in this way, both agencies benefit from collaboration by guaranteeing more committee gridlock if Congress attempts to overturn their policy. This regime is represented in figure 6.3 in the final panel: (c) Larger for Both.

[9] The two sets of committees theoretically could not overlap at all, but committee medians in each chamber belong to the majority party and the two parties have been polarized with almost no overlap in the contemporary era.

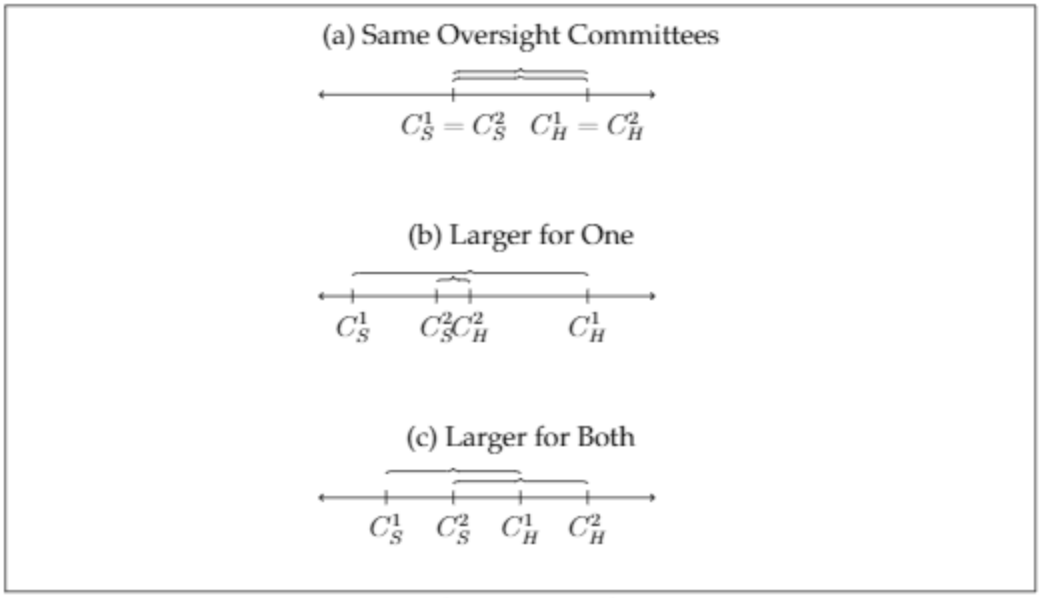

Figure 6.3: Three Oversight Regimes. Numbers in superscripts indicate which agency each committee oversees and letters in each subscript indicate each committee's chamber. Brackets indicate ideological distance between each agency's oversight committees.

Agencies have the most to gain in the third regime since they can induce a collective action problem in Congress by forcing greater disagreement among legislative overseers. Therefore, the first empirical implication of my theory of executive coalitions vis-à-vis Congress is:

> **Hypothesis 6.1:** When the distance between the most liberal and most conservative committee medians of the four committees overseeing two agencies is larger than the distance between the most liberal and most conservative committee medians for each agency's standard oversight committees (regime c), those agencies are most likely to collaborate.

But legislative control of the administrative state is not only achieved through legislation. Committees also serve an important role in overseeing agency implementation of legislative policy. And just like in the legislative process, collective action problems plague congressional oversight. Bicameralism again limits the responsiveness of committees to agency behavior since committees have incentives to free ride off their counterparts (Gailmard 2009; Rezaee, Gailmard,

and Wood n.d.). In fact, agencies report less congressional influence in their affairs when they are subject to oversight by multiple committees (Clinton, Lewis, and Selin 2014).

Policing the administrative state is costly for members of Congress. The committee system helps cut down on information seeking costs since each committee is only responsible for a subset of federal agencies, but committees still oversee multiple agencies responsible for regulating activity in many policy areas. If members of Congress had to actively monitor every agency under their committees' jurisdictions, there would be no time for any of the many other activities members of Congress must do like legislating, case work, and campaigning. Therefore, Congress, with the Administrative Procedure Act and other statutes regulating the administrative state, has installed procedural technologies that allow interested parties like interest groups to alert Congress is an agency engages in undesirable behavior. These "fire alarms" reduce oversight costs for Congress, thereby providing a more efficient means of oversight (McCubbins and Schwartz 1984; but see Lowande 2018 for evidence that members of Congress do engage in some unprompted monitoring).

Relying on fire alarms, however, means that committees only receive *allegations* of agency malfeasance but the members sitting on committees do not directly *observe* agency behavior unless they call for a hearing with agency witnesses or subpoena agency records. Calling a hearing, subpoenaing agency records, or otherwise seeking to audit agency actions, however, is costly. The benefits of such an audit are informational: the committees can learn whether and to what extent an agency has misbehaved. Because once that information is public, all members of Congress can access it, committees have incentives to free ride off the auditing activity of other committees in order to learn the information they seek without taking costly action (Gailmard 2009). Since each agency is overseen by a committee in the House and the Senate, each commit-

tee can theoretically free ride off the auditing activity of at least one other. Critically, even if both committees agree perfectly that the agency should be audited, oversight may be underprovided due to the collective action problems. Therefore, the institutional design of bicameralism is sufficient to lead to inefficient oversight. But crafty agencies can make the problem even worse.

Executive coalition building helps agencies avoid oversight. Agencies can induce an even larger collective action problem in oversight by collaborating with each other. If two agencies have different oversight committees, then by collaborating, agencies can expand the number of principals responsible for oversight from two to four. With four instead of two oversight committees, free riding should increase since each committee may anticipate any of the three – rather than only one – other committees may audit the agencies.

Mapping this theory onto the three regimes in figure 6.3 yields the second hypothesis. Pairs of agencies with the same oversight committees (regime a) do not stand to gain from collaborating since acting on their own or as a pair would result in the same number of committees responsible for overseeing them. However, pairs of agencies with different sets of oversight committees (regimes b and c) can make freeriding among oversight committees more likely by collaborating and increasing the number of committees responsible for oversight. Therefore:

> **Hypothesis 6.2:** Pairs of agencies with different sets of oversight committees (regimes b and c) are more likely to collaborate than pairs of agencies with the same oversight committees (regime a)

This hypothesis is counterintuitive without theory. Agencies with the same oversight committees inhabit similar policy areas and therefore might naively be expected to collaborate more frequently than those from different policy areas. If agency coalitions served only technocratic purposes, that might be the case. However, if agency coalitions are intended to induce collective action problems in Congress in order for agencies to achieve their desired policy out-

comes, we should observe agencies collaborating when they have different oversight committees even though this means they are responsible for different policy areas.

Data and Empirical Strategy

To test these hypotheses, I leverage the novel dataset of agency coalitions that I built for this dissertation and described in Chapter 4. Each observation is an agency dyad-year since committee compositions change each Congress and occasionally within the same Congress. Table 6.1 displays the count and proportion of coalitions formed by presidential term from 1997 (Clinton's second term) to 2020 (Trump's presidency). The rate of coalition formation was highest during Clinton's second and Bush's first term, which about thirty-six percent of potential agency pairs forming coalitions. The rate of coalition formation then dropped to about twelve percent on average from Bush's second to Obama's second terms. Aggregating from 1997-2020, about xx% of potential agency pairs formed coalitions.

With data from the *Federal Register*, I constructed a coalition network where each node or vertex is an agency, and each edge or tie is the count of rules jointly promulgated by the coalition comprising the two node agencies at any point from 1997-2012.[10] Eight of the thirty-two agencies never formed a coalition from 1997-2012, but the pooled network density among the remaining thirty-two agencies is quite high at about sixty-eight percent, meaning more than two thirds of all possible agency pairs formed a coalition together from 1997-2012. When including all agencies, including those that never formed a coalition, the network density is about forty-seven percent.

[10] I limit the dataset I use for the main analysis to these terms since I am only able to collect sufficient data for my analysis during those years. Ideal point estimates at the agency level are only available through 2012.

Table 6.1: Coalition Formation by Presidential Term

Presidential Term	Coalitions Formed	Possible Coalitions	Proportion Coalitions
Clinton II (1997-2000)	164	465	0.353
Bush I (2001-2004)	187	496	0.377
Bush II (2005-2008)	96	496	0.194
Obama I (2009-2012)	32	496	0.065
Obama II (2013-2016)	134	496	0.270
Trump (2017-2020)	130	496	0.262
Aggregate	743	2945	0.252

Note: Includes only presidential terms for which data from the first to last day of the term was available from the *Federal Register's* API. There are fewer possible coalitions in Clinton's second term because the Department of Homeland Security had not yet been created.

The dependent variable is a binary indicator for whether each agency dyad in each year formed a coalition or not.[11] I then matched agencies to oversight committees in the Senate by selecting the committee responsible for first considering nominees to that agency, and in the House by selecting the committee analogous to the Senate oversight committee. Next, I calculated the absolute value of the difference in the DW-NOMINATE estimate of each agency's two oversight committee's median member's ideal point. Then, I calculated the absolute value of the difference in the DW-NOMINATE estimate for the most liberal and most conservative of each of the four committees overseeing the two agencies forming the dyad. Finally, I created a variable that can take one of three values corresponding to the regimes in figure 6.3. This variable takes the value *Same Oversight Committee* if the two agencies forming each dyad have the same oversight committee; it takes the value *Larger for One* if the absolute value of the difference in

[11] The dataset comprises 496 pairs of thirty-two agencies over six presidential administrations. I define coalitions as groups of agencies aggregated to their highest levels that promulgate at least one joint rule in a year or presidential term, depending on the analysis. For example, a pair comprising the Agriculture Marketing Service and Agricultural Research Service, both in the Department of Agriculture, does not constitute a coalition, but a pair comprising the Agricultural Marketing Service and the Bureau of Economic Analysis in the Department of Commerce does. This suggests that the counts I have produced here are somewhat conservative but using lower levels of agencies as units would likely present a confound in the coming analyses since sub-bureau authority to engage in rulemaking and independence from their parent agencies vary.

the DW-NOMINATE estimate for the most liberal and most conservative of each of the four committees overseeing the two agencies is larger than only one of the absolute values of the differences of the pairs of committees overseeing each individual agency; last, it takes the value *Larger for Both* if the absolute value of the difference in the DW-NOMINATE estimate for the most liberal and most conservative of each of the four committees overseeing the two agencies is larger than both of the absolute values of the differences of the pairs of committees overseeing each individual agency.

Table 6.2 displays examples of dyads with the Department of Labor in the 112th Congress to clarify the measurement. The first row displays information on the Department of Labor. From left to right, the second and third columns display the committee in the Senate overseeing the Department of Labor and the DW-NOMINATE estimate of that committee median's ideal point. The fourth and fifth column display the same information but for the House committee overseeing the Department of Labor. The sixth column displays the distance between the Senate and House committee medians' ideal points. The second through fourth rows display the same information but for three other agencies during the 112th Congress. For these rows, the seventh column displays the distance between the most liberal and most conservative of all the committees responsible for overseeing both that agency and the Department of Labor. For example, the Senate median for the Department of Labor is the most liberal of any, and the House median for the Department of Agriculture the most conservative. Therefore, the cell under joint distance for the Department of Agriculture shows the absolute value of the difference between the Senate median for the Department of Labor and the House median for the Department of Agriculture. Finally, the eighth column displays to which regime each dyad belongs by comparing the joint distance to the individual distances in columns six and seven.

Table 6.2. Example of Regimes with Department of Labor Dyads in 112th Congress

	Senate		House			Compared to Department of Labor	
Agency	Committee	Median	Committee	Median	Distance	Joint Distance	Regime
Department of Labor	Health, Education, Labor, and Pensions	-0.215	Education and Labor	0.252	0.467	—	—
Equal Employment Opportunity Commission	Health, Education, Labor, and Pensions	-0.215	Education and Labor	0.252	0.467	0.467	Same Oversight Committees
Department of Defense	Armed Services	-0.043	Armed Services	0.233	0.276	0.467	Larger for One
Department of Agriculture	Agriculture	-0.121	Agriculture	0.314	0.435	0.529	Larger for Both

Table 6.3 displays raw percentages of dyads forming coalitions in each regime during each presidential term. Agencies with the same oversight committees were consistently less likely to form coalitions than agencies with different coalitions. Aggregating across the entire timeframe, only 3.6% of dyads with the same oversight committees formed coalitions and about 11% of dyads with different oversight committees formed coalitions, a difference of about seven percentage points, consistent with hypothesis 6.2. During Clinton's two terms, agency pairs whose joint oversight committee ideological distance is larger for both individual agencies were most likely to collaborate, those whose joint oversight committee ideological distance is larger for only one agency were second most likely to collaborate, and those with the same oversight committees were the least likely. The number are particularly striking in Clinton's second term where 26.4% of dyads for whom collaborating increased ideological disagreement among overseers for both committees formed coalitions whereas only 17% of dyads for whom collaborating increase ideological disagreement among overseers for only one committee formed coalitions, consistent with hypothesis 6.1. The differences between these last two regimes dissipates in the raw numbers from Bush onward, but it remains across all time periods that agencies with the same oversight committees are the least likely to form coalitions.

Table 6.3. Proportion of Dyads Forming Coalitions by Regime and Presidential Term

	Clinton I (1995-6)*	Clinton II (1997-2000)	Bush I (2001-4)	Bush II (2005-8)	Obama I (2009-12)	Obama II (2013-6)	Trump (2017-8)**
Same Oversight Committees	3.8	7.7	4.8	1.0	0.9	2.7	5.8
Larger for One	4.0	17.0	15.8	7.4	5.1	6.1	19.1
Larger for Both	7.6	26.4	14.9	6.7	3.4	9.8	10.5

Note: Cell entries are percentages.

*Clinton I only includes the last two years of that term.

**Trump only includes the first two years of his term.

Figure 6.1 displays the proportion of dyads forming coalitions each Congress for agency pairs that share oversight committees and those that do not. In every Congress, agencies with different oversight committees were more likely to collaborate, consistent with hypothesis 6.2. Agencies with different oversight committees can compound the free rider problem that plagues committee oversight of agency actions by increasing the number of committees responsible for oversight, thereby making it more likely each individual committee believes it can free ride of the other committees' oversight activities. Figure 6.1 provides evidence that agencies do in fact behave in this way.

However, these raw numbers are only suggestive given the repeated observations in the data and dyad- and Congress-level confounders. Therefore, I estimate a series of linear probability models to estimate the effect of different regimes on agency coalition building. Specifically, to test hypothesis 6.1, I regress whether each dyad formed a coalition in each year on an indicator variable, *Larger for One*, which takes the value of one if collaborating increases gridlock for only one agency (regime b) and zero otherwise, dyad and year fixed effects, and the same control variables as in the previous chapter. These models exclude agencies with the same oversight committees (regime a) due to the dyad fixed effects. To test hypothesis 6.2, I include all dyads and regress the same dependent variable on a binary variable, *Same Oversight Committees*, which takes the value of one if the dyads share the same oversight committees (regime a), year

fixed effects, and the same control variables. For both tests, the coefficients on the relevant independent variable should be negative.

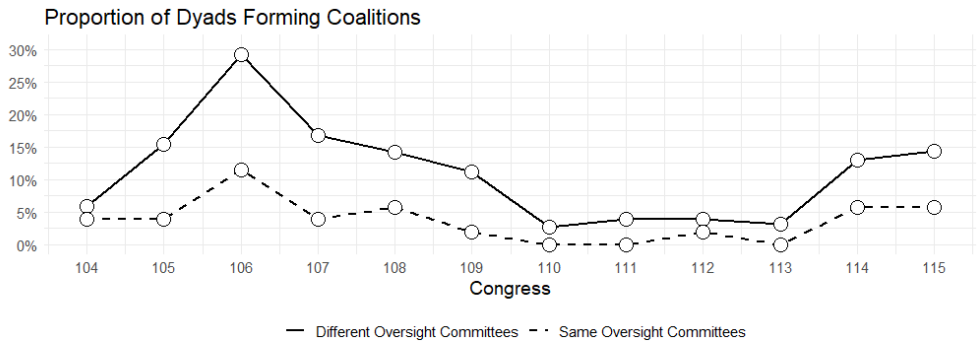

Figure 6.1. Coalitions by Congress and Oversight Committees

Results

Tables 6.4 and 6.5 reports the results of the linear probability models. Since, as in previous chapters, all the covariates are only available from the 105th (1997-1998) to the 112th Congress (2011-2012), model 1 in each table presents results for the 104th (1995-1996) through 115th (2017-2018) Congresses without covariates – only with dyad and year fixed effects – and model 2 presents results using only those covariates available for the full timeframe, though not for all dyad-years.[12]

As expected, the coefficient on *Larger for One* across specifications in table 6.3 is negative, indicating that agencies are more likely to form coalitions when they can induce collective action problems by widening the ideological gap between oversight committees. Since these models include dyad fixed effects, the coefficient estimates the within-dyad change in probability of coalition formation when a dyad changes from regime c to regime b and that change is negative, consistent with hypothesis 6.1. Also as expected, the coefficient on *Same Oversight*

[12] See the discussion of the data in Chapter 4 (??). Specifically, I am able to include employment and politicization covariates in model 2, but not all agencies have a defined politicization measure because they do not always employ career senior executive servants.

Committees across most specifications in table 6.5 is negative, indicating that agencies are more likely to from coalitions when they can compound the free rider problem among oversight committees by introducing additional overseers. These models include year fixed effects, so the coefficients estimate the difference in the probability of coalition formation within the same year among dyads with and without the same oversight committees, consistent with hypothesis 6.2. Models 3 through 6 include the full suite of covariates included in the regressions in the previous chapter and uncovers similar results.

Table 6.5. Coalition Building and Congressional Committee Gridlock.

	Dependent variable:					
	Coalition					
	104th-115th Congresses		105th-112th Congresses			
	(1)	(2)	(3)	(4)	(5)	(6)
Larger for One	-0.020***	-0.037***	-0.038***	-0.038**	-0.036***	-0.036***
(vs. Larger for Both)	(0.006)	(0.009)	(0.008)	(0.008)	(0.009)	(0.009)
Agency Alignment			0.009**	0.007	-0.058	-0.012**
			(0.004)	(0.005)	(0.039)	(0.006)
Agency Alignment ×				0.005		0.011
Larger for One				(0.006)		(0.008)
Observations	10,583	6,893	7,771	7, 771	6,250	6,250
Dyad FEs	Yes	Yes	Yes	Yes	Yes	Yes
Year FEs	Yes	Yes	Yes	Yes	Yes	Yes
Time-Varying Covariates	No	Limited	No	No	Yes	Yes
Adjusted R^2	0.389	0.378	0.389	0.384	0.397	0.397

*p<0.1, **p<0.05, ***p<0.01

Note: Unit of analysis is the agency dyad-year. Standard errors clustered by dyad reported in parentheses.

Substantively, the effects are notable. The unconditional average rate of coalition formation for the full sample is about eleven percent. Among agency dyads with different oversight committees, when collaborating guarantees increased gridlock among committees, they are about two to four percentage points more likely to form coalitions than when collaborating only increases gridlock for one agency forming the dyad, consistent with hypothesis 6.1. Among all

agency dyads in a given year, those with different oversight committees are about four to eight percentage points more likely to collaborate than those with the same oversight committees, consistent with hypothesis 6.2.

Table 6.5. Coalition Building and Compounding the Free Rider Problem.

	Dependent variable:					
	Coalition					
	104th-115th Congresses		105th-112th Congresses			
	(1)	(2)	(3)	(4)	(5)	(6)
Same Oversight Committees	-0.076***	-0.040**	-0.075***	-0.079***	-0.012	-0.013
	(0.018)	(0.017)	(0.018)	(0.008)	(0.018)	(0.018)
Agency Alignment			0.258***	0.038***	0.026	0.004
			(0.035)	(0.005)	(0.038)	(0.005)
Agency Alignment ×				-0.026***		-0.009
Same Oversight Committees				(0.009)		(0.010)
Observations	11,191	7,285	8,215	8,215	6,867	6,867
Year FEs	Yes	Yes	Yes	Yes	Yes	Yes
Time-Varying Covariates	No	Limited	No	No	Yes	Yes
Adjusted R^2	0.001	0.144	0.132	0.132	0.219	0.219

*p<0.1, **p<0.05, ***p<0.01

Note: Unit of analysis is the agency dyad-year. Standard errors clustered by dyad reported in parentheses.

The results provide evidence in favor of both hypotheses 6.1 and 6.2. First, dyads for whom collaborating increases ideological disagreement for both sets of oversight committees are most likely to form coalitions, consistent with hypothesis 6.1. Second, dyads with different sets of oversight committees are more likely to collaborate than those with the same oversight committees, consistent with hypothesis 6.2. These results are consistent with my theory that agencies form coalitions when doing so can induce collective action problems in Congress by introducing larger ideological cleavages among principals (hypothesis 6.1) and worse free riding problems among oversight committees (hypothesis 6.2).

The previous analysis assumes that committee medians are decisive in advancing bills through the legislative process and that committee medians vote their sincere preferences without

any pressure from their parties. However, party leaders influence the rank-and-file by providing positive and negative incentives for members if they act in the interest of the party or not (Cox and McCubbins 1993; 2005). Parties exist partly to overcome the collective action problems inherent in legislative politics (Aldrich 2011). In addition, some argue committee power in Congress has waned in the postreform era when the Democratic Party leadership consciously reduced the power of committee chairs and other senior members since they were dominated by the Southern wing of the Party that was out of step with party leadership on many issues. After the Republican Party gained control of the U.S. House for the first time in forty years in 1995, committee power was reduced further, shifting agenda setting and legislative power from committees to centralized party leadership (see, *e.g.*, Deering and Smith 1997; Rohde 1991).

This view of power in Congress implies one of two potential observable phenomena. First, if committees are weak and centralized party control strong, then agencies should have trouble inducing collective action problems among committees since each committee's majority party members should vote the party line and advance bills that satisfy their party's median member. If that were the case, then there should be no difference in agency collaboration across the three regimes. The previous analysis shows that not to be the case. Instead, I provided evidence that agencies anticipate that they can induce collective action problems, meaning they act as if committee medians can vote sincerely and committee medians from different committees could vote differently on the same bill. Second, if parties structure their members' behavior but nevertheless allow some degree of freedom to their delegates on committees, then it is not committee medians that matter, but the median of each committee's contingent of majority party members that does. If that were the case, then the regimes of overlapping oversight should be

constructed by comparing majority party medians on committees, not general committee medians. This expectation is tested below.

Table 6.6. Proportion of Dyads Forming Coalitions by Regime and Presidential Term
(Majority Party Committee Medians)

	Clinton I (1995-6)*	Clinton II (1997-2000)	Bush I (2001-4)	Bush II (2005-8)	Obama I (2009-12)	Obama II (2013-6)	Trump (2017-8)**
Larger for One	5.2	21.0	15.1	6.3	3.8	8.5	21.0
Larger for Both	6.2	23.4	15.9	7.6	3.9	7.6	10.9

Note: Cell entries are percentages.

*Clinton I only includes the last two years of that term.

**Trump only includes the first two years of his term.

Table 6.6 displays raw percentages of dyads forming coalitions in the two regimes for dyads who do not share oversight committees. If agencies share oversight committees, the position of the party or committee median is irrelevant as collaborating cannot induce more ideological gridlock, so I decline to include those numbers in this table as they are the same as in table 6.2. Unlike the findings for general committee medians, table 6.5 shows that dyads do not collaborate more frequently when collaboration would induce more ideological conflict among majority party medians on committees. During each presidential term, dyads that can increase gridlock among majority party medians on committees by collaborating were about as likely as those that could not, with the exception of the Trump presidency where the differences in probabilities are large but in the opposite direction of hypothesis 6.1. This implies that agencies care about general committee medians (who belong to the majority party because of how committees are constituted) and not the majority party medians on committees.

Table 6.7. Coalition Building and Congressional Committee Gridlock within the Majority Party.

	Dependent variable:					
	Coalition					
	104th-115th Congresses		105th-112th Congresses			
	(1)	(2)	(3)	(4)	(5)	(6)
Larger for One	0.003	-0.010	-0.015**	-0.015**	-0.010	-0.010
(vs. Larger for Both)	(0.006)	(0.007)	(0.007)	(0.007)	(0.009)	(0.009)
Agency Alignment			0.069**	0.012***	-0.056	-0.002
			(0.028)	(0.005)	(0.039)	(0.006)
Agency Alignment ×				-0.006		-0.012
Larger for One				(0.006)		(0.008)
Observations	10,583	6,893	7,771	7, 771	6,250	6,250
Dyad FEs	Yes	Yes	Yes	Yes	Yes	Yes
Year FEs	Yes	Yes	Yes	Yes	Yes	Yes
Time-Varying Covariates	No	Limited	No	No	Yes	Yes
Adjusted R^2	0.388	0.375	0.387	0.387	0.394	0.395

*p<0.1, **p<0.05, ***p<0.01

Note: Unit of analysis is the agency dyad-year. Standard errors clustered by dyad reported in parentheses.

Table 6.7 report results of the linear probability models analogous to those in table 6.3 but using majority party medians on committees instead of general committee medians. The preliminary findings in table 6.6 are borne out in the regression results. Although for some models the coefficient on *Larger for One* is negative and significant, the effects are much smaller than those in table 6.4. These results imply that agencies consider general committee medians rather than the median of the majority party's contingent on each committee. As a results, agencies collaborate when doing so amplifies gridlock among general committee medians.

Discussion and Conclusion

Existing theories of multiple principals overseeing the bureaucracy have ignored strategies agencies can use to exploit legislative collective action problems. Bureaucrats do not always have to wait for gridlock in Congress resulting from biannual elections. Instead, they can amplify grid-

lock between electorally induced changes in partisan and ideological coalitions by collaborating with other agencies to create ideological divisions among existing overseers.

Examining agency collaboration from the 104th Congress (1995-6) to the 115th Congress (2017-8), I find that agencies collaborate when doing so increases ideological disagreement among overseers, frustrating attempts at legislatively addressing those agencies' actions. Additionally, I find that agencies with different sets of oversight committees collaborate more frequently than those with the same set of oversight committees because those with different oversight committees can compound the free rider problem endemic to decentralized oversight of agencies by congressional committees. The arguments presented here acknowledge that agencies are experts not only in their subject matters and the procedures they can use to achieve their policy aims, but also demonstrate considerable knowledge of the legislative process, the members of Congress most responsible for oversight, and the set of other agencies with whom they can collaborate to amplify collective action problems among congressional overseers.

Taken together with the previous chapter's argument and findings that agencies collaborate to achieve their policy goals in the face of opposition from the president and OIRA, these findings further demonstrate that agencies collaborate strategically and in explicitly political ways. Agencies form coalitions with each other strategically in order to sidestep oversight and political control by Congress. By collaborating, agencies induce collective action problems among overseers. Specifically, collaboration creates or exacerbates the free rider problem among oversight committees and can increase ideological disagreement among overseers, making legislative responses less likely by amplifying gridlock. The results presented in this chapter strongly imply that agencies do not collaborate for purely technocratic reasons like information sharing or

the crafting of more efficient policy, but instead collaborate for political reasons, to achieve their policy goals, and increase their power within the American political system.

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