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FOR A LIMITED TIME ONLY:
SESSIONAL LAWMAKING WITHIN THE U.S. HOUSE OF REPRESENTATIVES

DISSERTATION

Presented in Partial Fulfillment of the Requirements for
the Degree Doctor of Philosophy in the Graduate
School of the Ohio State University

By
Joseph Tobin Grant, B.A.

*****

The Ohio State University
2001

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Political Science Graduate Program
The current literature on lawmaking cannot explain legislative outcomes because it lacks an empirically accurate description of lawmaking and does not adequately describe lawmaking; it cannot explain legislative outcomes. This dissertation uses data from every public bill introduced into the U.S. House of Representatives during the 105th Congress (1997-1998) to describe and then model lawmaking. A full description of lawmaking is presented in Chapter 2. Chapter 3 presents a theory of sessional lawmaking. This theory posits that Members desire to see legislative action. To aid legislative action, agenda-setting powers are given to leaders who must pursue legislative action or face the disapproval of the Membership. However, even under the most ambitious agenda, the leaders will be unable to consider all of the bills introduced. Therefore, leaders schedule legislation by choosing among competing bills for the best vehicle to maximize partisan policy output and by bifurcating lawmaking. In Chapter 4 I model lawmaking in committees. Committees seriously consider legislation that will maximize policy output that is supported by members of the majority party and promote the majority party's agenda. Committee members receive preferential treatment in return for their service to the House. In Chapter 5 I model scheduling. I find that the greater a bill's policy breadth, the more likely it is to be scheduled under a special rule rather than be scheduled via a suspension of the rules or to receive no action. Bills supported by the minority party are more likely to be scheduled by a suspension of the rules. Legislation
that is part of the majority party's agenda is more likely to be scheduled by a special rule than legislation that is not part of the majority party agenda. In the final chapter I discuss in more detail how this and the other models affect our understanding of lawmaking in the U.S. House of Representatives. I discuss the implications of this dissertation for our understanding of Congress and future avenues for research.
DEDICATION

Dedicated to my wife Carolyn
ACKNOWLEDGMENTS

I would like to publicly thank those who have made this dissertation possible. I am thankful for the institutional support provided by The Ohio State University, the Dirksen Center, The Ohio State University College of Social and Behavioral Sciences Center for Survey Research, and The Ohio State University Department of Political Science. My dissertation committee, Janet Box-Steppensmeier, Herbert Weisberg, and Richard Timpone, provided tireless support for this project. I have cherished their advice and critiques. I am also grateful for a group of graduate students with whom I met regularly as part of a “dissertation support group.” Many of the bad ideas that are not part of this dissertation were eliminated because of my conversations with this group: Stephen Mockabee, Quin Monson, Edward Hasecke, Scott Meinke, William Anderson, Charles Ellis, and Kenneth Mulligan. I also thank Frank Robison for his assistance with collecting some of the data for this project. There were also those outside of Ohio State that deserve thanks, including Thomas Rudolph, Lyman Kellstedt, and Jonathan Brown. Most of all I would like to thank my wife, Carolyn, and my parents. The most difficult part of this dissertation was surviving it, and they made that possible.
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PUBLICATIONS


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# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abstract</td>
<td>ii</td>
</tr>
<tr>
<td>Dedication</td>
<td>iv</td>
</tr>
<tr>
<td>Acknowledgements</td>
<td>v</td>
</tr>
<tr>
<td>Vita</td>
<td>vi</td>
</tr>
<tr>
<td>List of Tables</td>
<td>ix</td>
</tr>
<tr>
<td>List of Figures</td>
<td>x</td>
</tr>
<tr>
<td>Chapters:</td>
<td></td>
</tr>
<tr>
<td>1. Introduction</td>
<td>1</td>
</tr>
<tr>
<td>2. A Description of Lawmaking</td>
<td>7</td>
</tr>
<tr>
<td>2.1 Selecting Legislation</td>
<td>8</td>
</tr>
<tr>
<td>2.2 A Description of Lawmaking</td>
<td>12</td>
</tr>
<tr>
<td>Hurdle 1: Sponsorship and Bill Introduction</td>
<td>14</td>
</tr>
<tr>
<td>Hurdle 2: Serious Consideration</td>
<td>18</td>
</tr>
<tr>
<td>Hurdle 3: Committee Approval</td>
<td>20</td>
</tr>
<tr>
<td>Hurdle 4: Floor Consideration</td>
<td>23</td>
</tr>
<tr>
<td>Hurdle 5: Passage</td>
<td>26</td>
</tr>
<tr>
<td>Summary</td>
<td>27</td>
</tr>
<tr>
<td>3. An Explanation of Lawmaking</td>
<td>28</td>
</tr>
<tr>
<td>3.1 The Problem</td>
<td>29</td>
</tr>
<tr>
<td>3.2 Solution 1: Choosing the Right Vehicle</td>
<td>38</td>
</tr>
<tr>
<td>3.3 Solution 2: Bifurcating Lawmaking</td>
<td>41</td>
</tr>
<tr>
<td>3.4 Modeling lawmaking</td>
<td>44</td>
</tr>
<tr>
<td>3.5 Conclusion</td>
<td>48</td>
</tr>
<tr>
<td>4. Choosing the Right Vehicle</td>
<td>50</td>
</tr>
<tr>
<td>4.1 Hypotheses</td>
<td>52</td>
</tr>
<tr>
<td>4.2 Statistical Model of Committee Lawmaking</td>
<td>68</td>
</tr>
<tr>
<td>4.3 Conclusion</td>
<td>80</td>
</tr>
<tr>
<td>Section</td>
<td>Title</td>
</tr>
<tr>
<td>---------</td>
<td>-------</td>
</tr>
<tr>
<td>5.</td>
<td>Bifurcating lawmaking</td>
</tr>
<tr>
<td>5.1</td>
<td>Suspension of the Rules in the House of Representatives</td>
</tr>
<tr>
<td>5.2</td>
<td>Hypotheses</td>
</tr>
<tr>
<td>5.3</td>
<td>Statistical Model of Scheduling Outcomes</td>
</tr>
<tr>
<td>5.4</td>
<td>Conclusion</td>
</tr>
<tr>
<td>6.</td>
<td>Conclusion</td>
</tr>
<tr>
<td>6.1</td>
<td>Review and Implications</td>
</tr>
<tr>
<td>6.2</td>
<td>Future Research</td>
</tr>
<tr>
<td>Appendix A: Collection and Coding of Data</td>
<td>113</td>
</tr>
<tr>
<td>Works Cited</td>
<td></td>
</tr>
</tbody>
</table>
LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Policy Breadth and Committee Outcomes</td>
<td>61</td>
</tr>
<tr>
<td>2.</td>
<td>Factor Analysis of the Party Agendas</td>
<td>64</td>
</tr>
<tr>
<td>3.</td>
<td>Party Messages and Committee Outcomes</td>
<td>65</td>
</tr>
<tr>
<td>4.</td>
<td>Sample Selection Model of Committee Lawmaking</td>
<td>72</td>
</tr>
<tr>
<td>5.</td>
<td>Change in Probability of Committee Outcomes</td>
<td>78</td>
</tr>
<tr>
<td>6.</td>
<td>Policy Breadth and Scheduling Outcomes</td>
<td>92</td>
</tr>
<tr>
<td>7.</td>
<td>Majority Party Message and Scheduling Outcomes</td>
<td>93</td>
</tr>
<tr>
<td>8.</td>
<td>Multinomial Model of Scheduling</td>
<td>97</td>
</tr>
<tr>
<td>9.</td>
<td>Change in Probability</td>
<td>98</td>
</tr>
<tr>
<td>10.</td>
<td>Description of Variables</td>
<td>118</td>
</tr>
</tbody>
</table>
### LIST OF FIGURES

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Standardized Measures of Productivity</td>
<td>4</td>
</tr>
<tr>
<td>2</td>
<td>Probability of Serious Consideration by Partisanship of Sponsor and Breadth of Policy Change</td>
<td>75</td>
</tr>
<tr>
<td>3</td>
<td>Committee Outcomes by Partisanship and Policy Breadth</td>
<td>76</td>
</tr>
</tbody>
</table>
CHAPTER 1

INTRODUCTION

"Lawmaking is the core decision-making process of a democratic state. It is the means for defining, promoting, and regulating community life and, accordingly, is spectacularly interesting and highly relevant to our purposes as political scientists." (Jones 1995, 1).¹

Like many research projects, this study ends very differently than it began. When I began this project in the summer of 1998, my goal was to model the timing of legislative actions within Congress. I assumed that the literature presented an accurate description of lawmaking, but that it had failed to incorporate the ways that Members timed legislative action. This timing is important, I suspected, because Congress has a limited amount of time to process legislation. To succeed both at the polls and in the policy arena, Members would need to time when they would introduce, lobby for, and vote upon legislation. Bills processed too early would not be in the minds of the voters during the next campaign; bills processed too late would be unlikely to become law before the end of the Congress.

¹ Jones (1995) takes a broader view of “lawmaking” than I do. By “lawmaking” I am referring only to the making of laws within the Congress, or what Jones would label “statute making.”
My assumption about the process was challenged as I gathered information from the House web site on each official action taken on each public bill. As part of this data gathering, I read the brief descriptions of each bill. Some of the bills I judged as important even if I disagreed with the proposals—appropriations bills, reform bills, and, bills that addressed national problems. But most bills were not of this ilk. Most bills seemed to be parochial, narrow, or ideologically-driven. Members proposed new names for federal buildings. They wanted to award medals to celebrities. They suggested that the Congress give special tariff relief for the importation of materials that cannot be pronounced by those without a PhD in chemistry. Others wanted higher tariffs on steel, Canadian wool, or other materials that would threaten local industries. The vast majority of the bills I read addressed policy concerns I had not previously considered. The bills I encountered as I trudged through the legislative record were unfamiliar because most never even made it to a committee hearing. It was not uncommon for me to go through dozens of bills before finding one that received serious consideration by a committee. More rare were those that were voted upon by the House. And every once in a while—on average less than one-in-twenty—a bill became law. Those that did receive action did not always do so in the way that I expected given the literature on Congress. The Rules committee was rarely used. In fact, there were more bills that skipped the entire committee process to get to the floor of the House than there were those that were scheduled by the Rules committee. Some bills that were ordered to be reported by committees were never actually reported, some because they went straight to the floor, others because the committees never followed through on their reports.
After being exposed to the details of lawmaking that did not reflect the abstractions and summaries presented in the literature, I came to two conclusions. First, the literature lacks even a basic description of what lawmaking is like. For example, from the House rules, one can read how bills should or might proceed; how bills are actually processed is another matter. Second, because the literature does not adequately describe lawmaking, it cannot explain legislative outcomes. It was clear to me that the literature needs both a description and explanation of lawmaking in the House of Representatives. As King, Keohane, and Verba (1994) explain, both description and explanation are necessary to social science research:

Social science research, whether quantitative or qualitative, involves the dual goals of describing and explaining. Some scholars set out to describe the world; others to explain. Each is essential. We cannot construct meaningful causal explanations without good description; description, in turn, loses most of its interest unless linked to some causal relationships. Description often comes first; it is hard to develop explanations before we know something about the world and what needs to be explained on the basis of what characteristics. But the relationship between description and explanation is interactive. Sometimes our explanations lead us to look for descriptions of different parts of the world; conversely our descriptions may lead to new causal explanations. (34, emphasis added)

I had found a lawmaking process that was much more complex and varied than the abstractions described in the literature. It was this new description of lawmaking that forced me to reevaluate the literature and to develop a new theory of lawmaking.

My description is based upon my analysis of the nearly 4,800 House bills introduced during the 105th Congress (1997-1998). There is a potential drawback of this design: it includes data from only one Congress and thus runs the risk of failing to produce generalizable results. In addition, characteristics such as the partisan control
over the House and the presidency are held constant. This may not be a serious concern, however, as Krehbiel (1998) finds that legislative production does not vary by such institutional features. While no single Congress is "typical," the 105\textsuperscript{th} is not strikingly unusual. Figure 1 shows several standardized measures of productivity from the 94\textsuperscript{th} through the 105\textsuperscript{th} Congress. Compared to previous congresses, the 105\textsuperscript{th} spent slightly more hours than the average Congress and introduced, reported, and passed fewer bills than the average, but overall the 105\textsuperscript{th} can be considered an average Congress.

![Figure 1: Standardized Measures of Productivity](image)

\[\text{Figure 1: Standardized Measures of Productivity}\]

\[^2\text{A research assistant that was made possible from a congressional research grant from the Dirksen Center}\]
I present this description of lawmaking in Chapter 2. Departing from previous studies of lawmaking, I do not select a (nonrandom) sample of legislation, but use information gathered from every bill. Using this information, I show the frequency of bills overcoming several legislative hurdles. I also provide a rich description of particular pieces of legislation and procedures. The description presented in this chapter is a necessary first step to my study because without an accurate description of the process, it would be impossible to adequately explain lawmaking.

In Chapter 3 I move to an explanation of legislative outcomes. I present a theory of sessional lawmaking that offers a new perspective on lawmaking in Congress. Unlike previous theories, it provides expectations on how Congress should consider legislation. It is built on the recognition that Members of Congress want to change policy but are constrained by the Constitution to complete their work in two short years. I estimate statistical models built on this theory that enable me to test hypotheses. I explain my approach to modeling in this chapter, as well.

In the remaining chapters I examine lawmaking in the House of Representatives. Chapter 4 presents analysis of lawmaking in committee. It is at this stage that leaders choose which bills would be the best vehicles to maximize partisan policy output. This stage of lawmaking is, in many ways, the most important. Most bills do not receive any attention by committee. Despite its importance, the literature does not provide any models of lawmaking in committees. I provide such a model and show that committees are more likely to consider bills that address majority party policies that are broad in scope—a finding that is consistent with the theory of sessional lawmaking.

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collected information on the topics addressed by each bill.
The analysis moves from the committee to the Floor in Chapter 5. At this stage, the leadership decides not only if a bill is scheduled but also how a bill is considered. It is at this stage that the bifurcation of lawmaking becomes most apparent. I model the choice of procedure and find that the leadership uses suspension for bipartisan, narrow, but highly salient legislation. Special rules are used for party agenda bills and bills that are broader in scope. Thus, I find evidence that is again supportive of my theory.

I conclude with a chapter discussing my findings. This chapter reviews the theory and the empirical evidence. I then discuss some of the limitations of the study and how future research should proceed. This future research includes expanding the study to other contexts and returning to the original catalyst for this study—an interest in the timing of legislative actions. There is much about lawmaking that remains unanswered, but the theory of sessional lawmaking provides a potentially fruitful means of studying this important political process.
CHAPTER 2

A DESCRIPTION OF LAWMAKING

While surprising to those outside the field of legislative politics, the literature on lawmaking lacks an empirically accurate description—that is one that goes beyond the formal rules—of how bills navigate the lawmaking process. In fact, the current literature provides only a partial picture of lawmaking, explains only a fraction of the legislation introduced, excludes the variety of ways that bills are navigated through the lawmaking process in the House, and fails to take into account the limited amount of time allowed to pass legislation. In this chapter I correct these problems and present a fresh description of lawmaking in the House.

One reason for this glaring omission in the literature is that the field has been less interested in studies of laws and more interested in lawmakers' actions and decisions (see Weisberg, Campoli, and Heberlig 1999 for a review). Though these studies are important, they sometimes lose sight of the primary power of Congress, which is lawmaking (Jones 1995; Mayhew 1991). Recently, scholars have begun rebuilding a theory of lawmaking by modeling how “landmark legislation” becomes law (see Krehbiel 1999; Mayhew 1991; and Sinclair 1997). This resurgence in the study of lawmaking
should be applauded for bringing the study of Congress back to the central power of the institution. As I discuss in this chapter, this resurgence is based on a select group of legislation and not all legislation—a problem I avoid.

This chapter begins to correct this omission in the literature by providing an empirical description of lawmaking. I begin by explaining why a description of lawmaking is necessary, particularly because previous descriptions have been based on nonrandom samples of bills. I then discuss in detail lawmaking during the 105th Congress (1997-1998). This is not a discussion of the nuances of legislative procedures; for such a description see Oleszek (1996) or Sinclair (1997). Instead, it is the first empirical description of how all legislation is navigated through the lawmaking process.

2.1 Selecting Legislation

While there has not been a full description of lawmaking, it would be incorrect to say that there has been no description. Two recent examples are Sinclair (1997), who limits her study to major pieces of legislation, and Oleszek (1996), who provides the most useful description of legislative procedures, a description that includes some statistics on the frequency of these procedures. But the current dearth of description in the area of lawmaking is based on a nonrandom sample of bills. No study has yet used every piece of legislation (or even a random sample). Instead, each study of lawmaking has selected a nonrandom sample of legislation. In this section I discuss these studies, beginning with the most damaging selection method—choosing examples based on their a priori ability to support one’s claims. Most recent studies do not limit themselves in such a way but instead select legislation based on their importance, success, or policy area. As I explain,
both of these approaches should be avoided in favor of a description based on all legislation.

Research should avoid using descriptions of individual cases as evidence. While illustrations are useful, they should not be substitutes for descriptions based on all legislation. It is not scientific to select observations that are known ahead of time to "prove" a researcher's conclusions, and to then use these observations as "evidence." As King, Keohane, and Verba (1994) note,

> When we introduce this bias in order to support the conclusion we want, we are not behaving as social scientists ought to behave, but rather the way many of us behave when we are in political arguments in which we are defending a political position we cherish. We often select examples that prove our point. When we engage in research, we should try to get all observations if possible. (128-129, note)

It is unlikely that researchers would consciously choose legislation as evidence that they knew to be different from the normal bill, but it is likely that bias could be introduced if one based a description on the rules without taking the time to see whether the chosen illustration is typical. Also possible is the use of case studies, which may be useful in rare circumstances, but should generally be avoided. To avoid this severe form of selection bias, research on lawmaking should have an understanding of how individual pieces of legislation compare to the average bill and then use them not as evidence but as illustrations.

Most studies of lawmaking do not select legislation in this severe way, but they still select observations inappropriately. In particular, it is common to base descriptions and analysis on so-called important legislation. In these studies, the intent of the researcher is to describe and model the politics of legislation that is of public importance.
For example, Sinclair (1997) uses bills selected by Congressional Quarterly as major legislation to map how lawmaking has changed over time. This means that of the thousands of bills that are introduced, Sinclair (1997) examines between forty-five and fifty-five bills each congress. In selecting legislation in this way, researchers must (as Sinclair does) make clear that any findings may apply only to important bills and not the typical piece of legislation.

Selecting only so-called important bills not only hampers description but also the ability to explain how lawmaking occurs. The literature on landmark legislation leaves much unexplained because only a handful of bills are so-called landmark bills. Members of the House introduce nearly 5,000 bills each congress. From these thousands of bills, current research restricts analysis to a handful of so-called landmark bills (e.g., Kelly 1993; Mayhew 1991). Studies of how all legislation becomes law prove far less successful. Neither divided government nor demands by the public depress the total number of laws produced (Coleman 1999; Krehbiel 1998). Howell, Adler, Cameron, and Riemann (2000) test for the significance of divided government on landmark legislation (an average of 9.04 per congress) as well as major legislation (11.68 per congress), ordinary legislation (70.8 per congress), and minor enactments (615 per congress). Divided government does not depress the number of major or ordinary laws; it actually positively affects the number of minor enactments. This is puzzling and means that the vast majority of lawmaking in Congress is left unexplained by current theories of lawmaking.

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3 Landmark enactments are Mayhew’s (1991) Sweep One legislation. Major enactments are all other laws mentioned in the New York Times, Washington Post, or given a good deal of attention in CQ Summary. Ordinary enactments are all other laws discussed in CQ summary. Minor enactments are all other laws.
The move away from studying only landmark legislation is further justified in that the legislation that researchers find important may not be important to Members of Congress who are likely to value ordinary legislation (particularly their own pet projects) more than landmark legislation. The typical Member of Congress introduces approximately ten bills each congress (Box-Steffensmeier and Sinclair 1996). Rarely will one of these bills become law, let alone a landmark law. But for the Member of Congress who introduces ten "unimportant" pieces of legislation, it is his or her bills that should be passed; they are the "important" pieces of legislation that Congress should consider. While it may dismay us to think that Members of Congress find bills more important than many of the bills we find important, we should not ignore this. Members of Congress, unlike political scientists, do not classify legislation according to the opinions of policy experts, the press, or other actors outside the Congress. Important bills are those that improve the lives of those in the Member's district, no matter how insignificant researchers may find them.

There are thousands of bills that could illustrate the value of ordinary legislation to Members. Consider a simple piece of legislation introduced by Rep. Herger (R - CA 2) that would rename a reservoir lake in northern California from the Clair Engle Lake (named for a long time Member of Congress) to the Trinity Lake (as local residents call it because the Trinity Dam creates the lake). As with many bills, the catalyst for this bill was an action by constituents. On February 7, 1995, the Trinity County Board of Supervisors unanimously passed a resolution calling for the name change. Three weeks later, Herger introduced a bill to rename the reservoir. In May 1995, the Resources Committee reported the bill to the House, where it was considered under suspension of
the rules and passed by voice vote. After its reception in the Senate, there was no further action. At the end of the 104th Congress, the Trinity Lake bill was still sitting in the Senate, and thus failed to become law. On the first day of the 105th Congress, Herger introduced the bill again. Again, the Committee on Resources ordered the bill to be reported, and in March it passed the House, again. This time around the Senate was more receptive to the bill and passed it by unanimous consent. Two weeks later, on September 30, 1997, the Trinity Lake bill became law. In a press release, Herger states “It's been a long fight, but it's finally a reality.” This bill did not lead the national newscast or appear on the front page of the New York Times. It is unlikely that many outside of rural Trinity County are even aware of the change, but Herger still found the change welcome relief for his constituents and a positive change in public policy. It is easy to dismiss this type of legislation as petty, unimportant, and insignificant. Doing so, however, is analogous to tossing aside hundreds of one-dollar bills because the twenty-dollar bill in your wallet is more valuable. On its own, this bill may be less important than a welfare reform bill or other landmark legislation, but the impact of 400 or so bills is likely to more greatly impact public policy than the two or three landmark bills passed each year.

2.2 A Description of Lawmaking

Despite the decades of study of Congress, there has yet to be an empirical description of lawmaking that shows how each bill is considered. To remedy this omission, I present a description of how bills were processed during the 105th Congress (1997-1998). There is much about lawmaking that runs counter to the textbook view of Congress. Just as the literature on lawmaking focuses on landmark legislation at the
expense of other legislation; so, too, it has concentrated on rare legislative procedures. The depiction found in most textbooks, books, and articles continue to rely on what Sinclair (1997) refers to as the “textbook” lawmaking process. Far from reality, this textbook process presents a Congress that follows a simple step-by-step set of procedures: Bills approved by a committee are reported to the House; the House Committee on Rules considers the bill and decides whether the House should consider the bill; if the bill is approved by the House Committee on Rules then it is given either an open rule or a closed rule; and the House then debates and votes on the legislation. Few bills follow this path. Instead, observers of Congress are finding that “unconventional lawmaking is a growth industry on Capitol Hill” (Oleszek 1996; see also Sinclair 1997).

To date, we do not know which procedures are used most frequently or how the average House bill is processed.

Most of the mainstream political science research focuses on the Rules Committee and the choice of rules made by this committee rather than on the far more common routes such as consideration under a suspension of the rules. The flagship journals of the discipline—the American Political Science Review, the American Journal of Political Science, and the Journal of Politics—have published between two to four times as many articles discussing rules from the Rules Committee than suspension of the rules. In the history of these publications, 83 mention “open rule” or “closed rule” and 194 articles discuss the “Rules Committee” or the “Committee on Rules.” Only 47 articles mention “suspension of the rules.” This relative infrequency could mislead one

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4 These figures were found using a keyword search of the text of the American Political Science Review (1906-1996), the American Journal of Political Science (1957-1998), and the Journal of Politics (1939-1996), available on J-STOR, an online archive of academic publications.
to believe that suspension is used infrequently. However, during the 105th Congress, 475 bills were considered under suspension. In stark contrast only 76 were considered under a rule. Ironically, the most commonly used procedure is the least studied, and the less common procedures receive the most attention. Indeed, these journals discuss the least common means of considering legislation—the discharge petition—in 20 articles. The relative infrequency of a procedure does not mean that a study of its use is not theoretically important, but political science would do well to refocus its attention to those procedures that the House uses to consider the vast majority of its legislation. This dissertation is one step in that direction.

This variety does not mean that one cannot distinguish between different stages of lawmaking. I categorize lawmaking into five hurdles. First, a bill must first be introduced. Once introduced and referred to committee, a bill must overcome the hurdle of receiving serious consideration by a committee. If the committee seriously considered the bill, then the bill faces the hurdle of being approved by the committee. A bill advancing this far in the process must then be scheduled for consideration. At this stage there are also some bills that have skipped the committee stages and have advanced directly to the floor. Making it this far in the process, the bill faces one last hurdle—passage. It is only after jumping these hurdles that a bill may advance beyond the House of Representatives. I discuss each of these conceptual hurdles in this section.

_Hurdle 1: Sponsorship and Bill Introduction_

The process of considering a bill begins when a Member of Congress introduces it. To do so, a Member must draft the legislation. This can be a relatively simple task, as
interest groups or staff Members may propose language for the bill, but it may be taxing if the Member initiates the legislation. Legislation may, as was the case for the Higher Education Act reauthorization, address issues of great importance whose failure would mean a major shift in public policy. Legislation may also be relatively trivial, e.g., proposing to award medals to celebrities or to name federal buildings after former colleagues. It is tempting to classify legislation according to its perceived importance, but I have already discussed this practice should be discouraged because what may be a piece of insignificant legislation to one member may be a vital project for another.

Often Members seek out other Members to cosponsor legislation. Cosponsorship is useful because a member’s support signals the content of the bill to other Members (Kessler and Krehbiel 1996; Wilson and Young 1995). Sometimes the relative level of support for legislation can be surprising. My favorite example of this is the Caddie Relief Act—that is, caddie as in “golf caddie.” This act would change IRS guidelines so that golf clubs would not be required to pay taxes for golf caddies who worked for amateur golfers. One might think that a bill proposing a minor change in the tax code favoring a small number of workers would not garner much support. This would be a mistake. In the 105th Congress, the Caddie Relief Act had a large bipartisan coalition of 60 cosponsors and was sponsored by Rep. Dan Burton (R-IN), chair of the Committee on Government Reform. Burton, a former golf caddie, introduced the legislation after reading an article, “IRS Bogey-Man Threatens Caddie,” in the Wall Street Journal. In a press release, Burton states that the bill as a means of correcting a problem of

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5 I thank Kurtis Neeper and Robert Denning, two former students of my legislative politics course (PS 517, Summer 2000), for the lobbying materials, press releases, and other materials they collected as Evans Scholars at Ohio State University.
“bureaucracy run amok.” According to Burton, without his recommended change in the tax code, caddie programs would be closed: “If public and private golf courses have to start withholding income and Social Security taxes on what caddies earn, they just won’t put up with the paperwork. Overnight, you will find these young people replaced by golf carts.”

The high level of support by Members for the Caddie Relief Act is due to more than a concern for the mechanization of labor or a love of golf. There was an active lobby supporting the bill. This lobby is headed by the Coalition to Preserve Caddie Programs, whose Membership includes dozens of regional and state golf associations, professional associations like the American Hotel and Motel Association, and the National Club Association (NCA). The NCA represents 900 private clubs and approximately 20,000 golf caddies. The Coalition enlisted caddies as part of their grassroots campaign. This campaign included over 6,000 alumni of the Evans Scholarship program, a four-year university scholarship for former caddies. NCA provided members with legislative updates, form letters, addresses of Members, and issue packets. The result was a strong lobbying effort that resulted in a high level of support, though not enough to advance the legislation, as the bill failed to gain serious consideration by the Budget Committee.

Regardless of whether a bill has as much support as the Caddie Relief Act or has only the support of the sponsor, after it is drafted, a Member—and only a Member—places the bill in the hopper, a mahogany box located near the well of the House chamber. Following its introduction, the bill falls under the formal discretion of the Speaker who refers the bill to the appropriate committee or committees. This referral is based on
House procedures that describe the policies falling under each committee's jurisdiction. For most legislation, the selection of the appropriate committee follows precedent and tradition. On new issues for which there is little precedent, there may be a political fight between committees over the bill. King (1994) finds that such fights occur when more than one committee has a claim on the issue. In such cases, committees can actively pursue the issue area through hearings in order to secure the issue as part of its jurisdiction.

Knowing that some committees are more likely to consider their legislation, Members strategically draft legislation so that it is referred to their preferred committee (Oleszek 1996). This strategy may not always work, as the Speaker has the power to send legislation to more than one committee. By sending the bill to multiple committees, the power of a committee is weakened because they cannot bottle up legislation; they must share jurisdiction with other committees. Multiple referral was used infrequently when it was first implemented in the 1970s, but in the 1990s, "multiple referrals are a growth area in the House" (Oleszek 1996, 103). On average, the Speaker refers one in five bills to multiple committees (Young and Cooper 1995). Multiple referral is used more frequently for landmark legislation, of which three in ten are referred to multiple committees (Sinclair 1997). Since the 104th Congress, the Republican-controlled House has implemented new rules on multiple referrals. Unlike in previous years, the Speaker now identifies a primary committee of referral when referring a bill to multiple committees.

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The first hurdle facing legislation is being sponsored and introduced. Given the frequency of sponsorship, one may assume that any potential piece of legislation would be introduced by one of the 435 Members of the House. However, it is impossible to say with any certainty how many potential bills there are. The bills that are introduced differ from one another not only in content but also in preparation by the member, in the size and quality of the cosponsorship coalition, in attention by lobbyists and activists, and in their referrals to committees.

**Hurdle 2: Serious Consideration**

The second hurdle facing legislation is, by far, the most difficult to overcome. This hurdle is serious consideration by a committee. Serious consideration includes any official action taken by the committee, including subcommittee hearings, committee hearings, or requests for executive comment. Without serious consideration, it is impossible for the bill to be approved by the committee. Most bills do not receive serious consideration. In the 105th Congress 3,796 bills did not survive the committee process. For most of these bills, this was not due to a committee voting against the bill but to it simply ignoring the legislation. Committees do not seriously consider seventy-six percent of legislation.

This does not mean that all bills must be seriously considered in order to advance. A committee may take no official action on a bill and still see it considered on the Floor.7

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7 Even though pure gatekeeping by committees does not exist, it remains a de facto power in many instances. The literature on gatekeeping demonstrates that it can serve a useful purpose. Through gatekeeping, committees help serve the collective needs of the chamber by facilitating Members' needs for logrolling agreements (Shepsle and Weingast 1987; Shepsle 1986; Weingast and Marshall 1988; Baron and
House rules include procedures, such as the discharge petition, that provide a means for the chamber to override the committee's attempt to keep the bill from being considered on the Floor. The discharge petition allows the Floor, with 218 signatures, to bring a bill out of committee. This requirement for an effective discharge petition makes its use infrequent. Another procedure is the suspension of the rules. This procedure is less costly than a discharge petition, but it does require the approval of the Speaker. The procedure is used to bypass the normal workings of the House (Bach 1990). Over 125 bills followed this route to the Floor in the 105th Congress without formal committee approval. Bypassing the committee does not necessarily mean that it is done against the wishes of the committee. In fact, having a bill bypass the committee may be in the committee's best interest. By having a bill that the committee supports proceed to the Floor through a suspension of the rules, a committee does not need to use its resources to hold a mark-up hearing or draft a report to the House.

Bypassing committees may occur for a variety of reasons. Sinclair (1997) finds that when committees are bypassed against their preferences, it is often done by the majority party leadership. She cites several examples, including the Democratic leadership bringing out a clean water bill and highway transit bill so that they could score some quick victories in 1987. At other times, the leadership may bring a bill out of committee in order to save precious time. In the 105th Congress, the House leadership brought out several campaign finance reform measures using suspension of the rules, knowing that they would be defeated because supporters lacked the two-third of votes needed to pass under that procedure. But the votes would give the members of the

Ferejohn 1989). In order to secure these agreements, committees need the power to gatekeep. This
majority party in favor of campaign finance reform an opportunity to vote for reform. By bypassing the committee, the leadership accomplished both its goal of pleasing its members and its goal of preserving the status quo.

This second hurdle is very important. At no other stage of lawmaking does such a high proportion of bills fail to advance. Of the nearly 5,000 pieces of legislation introduced, only one-in-four will be seriously considered. Nearly all of those that are not seriously considered will not advance to the floor. For those that are, the odds are relatively high that they will succeed. This is why this hurdle is so important to lawmaking.

Hurdle 3: Committee Approval

Once it seriously considers a bill, the committee must then approve it for the bill to continue to advance. This approval may require that the bill be amended. Committees in Congress may exercise one of their legislative powers: the negative power of not reporting legislation or the positive power to amend legislation. The negative power refers both to the committee voting to not report the bill to the Floor as well as the invisible act of denying legislation by never considering it in the first place. Committees are not limited by a "yea" or "nay" vote on legislation. Once a bill is referred to a committee, the committee gains control over the bill’s content. Committees can shape legislation to serve their own purposes (Hall and Wayman 1990).

Committees possess the positive power to amend legislation. The first way that committees exercise their positive power of amending is to approve a bill after amending provides the incentives for everyone to keep their part of the agreement.
it. This change in the legislation may occur for any number of reasons. The original legislation may include language that must be eliminated in order for it to receive support, or language may need to be added for the same reason. Members of the committee may shape the legislation in favor of interest groups that support them financially (Hall and Wayman 1990). Or, the bill may be unconstitutional as originally written. Of the 516 bills approved by committees in the 105th Congress, 63 percent (325 bills) were amended.

Second, a bill may become part of larger piece of legislation that leaves committee. This looks like committee disapproval because the committee does not formally vote to approve the bill. Rather, it may take the content of the legislation and add it to another bill. In the 105th Congress, 313 House bills were rolled into other pieces of legislation. A classic example of this type of activity occurs on tax legislation, particularly bills to change the duties or imports. Instead of voting on the dozens of bills a committee may combine the content of many different bills into one bill. This action is likely to secure logrolling agreements on this legislation, thus improving the chances of each bill's passage.

If a bill is not stopped and is not amended, then it is approved by vote in its original form. Committees need not alter legislation to vote on it. They may simply give the bill their approval as it was introduced and report the bill to the House. This may occur because the sponsor of the bill drafted the bill so that it passed muster with the committee. More likely, though, is that the bill is unable to be amended. That is, some legislation is impossible to alter. For example, a bill renaming a post office after Justice

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8 For more detail on committee powers see Smith and Deering (1990), Krehbiel (1988), and Smith (1989).
Marshall may either be approved or rejected; it cannot be modified. In the 105th Congress, 191 bills were voted out of committee with no changes to their language.

Legislative action following committees is misunderstood because research fails to examine the wide range of actions that can be and are taken. For example, one misunderstanding of lawmaking found even in the congressional literature is that committees always report legislation they approve. A committee may approve a bill for consideration, but the bill may be called to the Floor through suspension before the bill can be reported. This is likely in the committee’s best interest; for with each approved bill called to the Floor there is one less report for the committee staff to write. Of the 191 bills committees ordered to be reported in their original form, 52 were never reported to the House because they went directly to the Floor. The story is much different for bills the committee amends. In these cases, the committee report is more than a formality; it is a necessary part of lawmaking. The committee report explains why the committee changed the bill, includes any opposition to the bill, the executive position, and its implications for the budget. Each of the 325 bills amended in committee was formally reported to the House.

Though not as severe as the serious consideration hurdle, committee approval is far from a guarantee for legislation. A majority of bills that receive serious consideration fail to be approved by the committee. For the vast majority of these bills, the failure to overcome this hurdle is due to the committee not scheduling the bill for a vote. Eighty-six percent of bills that are voted upon not only pass but pass unanimously. The difficulty of this hurdle is to advance beyond serious consideration to being voted upon. For most bills at this stage, this hurdle is not overcome.
Hurdle 4: Floor Consideration

After a bill is approved, it must still make it to the floor. Following House procedures, bills must wait their turn for consideration on the Floor. It is a first-come, first-serve system. However, there are two ways to jump ahead of the queue. The first is through the Rules Committee, which may draft a resolution calling for the consideration of the bill. Only 76 bills were called up through a special rule. Second, a bill may advance through the use of a suspension of the rules. This procedure requires that the bill be approved by a two-thirds majority and be subject to limited debate. In contrast to special rules, suspension is used very often.

The relative infrequency of special rules does not mean that rules are not important. On complex or controversial pieces of legislation, rules can serve to keep divisive amendments from being considered. The literature on Congress pays careful attention to these rules and uses the resolutions to test hypotheses on committee strategy and power (e.g., Dion and Huber 1996). When employed, special rules may help secure voting coalitions. Oleszek (1996) gives the example of the Rules Committee in the 104th Congress keeping abortion-related amendments from being added to a welfare reform bill because of the divisive nature of the abortion issue within the Republican party. Because it can limit debate and amendments, the rules committee may have a tremendous impact on the policy, politics, and outcomes of particular pieces of legislation.

Far more common than the use of special rules is the use of the suspension of the rules procedure. Of the 129 bills reported to the House in their original language, 101 were called up by suspension. This raises the total of all original language bills brought
up by suspension to 153 (eighty percent). For those amended, sixty percent were called up by suspension.

Suspension is nearly always used to consider legislation quickly, but there is one notable case of the House Leadership using suspension to block legislation. In the 105th Congress, the House leadership used suspension to delay action on campaign finance reform. In 1998, the investigation of Democratic campaign contributions and the discussion of “soft money” put pressure on the House and Senate to pass campaign finance legislation. In the House, two competing bills took center stage: the Shays-Meehan bill and the freshmen sponsored Campaign Integrity Act. Despite the support in the house, both Speaker Gingrich (R-GA) and Majority Leader Armey (R-TX) were opposed to these bills.

On March 30, 1998, four campaign finance bills (HR 34, HR 2608, HR3581, and HR 3582) were brought up under suspension of the rules; none of which were the freshmen or Shays-Meehan bill. This caused a lively debate on the floor of the House. The reaction can be summed up by a couple of quotes by representatives:

The Speaker has placed a two-thirds approval requirement on the bill so it simply will not pass. This is a charade meant only to cynically produce the sentence to be uttered, ‘The House considered campaign finance reform.’ Rep. Eshoo (D-Ca) House Record H1735-36.

The last minute move to put a few bills on suspension sent a message to the American people that we are afraid of reform, and that we will undermine it at any price, even that highest price, the confidence of the American people. Rep. Hutchinson (R-AK) House Record H1734.

Representatives were not the only ones talking about this strategic move by the leadership. The New York Times ran an editorial entitled “The Plot to Bury Reform.” In it the editors write, “Newt Gingrich has selected today as the moment to line up his firing
squad and kill campaign finance reform in Congress this year” (New York Times, March 30, 1998). One could argue that the leadership failed in their attempt because a variant of the Shays-Meehan bill passed on August 8, 1998. So, while the use of suspension of the rules did not “kill” the bill permanently, it delayed action until it was too late in the congress for the bill to become law.

This use of suspension is the only case of the leadership using suspension to block legislation in the 105th Congress. This finding supports Krehbiel and Rivers’ (1990) conclusion that suspension and other restrictive procedures provide the possibility for manipulation by the leadership; however, “institutional possibilities are one thing while incentives to exploit them are quite another” (554). They argue that leaders will be punished for abusing these rules too often. Therefore, the incentives work against the strategic use of suspension. The danger, they argue, is to assume that the possibility for strategy means that suspension (or other special rules) will frequently be used strategically. Bach (1990) agrees: “in practice, [suspension] usually is suitable only for bipartisan purposes” (60).

Differentiating between special rules and suspension of the rules is important because they are two different paths to the same stage of lawmaking. By bifurcating lawmaking at this point, the House provides a way for simpler, bipartisan, or noncontroversial bills to be considered. Consideration via a special rule allows the House to have more freedom and to debate more controversial and partisan bills. Though distinct, each procedure is important if bills are to continue to advance.
Hurdle 5: Passage

The final hurdle is passage, i.e., formal approval by the Membership. At the most basic level, the Congress makes decisions by debating and then voting on legislation. Thus, it is of little wonder that the most commonly studied legislative activity is roll call voting. Modeling roll call voting is important (and well understood), but as the discussion of the process above makes clear, there is much more that we must study. Kingdon (1989) concludes his seminal study of voting by stating that "[the] process by which agenda and alternatives are determined, and which actors in the political system have a primary role in these processes, are as crucial to an understanding of governmental policy-making as the [vote choice] processes themselves" (282). Roll call votes are the final decisions, the end of the line of a long process of legislation enactment that includes committees, amendments, and lobbying. Indeed, the most important determinant of passage is not what occurs during a vote but in getting the bill to the floor in the first place.

At this point in lawmaking, bills are almost always successful. In the 105th Congress, nine out of ten bills that were voted upon passed unanimously. The other ten percent either failed or had at least one member vote against it. In this dissertation I do not attempt to add to the roll call voting literature, but I do model legislative advancement, which includes final passage. It is this question of which bills ultimately succeed in overcoming this final hurdle that is most important and yet remains unanswered.

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Summary

There are five hurdles in lawmaking. Within each stage, there is far more variety in how bills make their way to the Floor than is often presented in the literature. Eight out of ten receive no attention from either a committee or the Floor. Of those that are approved by a committee, most are amended. Those that leave committee are also most likely to be considered under a suspension of the rules rather than under a resolution from the House Committee on Rules. Lawmaking differs from the textbook accounts often presented in the political science research. Unconventional procedures such as suspension of the rules are, ironically, considered conventional. Still, current theories are more likely to be able to explain how a handful of so-called landmark bills follow such rare procedures than how the other 99 percent of bills are processed. In the next chapter I lay out a theory of sessional lawmaking that remedies this problem.
CHAPTER 3

AN EXPLANATION OF LAWMAKING

Sessional: pertaining to a session or sessions... c. Belonging, relating, or restricted to a session of a House of Parliament; recurring every session... e. Pertaining to any period of activity of limited duration. OED

"Congress always makes what haste it can to legislate. It is the prime object of its rules to expedite law-making [sic]. Its customs are fruits of its characteristic diligence in enactment. Be the matters small or great, frivolous or grave, which busy it, its aim is to have laws always a-making. Its temper is strenuously legislative. That it cannot regulate all the questions to which its attention is weekly invited is its misfortune, not its fault; is due to the human limitation of its faculties, not to any narrow circumscription of its desires." Woodrow Wilson (1885)

Lawmaking in Congress is sessional lawmaking. Put simply, sessional lawmaking occurs when Congress attempts to maximize policy output within a constitutionally-determined period of time. In each two-year congress, there are thousands of bills introduced but only a few hundred that may be approved within the time available. The result is a lawmaking process "more like research and development than it is like choice among already known alternatives. Members of most major legislatures are thus constantly strapped for time" (Cox 2000, 172). To account for the brevity of the legislative session, a new theory of lawmaking is necessary.
As discussed in the previous chapter, the current theories are based on so-called landmark legislation that make up a minutia of bills or on a set of procedures that are rarely employed. My work is more encompassing.

In this chapter I argue that the major impediment to passing legislation is the lack of sufficient time to consider the bill. As a result, Members of Congress must achieve the best policy within the time available. The lack of sufficient time frustrates Members of Congress because they want to take action on legislation. As Woodrow Wilson (1885) described Congress over a century ago, the aim of Congress “is to have laws always a-making.” It is these two opposing characteristics—the demand for legislative action and the brevity of the legislative session—that produce sessional lawmaking. In this chapter I explore how these two characteristics form a unique problem for leaders in the House, whose job it is to schedule legislation, and two solutions they use to solve this problem—choosing the right vehicle for policy change and bifurcating lawmaking between noncontroversial and partisan bills. After discussing these two solutions, I discuss my approach to modeling different stages of lawmaking.

3.1 The Problem

From small issues to large, there are always more issues that Members want to address than is humanly possible within a congress. While Members have other responsibilities, including meeting with constituents and running for reelection, they desire changes in the law. This need not be the case, for the Constitution requires little from representatives; there is no constitutionally prescribed job description. However, Members of Congress clearly see lawmaking as the central part of a Member’s job
description. Davidson and Oleszek (1998) find that 87 percent of Members see “legislation” as part of their job.\textsuperscript{10} This is greater than any other activity including constituency service. Legislating is a priority because it helps Members of Congress achieve their goals. Members of Congress do not all have the same goals (Dodd 1977; Fenno 1973). Some pursue good public policy. Others seek greater power within the House. And still others see re-election as their primary goals. As I explain below, each of these goals may be achieved through legislative action.

Legislating is intrinsically tied to the goal of creating good public policy.\textsuperscript{11} Members who have this as their goal, by definition, want to see the Congress change the law. Even Members who are more satisfied with the status quo are likely to have some issue, some problem in society, that could be improved by better public policy. To make these changes, Members propose legislation, lobby for support, and pressure other Members to support the bill. For these Members, legislating is a central part of being a representative.

Achieving power in the House also involves legislating, as legislation is the currency with which political deals are made in Congress. For these Members, legislation is not the object of pursuit; it is simply a means to an end. These Members use their positions to control other Members by stalling or stopping lawmaking. They are also Members who use their authority to push legislation that they want -- even if it is in exchange for other favors from other Members. While legislating is not as closely tied to the power goal as the public policy goal, it continues to be a central part of achieving and exercising power in the House.

\textsuperscript{10} Figures cited in Weisberg, Heberlig, and Campoli (1999).
Legislating also helps Members secure reelection because it can lead to
government action on issues of great concern to constituents. The reelection goal also
leads to legislating because the public expects Members of Congress to pursue changes in
the law. The few studies that examine the public’s expectation of Members find that
legislating is a high priority. Early work on this subject find that no one job dominates,
as thirty percent of the public feels that “keeping in touch with the people about what the
government is doing” is the most important and lawmaking as second (Cain, Ferejohn,
and Fiorina 1987). However, it is unclear how the public interprets the job of “keeping
in touch.” Eliminating this vague option reveals that the public finds legislating most
important (Krasno 1994). A plurality--41 percent--rank working on bills the most
important task of representatives. Helping constituents is the least important. Of the
three jobs, 43 percent of the public rank helping constituents as the least important.
While the public sees the job of Members as including many different activities, the most
important is lawmaking. In one of the few studies of job expectations, Krasno (1994)
finds that legislating and providing the district with their share of federal projects are both
extremely important to the public. Helping constituents, however, is also important but
less so. As Krasno concludes:

This is unexpected, because the rise in Members’ ombudsman role is both
the foundation of the personal vote...and has been advanced as an
explanation for House Members’ improved electoral performance since
the 1960s (see Fiorina 1977). These survey results alone do not disprove
these theories, though they suggest that people still primarily look to their
legislators in both Houses of Congress to legislate rather than intervene on
their behalf--at least in theory. (22)

11 For more on Member goals see Fenno (1973) and Weisberg, Heberlig, and Campoli (1999).
This may provide an explanation for the lack of effect of constituency service on election outcomes (Hibbing 1991; Johannes and McAdams 1981; Krasno 1994). The public may not respond to casework because they find the legislative actions of the representatives more important. Clearly, the public believes that Members of Congress should focus their work on legislating and not on constituency service.\textsuperscript{12}

The link between legislating and the reelection goal is evidenced in the increased propensity of Members of Congress to please their constituencies through legislative action. Herrick, Moore, and Hibbing (1994) test how retiring Members (who are thus not concerned about reelection) alter their legislative activities. When Members of Congress no longer care about reelection, they introduce less legislation, draft fewer amendments, reduce the number of staff in their offices, make fewer trips home, and participate in fewer roll call votes. Instead, they focus on those issues that are of the greatest importance to themselves. Carey, Niemi, and Powell (1998) find further evidence that the reelection goal increases legislative activity. Legislators in states with term limits are less likely to seek pork barrel legislation than other legislators are. Legislators who care about reelection are more active lawmakers.

To achieve their public policy, power, and reelection goals, Members take it upon themselves to introduce the legislation they find most important. Members do not sit back and let party leaders decide which bills should be introduced. Members pursue their own individual legislative agendas to help secure their reelection. Lacking control over the actions of the House or his party, Members focus on how their own actions will be interpreted by their district (Kingdon 1989). Voters reward or punish a Member only if

\textsuperscript{12} Krasno (1994) reports that this pattern is similar for Senators.
the voter is able to tie policy changes to the visible actions of the Member (Arnold 1990).

An easy way for Members to take credit for a new policy is to sponsor or cosponsor legislation that will improve the Member’s district (Mayhew 1974).

The introduction of new legislation is done with care. Even though sponsorship and cosponsorship take little time away from other legislative activities (Johannes 1983), Members are unlikely to support legislation on a whim. Signing their name on legislation signals a Member’s position—a position that may be criticized during the next election campaign. Members are also careful when giving their support to a bill because sponsorship can reap great rewards for Members if the legislation becomes law. The rewards gained through sponsorship depend on the amount of effort used to help legislation succeed. Box-Steffensmeier and Grant (1999) find that Members can increase their campaign contributions by having an active and full legislative agenda. Political action committees (PACs) do not contribute to Members based on their sponsorship activity, but instead contribute to those Members who are effective in getting their legislation passed. Sponsorship brings the most reward if the legislation succeeds in becoming law. As a result, Members have an incentive to pressure agenda-setters to support their bills.

The toughest obstacle facing agenda-setters attempting to schedule legislation is the lack of time to schedule all of the legislation they prefer. Bound by temporal constraints agenda-setters strategically decide which issues are most important to promote and the appropriate procedure to consider each bill. Speaker James C. Wright put it simply: “My two biggest competitors are the clock and the calendar. There are so
many things I would like to do...The trouble is you have only so many weeks in the legislative year, and so many days in the legislative week, and so many hours in a legislative day" (quoted in Cox and McCubbins 1993, 234). The lack of time affects all aspects of lawmaking. Did not the increasing workload and the limited time to consider legislation help give rise to the committee system (Cooper 1970)? Do not Members use procedures to delay legislative action (Oppenheimer 1985)? Is not timing an important part of other legislative behavior such as position taking (Box-Steffensmeier, Arnold, and Zorn 1996) and cosponsorship (Kessler and Krehbiel 1996)? Yet, for all of the ways that the calendar affects legislative behavior, there is no study that incorporates time in a theory of congressional lawmaking.14

Persistent movement through lawmaking is critical because delay often means failure. The Congress cannot spend an eternity considering legislation. Members want to achieve all of their legislative goals, from small pet projects that aid their districts to revolutionary changes to government, but there is less than two years for Members to get the job done before they must start the lawmaking again. This limits the amount of time

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13 This effectiveness is measured by the Member's high "hit rate," the percentage of bills a Member sponsors that make it to a certain level in lawmaking.

14 While temporal limitations may be obvious—no empirical theory of lawmaking pretends that Congress is eternal or that time does not affect Members—there are theories of lawmaking that ignore the role of the short legislative duration. One set of models that do not include time is equilibrium models. Equilibrium models are formal models of lawmaking that seek to find the equilibrium policy given a set of legislators’ preferences. These models are often spatial models, meaning that they assume that policies can be mapped onto a one-dimensional policy space and that legislators have ideal points on this dimension. When making decisions about policies, Members of Congress base their decisions solely on the policy outcome. These models nearly always assume that changes in policies and actions taken by agenda-setters are without cost, i.e., procedures that take a great deal of time are no less likely to be used than quick procedures. This assumption has serious implications. As Cox and McCubbins (1993) prove in their scheduling model, when there are more policies than can be considered in the current congress, equilibrium does not exist. This is not to say that equilibrium models should be dismissed. These models have been extremely useful to our understanding long-run policy outcomes in an abstract policy space, and accordingly they should not be dismissed. At the same time, we should not mistakenly assume that they provide an explanation for lawmaking.
that Members can spend on legislation. The importance of this cannot be
overemphasized as "nothing so defines politics and policymaking as deadlines" (Loomis
1994, 10). In a single Congress, with a finite and known end, time must be economized
(Smith 1988). Delays compound the temporal limitation placed on Congress. At each
stage of lawmaking there is opportunity for a delay that limits the amount of time that can
be spent on the legislation in future stages. Too many delays, and the bill fails to become
law in the current Congress.

With limited time to pass legislation, some bills must be given priority. Even
important legislation may wait until a later congress for final passage. Failure to
recognize that legislation may take more time to become law than is available in one
Congress leads to a different interpretation of legislative outcomes. If legislative
outcomes are seen as simply passed versus lost, then bills introduced in one congress that
are passed in subsequent congresses may be misinterpreted as failures rather than
successes in progress. The deadline placed on Congress directly affects formal
consideration of each piece of legislation. If a piece of legislation does not become law
by the end of the congress it must be reintroduced again at the start of the next congress
to be considered again. Often, a Member introduces a bill in congress, after congress,
after congress even when he or she holds little hope of the bill becoming law. This is a
perennial feature of Congress:

...in the first months after a newly elected Congress convenes, the
Capitol...blooms with a legislative species of perennial--the tried and true
bills that are introduced year after year...some never-say-die bills are
introduced because their sponsors are convinced that this year, finally, the
thing might actually pass. (Reid 1980, 1-2)
Such is the case for Rep. Coble's (R-NC) effort to exclude Members of Congress from participation in the Federal Employees' retirement system. Originally introduced in March 1993, this bill has been reintroduced at the start of the 104th, 105th, and 106th Congress. In each congress the bill failed to make it out of committee. In fact, the bill has never been the subject of any hearings. Perennial legislation sometimes succeeds, however. Having a bill already drafted and under consideration helps the Congress respond to new events (Kingdon 1995). This was the case of proposed sanctions in South Africa during the 1980s. Legislation had been introduced for years that would impose sanctions, but it was only in 1986 that the situation in South Africa became severe enough for the Congress to pass the legislation (Box-Steffensmeier and Sinclair 1996). Jones (1997) examines 28 important pieces of legislation that became law during the tenures of Presidents Truman to Bush. Each of these landmark laws were introduced in previous Congresses or adapted from previous acts.

The deadline on legislative action affects Members' legislative strategies. Glazer and Wattenberg (1996) propose that if there were limits on the time Members could spend on legislation (due to term limits) they would be more likely to introduce more innovative legislation. They would also address broader public issues instead of private pork legislation. Under the current system, Members must pursue at least some legislation that helps their reelection chances. This means more "unimportant" bills. Bigger, more innovative legislation may need to wait until future terms. In the present, Members are content to consider so-called petty, unimportant bills.

Action on a bill can be delayed because of the time needed to prepare the bill for consideration. Sometimes hearings must be held. At other times committees require
comment from executive agencies. If a committee orders a bill to be reported, there must be time spent drafting a committee report. Each of these and other activities can delay the consideration of legislation. A lack of resources heightens this. A committee swamped with work may need to delay work on a bill until after other legislation has been processed (Sinclair 1989). For example, reauthorization bills and appropriation bills may need to be processed before other legislation because failure to pass such legislation means government programs would be discontinued.

Delay can also be due to prudent legislating on the part of the committee. Congress should take care when changing the law, and committees help guide this by gathering information on legislative proposals (Krehbiel 1992). If committees do not give enough time to a proposal, they may be accused of railroading a bill through the House. At the same time, committees can seriously hamper a bill’s chances of success by delaying the report on legislation until late in the congress. In fact, so-called “gatekeeping” can be thought of as a type of permanent delay, where a committee puts off consideration until there is no remaining time on the calendar.

House leaders need to respond to the needs of the Members if they expect to remain in power. However, they cannot pass all of the bills that they like because of the limitations on legislative action placed on them by the Constitution. Regardless of the work left to be done, when the two years on the legislative calendar is no more; legislative action must stop. In the final section I explain how leaders schedule legislation in order to increase legislative productivity.

Together, the high demand for legislative action and the short duration for this activity place House leaders in a quandary. Members of Congress want changes in the
law, and the House leadership seeks to meet this demand because they receive their authority from the Membership. These leaders are selected by the Membership. Their continuation in their position is dependent on approval of the House. From the Speaker to the committee chairs, the House leaders pursue legislation because their jobs depend on it. Though rare, it is possible for leaders to be removed from their positions of power if they fall into disfavor with the Membership (Rohde 1991). Leaders realize this and are active in lawmaking. But how should leaders respond to the demand for legislative action?

3.1 Solution 1: Choosing the Right Vehicle

Leaders schedule legislation by choosing among competing bills for the best vehicle for policy change. Successful leaders are the ones who choose the right vehicle to achieve the most policy changes possible in the time allowed. Often, there are several legislative proposals that address a policy problem. Because committees and the House can amend a bill, any piece of legislation addressing a topic can be used as a vehicle for policy change. In other words, even if a committee does not like the original content of a bill, it can amend this bill until it approves of it. Even bills by the minority party can be used. Given this power to amend, how do leaders decide which bill to use?

Leaders prioritize legislation that address policies of high salience to the majority party caucus. It is this caucus that is responsible for choosing the House Leadership. Of course, House leaders are formally approved by the entire House Membership. However, the entire House is not the constituency to which the committee leaders will be most responsive. Just as Members must respond to both their general election and
primary election constituencies in their home districts if they want to be reelected, they must also be responsive to the party caucus in the House if they want to remain in their positions. It is the majority party caucus that decides which of its members will be slated leadership positions. Without the support of the caucus a member would have a very difficult task to achieve a leadership position on a committee because he or she would need to form a new majority that would include the minority party and members of the majority party. Thus, it is the majority party caucus that is the major constituency of the leaders.

The importance of majority party in lawmaking is unlikely to be surprising to anyone who has watched Congress legislate, particularly over the past decade. Far removed from the weak-party days of the 1960s when partisanship was in a state of decline (Brady, Cooper, and Hurley 1979), Congress has grown increasingly partisan over the past 20 years (Jacobson 2000; Rohde 1991). Parties are more successful at pressuring their members (Snyder and Groseclose 2000). There is increased inter-party polarization and decreased intra-party fractionalization (Fleisher and Bond 1996; Jacobson 2000; Poole and Rosenthal 1997). Partisan conflict between the president and the Congress has grown increasingly hostile (Bond and Fleisher 2000; Edwards, Barrett and Peake 1997; Drew 1996; Gilmour 1990). And, not unrelated, incivility within the House is at its highest levels in 40 years (Jamieson and Falk 2000).15

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Even in this partisan climate, House leaders cannot simply give favoritism to members of the majority party. There are still thousands of majority party bills to sort through, and only a small fraction may be considered. Members of the majority party caucus recognize this, and thus expect leaders to choose bills that will result in the greatest policy impact. Of course, they do not want to pass every broad piece of legislation. They want the leaders to maximize policy output that benefits the interests of the majority party. Conversely, they may expect the leaders to limit the policy impact of bills supported by the minority party members.

Leaders respond by choosing majority party supported bills that maximize the legislative output of the House. Passing legislation that will result in a broad policy impact best does this. Policy breadth is the number of areas in society, the economy, or political system that the policy would affect. This is important because leaders can increase policy output by passing bills that are broad, i.e., bills that address a large number of topics. If leaders do not consider the breadth of the legislation, then they limit the impact of the majority party on society. With a limited amount of time to consider legislation, the leaders’ time is best-spent scheduling bills that will greatly impact society than bills that will have only a minimal effect. By giving preferential treatment to broad majority party bills, leaders increase the policy impact in ways supported by the majority party.

The concept of partisan policy maximization adds to the literature on lawmaking and on congressional parties because it shows how parties guide legislation through the lawmaking process. Members of the majority party should not merely receive a “bonus” for being in the majority—their legislation must also have broad policy implications. The
majority party is also not just interested in passing a party agenda (see Aldrich 1995; Aldrich and Rohde 1997, 2000; Rohde 1991). The majority party seeks to increase policy change it favors by having the House Leadership choose the right legislative vehicle.

3.1 Solution 2: Bifurcating lawmaking

A second means of solving the agenda-setting problem caused by the high demand for legislative action and the brevity of the legislative session is to bifurcate lawmaking. With a limited amount of time available and the pressure to change policy, the House Leadership uses procedures designed to increase policy output. At the same time, the Leadership also serves the majority party by scheduling its more controversial legislation. The result is a bifurcated system of lawmaking. Bach and Smith (1988) note that since the reforms of the 1970s there appears to have been a bifurcation between “the bulk of bills and resolutions... and the much smaller number of far more controversial bills” (120, note). In other words, legislation follows one of two paths. The first is a partisan road that is narrow, time-consuming, and full of the exciting action that attracts public attention. This path is extremely important for the parties because it is here that the parties differentiate themselves from each other and make stands that are visible to the electorate (Aldrich 1995). The second legislative path is broad, quick, and silent. But while the partisan path is the route of only a handful of bills, this second path is like a multilane freeway that is the route of hundreds of bills.

One piece of evidence of the bifurcation is the response of the public to lawmaking. The vast majority of legislation slides through the chamber raising only the
murmur of a voice-vote. The process that produces landmark legislation is filled with the noise of shouting matches and the cracks of the Speaker’s gavel. The public responds to this clamor with disapproval. Durr, Gilmour, and Wolbrecht (1997) find that the passage of landmark legislation decreases approval of Congress.\textsuperscript{16} However, overall productivity (that is, the total number of bills passed) does not affect congressional approval.\textsuperscript{17} The difference in the impact of landmark laws and ordinary legislation is likely due to the public’s disgust for contentious debates and publicity surrounding landmark legislation. As the oft-quoted proverb proscribes, law is like sausage; if you like it, you should not watch it being made. Lawmaking is messy and slow. Though the debates over policy are important if lawmakers are to create good policy that the public supports, the public hates debates and bickering (Hibbing and Tlheiss-Morse 1995). When “sausage-making” is exposed to the public, as when landmark legislation passes, the public responds with disgust. As Congress goes about its normal, everyday job of passing legislation it does so without arousing the public interest.

More compelling is the difference in how landmark bills are treated in the lawmaking process. Most legislation that is considered by the House, either in committee or on the floor, is approved unanimously. Over nine out of ten bills voted upon in subcommittee are approved unanimously (93%). Committees show slightly less consensus, with 86 percent of bills approved unanimously. The floor—the place where one might expect the most partisan behavior—shows consensus as well. On votes of final passage, 90 percent of bills are approved unanimously. This evidence supports my

\textsuperscript{16} Approval is measured using a combination of many types of “approval” questions. Durr et al (1997) use Stimson’s (1991) dimensional algorithm to create a single measure of approval for the entire time period.
theory. In subcommittees, in committees, and on the floor we see evidence that the vast majority of legislation voted upon receives unanimous approval. For major legislation, the level of partisanship is much higher. Sinclair (2000) finds that in the 105th Congress, 42 percent of committee votes on major legislation were partisan. Another 28 percent were split along other non-partisan factions. Thus, only 31 percent of votes were based on consensus. These types of differences between how landmark and ordinary legislation is considered raise questions about the usefulness of research on landmark bills to our understanding of lawmaking.

The concept of bifurcation adds to the literature on congressional parties, particularly the literature on conditional party government theory (e.g., Aldrich 1995; Aldrich and Rohde 1997, 2000; Rohde 1991).\textsuperscript{18} The “conditional” in conditional party government refers to the level of homogeneity within the majority party and the level of policy differences between the parties. When the parties are cohesive and polarized, the members create strong institutions and give their leaders greater power. These leaders use these powers to construct a partisan legislative agenda, which in turn results in the production of partisan legislation. This is not contradictory to my theory because conditional party theory does not demand that all or even most legislation must be subject to party pressure and manipulation.\textsuperscript{19} This theory “does not imply an omnipotent majority party, merely one that is efficacious and consequential under certain conditions” (Aldrich and Rohde 2000, 37). There are two such conditions. For parties to become involved, it is necessary that party pressure must also be required for passage and this

\textsuperscript{17}Durr et. al remove total legislative productivity from their model (the coefficient was positive in previous models, see Durr et. al appendix).
pressure must have a chance of being successful.\textsuperscript{20} In addition, the issue is one that divides the parties in the electorate, particularly among activists. Conditional party theory is well-equipped to explain how parties seeking to win reelection for their Members can affect bills addressing partisan issues such as abortion, race, and social welfare. However, it is not intended to be, nor is it capable of, providing an explanation for how the remaining 95 percent of legislation is considered. This is why a theory of sessional lawmaking is important. According to this theory, leaders respond to the demands of Members by bifurcating lawmaking so that the members of the majority party are able to distinguish themselves from the minority party and to maximize policy output in ways consistent with the goals of the majority party caucus, namely choosing the right vehicle and bifurcating lawmaking.

3.1 Modeling Lawmaking

The theory of sessional lawmaking presented in this chapter begins with the Members and their desire to see legislative action. To aid legislative action, agenda-setting powers are given to leaders. These leaders must pursue legislative action or face the disapproval of the Membership. However, even under the most ambitious agenda, the leaders will be unable to consider all of the bills introduced before the end of the legislative calendar. Therefore, leaders schedule legislation by choosing among

\textsuperscript{18} Cox and McCubbins (1993) present a different theory of parties in Congress in which parties form a legislative cartel and control the Congress.
\textsuperscript{19} Other party theorists, e.g., Cox and McCubbins (1993) would take such a perspective.
\textsuperscript{20} On those few easy issues that have the potential to be consequential, only a small proportion show signs of party influence. Snyder and Groseclose (2000) analyze votes in which there was the potential for party pressure to see if partisanship was a statistically significant predictor of a Member's vote even when controlling for the Member's political predispositions. These votes are a small fraction of the possible
competing bills for the best vehicle to maximize partisan policy output and by bifurcating lawmaking so that both time-consuming party agenda bills and non-controversial bills may be scheduled. In this section, I discuss my methodology for modeling lawmaking.

Before discussing the details of my modeling strategy, I lay out what I mean by a "model." I employ King's (1989) definition of a model as "a mathematical simplification of, and approximation to, a more complex concept of the social system" (8). The "social system" is the object being studied. In this dissertation this object is lawmaking, and the models are mathematical simplifications of this process. Specifically, I use statistical models to derive inferences about the processes producing legislative outcomes.

There are three possible approaches to modeling lawmaking. The first is to assume that lawmaking outcomes are due to utility maximization. The second is to assume that observations occur when bills have an unobservable latent variable. The third is to derive the functional form directly. Mathematically it does not matter which approach is chosen. Theoretically, however, the distinctions between the models are important. I do not assume that outcomes are manifestations of utility maximization or of a bill's latent variable crossing an unobserved threshold. Instead, I choose to model the lawmaking outcomes directly.

In my models I do not assume utility maximization. This approach to modeling assumes that there is an unobserved variable, which is assumed to be an individual’s utility, and that the observations are thus indications of which outcome the actor chose. This approach is obviously not feasible in this study because it would require that I assume that the observations are the choices that maximize the utility of specific agenda-votes in Congress, many of which are unanimous. Even so, in the post-war era (1947-1990) only 39
setters. Legislative outcomes, however, are not choices per se. Instead, they are the result of many actors making choices, not the utility maximization of any particular actor. For example, the outcome of a bill being seriously considered could be the result of a subcommittee chair scheduling a hearing, a committee chair's decision to hold a hearing, or possible a staff working in the interest of the committee requesting executive comment. Unlike sponsorship, voting, and other individual actions, legislative outcomes are not choices. Because of this, I have tried throughout this dissertation to avoid using the terms "decision" or "choice" when referring to legislative outcomes. Instead, I use the terms "event" or "outcome." In general, an outcome would refer to the observation of something happening to a piece of legislation, e.g., a bill being scheduled for floor consideration. An event generally refers to points in the process where outcomes are determined.

I also do not assume that there is an unobserved latent variable producing legislative outcomes. For example, one could assume that legislative outcomes are observations of a bill's advancement. In other words, outcomes are distinct observations indicating an unobserved propensity for a bill to advance. In my statistical models, this assumption translates into there being a latent variable \( y^* \) ranging from negative infinity to positive infinity, which is propensity to advance. This latent variable cannot be observed. What can be observed are legislative outcomes. By observing legislative outcomes, e.g., the hurdles discussed in the previous chapter, we gain some information about the propensity for a bill to advance.

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\text{percent of these votes show evidence of successful party pressure.}
\]
One need not specify utility (or other latent variable) to estimate a statistical model of legislative outcomes; one may use a probability approach to modeling. Instead, I follow King (1989) and begin modeling by determining the nature of the observed variables. One may "[derive] the functional form from either the implicit assumption that the observed discrete variables are naturally discrete or the conviction that thinking about it directly is most natural" (King 1989, 110). Long (1997) also discusses probability models as an alternative to both utility maximization models and latent variable models. In constructing probability models, one first determines the characteristics of the observed outcomes and then derive the functional form that is most appropriate for modeling these outcomes. To estimate my probability models, I assume that a random variable, which is a function, assigns a real number to every possible outcome. Building on an example drawn from King (1989, 98-101), consider the case where there are only two values. In lawmaking these numbers could be 0 (failure) and 1 (passage). For this dichotomous model, one may assume that this random variable \(Y\) is distributed as a Bernoulli random variable. The Bernoulli distribution has a single unknown parameter \(p\), which is the probability that \(Y=1\). This probability is a function of the explanatory variables \(x\) such that

\[
p_i = g(x_i, \beta)
\]

or

\[
Pr(y=1 \mid x) = g(x_i, \beta)
\]

The function \(g\) can be any one of a number of functions, but the probit fits the assumptions necessary for the distribution of the random variable. Replacing specifying the probit, one arrives at:
\[
\text{Pr}(y=1 \mid x) = \Phi(x\beta).
\]

While mathematically equivalent to both the latent variable and utility maximization models, the probability model does not rely on the assumption of a latent variable or utility. In the following chapters I explain my choice of model in terms of the probability model approach.

In each of the following chapters, I model different parts of lawmaking. The models are related, in that they each are based on observations from the same congress. However, they each differ in how the models are constructed.

- Chapter 4 presents a sample selection model of legislative outcomes within House committees. These outcomes are determined by two events: serious consideration by the committee and committee approval. This model allows one to determine first which bills are seriously considered, and then which bills (conditional on this choice) the committee approves.

- Chapter 5 presents a multinomial logit model with three post-committee outcomes: no action, consideration via a suspension of the rules, or consideration via a special rule.

Each chapter uses a model appropriate for the outcomes. For each chapter, I discuss the details of the statistical model being employed and the reasons it was chosen.

3.1 Conclusion

The theory of sessional lawmaking provides an explanation for why some bills advance in the lawmaking process and why others do not. Members want bills to advance, but they must limit this for some bills because of the brevity of the legislative
calendar. To aid the advancement of legislation, the Membership chooses leaders whose job it is to help process legislation that will maximize policy changes in ways that the majority of Members would support. Leaders do this by choosing among competing bills for the best vehicle to maximize partisan policy output and by bifurcating lawmaking so that both time-consuming party agenda bills and non-controversial bills may be scheduled. I begin modeling legislative outcomes in the next chapter.
CHAPTER 4

CHOOSING THE RIGHT VEHICLE

Committees have held a dominant place in our understanding of Congress since Woodrow Wilson (1885) first wrote about committee government. There is a consensus in the literature that committees are important and that by understanding committees we will understand lawmaking. Yet, few studies examine committee outcomes, choosing instead to analyze committee members’ political preferences and voting records (e.g., Cox and McCubbins 1993; Krehbiel 1991; Maltzman 1995). As a result, we know relatively little about the determinants of committee outcomes.

This chapter adds to the literature on committees by supplying a model of committee outcomes. Though lawmaking is the central activity in Congress, I know of no study that models which bills committees approve. The dearth of theory and models of lawmaking in committees will likely surprise those outside of the field of legislative studies. The only published exception is Wilson and Young (1997), which examines only cosponsored legislation and does not present a model of final approval. In addition, two conference papers do address this topic. Takeda (1998) models approval but limits his analysis to bills that have already received some official action, e.g., hearings, which is likely to result in selection bias. Krutz (2000) models consideration by committee but limits the analysis to a subset of policy areas. Thus, no study that I am aware of models
committee outcomes completely, modeling both consideration and approval using all House legislation. This will likely alter our model of approval because of the introduction of selection bias. This chapter remedies this gapping omission in the literature by providing a model of lawmaking in House committees.

In this chapter I lay out a model of committee outcomes. These outcomes are the result of two successive events. First, committees must determine which bills should receive serious consideration. Second, of those bills considered, the committees must determine whether to report the bill to the House. Both events—consideration and approval—produce committee outcomes. I base my model of committee outcomes on a theory of sessional lawmaking—a theory that recognizes the short duration of legislative activity in each congress. As I explain in more detail below, a theory of sessional lawmaking claims that due to the limited amount of time available for legislating, the Congress is organized to maximize policy output, satisfying Members’ desire to see legislative action. To aid legislative action, agenda-setting powers are given to leaders. These leaders must pursue legislative action or face the disapproval of the Membership. However, even under the most ambitious agenda, the leaders will be unable to consider all of the bills introduced before the end of the legislative calendar. Therefore, leaders schedule legislation by choosing among competing bills for the best vehicle for policy change. The “best vehicles” are those bills that that are part of the majority party’s message to the electorate and bills that maximize policy output in ways that are acceptable to members of the majority party.

I expect that committees will be responsive to their supporters within the House, and will work to maximize policy output so as to favor their constituents’ policy.
concerns. I then model both the serious consideration of legislation and approval of legislation. This model shows that committees select bills for consideration in order to maximize policy output that is highly partisan, demonstrating that the political parties in Congress have a strong influence very early in lawmaking. Committees are more likely to select and send to the floor bills that address broad policies sponsored by members of the majority party. I conclude with a discussion of the findings and their impact on our understanding of committees.

To model committee outcomes, I use information on individual pieces of legislation. The data for this research comes from each of the nearly 4,800 House bills introduced during the 105th Congress (1997-1998). The data includes information about the content of each bill, the characteristics of the sponsor, and every official action taken on the bill. This is the most comprehensive data set in the literature and does not exclude any public House bills. Using this data, I test hypotheses concerning committee outcomes. I lay out these hypotheses in the next section. This is followed by a multivariate test of these hypotheses. Finally, I conclude with a discussion of the implications of this chapter for our understanding of congressional lawmaking and committees.

4.1 Hypotheses

While it is inconceivable today, in the early years of the Congress, when the number of Members and demands on Congress were still low, there was no need for committees to be agenda-setters. Many of the early committees were temporary
oversight committees, which allowed the rest of the House to focus on its primary job of legislating (Polsby 1963). When the need arose for a committee to address a particular bill, the legislation was considered by an ad hoc or select committee—there were no standing committees (Smith and Deering 1990). This system was not sustained for long, for as the demands on the Congress increased so did the size and role of committees. By 1810, there were standing committees in the House that were controlled by the Speaker. Cooper (1970) finds that this development was due to two factors. First, there was an increase in the workload. Unable to shoulder this on the back of the Committee of the Whole, standing committees were created to divide the labor. Second, when work was done in the Committee of the Whole, the size of the Membership impeded debate and created chaotic deliberations. Again, by creating committees, more legislating was possible. Following the Civil War, a rising population and expanding economy placed even greater burdens on Congress. In response, the House created more and more committees and subcommittees (Smith and Deering 1990). Demand was so taxing (no pun intended) that the Ways and Means committee split into Ways and Means and Appropriations (Smith and Deering 1990). During the 20th Century the continued rise in demands led to an increase in the number of subcommittees (Dodd and Openheimer 1977). History reveals that the Congress created committees to deal with the constraints placed on the House by short duration of lawmaking. As the demands on the Congress grew and its ability to cope with demands became more difficult, the committee system grew to accommodate these demands.

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21 A portion of this data collection was made possible from a congressional research grant from the Dirksen Center.
Committees cannot meet every demand they want to, however, because of the brevity of the legislative session. There is less than two years for committees to get the job done before they must start lawmaking over again. Regardless of the work remaining, when the two years on the legislative calendar is no more; legislative action must stop. This limits the amount of time that committees can spend on legislation. The importance of this cannot be overemphasized as “nothing so defines politics and policymaking as deadlines” (Loomis 1994, 10). In a single Congress, with a finite and known end, time must be economized (Smith 1988). Delays compound the temporal limitation placed on committees. At each stage of lawmaking there is opportunity for a delay that limits the amount of time that can be spent on the legislation in future stages. Too many delays, and the bill fails to become law in the current Congress.

The lack of sufficient time forces committees to prioritize legislation. Committees schedule legislation by choosing among competing bills for the best vehicle for policy change. Because committees can amend a bill, any piece of legislation addressing a topic can be used as a vehicle for policy change. In other words, even if a committee does not like the original content of a bill, it can amend this bill until it approves of it. Given this power to amend, how do committees determine which bill to use? In this section, I discuss several hypotheses concerning which pieces of legislation are more likely to receive serious consideration and approval by House committees.

Committees prioritize legislation that addresses policies of high salience to their supporters within the House. Formally, committee assignments are approved by the

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22 It is interesting to note that even in the early stages of the committee system that delay was used to stall or stop the consideration of legislation. For example, John Randolph, chair of the Ways and Means committee used the power of delay to advance the policy goals of Jefferson (Smith and Deering 1990).
entire House Membership. However, the entire House is not the constituency to which the committee leaders should be most responsive. Just as Members must respond to both their general election and primary election constituencies in their home districts if they want to be reelected, they must also be responsive to the party caucus in the House if they want to remain in their positions. It is the majority party caucus that decides which of its members will be slated for committee membership and leadership. Committee chairs may be removed if he or she loses the support of his or her party, as was the case of two committee chairs in 1974 (Rohde 1991). Without the support of the caucus, a member would have a very difficult task to achieve a leadership position on a committee because he or she would need to form a new majority that would include the minority party and members of the majority party. Thus, it is the majority party caucus that is the major constituency of the committees.

I assume that Members of Congress want to legislate and maximize the legislative output of the House. Passing legislation that will have a broad policy impact best does this. Policy breadth is the number of areas in society, the economy, or political system that the policy would affect. This is important because leaders can increase policy output by passing bills that are broad, i.e., bills that address a large number of topics. However, the majority party caucus will not support committee leaders who want to pass just any broad piece of legislation. They want the leaders to maximize policy output that benefits the interests of the majority party. Conversely, they may expect the committees to limit the policy impact of bills supported by the minority party members. This leads to the following hypothesis:
Partisan Policy Maximization Hypothesis: Broad legislation that increases the policy output supported by members of the majority party is more likely to receive serious consideration and thus approval than broad legislation that increases the policy output supported by members of the minority party.

If committees do not consider the breadth of the legislation, then they limit the impact of the majority party on society. With a limited amount of time to consider legislation, the committees’ time is best spent considering bills that will greatly impact society than bills that will have only a minimal effect. By giving preferential treatment to broad majority party bills, committees increase the policy impact in ways supported by the majority party.

There are two alternative hypotheses to the party policy maximization hypothesis. First, members of the majority party may receive favoritism, regardless of the breadth of the policy affected by the legislation. In return for their support, the members of the majority party need something in return. Besides the obvious role policy positions play, there are several other possible “payments” that could be made to majority party members. The first is that members of the majority simply want preferential treatment. Upon introducing a bill, they would like the committees to give their bills priority over bills introduced by members of the minority. This would result in a partisan bias in the selection of bills for consideration. This leads to a first alternative hypothesis:

Simple Party Hypothesis: Legislation sponsored by members of the majority party is more likely to receive serious consideration and thus approval than legislation sponsored by members of the minority.

If correct, this would mean that members of the majority party receive a “bonus” for their membership. In the 105th Congress, this would mean that Republicans would be more likely to have their legislation seriously considered and approved than Democrats. Bivariate analysis of committee outcomes suggests that this may be correct. In the 105th
Congress, 30 percent of Republican-sponsored bills received serious consideration by committees; committees approved 16 percent. Bills sponsored by the Democrats were far less successful. Only 16 percent were even considered, and only four percent were approved. The committee system is biased in favor of the majority party’s legislation.

The second alternative hypothesis is that committees favor broad pieces of legislation, regardless of the party of its sponsor. Committees are formally created, maintained, and regulated by the entire Membership, not the majority party. Thus, committees may seek to maximize policy output, regardless of who supports the bill. This leads to a second alternative hypothesis:

Simple Policy Maximization Hypothesis: Broad legislation that increases the policy output is more likely to receive serious consideration and thus approval than more narrow legislation.

Support for this hypothesis would not necessarily imply that parties have little or no role in committees. It may be the case that members of the majority party receive favoritism. The simple policy maximization hypothesis claims merely that committees prefer broad pieces of legislation to narrow bills, and, unlike the partisan maximization hypothesis, claims that this preference is separate from the partisan goals of the committee. Committees are not seeking to maximize the output of partisan policies but of policies independent of the partisanship of the sponsor.

To test among these three hypotheses, it is necessary to measure policy breadth. This measurement requires the identification of each of the topics covered by a piece of legislation. Fortunately, the Legislative Index Vocabulary (LIV), recorded by the Library of Congress, carries this arduous burden. These terms are listed as part of the House

\[23\] Differences are statistically significant \( p < 0.00 \)
description of each bill. These terms are highly specific. Of the over 7,000 terms in the vocabulary, some that could be used on a bill to deal with pollution include global warming, greenhouse effect, greenhouse gases, indoor air pollution, or motor vehicle pollution control. By using these terms, one can determine the topics covered by each piece of legislation. Given the large number of LIV terms and the thousands of bills, recording the terms for each bill is impractical. Thus, the second step is to group these terms into broader categories. LIV terms can be and are classified into broader areas by the Congressional Research Service (CRS). The major advantage of this classification, beyond the fact that the CRS classification is included in the record of each bill, is that the CRS groups bills into eighty categories that are useful to Members of Congress. Even a narrow policy area such as abortion includes a dozen more specific LIV terms, including abortion clinics, parental notification, fetal rights, the pro-choice movement, RU 486, and law related to unborn children. The CRS classification allows one to use the specific LIV terms in a way that is manageable, and, more importantly, in a way that is meaningful to Congress.

I measure breadth by counting the number of CRS topics addressed by the legislative policy. This count ranges from a low of only one topic to as high as seventy (there are eighty topics possible). Bills in legislative policies that address a greater number of topics are broader than bills addressing fewer topics. While there are some bills that address only one topic, the mean number of topics addressed by each bill is 7.98. The distribution of the number of topics is skewed, with the mode being only 3.0 topics and the median being 6.0 topics. The broadest bills are appropriations bills. The appropriations bill for the departments of Commerce, Justice, State, and Judiciary

58
covered 67 topics. A supplemental appropriations bill covered 69 topics, and, the appropriation bills for the Department of Defense and for the Department of Transportation each covered 70 topics. This measure of breadth is also included in my analysis of legislation outcomes.²⁴

According to the simple policy maximization hypothesis, policy breadth should affect the probability of consideration. In order to increase the amount of policy change, committees will consider legislation that address a large number of policy topics. Bills that address one or two or other small policy topics are less likely to be considered; committees can make more policy changes by promoting broad pieces of legislation. The partisan policy maximization hypothesis claims that this event is dependent on support by members of the majority party. Table 1 presents committees outcomes by the number of CRS items covered by the legislation. The bills are categorized into three categories: narrow (zero to four terms), medium (five to seven terms), and broad (eight or more terms). The simple policy maximization hypothesis is not supported. While committees are more likely to report broad bills than medium and narrow bills, there is a partisan difference in the effect of policy breadth. Committees treat Democratic and Republican bills differently. For Republican-sponsored bills, policy breadth increases the probability of approval. Committees seriously consider 46 percent of all Republican-sponsored broad bills, and they report 28 percent of these bills. The pattern is far different for the

²⁴ There may be objection to the validity of this measure on the grounds that the bills that are of large breadth are also so-called “must legislation” or bills of high importance. Bills, such as appropriations bills, are often viewed as being assured of passage. This is not true, however. No piece of legislation is assured of passage. For example, there is a persistent call by conservative Members of Congress to eliminate the Department of Commerce, the Department of Education, and the Department of Housing and Urban Development. Given the right configuration of preferences, the appropriations to these departments could be denied. Bills with high policy breadth may be of high importance, but much of this importance is derived from the broad policy implications of such legislation.
Democratic-sponsored bills. Committees seriously consider only two percent of broad Democratic-bills, compared with 14 percent of narrow Democratic-bills. These results lend support to the partisan policy maximization hypothesis.

Another possible way that committee leaders can respond to the majority party is to help push the majority party’s agenda. According to Cox and McCubbins (1993), “the committee system is not simply an impediment to responsible party government; it is also a tool through which a rather different species of party government can be implemented” (8). This “different species” sets the House agenda so as to send a clear message to the electorate on what the parties stand for, making the party label meaningful to voters, which benefits members of the party in Congress (Aldrich 1995). These bills are often controversial or “wedge” issues that are useful in campaigns as a means of showing the differences between the parties (Page and Brody 1972). Committees can thus respond to the party by giving preferential consideration to bills that are supported by the majority party leadership. This leads to a second party hypothesis:

*Party Message Hypothesis: Legislation that is part of the majority party’s agenda is more likely to receive serious consideration and thus approval than legislation that is part of the minority party agenda.*

This hypothesis is a supplemental hypothesis to the partisan policy maximization hypothesis. Committees should be able to maximize the policy output supported by members of the majority by passing bills that are part of the majority party’s electoral strategy.
<table>
<thead>
<tr>
<th>Policy Breadth</th>
<th>No Serious Consideration</th>
<th>No Approval</th>
<th>Approval</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrow (0 – 4)</td>
<td>84%</td>
<td>9%</td>
<td>7%</td>
<td>100%</td>
</tr>
<tr>
<td>(1434)</td>
<td>(154)</td>
<td>(123)</td>
<td></td>
<td>(1711)</td>
</tr>
<tr>
<td>Medium (5 – 7)</td>
<td>79%</td>
<td>14%</td>
<td>7%</td>
<td>100%</td>
</tr>
<tr>
<td>(1069)</td>
<td>(182)</td>
<td>(97)</td>
<td></td>
<td>(1346)</td>
</tr>
<tr>
<td>Broad (8 or higher)</td>
<td>65%</td>
<td>18%</td>
<td>17%</td>
<td>100%</td>
</tr>
<tr>
<td>(1096)</td>
<td>(296)</td>
<td>(294)</td>
<td></td>
<td>(1686)</td>
</tr>
</tbody>
</table>

Gamma = 0.334  
$p < 0.001$

<table>
<thead>
<tr>
<th>Policy Breadth, Republican Bills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrow (0 – 4)</td>
</tr>
<tr>
<td>(820)</td>
</tr>
<tr>
<td>Medium (5 – 7)</td>
</tr>
<tr>
<td>(553)</td>
</tr>
<tr>
<td>Broad (8 or higher)</td>
</tr>
<tr>
<td>(520)</td>
</tr>
</tbody>
</table>

Gamma = 0.450  
$p < 0.001$

<table>
<thead>
<tr>
<th>Policy Breadth, Democratic Bills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrow (0 – 4)</td>
</tr>
<tr>
<td>(614)</td>
</tr>
<tr>
<td>Medium (5 – 7)</td>
</tr>
<tr>
<td>(514)</td>
</tr>
<tr>
<td>Broad (8 or higher)</td>
</tr>
<tr>
<td>(576)</td>
</tr>
</tbody>
</table>

Gamma = 0.07  
$p < 0.132$

Table 1: Policy Breadth and Committee Outcomes
Contrary to popular impressions, the parties do not have a clear list of priorities or agenda. This makes the operationalization of party agendas difficult. In comparative political studies, researchers sometimes classify legislation according to the substance of the policy. For example, Martin (1999) uses the issue salience scales of Laver and Hunt (1992) to weight issues for parties. These issues include tax policy, foreign policy, industrial policy, social policy, clerical policy, rural policy, administrative policy, and environmental policy. Such broad categories are unlikely to be useful in Congress, where the two-party system encourages each party to take each of these issues seriously.

Another approach is to search for statements by the party leadership as to which bills are of high importance. The problem with this approach is that the issues discussed are still general terms that can be communicated to the electorate, rather than with the specificity needed to look at specific legislation. For example, Speaker Newt Gingrich spoke of 13 important issues for the 105th Congress (Congressional Record 1997). These issues included such general issues as “strengthening America’s families” to more specific issues such as to “balance the federal budget.”

An alternative method is to measure the support the majority leadership gives to specific bills. This is difficult to gauge at this early stage in lawmaking because of the large number of bills. In fact, it is impossible at this stage to measure the support of the president and others in the executive branch because they do not take an official position on legislation until a committee reports the bill. One can, however, measure the saliency of a bill to the party by recording whether members of the majority party leadership publicly supported the bill through sponsorship or cosponsorship. The more support a bill has by the majority party, the more likely it is that it is a bill that the party wants to
use it as a message to the electorate. Likewise, a bill supported by a higher proportion of the minority party leadership is more likely to be a minority party agenda bill. One potential problem with this measure is that it may be a measure of policy preference rather than partisan support—Republicans may be more likely to support conservative bills and Democrats may be more likely to support liberal bills. To test if the cosponsorship of legislation is based on a single policy dimension, I employ principal components factor analysis on the cosponsorship decisions of the party leaders. As shown in Table 2, the cosponsorship decisions do not lie on a single dimension but on two dimensions. All of the Republican leadership decisions load on one dimension, while the Democratic decisions load on a separate dimension. This analysis confirms that the cosponsorship measures are not a measure of the legislation’s ideological position but the support of the party leadership.

The party message hypothesis is supported by the bivariate analysis presented in Table 3. Using the sponsorship and cosponsorship data, I classify bills into three categories: No support by the party leadership, low support (less than 26 percent of the leaders), and high support (greater than 25 percent). Four out of ten bills that receive high support by the majority party receive serious consideration by committees, and committees report one in four of these bills to the House. High minority party leadership support does not yield the same success. Only 22 percent of high support bills receive serious consideration, and just seven percent are reported to the House. This supports the party message hypothesis. Legislation that is part of the majority party’s agenda are more likely to receive serious consideration and thus approval than legislation that is part of the minority party agenda.
<table>
<thead>
<tr>
<th></th>
<th>Republican Leadership Dimension</th>
<th>Democratic Leadership Dimension</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Republican Leadership</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gingrich</td>
<td>0.617</td>
<td>0.087</td>
</tr>
<tr>
<td>Armey</td>
<td>0.740</td>
<td>-0.001</td>
</tr>
<tr>
<td>DeLay</td>
<td>0.762</td>
<td>0.002</td>
</tr>
<tr>
<td>Boehner</td>
<td>0.715</td>
<td>0.027</td>
</tr>
<tr>
<td>Dunn</td>
<td>0.564</td>
<td>0.150</td>
</tr>
<tr>
<td>Hastert</td>
<td>0.651</td>
<td>0.047</td>
</tr>
<tr>
<td><strong>Democratic Leadership</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gephardt</td>
<td>0.070</td>
<td>0.578</td>
</tr>
<tr>
<td>Bonior</td>
<td>-0.030</td>
<td>0.671</td>
</tr>
<tr>
<td>Fazio</td>
<td>0.120</td>
<td>0.641</td>
</tr>
<tr>
<td>Kennelly</td>
<td>0.059</td>
<td>0.657</td>
</tr>
<tr>
<td>DeLauro</td>
<td>0.014</td>
<td>0.709</td>
</tr>
<tr>
<td>Edwards</td>
<td>0.192</td>
<td>0.309</td>
</tr>
<tr>
<td>Lewis</td>
<td>-0.038</td>
<td>0.667</td>
</tr>
<tr>
<td>Menendez</td>
<td>0.041</td>
<td>0.583</td>
</tr>
<tr>
<td><strong>Percentage of Variance</strong></td>
<td>20.19 %</td>
<td>22.15 %</td>
</tr>
</tbody>
</table>

Extraction Method: Principal Components Analysis  
Rotation Method: Varimax Rotation with Kaiser Normalization  

Table 2: Factor Analysis of the Party Agendas
<table>
<thead>
<tr>
<th>Majority Leadership Support</th>
<th>No Serious Consideration</th>
<th>No Approval</th>
<th>Approval</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>77 %</td>
<td>13 %</td>
<td>10 %</td>
<td>100 %</td>
</tr>
<tr>
<td>(3303)</td>
<td>(580)</td>
<td>(419)</td>
<td>(4302)</td>
<td></td>
</tr>
<tr>
<td>Low (Zero – 25%)</td>
<td>71 %</td>
<td>10 %</td>
<td>19 %</td>
<td>100 %</td>
</tr>
<tr>
<td>(191)</td>
<td>(28)</td>
<td>(51)</td>
<td>(270)</td>
<td></td>
</tr>
<tr>
<td>High (&gt; 25%)</td>
<td>60 %</td>
<td>14 %</td>
<td>26 %</td>
<td>100 %</td>
</tr>
<tr>
<td>(103)</td>
<td>(24)</td>
<td>(44)</td>
<td>(171)</td>
<td></td>
</tr>
<tr>
<td>Gamma = 0.261</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$p &lt; 0.001$</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minority Leadership Support</th>
<th>No Serious Consideration</th>
<th>No Approval</th>
<th>Approval</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>75 %</td>
<td>13 %</td>
<td>12 %</td>
<td>100 %</td>
</tr>
<tr>
<td>(2889)</td>
<td>(519)</td>
<td>(446)</td>
<td>(3854)</td>
<td></td>
</tr>
<tr>
<td>Low (Zero – 25%)</td>
<td>80 %</td>
<td>12 %</td>
<td>8 %</td>
<td>100 %</td>
</tr>
<tr>
<td>(540)</td>
<td>(81)</td>
<td>(52)</td>
<td>(673)</td>
<td></td>
</tr>
<tr>
<td>High (&gt; 25%)</td>
<td>78 %</td>
<td>15 %</td>
<td>7 %</td>
<td>100 %</td>
</tr>
<tr>
<td>(168)</td>
<td>(32)</td>
<td>(16)</td>
<td>(216)</td>
<td></td>
</tr>
<tr>
<td>Gamma = - 0.128</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>$p &lt; 0.000$</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Table 3: Party Messages and Committee Outcomes
Each of the hypotheses discussed above addresses the question of how the committees perform their jobs. These hypotheses do not address the question of why Members serve on committees in the first place. Serving on committees requires a good deal of time away from other activities, and as a result, the House must compensate committee members (Hall 1996; Krehbiel 1991). One way that this may be done is to allow committees to give their own legislation preference. This is especially true for committee chairs.

Committee Chair Hypothesis: Legislation sponsored by a committee chair is more likely to receive serious consideration and thus approval than legislation sponsored by other members.

Committee Member Hypothesis: Legislation sponsored by a member of the committee receiving primary referral is more likely to receive serious consideration and thus approval than legislation sponsored by other members.

Nearly 40 percent of bills sponsored by committee chairs are given serious consideration; committees approve 27 percent of chair-sponsored bills. Other committee members also receive preferential treatment. Committees seriously consider 28 percent of committee member bills, compared to only 12 percent of non-committee member bills. While committee position appears to be important, it is not all-important. Even committee chairs are unable to pass a majority of their bills within the two-year congress.

Of course, not all committees provide the same type of benefits. Smith and Deering (1990) classify committees into four types of committees: prestige, policy, constituency, and unrequested. Prestige and policy committees include the “power” committees such Ways and Means, and are well-suited for Members who seek power within the House and for Members who want to be involved in controversial and important policy issues. Members who are more interested in avoiding conflicts and
providing benefits for their districts will seek out constituency committees, such as Agriculture or National Security. These “are the classic pork-barrel committees of the House. The committees’ products are readily identifiable...[and] they have a clear set of constituent consumers for these products” (Smith and Deering 1990, 97). Because of their low level of conflict and high demand for legislative production, constituency committees should produce more legislative outcomes than other committees.

*Constituency Committee Hypothesis: Legislation referred to a constituency committee is more likely to receive serious consideration and thus approval than legislation referred to prestige or policy committees.*

In addition to testing these hypotheses, I also test various ways that committees may increase policy output by choosing bills that they expect to take up less time if considered. Some bills will take longer to consider than others, and therefore are less likely to pass. These bills would include those that are referred to multiple committees. In the 105th Congress, while bills referred to multiple committees had a committee of primary referral, there was still the possibility that other committees could be asked to comment on the legislation. As a result, these bills were likely to take up more committee resources, particularly time, away from other bills. Therefore, bills referred to multiple committees are less likely to be considered. I also include measures of policy content. There are three types of policies that are less likely to garner this type of opposition. Ceremonial bills that address holidays, history and the like are unlikely to receive opposition and thus more likely to be seriously considered. Other bills that are more likely to pass are bills that are related to foreign policy to the government, e.g. bills that affect executive departments or bills that affect the Congress. Compared to other bills that are designed to regulate non-governmental groups, these bills are less likely to
attract opposition and are thus more likely to be approved. Measures of multiple-referral and policy type are included in the model. Finally, I include the number of cosponsors of the bill in order to control for the level of the bill's support, though it is expected that this variable will have little effect on committee outcomes (Wilson and Young 1997).

In sum, this section presents hypotheses for committee outcomes. Each is based on the theory of sessional lawmaking, in which committees seek to maximize policy output in favor of their constituents in the House. It is expected that committees will favor legislation by the majority party, but this may take several forms including favoring bills sponsored by a member of the majority party, advancing the party's message, or maximizing policy output favored by the majority party. Committees may also seek to maximize output without such a partisan bias. Finally, Members should receive legislative benefits for their committee service. Bivariate analysis supports these hypotheses. In the next section, I present a multivariate model of committee outcomes that jointly tests these hypotheses.

4.1 Statistical Model of Committee Lawmaking

The theory of sessional lawmaking leads to several hypotheses of how committees should choose to consider and then send bills to the Floor. In this section I test these hypotheses by estimating a model of committee outcomes. This model has two dependent variables:

\[ y_1 = 1 \text{ if bill } i \text{ receives consideration by a committee, } 0 \text{ otherwise} \]

\[ y_2 = 1 \text{ if bill } i \text{ is approved by the committee, } 0 \text{ otherwise} \]
Theoretically, two independent binomial models should not be used to estimate these outcomes because the observation of committee approval is censored; it cannot be observed unless the committee considers the bill. To account for this, I employ an extension of the bivariate probit model (c.f. Greene 1997). Research in political science uses this estimator to model voter turnout, where one cannot observe a citizen voting unless he or she is first registered (Timpone 1998) and vote choice following the decision to vote (Dubin and Rivers 1989). This model is

\[
\begin{align*}
y_1 = 0, y_2 = 0 & : \quad P(y_1 = 0) = 1 - \Phi(\beta' x_i), \\
y_1 = 1, y_2 = 0 & : \quad P(y_1 = 1, y_2 = 0) = \Phi_2(-\beta' x_i, \beta' x_i, -\rho), \\
y_1 = 1, y_2 = 1 & : \quad P(y_1 = 1, y_2 = 1) = \Phi_2(\beta' x_i, \beta' x_i, \rho),
\end{align*}
\]

where \( y_1 \) is a dichotomous dependent outcome (1=committee consideration; 0=no consideration) and \( y_2 \) is a successive dichotomous dependent outcome (1=committee approval; 0=no approval). Unlike two independent binomial probit models, this model is a system where \( \Phi \) is the normal cumulative distribution function and \( \Phi_2 \) is the bivariate normal cumulative distribution function. For bills that receive consideration, the model depends not only on the effects of the independent variables but also on the correlation of the errors (\( \rho \)).

\[ ^{25} \text{By estimating a two-stage model, I implicitly assume that the committee outcomes are not the result of a single underlying dimension. Instead, I assume that the outcomes are the result of two distinct events. If one assumed that the outcomes were the result of the same event (or in a latent variable approach assume a single dimension) then one could use an ordered probit model. The choice of models may have important theoretical implications. As Timpone (1998) notes: \\"[Different] models can be employed that reflect distinct underlying processes. The choice rests on theoretic assumptions about the nature of the relationships" (147, n4). If one, as in this chapter, sees the outcomes as different from one another in kind and not in degree, then the selection model is the appropriate model.} \]
Without estimating the correlation parameter, one assumes that there is no correlation, and thus the model would be equivalent to two independent probit models: a probit model of serious consideration and a probit model of approval using only those bills that received serious consideration. In other words, if this correlation is zero, then after accounting for the variables in the model, the bills that the committee approves or disapproves are random draws from all bills. If this correlation is not equal to zero, then there are additional variables not accounted for in the model that determine both serious consideration and approval.

The correlation estimate also provides a substantive interpretation. If the correlation between the two error terms is positive, then the bills selected by the committee are more likely to be approved than other bills (after controlling for the factors in the model). Such a result would reveal that committees serve lawmaking by selecting bills that are more likely to pass and ignoring legislation more likely to fail. If, however, the correlation is negative then bills not chosen are more likely to be approved. This would mean that the committee’s determination to consider legislation is not based on probability of approval. Instead, much more could be passed if given the opportunity.

To identify the model, at least one of the coefficients must be constrained to be zero. The choice of which variables to constrain should be guided by theory. That is, if there were a set of variables that should affect only one event and not the other, then those should be constrained to zero. Unfortunately, there is not enough theory to guide the choice of which variable(s) to constrain. Since the reason for the constraint is simply to satisfy the statistical requirements necessary to identify the model, I have chosen to constrain the coefficient on ceremonial legislation in the approval equation. Other
variables also used in alternative models, the coefficients for the variables included to test my hypotheses remain robust. In addition, the coefficient for ceremonial bills remained significant in the consideration equation and statistically insignificant in the approval equation. I chose to constrain the coefficient for ceremonial legislation because it meets the criteria necessary for constraint and because, unlike other variables like committee member sponsorship, has no strong theoretical reason that it must be included in the model. In future research I will seek out a more theoretically driven choice for constraint.

I jointly test my hypotheses with the sample selection model of committee outcomes. To test the two policy maximization hypotheses, I include the log of the number of CRS topics covered by the bill, and a multiplicative term of party of sponsor and policy breadth. Policy breadth represents the effect of policy breadth for Democratic legislation, and the multiplicative term estimates the difference between the effect of policy breadth for Republican bills compared to the effect of policy breadth for Democratic bills. If the simple policy maximization hypothesis is true, then the policy breadth variable should have a positive coefficient and the multiplicative variable should be equal to zero. However, if the partisan policy maximization hypothesis is true, then the effect of the policy breadth variable should be negative (indicating that broader Democratic-sponsored bills are less likely to be considered) and the multiplicative term should be positive (indicating that broader Republican-sponsored bills are more likely to be considered). To test the remaining hypotheses, I include the partisanship of the sponsor, majority and minority party leadership support, the committee position of the sponsor, and the type of committee.
<table>
<thead>
<tr>
<th></th>
<th>Committee Consideration (Selection)</th>
<th>Committee Approval</th>
<th>p-value</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Scope</td>
<td>-0.0003 0.99</td>
<td>-0.609 0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.063)</td>
<td>(0.151)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Scope × Majority Sponsor</td>
<td>0.310 0.00</td>
<td>0.786 0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.071)</td>
<td>(0.208)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Majority Party Sponsor</td>
<td>-0.093 0.52</td>
<td>-1.246 0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.146)</td>
<td>(0.315)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Majority Leadership Support</td>
<td>0.808 0.00</td>
<td>0.562 0.14</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.216)</td>
<td>(0.378)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minority Leadership Support</td>
<td>-2.435 0.00</td>
<td>3.182 0.04</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.851)</td>
<td>(1.525)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cosponsorship Coalition Size</td>
<td>0.002 0.00</td>
<td>-0.003 0.03</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.001)</td>
<td>(0.001)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee Member Sponsor</td>
<td>0.471 0.00</td>
<td>0.010 0.93</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.050)</td>
<td>(0.118)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Committee Chair Sponsor</td>
<td>0.333 0.00</td>
<td>0.472 0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.075)</td>
<td>(0.148)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multiple Referral</td>
<td>0.093 0.12</td>
<td>-0.533 0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.060)</td>
<td>(0.115)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prestige Committee</td>
<td>-1.817 0.00</td>
<td>1.140 0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.092)</td>
<td>(0.310)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy Committee</td>
<td>-0.928 0.00</td>
<td>0.844 0.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.051)</td>
<td>(0.126)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ceremonial Bill</td>
<td>0.448 0.00</td>
<td>0.000 --</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.061)</td>
<td>(--)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government or Bureaucracy Bill</td>
<td>0.231 0.00</td>
<td>0.220 0.16</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.068)</td>
<td>(0.158)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Foreign Policy Bill</td>
<td>0.110 0.12</td>
<td>-0.010 0.92</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.070)</td>
<td>(0.107)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>-0.856 0.00</td>
<td>0.887 0.03</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.127)</td>
<td>(0.163)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(\rho)</td>
<td>-0.589 0.01</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(0.216)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

\(N = 4743\)

\(^1\) Constrained to zero

Note: Model estimated using Limdep 7.0

Table 4: Sample Selection Model of Committee Lawmaking
The sample selection model of committee outcomes is presented in Table 4. The first column presents the selection equation, which includes the variables that affect the serious consideration of legislation. The effects of variables on committee approval are presented in column three. The model reveals that estimating a model of simply committee approval would suffer from selection bias. The errors of the two equations are highly correlated ($p < 0.00$), as expected, indicating that after accounting for variables in the model the committee outcomes are not based on a pure random sample of bills seriously considered; thus, the selection model is the appropriate statistical model. The negative correlation provides an important substantive interpretation—it may be evidence of gatekeeping due to lobbying. It indicates that committees gatekeep legislation that, after taking into account the variables in the model, would not only pass the committee but would in fact have a greater probability of passing the committee than the bills that received consideration.

The model proves false the simple party and simple policy maximization hypotheses, and supports the partisan policy maximization hypothesis. Members of the majority party do not receive simple preferential treatment; committees give serious consideration to majority party sponsored legislation that will make a broad policy impact. The broader a Republican-sponsored bill's policy breadth, the more likely it is to be seriously considered and approved by the committee. To aid interpretation, I estimate the change in the probability of a bill receiving no consideration, consideration but no approval, or consideration and approval.\textsuperscript{26} These estimates are based on the probability of a committee outcome, holding each of the variables at their means. The probability of

\textsuperscript{26} Probabilities estimated using the bivariate normal distribution, not two independent normal distributions.
consideration is shown in Figure 2. As the number of topics covered by the bill increases, Republican sponsored bills are increasingly more likely to be seriously considered. A bill covering only one topic has a .09 probability of being seriously considered; a bill covering eight topics (Republican mean) has a 0.25 probability of being seriously considered, but a bill covering 26 topics (Republican mean plus two standard deviations) has a 0.37 greater probability.\textsuperscript{27} For a Democratic-sponsored bill the story is very different. Regardless of policy breadth, the probability of a Democratic-sponsored bill receiving consideration is 0.11. Within reasonable bounds, committees seriously consider legislation that maximizes the policy output of legislation supported by Republicans.

Figure 3 shows the probability of being approved, conditional on being seriously considered. Once considered, broader Republican-sponsored bills are also more likely to be approved. More narrow bills are more likely to be considered but not approved than to be approved. But the broader a bill is, the more likely that the bill will be considered, and even more likely that it will be approved. For a bill to have a greater probability of being approved than just considered, it should be broad, e.g., covering a dozen CRS topics rather than just a few. The pattern is far different for Democratic-sponsored bills. Though the probability of serious consideration does not change, there is a change in the probability of approval. For a Democratic-sponsored bill, it should not be broad if it is to have a better chance of being approved.

Committees also give preferential treatment to bills that are supported by the majority party leadership. A bill with a high amount of support has a 0.05 greater

\textsuperscript{27} In the models, the variable is the natural log of the number of CRS topics. For interpretation, I take the
Figure 2: Probability of Serious Consideration by Partisanship of Sponsor and Breadth of Policy Change
Figure 3: Committee Outcomes by Partisanship and Policy Breadth
probability of being considered and approved than a bill lacking any support. Conversely, a bill with minority party leadership support is less likely to considered and approved. A bill with high minority leadership support has a 0.12 greater probability of not being seriously considered, but it has no change in probability of being approved. Committees thus provide a benefit to the majority party. They are more likely to consider and approve important bills to the majority party and are less likely to consider bills important to the minority party.

The model confirms the committee hypotheses. Committees give preferential treatment to legislation sponsored by the committee chairs and to bills introduced by members of their committees. This supports the hypotheses that serving on a committee gives Members an advantage in getting legislation considered by that committee. Once considered, bills sponsored by those on the committee are not more likely to receive approval by the committee. This does not mean that the end result is that bills by committee members or committee chairs are less likely to be reported—receiving consideration is the greater achievement. Committee chairs' bills have a 0.11 greater probability of being seriously considered and a 0.11 greater probability of being approved than other bills. Legislation sponsored by a committee member have a 0.12 greater probability of being seriously considered and a 0.09 greater probability of being approved. This is a great reward to Members serving on committees. These increases are large, though not as large as the effect of policy breadth for Republican-sponsored bills.

Serving on a constituency committee is particularly beneficial. Bills referred to constituency committees are more likely to be considered than bills referred to either
<table>
<thead>
<tr>
<th></th>
<th>No Consideration</th>
<th>Consideration But No Approval</th>
<th>Consideration and Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Majority Leadership Support¹</td>
<td>- 0.05</td>
<td>0.04</td>
<td>0.01</td>
</tr>
<tr>
<td>Minority Leadership Support¹</td>
<td>0.12</td>
<td>- 0.12</td>
<td>0.00</td>
</tr>
<tr>
<td>Cosponsorship Coalition Size¹</td>
<td>- 0.06</td>
<td>0.06</td>
<td>0.00</td>
</tr>
<tr>
<td>Committee Member Sponsor²</td>
<td>- 0.12</td>
<td>0.03</td>
<td>0.09</td>
</tr>
<tr>
<td>Committee Chair Sponsor²</td>
<td>- 0.09</td>
<td>- 0.02</td>
<td>0.11</td>
</tr>
<tr>
<td>Multiple Referral²</td>
<td>- 0.02</td>
<td>0.04</td>
<td>- 0.02</td>
</tr>
<tr>
<td>Prestige Committee²</td>
<td>0.30</td>
<td>- 0.29</td>
<td>- 0.01</td>
</tr>
<tr>
<td>Policy Committee²</td>
<td>0.22</td>
<td>- 0.17</td>
<td>- 0.05</td>
</tr>
<tr>
<td>Government/Bureaucracy Bill²</td>
<td>- 0.06</td>
<td>0.01</td>
<td>0.05</td>
</tr>
<tr>
<td>Foreign Policy Bill²</td>
<td>- 0.03</td>
<td>0.01</td>
<td>0.02</td>
</tr>
</tbody>
</table>

¹ Change from low (zero) to high (mean plus two standard deviations).
² Change from zero to one.

Table 5: Change in Probability of Committee Outcomes
policy or prestige committees. Prestige committee bills have a 0.30 greater probability of not being seriously considered than constituency committee bills. Similarly, policy committee bills have a 0.22 greater probability of not being considered than constituency committee. The increased probability of serious consideration does not result in a large increase in the probability of approval. Many of the bills that are seriously considered in constituency committees are only considered, not approved. Bills considered by policy and prestige committees are more likely to be approved.

In sum, the model supports my theory of sessional lawmaking. The results demonstrate how committees choose among competing bills for the best vehicle for policy change. Committees seriously consider legislation that will maximize policy output that is supported by members of the majority party and promote the majority party’s agenda. Committee members receive preferential treatment in return for their service to the House. If the interaction between policy breadth and partisanship of the sponsor was statistically insignificant, then my theory would have been proven false because it would have meant that either committee outcomes are determined merely by partisanship or by policy breadth. The former would mean that a simple party model could be used to explain committee outcomes. The latter would mean that while committees care about policy breadth, they are not responsive to their supporters in the House. In the next section I conclude my analysis of committee outcomes by discussing the implications of these findings for our understanding of lawmaking in Congress.
4.1 Conclusion

This chapter advances the literature on Congress in two important ways. First, it presents the first model of lawmaking in committees that uses legislative outcomes as its unit of analysis. Despite decades of research, legislative studies have failed to model this central activity. Committees produce legislation that is biased in favor of the majority party. However, this bias is not a simple "bonus" for being in the majority. Committees give serious consideration and approval to bills that maximize policy output in ways supported by the majority party. Committees also favor bills that are supported by the majority party leadership. This finding supports the extant literature on congressional parties that finds the increasing importance of parties in the Congress (e.g., Aldrich 1995; Aldrich and Rohde 1997, 2000; Cox and McCubbins 1993; Rohde 1991).

This chapter also provides insight into the differences in the two events of serious consideration and committee approval. The two-stage model allows us to see how factors such as policy salience and partisanship affect these events differently. In estimating this model, I employed a selection probit that shows the relationship between the two events. I find that committees serve as gatekeepers which maximize policy changes supported by the majority party membership and promote the majority party agenda. This is important because the committee membership prefer more narrow pieces of legislation and bills that are less controversial.

My hope is that these findings will spawn more research on legislative outcomes. There has been much ink spilt on aggregate studies of committee composition, and now the field should address the question of outcomes. The discipline must return to the study
of lawmaking. In the next chapter I continue my study of lawmaking by modeling post-committee outcomes.
CHAPTER 5

BIFURCATING LAWMAKING

Following the committee outcome, bills must still be scheduled on the floor. In the House, this scheduling includes the procedure specifying the rules for debate and passage. The literature is virtually unanimous in recognizing that the central power of the House Leadership (i.e., the Speaker, Majority Leader, and the Rules Committee) is the ability to schedule legislation (Bach and Smith 1988; Cox and McCubbins 1993; Davidson and Oleszek 2000; Oleszek 1996; Rhode 1991). Peabody finds that “[the] ability to help members overcome the gap between the standing committee and the floor is one of the most important resources of power available to the majority leadership” (1976, 44, quoted in Cox and McCubbins 1993, 240). Because of its importance to lawmaking, there is a deep literature on both the theoretical and empirical results of rules on legislative outcomes (for a review see Evans 1999). This literature uses the choice of scheduling procedures to test theories of legislative organization. For example, Krehbiel (1991, 1997) finds that restrictive rules are used on complex pieces of legislation, which is consistent with his theory that committees reduce uncertainty of legislation outcomes. This finding has been the subject of a lively debate in the literature, with many researchers finding contradictory evidence as to how restrictive rules are assigned (Dion
and Huber 1996, 1997; Sinclair 2000; Rohde 1994). The depth of the literature on rules highlights the importance of procedural choice to our understanding of Congress.

Studies of rules and scheduling procedures are important, if for no other reason, than this: scheduling involves the simultaneous events of which bills to consider and which procedure to use. But while the literature has given a great deal of attention to the role of scheduling, it has, for the most part, ignored the most frequently chosen procedure available — suspension of the rules. Most legislation is not called up by a rule but by a suspension of the rules, which is a very flexible tool for considering legislation. Regardless of its stage in the textbook lawmaking process, the Speaker can bring up bills under suspension before committee deliberations, after the report, or even after the rules committee assigns it a rule. And, unlike the discharge petition and other rare procedures, suspension is the most common way the House of Representatives brings bills to the floor. In the 105th Congress, as in previous congresses, most bills were scheduled under a suspension of the rules. Over two-thirds (68 percent) were scheduled under a suspension of the rules. Only 15 percent were scheduled under a special rule. The remaining 17 percent received no consideration on the floor. Those that received no action were not necessarily “gatekept,” i.e., their failure to be considered should not be interpreted as a rejection by the House Leadership. With a limited amount of time to consider legislation, some bills must be given priority.

Suspension of the rules provides an additional test of my theory of sessional lawmaking. While other theories provide hypotheses regarding the choice of restrictive rules, they do not provide any reason why the House should use a restrictive procedure that requires a two-thirds majority vote for passage rather than a restrictive procedure that
requires only a majority vote for passage. By definition, any bill that would pass under a two-thirds majority vote would also pass under a simple majority vote. As a result, the outcome on the individual piece of legislation will be the same. But in sessional lawmaking, suspension is beneficial because it allows the House Leadership to consider bills out of order, which means that they will not compete with bills that are part of the majority party agenda. Suspension allows the Leadership to bifurcate lawmaking, with smaller, less controversial bills following one path and the minority of bills on which the parties take strong and opposing views following another path.

In this chapter I examine legislative outcomes after House committees approve of the legislation. Outcomes reveal how the House Leadership decides which bills to consider and which procedures should be used. Because suspension must be considered in models of procedural choice to get an accurate picture of lawmaking, I begin with a review of the literature on suspension of the rules. I then present several hypotheses on how the Leadership decides how suspension should be used. I test these hypotheses in a model of procedural choice, which shows that special rules are more likely to be used for bills that have greater policy breadth or that are part of the majority party’s agenda. Narrower or bipartisan bills are more likely to be scheduled by a suspension of the rules. I conclude the chapter with a discussion of these findings in light of current theories of Congress.

5.1 Suspension of the Rules in the House of Representatives

Despite its widespread use, scholars have paid little attention to suspension of the rules. One plausible reason for this is the assumption that suspension is used for
noncontroversial or unimportant legislation (Cox and McCubbins 1993; Rhode 1994; Sinclair 1997). Since most theories are designed to explain how so-called important or controversial legislation is passed, suspension is often mentioned when explaining that bills brought up under suspension will be excluded from the analysis. In most cases, suspension is assumed to complicate the analysis and to detract from the objective of the model (e.g., Cox and McCubbins 1993). But by excluding suspension from a model of procedural choice, this research limits the number of bills the model can seek to explain. This has led to a misunderstanding of scheduling.

With a limited amount of time available and the pressure to change policy, the House Leadership schedules legislation in a way that increases policy output. At the same time, the Leadership also serves the majority party by scheduling its agenda using special rules. The result is a bifurcated system of scheduling. Bach and Smith (1988) note that in the post-reform Congress, there has been a decentralization in power that has led to more uncertainty in lawmaking. The House Leadership has responded to this in two ways. The first is to assign more restrictive rules. The second is to decrease the number of bills receiving special rules. This decline in the number of special rules

...suggest a bifurcation of sorts in the House’s legislative floor agenda between the bulk of bills and resolutions, which are so noncontroversial they can be passed by unanimous consent or by two-thirds votes under suspension, and the much smaller number of far more controversial bills, which are accompanied by restrictive rules. The decline appears to have come among bills of moderate importance considered under open rules. (Bach and Smith 1988, 120)

Partisan bills are sent to the floor with a special rule. Bills that address policies salient to the House and of less partisan stripe are considered under suspension. The end result is
that the policies that are sent to the floor serve both the House Membership (via suspension of the rules) and the majority party (via special rules).

The bifurcated system is made possible only by the suspension of the rules procedure, which has evolved as a timesaving procedure since its creation in 1822. Originally, suspension was used to “circumvent its regular order of business” (Bach 1990). As a result, there were very few restrictions on the motion. Any member could move for suspension at any time and the speaker was compelled to recognize the motion. Additionally, there was no debate over the motion because it was not a simultaneous vote for a bill. Suspension went through a number of small changes over the years, but the most significant changes occurred during the 1880 reforms. At this time, suspension was restricted to the first and third Mondays of each month and the closing days of a session. In addition, the increased tendency for Representatives to move to suspend the rules and pass a bill led to the allowance of 30 minutes of debate.

During this same period, Speaker Randall began exercising discretion over who was recognized for a motion to suspend. This was unchallenged by the House and was continued by his successors. Bach (1990) writes, “Randall had begun the process of transforming [suspension] into an instrument by which the majority party leadership could arrange the House’s legislative agenda” (58). By the turn of the century, suspension of the rules had been dramatically changed from its beginnings. However, Representatives began to complain that suspension was being used to consider legislation that was too controversial. Therefore, in 1978, the Democratic Caucus imposed limits on

28 For a complete account of the evolution of Suspension of the Rules, see Bach (1990).  
29 This was changed in 1977 to every Monday and Tuesday.  
30 This was extended by the turn of the century to the current limit of 40 minutes.
types of bills that could be brought up under suspension. Today, there is no restriction on the substantive content of the bills; however, under the current GOP Conference rules, the Speaker "shall not schedule any bill or resolution for consideration under suspension of the Rules that fails to include a cost estimate, has not been cleared by the minority, was opposed by more than one-third of the committee members [who] reported the bill, and exceeds $100,000,000" (Oleszek 1996, 32).

Suspension of the rules, then, is a procedure that allows the Leadership to schedule legislation that would otherwise compete with other more "controversial" pieces of legislation. The result is a bifurcated system previously ignored by the literature. In the next section I lay out several hypotheses concerning how the Leadership schedules legislation in this bifurcated system.

5.1 Hypotheses

Suspension of the Rules is consistent with my theory of sessional lawmaking because it allows for a quick consideration of legislation without the burdensome requirement of unanimous consent. The two-thirds threshold is a point where the House can overrule minority obstruction without trampling on the minority's rights. But while it saves time, this efficiency comes at a cost. One cost is that it limits deliberation. This is likely to be satisfactory for simple pieces of legislation, but for broader policy changes, the Membership needs to deliberate longer than the short time granted by the suspension procedure. This leads to the following hypothesis:

*Policy Breadth Hypothesis: Broad bills are less likely to be scheduled by a suspension of the rules than narrow bills.*

87
Support for this hypothesis is presented in Table 6. Of narrow bills, 76 percent are called to the floor via a suspension of the rules, compared to only 61 percent of broad bills. In addition, only 5 percent of narrow bills receive a special rule; six times as many broad bills receive a special rule. From this bivariate analysis, it appears that suspension is more likely to be used for narrower pieces of legislation.

Unlike in the previous chapter, I do not include an interaction term for partisan policy maximization (majority party sponsor X policy breadth). This is done because at this point in the lawmaking process, one may assume that the bills that have been approved are acceptable to the majority party. Therefore, I include only the policy breadth variable in the model.

I expect that suspension will also be used for legislation supported by the minority party. Unlike in the committee stage, the House Leadership does not sort through all legislation. The House Leadership considers the bills supported by committees, on which Republicans hold a majority of seats. Most of these bills (85 percent) are sponsored by a member of the majority party. As a result, bills that are supported by the minority party are, in essence, bipartisan because they also have the support of the committees whose membership is mostly Republican. This leads to the following hypothesis:

**Minority Party Hypothesis:** Bills supported (i.e., sponsored or endorsed) by the minority party more likely to be scheduled by a suspension of the rules.

The simplest test of this hypothesis is to examine the differences between the treatment of bills sponsored by members of the minority and majority parties. Three-quarters of Democratic-sponsored legislation is brought to the floor under a suspension of the rules, compared to two-thirds of Republican-sponsored bills. There is a similar pattern for bills receiving at least some support by the minority party leadership. Bills supported by the
minority party are more likely to be considered via a suspension of the rules than bills that are not supported by the minority party.

According to the theory of sessional lawmaking, the House Leadership serves the House by scheduling legislation in ways that promote the policies of high salience to their constituents within the House. Formally, the House Leadership is elected by the entire House Membership. However, like committee assignments, the entire House is not the constituency to which these Leaders should be most responsive. It is the majority party caucus that decides who will be slated for the Leadership. Without the support of the caucus, a member would have difficulty becoming part of the House Leadership. Thus, it is the majority party caucus that is the major constituency of the Leadership. The House Leadership uses its scheduling powers to promote the majority party message. Rubin (1993) argues that “the role of Rules is to exert the power of the Democratic House leadership on legislation to ensure that . . . the final product is a bill reflecting the leadership’s agenda” (3050). Bach and Smith (1988) write:

So it is true that a majority of restrictive rules have not totally foreclosed amendments by minority and non-committee members. But it is equally true, and undoubtedly more important, that the Rules Committee often has written special rules with a strong bias toward party and committee interests. (71)

Rhode (1991) echoes this sentiment in his historical analysis by writing that “restrictive rules were not initially developed solely to seek partisan advantage for the majority, we will see from examples that they were employed for that purpose more often in the 1980s” (102). He continues by saying “the leadership is usually able to get what it wants” (104). Dion and Huber (1996) write, “the history of the [Rules Committee]. . . is replete with examples of Rules Committee members using their institutional position to
further their own or their party's policy views" (26). Special rules are particularly useful when the legislation is part of the majority party message. The majority party leadership can schedule these bills to be part of the party agenda, which is "the set of all roll calls on which the party has a position and on which the other party takes either no position or an opposed position" (Cox and McCubbins, 146).31 The Speaker can thus respond to the party by scheduling legislation for floor votes that will send a signal to the electorate of how Members stand on important party issues. This leads to the following hypothesis:

*Party Message Hypothesis: Legislation that is part of the majority party's agenda is more likely to be scheduled by a special rule than legislation that is not part of the majority party's agenda.*

This hypothesis is supported by the bivariate analysis presented in. As in the previous chapter, I classify bills into three categories: No support by the party leadership, low support (less than 26 percent of the leaders), and high support (greater than 25 percent). Most bills that receive no support or low support by the leadership are considered under suspension (73 and 61 percent respectively). As support by the majority party leadership increases, it is more likely that the bill will be considered under a special rule. In the 105th Congress, 40 percent of high support bills were considered under a special rule, compared to only 12 percent for those with no support. Interestingly, majority party leadership bills are also more likely to not be scheduled and less likely to be considered under suspension, indicating that they are more likely to be divisive. The House Leadership understands this and schedules these bills via a special rule so that Members can make a public stand on partisan issues.

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31 Other scholars use similar definitions for the party agenda (e.g., Collie 1988; Froman and Ripley 1965; Rohde 1992; Sinclair 1992).
In summary, scheduling involves the simultaneous events of the selection of bills to consider and which procedure to use. While most studies have focused on the minority of bills that receive a rule from the rules committee, most bills in the 105th Congress are considered via a suspension of the rules. I expect that special rules are used for bills addressing broad policy concerns and for bills that are part of the party’s message. Suspension of the rules is more likely to be used for narrower bills and bills supported by both parties. I test these expectations in the next section.

5.1 Statistical Model of Scheduling Outcomes

To model these outcomes I use a multinomial logit model (MNL). This model is asymptotically equivalent to estimating separate binary logit models, for example suspension vs. no action, suspension vs. rule, and rule vs. no action (Alvarez and Nagler 1998). By estimating the logit models simultaneously, MNL is more efficient.

For MNL, lawmaking produces a random variable y with J nominal outcomes. For the model of scheduling outcomes J=3: No Action, Special Rule, or Suspension of the Rules. Using the probability model approach, let

\[ \Pr(y=m \mid x) = g(x_i \beta_m), \]

\[ \Pr(y=m \mid x) = g(x \beta_m), \]

that is, the probability of observing outcome m is a function of a set of explanatory variables and a vector of parameters \( \beta_m \). While the value of the \( x_i \) does not vary by outcome, \( \beta_m \) does vary by outcome. To identify this model, one must constrain the coefficients by setting \( \beta_0=0 \). In my model, I set the coefficients for the suspension

\[^{32}\text{Notation and explanation based on Long (1997).}\]
<table>
<thead>
<tr>
<th>Policy Breadth</th>
<th>No Consideration</th>
<th>Special Rule</th>
<th>Suspension of the Rules</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Narrow (0 – 4)</td>
<td>20 % (30)</td>
<td>5 % (7)</td>
<td>76 % (115)</td>
<td>100 % (152)</td>
</tr>
<tr>
<td>Medium (5 – 7)</td>
<td>19 % (39)</td>
<td>12 % (25)</td>
<td>69 % (139)</td>
<td>100 % (203)</td>
</tr>
<tr>
<td>Broad (8 or higher)</td>
<td>11 % (16)</td>
<td>29 % (44)</td>
<td>61 % (92)</td>
<td>100 % (152)</td>
</tr>
</tbody>
</table>

\[ \text{Chi}^2 = 35.76 \]
\[ \text{d.f.} = 4 \]
\[ p < 0.001 \]

Table 6: Policy Breadth and Scheduling Outcomes
<table>
<thead>
<tr>
<th>Majority Leadership Support</th>
<th>No Consideration</th>
<th>Special Rule</th>
<th>Suspension of the Rules</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td>15 % (63)</td>
<td>13 % (49)</td>
<td>73 % (301)</td>
<td>100 % (413)</td>
</tr>
<tr>
<td>Low (Zero – 25%)</td>
<td>20 % (10)</td>
<td>20 % (10)</td>
<td>61 % (31)</td>
<td>100 % (51)</td>
</tr>
<tr>
<td>High (&gt; 25%)</td>
<td>28 % (12)</td>
<td>40 % (17)</td>
<td>33 % (14)</td>
<td>100 % (43)</td>
</tr>
</tbody>
</table>

Chi²=34.43
d.f.=4
p < 0.001

Table 7: Majority Party Message and Scheduling Outcomes
outcome to zero. With these restrictions, the model of legislative outcomes (subscripts suppressed) is

$$\Pr(y = m) = \frac{\exp(x\beta)}{\sum_{m=0}^{2} \exp(x\beta)}.$$ 

Because MNL is equivalent to two independent binomial logit models, the omission of an outcome from the model should not change the odds ratio between the remaining two choices. The assumption of independent errors (discussed as independence of irrelevant alternatives in the econometric literature) may be problematic because if the errors are not independent then the estimates are inconsistent. For most applications this is unlikely to be a problem, so long as one does not simulate probabilities with an outcome removed. In fact, Chib, Greenberg, and Chen (1998) find that in comparing MNL with multinomial probit (which does not assume independence) that MNL is actually better in predicting outcomes, though this is likely due to the thicker tails of the logistic distribution. Thus, while it is important to test for consistency problems, it is unlikely that the MNL will lead to erroneous inferences. I used the Hausman test (Hausman and McFadden 1984) to see if excluding an outcome from the outcome set alters the parameter estimates. Test results excluding no action suggest that the independence assumption is valid. I can reject the null hypothesis that the difference in the coefficients is not systematic ($p=0.98$).33

---

33 Test run using Stata 7.0. At this time it is unclear how to compare parameters when excluding other choices. Future research on this topic will include further tests of the independence assumption as well as possible solutions to the problem if it exists. While one should continue to be cautious, I continue to use the MNL model because of the support in the literature for the robustness of MNL and the encouraging results of this test.
The MNL model is presented in Table 8. In addition to the variables presented in the previous section, there are a number of other control variables in the model. I include the number of cosponsors of the bill, though this is unlikely to affect the choice of procedure (Wilson and Young 1997) and the policy types as control variables. The model confirms the policy breadth hypothesis. Broad bills are more likely to be scheduled by a special rule than suspension of the rules. The greater a bill’s policy breadth the more likely it is to be scheduled under a special rule rather than suspension or no action. I present the change in probabilities in Table 8. A broad bill (mean plus two standard deviations) has a 0.27 greater probability of being considered under a special rule than a narrow bill (mean minus two standard deviation). A broad bill also has a 0.03 less probability of receiving no action, but most of the increase in probability for a special rule comes at the expense of the suspension of the rules outcome. A broad bill has a 0.24 less probability of being considered under a suspension of the rules than a narrow bill.

Suspension is used not only for narrow bills, but also for bills supported by the members of the minority party. A majority party sponsored bill is more likely to be called up via a special rule than via a suspension of the rules ($p<0.06$) and more likely to be called up by a special rule than not being scheduled at all ($p<0.02$). A Republican-sponsored bill has a 0.17 greater probability of being called up by a special rule than a Democratic-sponsored bill. The Democratic-sponsored bill has a 0.11 greater probability of receiving no action, and a 0.06 greater probability of being called up by a suspension of the rules. The use of suspension is even greater for bills supported by the minority party leadership (mean plus two standard deviations). These bills have a 0.11 less
probability of receiving no action, and a 0.15 greater probability of being scheduled by a suspension of the rules than bills with no support by the minority party leadership. These findings support the minority party hypothesis. Bills supported by the minority party more likely to be scheduled by a suspension of the rules.

Support by the majority party leadership also affects the scheduling outcomes. As expected, legislation that is part of the majority party’s agenda is more likely to be scheduled by a special rule than legislation that is not part of the majority party agenda. As shown in Table 9 the more support a bill has from the majority party leadership, the more likely it is to be considered under a special rule than by a suspension of the rules. A bill with a high amount of support (mean plus two standard deviations) has a 0.24 greater probability of being called up under a special rule than a bill with no support. Nearly all of this change in probability comes from a change in the probability of a suspension of the rules being used. A bill with high majority leadership support has a 0.25 less probability of being called up under a suspension of the rules than a bill with low support.

---

34 This p-value is based on the difference between the coefficient in column one versus the coefficient in column two.
<table>
<thead>
<tr>
<th>No Consideration</th>
<th>p-value</th>
<th>Special Rule</th>
<th>p-value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Scope</td>
<td>0.101</td>
<td>0.38</td>
<td>0.775</td>
</tr>
<tr>
<td></td>
<td>(0.116)</td>
<td></td>
<td>(0.140)</td>
</tr>
<tr>
<td>Majority Party Sponsor</td>
<td>-0.518</td>
<td>0.01</td>
<td>2.100</td>
</tr>
<tr>
<td></td>
<td>(0.201)</td>
<td></td>
<td>(0.633)</td>
</tr>
<tr>
<td>Majority Leadership Support</td>
<td>1.289</td>
<td>0.06</td>
<td>3.820</td>
</tr>
<tr>
<td></td>
<td>(0.680)</td>
<td></td>
<td>(0.640)</td>
</tr>
<tr>
<td>Minority Leadership Support</td>
<td>-4.869</td>
<td>0.00</td>
<td>-2.329</td>
</tr>
<tr>
<td></td>
<td>(1.160)</td>
<td></td>
<td>(1.128)</td>
</tr>
<tr>
<td>Cosponsorship Coalition Size</td>
<td>0.014</td>
<td>0.00</td>
<td>0.004</td>
</tr>
<tr>
<td></td>
<td>(0.003)</td>
<td></td>
<td>(0.003)</td>
</tr>
<tr>
<td>Prestige Committee</td>
<td>-1.947</td>
<td>0.00</td>
<td>1.263</td>
</tr>
<tr>
<td></td>
<td>(0.633)</td>
<td></td>
<td>(0.302)</td>
</tr>
<tr>
<td>Policy Committee</td>
<td>-0.752</td>
<td>0.00</td>
<td>0.676</td>
</tr>
<tr>
<td></td>
<td>(0.158)</td>
<td></td>
<td>(0.190)</td>
</tr>
<tr>
<td>Ceremonial Bill</td>
<td>-0.512</td>
<td>0.00</td>
<td>0.151</td>
</tr>
<tr>
<td></td>
<td>(0.170)</td>
<td></td>
<td>(0.203)</td>
</tr>
<tr>
<td>Government/Bureaucracy Bill</td>
<td>0.147</td>
<td>0.63</td>
<td>0.663</td>
</tr>
<tr>
<td></td>
<td>(0.302)</td>
<td></td>
<td>(0.470)</td>
</tr>
<tr>
<td>Foreign Policy Bill</td>
<td>-0.797</td>
<td>0.00</td>
<td>0.336</td>
</tr>
<tr>
<td></td>
<td>(0.239)</td>
<td></td>
<td>(0.203)</td>
</tr>
<tr>
<td>Constant</td>
<td>-0.925</td>
<td>0.00</td>
<td>-7.017</td>
</tr>
<tr>
<td></td>
<td>(0.342)</td>
<td></td>
<td>(0.802)</td>
</tr>
</tbody>
</table>

N=507  \chi^2=377.67 (p<.00)

Note: Model estimated using SPSS 10.0

Table 8: Multinomial Logit Model of Scheduling
<table>
<thead>
<tr>
<th></th>
<th>No Consideration</th>
<th>Special Rule</th>
<th>Suspension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Scope(^1)</td>
<td>-0.03</td>
<td>0.27</td>
<td>-0.24</td>
</tr>
<tr>
<td>Majority Party Sponsor(^2)</td>
<td>-0.11</td>
<td>0.17</td>
<td>-0.06</td>
</tr>
<tr>
<td>Majority Leadership Support(^3)</td>
<td>0.01</td>
<td>0.24</td>
<td>-0.25</td>
</tr>
<tr>
<td>Minority Leadership Support(^3)</td>
<td>-0.10</td>
<td>-0.05</td>
<td>0.15</td>
</tr>
<tr>
<td>Cosponsorship Coalition Size(^3)</td>
<td>0.23</td>
<td>0.01</td>
<td>-0.24</td>
</tr>
<tr>
<td>Prestige Committee(^2)</td>
<td>-0.20</td>
<td>0.30</td>
<td>-0.10</td>
</tr>
<tr>
<td>Policy Committee(^2)</td>
<td>-0.12</td>
<td>0.11</td>
<td>0.01</td>
</tr>
<tr>
<td>Ceremonial Bill(^2)</td>
<td>-0.06</td>
<td>0.03</td>
<td>0.03</td>
</tr>
<tr>
<td>Government/Bureaucracy Bill(^2)</td>
<td>0.01</td>
<td>0.07</td>
<td>-0.07</td>
</tr>
<tr>
<td>Foreign Policy Bill(^2)</td>
<td>-0.09</td>
<td>0.06</td>
<td>0.03</td>
</tr>
</tbody>
</table>

\(^1\) Change from low (mean minus two standard deviations) to high (mean plus two standard deviations).

\(^2\) Change from zero to one.

\(^3\) Change from low (zero) to high (mean plus two standard deviations).

Table 9: Change in Probability
In summary, the model confirms my hypotheses. The greater a bill's policy breadth, the more likely it is to be scheduled under a special rule rather than be scheduled via a suspension of the rules or to receive no action. Bills supported by the minority party are more likely to be scheduled by a suspension of the rules. Legislation that is part of the majority party's agenda is more likely to be scheduled by a special rule than legislation that is not part of the majority party agenda. In the next section, I discuss the implications of these findings for our understanding of scheduling outcomes.

5.1 Conclusion

This chapter advances our understanding of legislative outcomes. It presents the first model of scheduling that uses the procedural choice as its unit of analysis. This model is the first to include the choice of bringing up the bill via a suspension of the rules. The current literature gives a great deal of attention to the role of scheduling, but it ignores the most frequently chosen procedure available. To include each of these choices is important because scheduling involves both which bills to consider and which procedure to use. I find that special rules are more likely to be used for bills that have greater policy breadth or that are part of the majority party’s agenda. Narrower or bipartisan bills are more likely to be scheduled by a suspension of the rules. These findings would not be possible without including suspension of the rules in a model of procedural outcomes.

These findings also add to the literature on congressional parties, particularly the literature on conditional party government theory. This theory is well-equipped to explain how parties, seeking to win reelection for their Members, affect bills addressing
partisan issues such as abortion, race, and social welfare. However, it is not intended to
be, nor is it capable of, providing an explanation for how the remaining 95 percent of
legislation is considered. This is why a theory of sessional lawmaking is important. I
find that leaders respond to the demands of Members by bifurcating lawmaking so that
the members of the majority party are able to distinguish themselves from the minority
party and to maximize policy changes.

As with the previous chapter, my hope is that this chapter's findings will lead to
more research on legislative outcomes. The literature has examined post-committee
decisions, particularly the use of special rules, at the expense of more common
procedures. This ignores one of the most important characteristics of lawmaking in
Congress—the bifurcation of the process. In the final chapter I discuss the more detail
how this and the other models affect our understanding of lawmaking in the U.S. House
of Representatives.
CHAPTER 6

CONCLUSION

With the exception of the impeachment of President Clinton, the 105\textsuperscript{th} Congress ended much like the 104\textsuperscript{th} Congress that preceded it. Hundreds of bills were passed and became laws, but there were thousands more that were not even considered. Shortly after the 105\textsuperscript{th} Congress ended, the 106\textsuperscript{th} began. And like two years previously, it began with hundreds of bills being placed into the hopper with the hope that maybe this time the bill would become a law. It is this conflict between the high demand for legislative action and the short amount of time to consider legislation that forces leaders in the House to make difficult decisions—which of the hundreds or even thousands of bills that could be considered should be chosen? In this chapter I review the answer to this question that I have presented in the previous chapters and discuss the implications this answer has for the study of Congress and avenues for future research.

6.1 Review and Implications

This dissertation presents a theory of sessional lawmaking, which fills a large hole in the literature. To date, there is not a broadly accepted theory of lawmaking. The literature has moved beyond the case studies that characterized the early study of
lawmaking, but much of the recent literature on lawmaking continues to examine how landmark pieces of legislation are created or assume that bills follow a textbook process. This literature leaves much unexplained because only a handful of bills are so-called landmark bills. In addition, the bills that researchers classify as “landmark” may not be important to Members of Congress who are likely to value their own pet projects as much or more than these bills. The literature has also concentrated on rare legislative procedures, such as discharge petitions and special rules, rather than procedures, such as suspension of the rules, which are used very often. This dissertation adds to the literature by examining all public House bills and the use of more common procedures.

Even though success is unlikely, Members persistently introduce legislation—nearly ten times as much as would pass the House. This demand is created because Members use the submission of legislation to achieve their public policy, power, and reelection goals. By introducing legislation, Members are able to propose the policy changes they would like to see adopted. Achieving power in the House also involves legislating, as legislation is the currency with which political deals are made in Congress. The goal of reelection, too, is more likely to be achieved through the introduction of legislation. The link between lawmaking and the reelection goal is evidenced in the increased propensity of Members of Congress to please their constituencies through legislative action. Because of the importance of legislating in achieving their goals, it is not surprising Members of Congress report that lawmaking is their most important task.

The high demand for legislative action exists in a legislative environment with a limited supply of time to consider legislation. From small to large, there are always more issues that Members want to address than is possible within a congress. As a result, the
toughest obstacle facing agenda-setters attempting to schedule legislation is the lack of time to schedule all of the legislation they prefer. They realize that persistent movement through the lawmaking process is critical because delay often means failure. Thus, time becomes an important part of legislative strategy. Opponents of a bill may delay action because, with only a short amount of time to consider bills, there may not be enough time left for the bill to become law.

Together, the high demand for legislative action and the short duration for this activity mean that leaders in the House must make difficult decisions. Members of Congress want changes in the law, and the House leadership seeks to meet this demand because they receive their authority from the Membership. Leaders realize that their positions of leadership depend on the approval of the Membership. From the Speaker to the committee chairs, the House leaders pursue legislation because their jobs depend on it. Thus, they actively move bills through the lawmaking process. The problem is that they cannot meet the demand for legislative action; so, some choices must be made.

I hypothesize that the first strategy that leaders employ is to schedule legislation by choosing among competing bills for the best vehicle for policy change. The "best" vehicles are those bills that address a high number of policies salient to the majority party caucus. While most observers of Congress would expect majority party bills to be favored, I argue that House leaders do not simply give favoritism to members of the majority party. Leaders respond by choosing majority party supported bills that maximize the legislative output of the House. The concept of partisan policy maximization explains how parties guide legislation through the lawmaking process. Members of the majority party should not merely receive a "bonus" for being in the
majority—their legislation must also have broad policy implications. The majority party is interested in also passing a party agenda. The majority party seeks to increase policy change it favors by having the House Leadership choose the right legislative vehicle.

The second strategy is to bifurcate lawmaking. One can see evidence of the bifurcation in the response of the public to lawmaking. They change their opinion of Congress when it addresses landmark bills but are not affected by the ordinary, every-day lawmaking process. More compelling is the difference in how landmark bills are treated in lawmaking. Nearly all bills that are considered pass unanimously, but landmark bills are likely to be passed with strong opposition.

I test the first hypothesis in Chapter Two, where I examine legislative outcomes in committees. These committees are given powers of agenda-setting because of the short time period available for legislation. In the first decades of Congress, when the number of Members and the demands on Congress were still low, there was no need for committees to make agenda-setting decisions. As demands increased, the two-year time limit forced the Congress to develop a means of dividing the workload, which it did through the committees. The lack of sufficient time forces committees to prioritize legislation. I hypothesize that committees prioritize legislation that addresses policies of high salience to their constituents within the House.

There are two alternative hypotheses to the party policy maximization hypothesis. First, members of the majority party may receive favoritism, regardless of the breadth of the policy affected by the legislation. This would occur if members of the majority party were more likely to have their bills considered and approved, regardless of the scope of the policy change of their bills. The second alternative hypothesis is that committees
favor broad pieces of legislation, regardless of the party of its sponsor. This would occur if committees favored broad pieces of legislation over narrow bills.

I test between these hypotheses by modeling committee outcomes. For each bill one can observe one of three outcomes: a bill is not seriously considered, a bill is seriously considered by not approved, or the bill is seriously considered and approved. To model these outcomes, I estimate a sample-selection bivariate probit model. This model proves false the simple party hypothesis and the simple policy maximization hypothesis. It supports the partisan policy maximization hypothesis. Committees are more likely to consider seriously and then approve broad bills favored by the majority party. Also, they give preferential treatment to bills that are supported by the majority party leadership, members of the committee, and committee chairs. In sum, the model supports the first hypothesis I draw from my theory of sessional lawmaking.

I test the bifurcation hypothesis by examining how bills are scheduled on the floor. In the House, this scheduling includes the procedure specifying the rules for debate and passage. Studies of rules and scheduling procedures are important, if for no other reason, for this: scheduling involves the simultaneous decisions of not only which bills to consider but also which procedure to use. One procedure that is often overlooked is suspension of the rules. The bifurcated system is made possible only by the suspension of the rules procedure, which has evolved as a timesaving procedure that allows the House to bypass the normal order of business. Suspension allows for a bifurcation of lawmaking, because it allows the leadership to treat noncontroversial bills differently than broader bills and bills that are part of the majority party agenda. Suspension is rarely used to kill a piece of legislation. Instead, it is a procedure that allows the
leadership to schedule legislation that would otherwise compete with other more partisan pieces of legislation.

Suspension of the Rules is consistent with my theory of sessional lawmaking because it allows for a quick consideration of legislation without the burdensome requirement of unanimous consent. As a result, I expect that suspension is more likely to be used for narrower or bipartisan pieces of legislation. To test the hypotheses, I employ a multinomial logit model (MNL) with three outcomes: no action, special rule, and suspension. I find that broad bills are more likely to be scheduled by a special rule than suspension of the rules. The greater a bill's policy breadth, the more likely it is to be scheduled under a special rule rather than suspension or no action. Suspension is used for bills supported by the members of the minority party. Support by the majority party leadership also affects the scheduling outcome. As expected, legislation that is part of the majority party's agenda is more likely to be scheduled by a special rule than legislation that is not part of the majority party's agenda.

This dissertation advances our understanding of Congress by providing an empirically-based description and explanation of lawmaking in the House of Representatives. The dissertation adds to the literature by supplying the first empirical description of lawmaking in the House. For decades, the literature has relied on a textbook understanding of lawmaking and has failed to track how bills are actually processed. In doing so, I discover the extent to which the textbook process fails to describe how bills move through the lawmaking process. To explain the phenomena, I provide a theory of lawmaking that takes seriously the high demand for legislative action and the brief amount of time available for lawmaking. Because of these two factors,
leaders are forced to make choices differently than they would if the deadline on legislative action did not exist. Choosing one bill often means that there are hundreds that cannot be considered. In response to this dilemma, leaders adopt two strategies—they choose bills that maximize policy output in ways acceptable to the majority party and they bifurcate the process so that party agenda bills do not compete with noncontroversial and narrow bills.

Using the theory of sessional lawmaking, I model committee outcomes and post-committee scheduling. These are the first models available in the literature that use all House bills and incorporate the choice of procedures available to the leadership. There is more, however, that should be researched. I suggest avenues for future research in the next section.

6.2 Future Research

The value of a new theory is measured both in how it helps to answer current puzzles and how it points to new questions. One possible avenue for research is to return to the original catalyst for this dissertation and examine the timing of lawmaking. One way to do this would be to track individual pieces of legislation over time. This type of study would shed light on how changes in a member's position in the House (e.g., achieving a chairmanship) or changes in the majority party (e.g., the Republican majority in the 104th Congress) affect the probability of a bill being considered. Many of these factors are constants in my models, but do change over longer periods of time. This would provide an additional test of my models, and would also include changes in institutional features. It would also be useful to track individual bills during the course of
one congress. This would allow one to see whether there were systematic reasons for the timing of legislative outcomes. This research would be feasible using the data gathered for this dissertation.

This type of research may also lead to some methodological advances. To model timing in this way, one would need a statistical model that allows one to model timing within political institutions, institutions that have exogenous deadlines for political actors. This model would build on event history models created to study the timing of events outside of institutions. These models are now part of the social scientist’s toolbox and are being employed with greater frequency in all of the social sciences (e.g., Allison 1984; Blossfeld, Hemerle, and Mayer 1989; Box-Steppensmeier and Jones 1997; Chung, Schmidt, and Witte 1991) and within legislative studies specifically (Box-Steppensmeier 1996; Box-Steppensmeier and Jones 1997; Katz and Sala 1996; Martin 1999; Masuyama 1999). Like other regression models, duration models allow researchers to estimate the effect of a set of explanatory variables on the time until an event occurs. But studies in political science are often interested in estimating the probability that an event will occur, not the duration per se. Duration is merely a measurement that allows us to model political timing, which is the risk that an event will occur across time. The risk component of duration analysis is embodied in the hazard rate, which is the risk that an event will occur at any point in time given that it has not occurred up to that point.

Despite the number of studies using hazard models to analyze political events, there are some serious problems in employing these models when the events take place within political institutions. First, there is the problem of time scales. For example, there is an overlap between two theoretically important measures of time: bill time (duration
between events in lawmaking) and calendar time (the time from the beginning until the end of the congress). For bill time, the clock starts when a bill is introduced; for calendar time the clock starts for all bills at the same time. For legislators, both conceptions of time are important. They want their legislation to be considered and approved quickly so that it may progress to the next stage, but they also prefer legislative success earlier in the session because this may lead to better chance of the bill becoming law before the end of the session. Second, and possibly more problematic, legislative action in Congress is not always possible. For example, a bill introduced later in the congress is not at risk of leaving committee until it has been referred to committee. Moreover, there are times, such as during a recess, in which no action can take place. As a result, legislative timing within Congress has discontinuous risk intervals.

Multiple time scales and discontinuous risk intervals can be taken into account with a Cox proportional proportion hazards model (Cox 1972; Therneau 1997), which allows one to estimate the effects of the covariates on timing without forcing the duration times into a specific (and potentially inappropriate) parametric distribution. The Cox model imposes weaker assumptions on the data than fully parametric models by incorporating the ordered duration times (rather than the exact intervals between them) into a partial likelihood function. The Cox model takes the form $h(t) = h_0(t)e^{\beta x}$, where $h_0(t)$ is the unspecified baseline hazard function (the hazard rate when all covariates are set to zero) and $\beta x$ are the parameters and covariates, respectively. The Cox model assumes that hazard rates are proportional for all units in the sample. Although the proportional hazards assumption often is not met in practice, the growing body of research on the Cox model provides researchers with ways to test the proportional
hazards assumption and deal effectively with instances of non-proportionality (Box-Steffensmeier and Zorn 1998).

The Cox model allows one to address two problems with modeling timing of legislative actions within Congress. First, one can use a variation of the time-varying covariate to model multiple time scales. Unfortunately, one cannot model both bill time and calendar time simultaneously. One must make a choice; often choosing the easiest method (Thurneau 1999). One can use one as a measure of timing and the other as a time-varying covariate in the model. For example, if one chose to model political timing using calendar time, then the duration that each individual bill has been under consideration will be included as a time-varying covariate. Second, one can use the Cox model when there are discontinuous risk intervals. This is difficult, and perhaps impossible, using parametric models. But with Cox models, the time intervals may be truncated or discontinuous without any problems in estimation. Thus, theoretically the Cox model provides a means of modeling timing within political institutions.

Perhaps the most important avenue of research should be a replication of this study using data from other time periods. The data for this dissertation came from one congress (the 105th Congress) and is therefore situated in a particular constellation of power. In this case, the president was of the same party as the minority in Congress, the Speaker of the House resigned from office after electoral setbacks that reduced the size of the majority, and, of course, there was the impeachment of the president at the end of the congress. As with any scientific study, the models presented in this dissertation should be replicated to test if the results are idiosyncratic. This could be done most easily by
choosing a different congress and estimating the same models. The hypotheses presented in this dissertation should be supported in other years.

Beyond replications, the models should also be extended to other legislative contexts. One such context is the U.S. Senate. Sessional lawmaking should exist in this body, but it is unlikely to be the same. Sessional lawmaking occurs because demand for lawmaking is high but the time available for lawmaking is short. In the Senate, there are only 100 Senators; so, the demand for legislative action should be less. In addition, each Senator is in office for six years. As a result, one might see more patience on the part of Senators as they work on promoting their own legislation. One might also see changes in the behavior of Senators over the course of their tenure in the Senate, with Senators running for reelection more outcome-driven than other Senators. A study of sessional lawmaking in the Senate would be able to test how these institutional differences affect lawmaking.

For greater variation, studies of sessional lawmaking should be directed toward the states. While each state has a legislature similar to the U.S. Congress, there are differences that could affect lawmaking. Most notably, there are differences in the number of bills introduced. According to Rosenthal (1998), in the 1994-1995 sessions, the average number of bills in the state legislatures was 4,150, a number comparable to the U.S. House, but there were some with a much higher number of bills, such as New York (32,263 bills), and some with a much lower number of bills, such as Delaware (661 bills). Because of the high demand, some states now limit the number of bills that legislators can introduce, e.g., Colorado and Michigan. State legislatures also have different amounts of time to consider legislation. “Most legislatures have limited time in
which to accomplish all they have to do. Their state constitutions restrict them to
sessions of thirty, sixty, ninety days, or some fixed period” (Rosenthal, 128). Other
states are professional legislatures that meet the entire year. State legislatures also differ
in how bills must proceed through the legislature and the role of committees. Given these
variations, research on sessional lawmaking in the state legislatures should be fruitful.

There is also likely to be variation in lawmaking over time. There are many
changes in lawmaking that should be further studied. The committee system developed
as the demands for legislative action increased. What is not clear is when Congress
began to bifurcate lawmaking. Bach and Smith (1989) suggest that changes in the use of
special rules since the 1970s reforms may be the source of the bifurcation. It may also be
due to the advent of electronic voting. It is also unknown how committee lawmaking has
changed over time. Both historical research and time series analysis should be able to
shed light on these changes.

In sum, there are numerous substantive and methodological puzzles that remain.
This dissertation has provided a description and explanation of lawmaking in the House
of Representatives. My hope is that this work on sessional lawmaking will lead to further
study of lawmaking in Congress.
APPENDIX A

COLLECTION AND CODING OF DATA

In this appendix I provide the details of my data collection and coding. All of the information on legislation came from the Library of Congress THOMAS web site in January-March 1999 (http://www.loc.thomas.gov). For each bill, I recorded the following events:

100 Referred to House committee
101 House committee hearings held
102 House committee field hearings held
103 House committee consideration and mark-up session held
104 Ordered to be reported (Amended) by Voice Vote
105 Ordered to be reported by Voice Vote
106 Reported to House by [committee #]
107 Reported to House (Amended) by [committee #]
108 Motion to Report Measure Defeated [yea, nay]
109 Tabled by committee

110 Referred to House subcommittee
111 House subcommittee hearings held
112 House subcommittee field hearings held
113 House subcommittee consideration and mark-up session held
114 Forwarded by Subcommittee to Full Committee, unanimous
115 Forwarded by Subcommittee to Full Committee, vote
116 Forwarded by Subcommittee to Full Committee, unfavorable
117 Tabled by subcommittee
118 Subcommittee Discharged!

120 Executive Comment Requested from committee
121 Unfavorable Executive Comment Received from committee
122 Executive Comment Received from committee

Information on just the 105th was found at http://www.loc.thomas.gov/bss/d105query.html
200 Placed on Private Calendar
201 Placed on the Union Calendar
202 Placed on the House Calendar
203 Placed on the Corrections Calendar
204 Discharged
205 Discharged by unanimous consent
206 Rules Committee Resolution Reported to House
207 Rule H. Res. passed House

210 Called up by House from the Private Calendar.
213 Called up from Corrections Calendar
214 Called up by House as privileged matter.
215 Called up by House under a previous order of the House.
216 Called up by House under the provisions of rule H. Res.
217 Called up by House by unanimous consent.
218 Called up by House under suspension of the rules.
219 Committee Agreed to Seek Consideration Under Suspension of the Rules.

220 Motion to recommit passed
221 Motion to recommit failed
222 The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union.

230 Considered by House as unfinished business.
231 Passed House (Amended) by voice vote.
232 Passed House by voice vote.
233 Passed House Agreed to by Unanimous Consent.
234 Passed House by vote
235 Failed of Passage in House (Amended) by Yea-Nay Vote
236 Failed of Passage in House by Yea-Nay Vote

300 Conference activity
301 Conference report filed in House
302 Conference report considered in Senate
303 House Agreed to Conference Report. [vote #]
304 Senate Agreed to Conference Report. [vote #]
305 On motion that the House agree to the Senate amendment.
306 On motion that the House disagree to the Senate amendment, and request a conference.
307 Conferees agreed to file conference report

400 Measure laid before Senate.
401 Received in the Senate and read twice and referred to committee
402 Received in the Senate, read twice.
403 Measure laid before Senate by unanimous consent.
404 Received in the Senate and read twice and referred to the [committee
In addition to these actions, I also collected data on other characteristics of legislation. These variables have been discussed in detail in the chapters. Here I summarize is a list of the variables followed by a descriptive table.

<table>
<thead>
<tr>
<th>Variable</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Committee Serious Consideration</td>
<td>Action codes 101, 102, 103, 111, 112, and 113.</td>
</tr>
<tr>
<td>Committee Approval</td>
<td>Action codes 104 and 105.</td>
</tr>
<tr>
<td>Special Rule</td>
<td>Action code 216</td>
</tr>
<tr>
<td>Suspension of the Rules</td>
<td>Action code 218</td>
</tr>
<tr>
<td>Policy Scope</td>
<td>Natural log of the number of CRS terms addressed by the bill.</td>
</tr>
<tr>
<td>Majority Party Sponsor</td>
<td>1=Sponsored by Republican, 0=Sponsored by Democrat or Independent</td>
</tr>
<tr>
<td>Majority Leadership Support</td>
<td>Percentage of the Republican leadership to cosponsor the bill.</td>
</tr>
<tr>
<td>Minority Leadership Support</td>
<td>Percentage of the Democratic leadership to cosponsor the bill.</td>
</tr>
<tr>
<td>Cosponsorship Coalition Size</td>
<td>Total number of cosponsors.</td>
</tr>
<tr>
<td>Committee Member Sponsor</td>
<td>1=Sponsored by member of the committee that was the primary committee for the bill, 0=Sponsored by non-committee member</td>
</tr>
<tr>
<td>Committee Chair Sponsor</td>
<td>1=Sponsored by committee chair, 0=Sponsored by other member</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Multiple Referral</td>
<td>1=Referred to more than one committee, 0=Referred to one committee</td>
</tr>
<tr>
<td>Prestige Committee</td>
<td>1=Referred to one of the following: Appropriations, Budget, Rules, or Ways and Means. 0=Other.</td>
</tr>
<tr>
<td>Policy Committee</td>
<td>1=Referred to one of the following: Banking and Finance, Commerce, Education and Workforce, Government Operations, International Relations, Judiciary, Transportation and Infrastructure. 0=Other.</td>
</tr>
<tr>
<td>Ceremonial Bill</td>
<td>1=Bill addresses one of the following CRS topics: Commemorations, History, or Humanities</td>
</tr>
<tr>
<td>Government or Bureaucracy Bill</td>
<td>1=Bill addresses one of the following CRS topics: Congress, Constitution, Elections, Emergency Management, Executive Departments, Government Employees, Government Information, Politics and Government, Presidents, Public Contracts, Public Lands, and State and Local Government.</td>
</tr>
<tr>
<td>Foreign Policy Bill</td>
<td>1=Bill addresses one of the following CRS topics: Foreign Aid, Foreign Policy, Intelligence Activities, International Affairs, and International Finance.</td>
</tr>
<tr>
<td>Variable</td>
<td>Minimum</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Policy Scope</td>
<td>0</td>
</tr>
<tr>
<td>Majority Party Sponsor</td>
<td>0</td>
</tr>
<tr>
<td>Majority Leadership Support</td>
<td>0</td>
</tr>
<tr>
<td>Minority Leadership Support</td>
<td>0</td>
</tr>
<tr>
<td>Cosponsorship Coalition Size</td>
<td>0</td>
</tr>
<tr>
<td>Committee Member Sponsor</td>
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<td>Committee Chair Sponsor</td>
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<td>Multiple Referral</td>
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<td>Policy Committee</td>
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</tr>
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<td>Foreign Policy Bill</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 10: Description of Variables
WORKS CITED


