

Tracking House oversight in the Trump era

METHODOLOGY

Identifying potential oversight activity

The first step in capturing oversight activity in the House of Representatives in the 116th Congress involves collecting information on the following two activities by House committees:

- Hearings
- Letters sent to executive branch officials or others with knowledge of White House/executive branch operations

To identify hearings, we use the hearings calendar available as part of [the House of Representatives Committee Repository](#) to obtain information on all hearings held in the House.

For letters, we assembled a list of the web pages on which House committees post press releases and, in some cases, a specific list of letters the panel has sent. (A list of those URLs is available upon request.) Notably, committees are not required to make the letters they send public, so our list is likely incomplete; our goal, however, is to capture all of the publicly available letters used for oversight.

In addition, we restrict our data collection to letters sent on behalf of committees or subcommittees and signed by the chair of the relevant committee or subcommittee. Where a letter is signed by additional members of the committee, including of the minority party, we record those signatories as well. We do not, however, include letters sent by members of the minority party only; a clear explanation of the justification for this choice comes from oversight expert Morton Rosenberg:

...no ranking minority members or individual members can start official committee investigations, hold hearings, issue subpoenas, or attend informal briefings or interviews held prior to the institution of a formal investigation...Individual members may also seek the voluntary cooperation of agency officials or private persons. But no judicial precedent has recognized a right of an individual member, other than the chair of a committee, to exercise the authority of a committee in the oversight context.¹

For each hearing and letter, we record the date, title, and committee(s) or subcommittee(s) involved. For hearings, we also record the witnesses; for letters, we record the signatories and the recipients.

¹ Morton Rosenberg, *When Congress Comes Calling: A Study on the Principles, Practices, and Pragmatics of Legislative Inquiry* (Washington, D.C.: The Constitution Project, 2017), p. 95.

Defining oversight

Our definition of oversight is informed by the political science literature on the subject;² we also benefitted from conversations with Dan Diller and others at the Lugar Center.

Drawing on this literature and these conversations, we developed a two-tiered “key word and key witness/recipient” approach to identifying oversight activity based on the title of the hearing or letter and its witnesses or recipients. Primary key words include:

- Oversight
- Investigate (investigation)
- Examine (examination, examining)
- Review (reviewing)
 - The only exception to this is hearings that involve agency budget reviews; we do not consider these oversight, but data on them is available on request by emailing OversightProject@brookings.edu
- Supervision
- Inefficiency/efficiency
- Abuse (abusive)
- Transparency
- Accountability
- Waste
- Fraud
- Abuse
- Mismanagement
- Implementation

Primary witnesses or recipients include:

- GAO Officials
- Officials in agency Offices of the Inspector General

If a primary key word or witness/recipient appeared, the following conditions also must be satisfied:

² In particular, we relied on the following published sources:

Feinstein, Brian D. “Who Conducts Oversight? Bill-Writers, Lifers, and Nailbiters.” *Wayne Law Review* 64 (2018): 127-148.

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

Levin, Carl, and Elise J. Bean. “Defining Congressional Oversight and Measuring its Effectiveness.” *Wayne Law Review* 64 (2018): 1-22.

McGrath, Robert J. “Congressional Oversight Hearings and Policy Control.” *Legislative Studies Quarterly* 38.3 (August 2013): 349-376.

- The federal government must be the object of the oversight hearing/correspondence. For example, “Oversight of Facebook, Google, and Twitter Data Privacy,” while it includes a key word, would not be tracking executive branch oversight.
- Hearing/letter does NOT involve oversight of a state agency.
- Hearing/letter does NOT involve a legislative proposal or reauthorization.
- Activity being investigated must have occurred since November 8, 2016 and be related to executive branch actions, not campaign activity.

We also identified a list of secondary key words and witnesses/recipients. These words *may* also indicate a hearing/letter involves oversight; however, they should be treated more carefully. Hearings/letters must include oversight of specific policy programs, directives, or actions. For example, “USDA policy updates for the 21st century” is too broad; however, “January 2019 USDA SNAP benefit payment updates” lists a specific policy directive. Second key words include:

- Update (in reference to a previous executive branch action)
- Effects
- Preparation
- Improve
- Agency “actions” (in reference to specific policy directives)

Secondary witnesses/recipients include:

- Agency/agency subunit head (current or former)
 - These witnesses/recipients appear in oversight hearings/letters when a specific policy is being discussed such as “troop movements to the Mexican border.” They also appear in general hearings that would not be coded as oversight, such as “the future of US-China military relationships.”
- Individual affected by program mismanagement
 - These witnesses/recipients are not government officials but can still appear in oversight hearings/letters, such as an affected individual testifying at a hearing on “Effects of Tariffs on U.S. Agriculture and Rural Communities.” Hearings where affected parties, or non-government individuals, appear that would not be considered oversight usually involve broad or general policy questions or fact-finding such as “Investing in Rural America.”
- Individual or organization with knowledge of official White House/executive branch operations
 - These witnesses/recipients appear in oversight hearings/letters to provide evidence of actions by executive branch officials. For example, Michael Cohen, while not an official member of the Trump Administration, has been asked to provide evidence of potential illegal activity by members of the administration.

Applying our definition of oversight

To ensure that this definition is applied rigorously, each hearing or letter is coded by two coders working independently. For hearing or letters where the coders differ in their assessment, a discussion is had about each coder's perspective and if the disagreement can't be resolved, a third coder is enlisted to make a determination about whether the activity falls under our definition of oversight.

Categorizing oversight activity into policy areas

To place oversight activities into policy area categories, we rely on a coding scheme developed by the [Policy Agendas Project](#), which places various policymaking activities around the world into one of 21 policy areas. For our purposes, we streamline the Policy Agendas Project coding scheme as follows:

Oversight Tracker Policy Category...	...Includes the Following Policy Agendas Project Topic Codes
Criminal Justice & Rule of Law	Law and Crime
Defense & Foreign Policy	Defense; International Affairs
Domestic Social Programs	Labor; Education; Social Welfare; Housing; Culture
Energy & Environment	Environment; Energy; Public Lands
Government Operations & Ethics	Governmental Operations
Health Care	Health
Immigration	Immigration
Race & Civil Rights	Civil Rights
Technology & Transportation	Technology; Transportation
Trade, Agriculture, & Economic Issues	Macroeconomics; Agriculture; Domestic Commerce; Foreign Trade

Assigning policy areas to oversight activity proceeded in the same way as determining whether an activity constituted oversight. Two coders, working independently, coded each hearing or letter, discussing any areas of disagreement and enlisting a third coder when differences could not be worked out.

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