FIELD HEARINGS AND CONGRESSIONAL OVERSIGHT

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ABSTRACT

The challenge of oversight in the twenty-first century is one of information processing. Whether it is partisan or bipartisan, used to call out bureaucratic deficiencies or foster interbranch co-operation, good oversight requires both good information coming into the system and a means of synthesizing that information to meet Congress's needs. Given our information processing focus, we analyze congressional oversight conducted through committee hearings, particularly those hearings conducted outside Washington, D.C., which allow committees a different kind of oversight by hearing from different witnesses. Our data from 1971 to 2010 reveals that field hearings have followed a parabolic pattern, increasing from the 1970s through the late 1980s, and decreasing ever since. Information processing has worsened across all congressional hearings, but particularly so in field hearings. The number and diversity of invited witnesses has declined at much faster rates for field hearings

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than for Capitol Hill hearings. Given our findings we offer some recommendations for improving Congress's oversight capacity.

I. INTRODUCTION

Congressional oversight of the bureaucracy can take many forms, from individual casework to institutional disapproval of regulations through the Congressional Review Act. Political scientists also have characterized oversight in many ways, including "supervision" and "surveillance," as a way to "detect and remedy executive-branch violations of legislative goals," and as a way to further the goals of *both* the legislative and executive branches.[1] Oversight not only monitors implementation of existing policy, it can be a joint legislative-executive effort in defining public problems.[2]

In this Article, we argue that good information is key to congressional oversight. The quality of oversight should follow the quality of information; even if Congress is organized for the efficient use of information,[3] oversight will suffer if the information on which it is based is not of high quality. Information, therefore, provides the fundamental edifice for good congressional oversight.

In earlier work, we reported on findings from a new dataset that coded congressional hearings according to the information they received, finding that over time the quality of information has declined.[4] Here we shine a spotlight on how committees conduct oversight in field hearings by examining their information processing. Field hearings, which by definition are held off Capitol Hill, serve a special purpose by providing

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1. John P. Bradley, *Shaping Administrative Policy with the Aid of Congressional Oversight: The Senate Finance Committee and Medicare*, 33 W. POL. Q. 492, 492–501 (1980); Martha S. Feldman & James G. March, *Information in Organizations as Signal and Symbol*, 26 ADMIN. SCI. Q. 171, 171–86 (1981); CHRISTOPHER H. FOREMAN, JR., SIGNALS FROM THE HILL: CONGRESSIONAL OVERSIGHT AND THE CHALLENGE OF SOCIAL LEGISLATION (1988); Mathew D. McCubbins & Thomas Schwartz, *Congressional Oversight Overlooked: Police Patrols versus Fire Alarms*, 28 AM. J. POL. SCI. 165, 165–79 (1984); Jason A. MacDonald & Robert J. McGrath, *Retrospective Congressional Oversight and the Dynamics of Legislative Influence Over the Bureaucracy* 41 LEGIS. STUD. Q. 899, 899–934 (2016).

2. Samuel Workman, Bryan D. Jones & Ashley E. Jochim, *Information Processing and Policy Dynamics*, 37 POL'Y. STUD. J. 73, 73–92 (2009); Samuel Workman, JoBeth Shafran & Tracey Bark, *Problem Definition and Information Provision by Federal Bureaucrats*, 43 COGNITIVE SYS. RES. 140, 140–52 (2017).

3. LAWRENCE C. DODD & RICHARD L. SCHOTT, CONGRESS AND THE ADMINISTRATIVE STATE (1979).

4. Jonathan Lewallen, Sean M. Theriault, & Bryan D. Jones, *Congressional Dysfunction: An Information Processing Perspective*, 10 REG. & GOVERNANCE 179, 179–90 (2016).

members with opportunities to seek different policy inputs and focus attention on policy implementation in different venues.

Our data from 1971 to 2010 shows that field hearings have increasingly focused on oversight of agency implementation with less time spent on proposed legislation. Moreover, we find significant variation across committees and issues, and over time. House committees have held more field hearings on education and immigration while Senate committees have held more on transportation and economic policy.[5] Information processing in field hearings has also changed over time. Across all field hearings, committees are calling fewer witnesses and these hearings are increasingly being used to emphasize one point of view rather than encompass a range of perspectives.[6] In fact, by these measures "information processing"[7] in field hearings has worsened at faster rates than hearings held in Washington, D.C.[8] Our findings suggest real changes to the nature and quality of congressional oversight in the twenty-first century even "outside the Beltway."[9]

This Article proceeds as follows. The first section describes our information processing approach to understanding congressional oversight and how field hearings relate oversight.[10] The second section describes and analyzes our dataset of more than 20,000 congressional hearings since 1971, including more than 2,500 field hearings.[11] The final section concludes with some recommendations for reversing—or at least slowing—the decline in good congressional information processing.[12]

II. CONGRESSIONAL OVERSIGHT AS INFORMATION PROCESSING

A. Information Processing and Committee Hearings

The term "information processing" typically refers to how organizations acquire, synthesize, distribute, and use information.[13] It is the organizational analogue to individual information processing, which

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5. *Id.*
6. *Id.*
7. "Information processing" is a term of art which is discussed at length later in the article. *See infra* note 21.
8. Lewallen et al, *supra* note 4.
9. *Id.*
10. *See infra* Part II.
11. *See infra* Part III.
12. *See infra* Part IV.
13. RICHARD M. CYERT & JAMES G. MARCH, A BEHAVIORAL THEORY OF THE FIRM (1963).

translates inputs into outputs.[14] Information and analysis are critical to governance; the U.S. Congress in particular is responsible for gathering information and defining problems as a means of meeting the American public's policy needs.[15] Even if information is being used to pursue partisan ends, to work cooperatively with or in opposition to agencies, without good information Congress's policy outputs suffer, which then may frustrate the majority party's efforts. We have recently seen this dynamic play out in the legislative process, where a lack of committee hearings and a rushed floor debate produced a tax bill "riddled with bugs, loopholes and other potential problems that could plague lawmakers long after their legislation is signed into law."[16]

The need for good congressional information is particularly acute for oversight of policy experts in the bureaucracy.[17] As Levin and Bean note, good oversight is best furthered when a consensus can be reached on the definition of the problem under investigation:

> [M]any Congressional investigations examine complex, controversial matters in dispute and reaching agreement on the facts—what happened and why—is often difficult. When successfully done, a factual consensus can provide a solid foundation for developing a shared understanding of a problem, analyzing related issues, and affecting policy.[18]

Information processing encompasses three elements: inputs, internal processing of the information, and outputs. The term "inputs" may be misleading in the context of government decision-making as policymakers face an overabundance of information about what constitutes a public problem, whether that problem needs to be addressed presently or in the future, which options for addressing the problem are available, which options have the most support, and what the likely consequences of addressing the problem in a particular way. In short, not

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14. Herbert A. Simon & Allen Newell, *Information Processing in Computer and Man*, 52 AM. SCI. 281, 281–300 (1964).

15. Charles O. Jones, *Somebody Must Be Trusted: An Essay on Leadership of the U.S. Congress*, *in* CONGRESS IN CHANGE: EVOLUTION AND REFORM (Norman J. Ornstein ed., 1975).

16. Brian Faler, *'Holy Crap': Experts Find Tax Plan Riddled with Glitches*, POLITICO: TAXES (Dec. 6, 2017, 5:04 AM), http://www.politico.com/story/2017/12/06/tax-plan-glitches-mistakes-republicans-208049.

17. Michael F. Altfield & Gary J. Miller, *Sources of Bureaucratic Influence: Expertise and Agenda Control*, 28 J. CONFLICT RESOL. 701, 701–30 (1984).

18. Carl Levin & Elise J. Bean, *Defining Congressional Oversight and Measuring its Effectiveness*, 64 WAYNE L. REV. (forthcoming 2018).

all potential inputs are processed.[19] Due to oversupply, the information to which committees pay attention must be prioritized and used to highlight the most critical parts of a problem that ought to be addressed.[20]

As the influential congressional scholar Richard Fenno has written, a committee-centered analysis is essential for understanding how Congress functions.[21] We believe his claim extends even into the twenty-first century, as the committee system and its hearing process continues to be vital to congressional information processing. Through hearings, committee members not only acquire information, but also simultaneously signal that information to the rest of the institution and to other institutions.[22] By connecting outside expertise to the members who actually make the decisions, committees are critical stages in the flow of information within the institution.[23]

We do not argue that hearings are the only—or even the most important—place that committees get information and conduct oversight. We fully recognize that members and staff interact with agencies through phone calls, off-the-record conversations, and in-house research.[24] Yet, committee hearings are where members' perceptions and attitudes can be influenced by the nature of the information. Even if committee hearings are "highly orchestrated,"[25] they still serve valuable purposes for Congress. Moreover, formal hearings indicate a commitment of committee or member staff to the issue.[26] Even today, the seriousness with which federal agencies take committee hearings is demonstrated in the number of hours they spend developing their testimony and preparing for members' questions.

Committee hearings represent all three elements of information processing, with witness testimony and answers representing policy

19. BRYAN D. JONES & FRANK R. BAUMGARTNER, POLITICS OF ATTENTION: HOW GOVERNMENT PRIORITIZES PROBLEMS (2005).

20. Workman, *supra* note 2.

21. RICHARD F. FENNO, JR., THE POWER OF THE PURSE: APPROPRIATIONS POLITICS IN CONGRESS (1966).

22. Daniel Diermeier & Timothy J. Feddersen, *Information and Congressional Hearings*, 44 AM. J. POL. SCI. 51, 51–65 (2000); Robert A. Katzman, *The American Legislative Process as a Signal*, 9 J. PUB. POL'Y. 287, 287–306 (1989).

23. KEITH KREHBIEL, INFORMATION AND LEGISLATIVE ORGANIZATION (1991); H. Owen Porter, *Legislative Experts and Outsiders: the Two-Step Flow of Communication*, 36 J. POL. 703, 703–730 (1974); Paul Sabatier & David Whiteman, *Legislative Decision Making and Substantive Policy Information: Models of Information Flow*, 10 LEGIS. STUD. Q. 395, 395–421 (1985).

24. For example, from the Congressional Budget Office, Congressional Research Service, or Government Accountability Office.

25. WALTER J. OLESZEK, CONGRESSIONAL PROCEDURES AND THE POLICY PROCESS 128 (9th ed. 2014).

26. Levin & Bean *supra*, note 18, at 5.

inputs, how the committee prioritizes, synthesizes, and integrates those inputs as the information processing, and issue attention and any new information that results from a hearing as policy outputs. In studying congressional hearings, we are particularly interested in the first two of these: the number of witnesses testifying, or range of incorporated inputs, and how the hearings are conducted, including what we term their *purpose* and *stance*.

A hearing's purpose is whether it addresses a problem, policy implementation, or a proposed solution. The problems and solutions discussed in these committee hearings may not be new; what is "new" in this context is the relative attention they receive. Problem-focused hearings are those asking if a particular issue needs to be addressed and how. They tend to address recent studies, policy trends (such as an increase in childhood obesity), natural disasters, and national or international events. Implementation-focused hearings ask whether the government's current approach to addressing a particular problem is working or even appropriate. A solution-focused hearing addresses the benefits or costs of a particular proposal; the problem is taken as given. Solution-focused hearings help inform committee members, their colleagues, and staff about the consequences of bills on which they may vote.

Not every hearing purpose is obvious, especially as the "implementation" code could conceivably describe either a problem or a government solution associated with the federal bureaucracy. The important distinction is whether or not the bureaucratic solution already has been adopted. If so, the hearing tends to assess how an agency is carrying out that solution, and so the implementation code is most appropriate. If the agency has not yet acted on a proposal, then the hearing focuses on the "solution" and whether the proposal is appropriate. The CIS summaries of each hearing can guide coders with such language as: "Hearing to review financial problems of Baltimore residents and related community assistance programs and needs" (problem) or "Hearing to examine concerns about DOD design and implementation of a force-wide anthrax vaccine immunization program, including concerns about vaccine safety and efficacy" (implementation).

We note, however, that both problem- and implementation-oriented hearings function as committee oversight. Implementation hearings' oversight character are self-evident. Hearings that draw attention to new and emerging policy problems are signals of congressional priorities often used to direct agency attention to those priorities and away from other issues. Such was the case when committees increased their focus on new terrorism-related problems following the Department of

Homeland Security's creation, which drew that agency's attention away from its disaster preparedness and recovery functions.[27]

A hearing's stance refers to the diversity of perspectives included in that hearing. Correctly identifying the nature of a policy problem, the adequacy of program implementation, or the possible effects of a proposed solution requires diverse information based on diverse sources holding different preferences for outcomes.[28] We find that a hearing can take one of two stances: positional or exploratory. In hearings that are positional, members only hear from one side of the debate. All of the witnesses may praise or, alternately, criticize a program or idea, or the hearing itself may focus only on the positive (or negative) aspects. Exploratory hearings, by contrast, are those in which the committee hears from both sides of a particular debate or receives testimony that imparts information and analysis without also including a witness's personal opinion.

Some language in the CIS summary that would indicate an exploratory hearing or individual's testimony includes: discusses, explanation of, analysis of, views on, briefing on, status of, and differing (or conflicting) views on. Positional language includes: objections to, need for, importance of, preference for, negative impact of, charged inadequacy of, and disagreement with. Because we want the highest possible standard for the positional code, our rules dictate that only one witness needs to have provided a view that differs from the other witnesses in order for a hearing stance to qualify as exploratory. In doing so our coding scheme accounts for the practice of allowing the minority party members on a committee to call at least one witness.

B. Field Hearings and their Role in Congressional Oversight

While most hearings are held in Washington, D.C., committees periodically hold hearings in their members' districts and communities. Anywhere they are held outside of the committee rooms on Capitol Hill, they are termed "field hearings." Conducting these hearings outside of their normal space give committees the opportunity "to watch public programs in operation and to take testimony from citizens and local officials" and "permit constituents to testify about their problems with

27. Peter J. May, Samuel Workman, & Bryan D. Jones, *Organizing Attention: Responses of the Bureaucracy to Agenda Disruption*, 18 J. PUB. ADMIN. RES. & THEORY 517, 517–41 (2008).

28. FRANK R. BAUMGARTNER & BRYAN D. JONES, THE POLITICS OF INFORMATION (2015).

federal agencies."[29] Consider a 2009 hearing held by the House Committee on Natural Resources that examined the effect of global warming on the National Parks in the shadow of Joshua Tree National Park in Twentynine Palms, California.[30] The committee heard from state and local officials as well as interest group representatives, university-based researchers, and even the meteorologist of a local televisions news channel.[31]

In addition to constituents and local interests, field hearings often feature testimony from different bureaucrats than do D.C.-based hearings. According to a recent report by the U.S. Office of Personnel Management, approximately 85% of federal employees work outside of the D.C. metro area.[32] Field hearings allow Congress to hear from these bureaucrats and conduct more direct oversight of policy as it is implemented—in the jargonized phrase of where "the rubber hits the road." The local bureaucrats' testimony may even counteract the political messages committee members hear from agency political appointees.[33]

Field hearings have not been systematically studied even though they play a critical role in congressional information processing and oversight. Good information processing is perhaps even more critical for field hearings as the lower-level bureaucrats who testify have more expertise and direct familiarity with policy implementation.[34] If members of Congress want to engage in good problem solving, whether they seek electoral or policy benefits from doing so, they need good information processing to translate the variety of policy and political inputs into decisions. Understanding how congressional committees process information and whether field hearings make a positive difference in that process is thus an important—and until now, largely missing—piece in putting together the oversight puzzle, which we do in the next section.

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29. WALTER J. OLESZEK, CONGRESSIONAL PROCEDURES AND THE POLICY PROCESS 295, 305 (6th ed. 2004).

30. *Impacts on Climate Change on America's National Parks: Hearings Before the Subcomm. on National Parks, Forests, and Public Lands of the H. Comm. on Natural Resources*, 111th Cong. 1 (2009).

31. *Id.*

32. U.S. OFF. OF PERSONNEL MGMT., MAJOR WORK LOCATIONS OF THE EXECUTIVE BRANCH, FISCAL YEAR 2017 (Feb. 2018), https://www.opm.gov/policy-data-oversight/data-analysis-documentation/federal-employment-reports/reports-publications/major-work-locations-of-the-executive-branch.pdf.

33. Foreman, *supra* note 1.

34. Richard F. Elmore, *Backward Mapping: Implementation Research and Policy Decisions*, 94 POL. SCI. Q. 601, 601–16 (1979).

III. TRENDS IN CONGRESSIONAL FIELD HEARINGS

While the oversight in which members of Congress through field hearings, were once rather plentiful, the most recent congresses have included the fewest number of any in our data set.[35] In this section, we outline how this as well as other trends in field hearings have changed over time.[36] After describing our data, we delve more deeply into the declining oversight that committees do through field hearings.[37] Then, we examine the committees that have held field hearings as well as the issues that they address.[38] We end this section by analyzing how the very nature of field hearings has changed.[39]

A. Committee Hearings Data Set

We gathered our data on field hearings by examining all of the hearing and testimony summaries published by the Congressional Information Service (CIS) as well as the Policy Agendas Project's Congressional Hearings dataset.[40] These sources indicate the issues the hearings addressed and the types and numbers of witnesses that testified. We supplemented this information indicating whether the hearing took place in Washington, D.C., or in the field.

We first obtained our sample of hearings from the Policy Agendas Project's Congressional Hearings dataset, which uses a topic coding scheme to trace issue attention in Congress across time. Our own data collection efforts began in the first congress after the passage of the 1970 Legislative Reorganization Act (1971–1972) and concluded with the hearings that took place in the 111th Congress (2009–2010), the most recent congress for which the Policy Agendas Project had data at the time of our study. We gathered data by committee, initially following Smith and Deering's (1990) findings on perceptions of conflict in different committees' environments. Collecting data this way leaves us with a broad representation of issues. We include several additional committees, such as the House and Senate Intelligence and Joint Economic Committees that provide critical oversight. Our dataset

35. *See infra* Part III.A.
36. *See infra* Part III.B.
37. *See infra* Part III.C.
38. *Id.*
39. *See infra* Part III.D.
40. The Policy Agendas Project has developed twenty major topics codes and 220 subtopic codes with which to trace changes to the public and government agendas across time and across activities. COMPARATIVE AGENDAS PROJECT, www.policyagendas.org/page/topic-codebook (last visited May 1, 2018).

encompasses 21,830 hearings, which represents more than one-third of the total number of hearings held by all congressional committees during this time period. We have also collected data on the number of witnesses that appeared at each hearing to assess the volume of information gathered in these fora. Because we want to focus on the development of legislation, our dataset excludes all hearings on nominations.

Table 1. Committees Coded By Chamber

Chamber		
House	**Senate**	**Joint**
Agriculture	Agriculture	Economic
Armed Services	Armed Services	Taxation
Budget	Budget	Library
Education and Labor	Health, Education, Labor & Pensions	Printing
Ethics	Environment & Public Works	Pepper Commission
Government Operations	Ethics	
Intelligence	Government Affairs	
Interior/Resources	Intelligence	
Rules	Rules & Administration	
Small Business	Small Business	

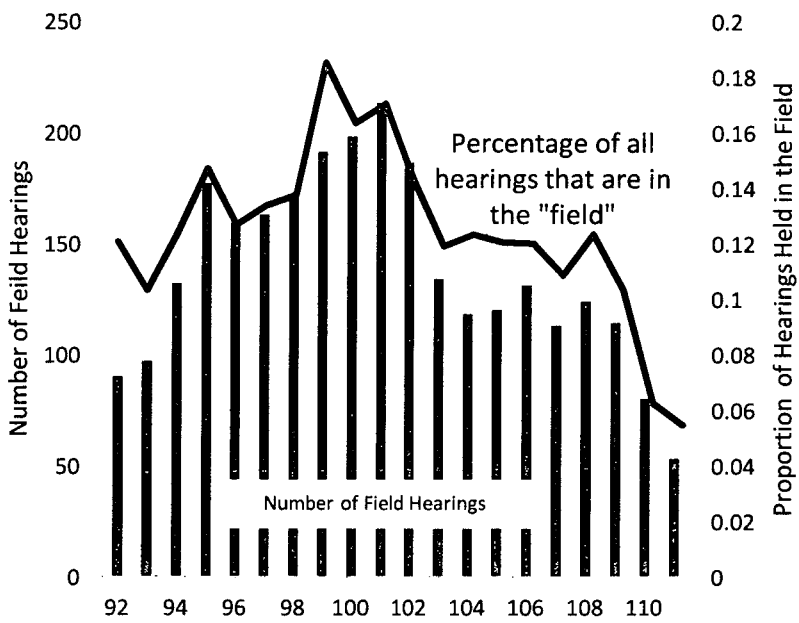
We focus on three measures in the following analysis: the average number of witnesses per hearing in a given congress, the percentage of hearings that address proposed solutions, and the percentage of exploratory hearings. We highlight solution-focused hearings rather than either problem or implementation hearings, though we note that oversight on the three different hearing purposes undoubtedly are connected. Yet, effective problem solving (however defined) requires good information about the solution, legislative or otherwise, under consideration to address that problem. A decrease in attention to proposed solutions specifically thus would suggest that committees no

longer are "lay[ing] an intellectual and political foundation" for good problem solving.[41]

B. Trends in Field Hearings

The committees for which we have gathered data held 2,764 field hearings, which is 12.7% of the total number of hearings held during the data series.[42] These committees held the most field hearings (213) in the 101st Congress (1989–90) and the least (80 and 53, respectively) in the last two congresses of the data series.[43] Across time, the trend in field hearings resembles a flattened parabola or arc.[44] The data start low, peak around the middle, and finish at the lowest point.[45]

Figure 1: Field Hearings across Time, 92nd-111th Congress



Because the frequency of all hearings fluctuated within a band of less than 400 hearings (not including the 92nd Congress), the percentage of field hearings looks quite similar to the frequency of field hearings with a

41. ROBERT G. KAISER, ACT OF CONGRESS: HOW AMERICA'S ESSENTIAL INSTITUTION WORKS, AND HOW IT DOESN'T 27 (2013).

42. *See infra* Figure 1.

43. *See infra* Figure 1.

44. *See infra* Figure 1.

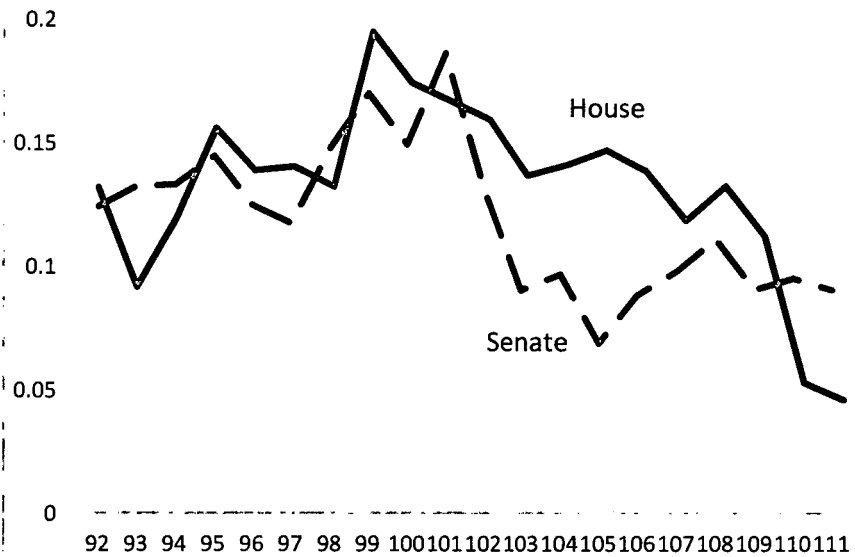
45. *See infra* Figure 1.

correlation of 0.92.[46] Again, the data peak in the late 1980s and are lowest at the end of the time series.[47] The similarity between these trends permits us to discuss either frequencies or proportions in the paper, though we use footnotes to indicate when the alternative measure would leave a different statistical or substantive impression than the date analysis presented in the main body of the paper.

A cross-chamber comparison suggests that the House and Senate were in the field a proportionally similar amount of the time; 13.2% for the House and 12.3% for the Senate.[48] While both chambers' trends reveal the flattened parabola, they are a bit more jagged.[49] The biggest discrepancy between the chambers occurs in the 1990s, when the House spent 5 to 8% more of their time in the field than the Senate.[50] In fact, the Senate spent the least amount of their time in field hearings during the 105th Congress (1997–8); though the last two Congresses in the time series still were in the lowest six of all Congresses included in our study.[51] The correlation between the chambers was 0.526.[52] Because the chamber correlation is lower, we perform separate analyses when different stories emerge from the chambers, but combined analysis when the trends are not distinguished by chamber.[53]

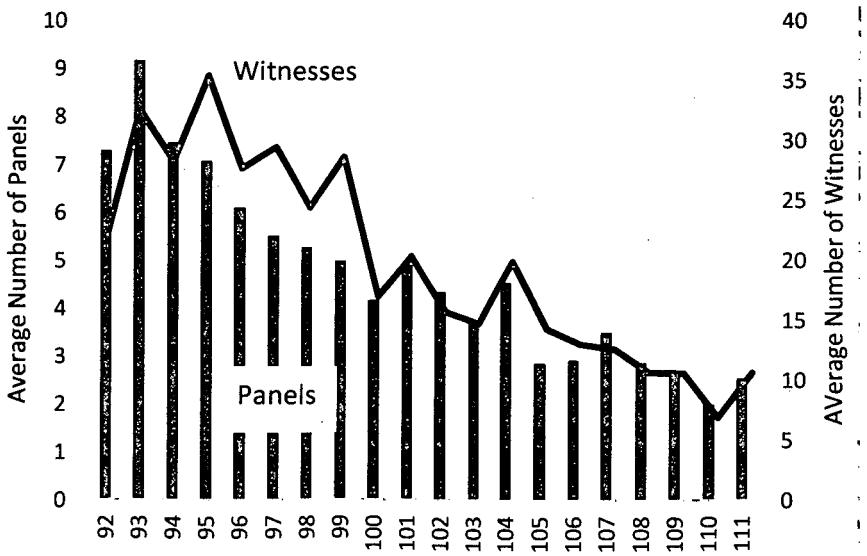
46. The correlation is statistically significant at the 0.0001 level. *See supra* Figure 1.
47. *See supra* Figure 1.
48. *See infra* Figure 2.
49. *See infra* Figure 2.
50. *See infra* Figure 2.
51. *See infra* Figure 2.
52. The correlation is statistically significant at the 0.05 level.
53. When we compare across chambers, we do not include field hearings conducted by joint committees, which are never more than 10% of the total number of field hearings. The same basic pattern exists with joint committees, though it is slightly skewed toward the beginning, peaking during Reagan's first term and dropping to 0 for the last 16 years of our time series.

Figure 2: Proportion of Field Hearings in Each Chamber, 92-111th Congress (1971-2010)



Although the number of panels and the number of witnesses are both measures of the amount of information, they convey slightly different

Figure 3: Average Number of Panels and Witnesses in Field Hearings, 92-111th Congress (1971-2010)

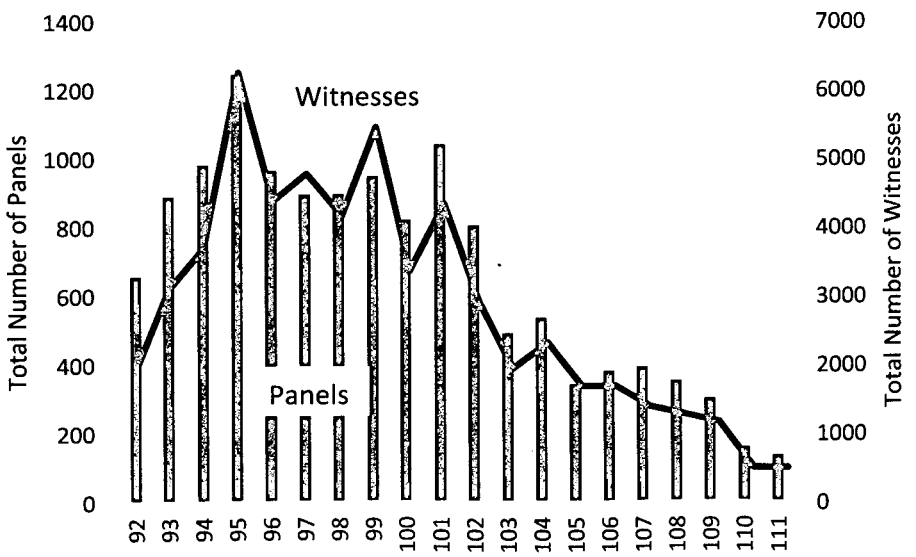


information. Panels are generally built around themes, so the number of panels in a hearing speak to the breadth of the information ascertained. The number of witnesses speaks to the depth of the information received because when Congress hears from more people, they are likely to gain a better perspective of the subject of the hearing. The data on both trends tell a similar story; not only is Congress holding fewer field hearings, but they contain fewer panels with fewer witnesses.[54] Unlike the parabolic shape for the number of field hearings, panels and witnesses experience a fairly linear decline with no discernable bulge in the middle of the time series.[55] The field hearings in the early 1970s had about three times as many panels (bars) and witnesses (line) as they did at the end of the data series.[56]

Both declines are even greater for field hearings than they are for all hearings.[57] While the number of panels decreases 0.22 with each succeeding congress for all hearings, they drop by 0.31 for field hearings.[58] The reduction in witnesses is even steeper, declining about half a witness for each congress in all hearings to almost 1.25 witnesses for each congress in field hearings.[59]

Congress holds fewer and fewer hearings over time, and those hearings have received testimony from fewer and fewer witnesses. The trends with field hearings are even more extreme and when the trends are combined, the effect becomes starker. At the end of our data series, the 111th Congress heard from a total of 580 witnesses in 133 panels.[60] At the peak of the data series, the 95th Congress got almost nine times the amount of information from field hearings, in which they heard from almost 5500 witnesses in nearly 1000 panels.[61]

Figure 4: Total Number of Panels and Witnesses in Field Hearings, 92-11th Congress (1971-2010)



C. The Committees Holding Field Hearings and the Issues They Address

The Education and Workforce Committee (previously called the Education and Labor Committee) held the highest number and proportion of field hearings in the House of Representatives.[62] Over the entire time series, it held 494 field hearings, which comprised 21.4% of all its hearings and 28.6% of the field hearings held in the House.[63] The Armed Service Committee spent the least proportion of its time in the field (2.4%), though it failed to hold a field hearing in only four Congresses—including the last two in the data series.[64] The Budget Committee, which held 7.2% of its hearings in the field, did not hold a field hearing in the last ten years of our data series (from 2001 to 2010).[65]

Table 2: Percentage of Field Hearings by Committee, 92nd–111th Congress (1972–2010)

	(A) House	(B) Senate
Agriculture	15.2%	15.1%
Armed Services	2.4%	1.6%
Budget	7.3%	26.6%
Education/Health Labor	21.4%	14.1%
Government Operations	10.2%	6.0%
Interior/Environment/	17.8%	18.0%
Small Business	17.7%	22.9%
Homeland Security	6.4%	*

*The Senate does not have a separate Homeland Security Committee. The Senate Government Oversight Committee has jurisdiction over homeland security issues.

All of the House committees in our data show the flattened parabola of all field hearings, though the Natural Resources Committee (previously called the Interior Committee) and Small Business Committee experience the smallest bulges in the middle of the data series and the least sharp decline at the end, though even in these committees, the last two congresses are in at least the bottom four of the proportion of time that the committees spent in the field.

62. *See infra* Table 2.
63. *See infra* Table 2, Column A.
64. *Id.*
65. *Id.*

In the Senate, the Budget Committee held the highest proportion (26.6%) of its hearings in the field, while the Health, Education, Labor, and Pensions Committee (previously called the Labor and Human Resources Committee) held the most hearings in the field (262, which accounts for 27% of the Senate's field hearings).[66] Again, the committee with lowest proportion of field hearings was the Armed Service Committee, where only 1.6% of its hearings were in the field.[67]

Field hearings in all of the Senate committees, more or less, follow the flattened parabola shape with the exception of the Agriculture Committee, which held at least one out of every five hearings in the field in each of the last five Congresses of our data series; in the five previous Congresses, it never held more than one in ten of its hearings in the field.[68] The House Agriculture Committee has not shown this same resurgence in field hearings. No other committee pair has as big of a disparity between the chambers.[69]

Given the variance in the proportion of hearings that the committees conduct, the results for the issues that they address is predictable. For example, the issues that the Labor Committees address have a higher proportion of field hearings than those issues that receive attention from the Armed Services Committees.[70] The issues with the highest proportion of field hearings are housing (23.5%), education (22.5%), immigration (21.7%), transportation (20.9%), and the environment (20.4%). The issues that have the fewest proportion of field hearings are defense (3.0%), technology (3.2%), and government operations (4.6%).[71]

The issue distinctions between the chambers is greater than the committee distinctions might suggest.[72] The Senate holds more of its transportation and macroeconomic hearings in the field and the House holds more of its immigration, law and crime, and education hearings in the field.[73] The correlation across chambers is 0.79.[74]

66. *See supra* Table 2, Column B.
67. *Id.*
68. *Id.*
69. *Id.*
70. *Compare supra* Table 2 Column A *with infra* Table 3.
71. *See infra* Table 3.
72. *See infra* Table 3, Columns B and C.
73. *See intra* Table 3.
74. *Id.*

Table 3: Percentage of Field Hearings by Issue

	(A) Congress	(B) House	(C) Senate
Macroeconomic	9.8%	9.2%	16.9%
Civil Rights	9.7%	10.1%	9.8%
Health	14.4%	12.9%	15.1%
Agriculture	16.8%	16.3%	17.1%
Labor	15.2%	16.2%	14.2%
Education	22.5%	24.5%	17.3%
Environment	20.4%	22.0%	19.0%
Energy	12.8%	13.7%	11.0%
Immigration	21.7%	23.0%	12.5%
Transportation	20.9%	15.1%	28.0%
Law and Crime	14.8%	17.5%	9.7%
Social Welfare	15.8%	14.9%	17.4%

Housing	23.5%	22.8%	22.0%
Domestic Commerce	15.2%	14.9%	16.1%
Defense	3.0%	3.3%	2.4%
Technology	3.2%	3.9%	0.0%
Foreign Trade	9.6%	10.1%	10.8%
International Affairs	5.1%	7.7%	1.5%
Government Operations	4.6%	4.5%	4.6%
Public Lands	17.2%	17.3%	16.0%

D. The Nature of Field Hearings

While implementation-focused hearings comprise around 31% of hearings conducted in the field and in Washington, D.C., hearings on problems consume about 10% more of the hearings in the field than they do in Washington, D.C., and solutions consume about 10% less.[75] These disparities are bigger in the Senate than they are for the House (data not shown), though they're statistically significant in both chambers.

75. *See infra* Table 4.

Table 4: Hearings by Purpose

	Washington, D.C.	Field Hearings
Problems	23.3%	34.1%
Implementation	31.8%	30.7%
Solutions	44.9%	35.2%

Over time, solution-focused hearings have become a smaller proportion of hearings, decreasing roughly 1.6% each succeeding congress. In contrast, implementation hearings have accounted for the lion's share of the increase in field hearings. The trends between field hearings and hearings in Washington, D.C., are roughly the same.

Even more important for understanding the nature of oversight done in field hearings is the diversity of opinions that are expressed in them. More than one-third of all field hearings are positional in nature, which is more than the number of positional hearings held in Washington (about 30%).[76] Furthermore, the field hearings trends are a bit more ominous as the proportion of them that are positional is rising 6 times faster than it is for Washington-based hearings.

Table 5: Hearings by Stance

	Washington, D.C.	Field Hearings
Exploratory	69.2%	66.6%
Positional	30.8%	33.4%

We can further break out the hearings' stances by their purposes; that is, do problem-, implementation-, and solution-focused hearings vary in how positional they are? And is there further variation in these categories between field and D.C.-based hearings? Our data shows that for hearings held in Washington, D.C., solution-focused hearings are more one-sided (about 33%) than either problem or implementation-focused hearings (about 29% combined).[77] Field hearings, by contrast, show the opposite pattern, with problem and implementation-focused hearings held outside D.C. being more one-sided (about 35% combined) than solution-focused hearings (about 31%).[78] These data provide further evidence that

76. *See infra* Table 5.
77. *See infra* Table 6.
78. *Id.*

committee information processing for oversight is processed differently in field hearings than on Capitol Hill.

Table 6: Positional Hearings by Purpose and Location

	Percentage of Positional Hearings	
	Washington, D.C.	Field Hearings
Problem	30.2	35.6
Implementation	27.6	34.0
Solution	33.4	30.5

IV. CONCLUSION

Good congressional oversight requires good information. Whether oversight is oriented towards control over or communication with bureaucrats, Congress needs good information to better achieve its goals and solve public problems. Field hearings present opportunities for congressional committees to engage with different sources of information than other hearings, particularly constituents and lower-level careerist bureaucrats.

Our study of field hearings held from 1971 to 2010 finds that the range of information prioritized at these hearings have become more restricted over time, with fewer witnesses testifying and an increasingly one-sided stance.[79] In previous work we found similar trends for congressional hearings broadly,[80] but information processing in field hearings has worsened at faster rates than Washington-based hearings. While committee hearings have always been used for position taking,[81] the balance has shifted in a way that hinders information processing and thus, good oversight. Our findings are particularly striking given that members of Congress have shifted more of their staff to their state- and district-based offices.[82] As 85% of federal employees work out of members' states and districts,[83] a failure to adequately engage these

79. *See supra* Part II.

80. *See* LEWALLEN, ET AL., *supra* note 4.

81. DAVID MAYHEW, CONGRESS: THE ELECTORAL CONNECTION (2004).

82. R. ERIC PETERSEN, PARKER H. REYNOLDS & AMBER HOPE WILHELM, CONG. RESEARCH SERV., HOUSE OF REPRESENTATIVES AND SENATE STAFF LEVELS IN MEMBER, COMMITTEE, AND LEADERSHIP AND OTHER OFFICES, 1977–2010 (Aug. 10, 2010), https://www.everycrsreport.com/files/20100810_R41366_6692732869e63445e02690dc162dcfbfc0bbd8ba.pdf.

83. *Id.*

bureaucrats carries consequences for Congress's responsibilities as a representative institution and a policymaker.

Problems with Congress's information processing calls for solutions based on improving Congress's information processing capacity. We believe an obvious place to start is with committee member turnover. From an organizational perspective, high levels of turnover hinder effectiveness, and in Congress this effect is particularly felt with committee chair turnover.[84] Congress has seen high levels of member turnover in recent years, with multiple "wave" elections over the past 25 years.[85] To an extent, then, reducing congressional turnover depends on American citizens favoring stability on congressional membership and policy.

In the absence of American voters prioritizing stability, a more immediate effect would be felt by addressing turnover among different positions within Congress. In the House of Representatives, Budget Committee members and Republican committee leaders are held to term limits in those roles, which reduces their opportunities and incentives to develop expertise and foster good information processing. Chair term limits have also likely contributed to recent retirements and turnover by removing incentives for members to stay and fulfill their ambitions within the institution .[86] Term limits prevent members and their staff from building long-term relationships with agency officials that allow Congress to effectively oversee agency activity. Eliminating term limits on committee membership and leadership should help improve committee hearings and the information available in conducting oversight.

Following the 1946 Legislative Reorganization Act, political scientist George Galloway wrote of representative government in the United States: "Its survival may well depend on its ability to cope quickly and adequately with the difficult problems of a dangerous

84. LAWERENCE C. EVANS, LEADERSHIP IN COMMITTEE: A COMPARATIVE ANALYSIS OF LEADERSHIP BEHAVIOR IN THE U.S. SENATE (1991); JOHN F. MANLEY, THE POLITICS OF FINANCE (1970); James L. McCormick, *Decision Making in the Foreign Affairs and Foreign Relations Committees*, *in* CONGRESS RESURGENT: FOREIGN AND DEFENSE POLICY ON CAPITOL HILL (Randall Ripley and James M. Lindsay eds., 1993); Kathleen Carley, *Organizational Learning and Personnel Turnover*, 3 ORG. SCI. 20 (1992); George P. Huber, *Organizational Learning: The Contributing Process and Literatures*, 2 ORG. SCI. 88 (1991).

85. Sean M. Theriault & Jonathan Lewallen, *Congressional Parties and the Policy Process*, *in* THE PARTIES RESPOND: CHANGES IN AMERICAN PARTIES AND CAMPAIGNS (Mark D. Brewer & L. Sandy Maisel eds., 5th ed. 2012).

86. John Bresnahan, *The Demise of One of the Best Gigs in Congress*, POLITICO (Jan. 30, 2018, 6:15 PM), http://www.politico.com/story/2018/01/30/congress-republican-committee-chairs-377078.

world."[87] Quality information processing through the committee system should render more effective Congress's ability to address new problems and oversee policy implementation in the twenty-first century and thus render representative government more effective as well.

87. George B. Galloway, *The Operation of the Legislative Reorganization Act of 1946*, 45 AM. POL. SCI. REV. 41, 68 (1951).