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The Cost of Majority-Party Bias: Amending Activity under Structured Rules

All major legislation in the House necessitates a special rule from the Rules Committee before it can be brought to the chamber floor. These rules often strictly limit floor amendments to bills considered by the House. Scholars of political parties have argued that the House majority party can bias policy output away from the floor median through its usage of restrictive rules. In this article, we argue that in order to secure the passage of restrictive rules, the majority often makes concessions to centrist legislators through the amending process. We examine this theory using a newly collected data set that includes all amendments considered by the Rules Committee during the construction of structured rules in the 109th, 110th, and 111th Congresses (2005–2010). Our results are mixed, but they do suggest that moderate members of the majority party often receive concessions via amendments for their support of the majority party's agenda-setting regime.

Despite Congress having a reputation as an institution beset by partisan gridlock, the modern day US House of Representatives is a quite efficient legislative machine. In contrast to the more deliberate Senate, cohesive majorities can and do process legislation through the House while using precious little plenary time. The primary procedural tool that allows this kind of legislative efficiency is the special rule. The House Committee on Rules issues simple, yet flexible, resolutions that allow the chamber to choose bills to be considered and establish the terms and length of debate on bills. These special rules can increase legislative efficiency by limiting the time allowed for debate and restricting the number, as well as the content, of amendments allowed to be considered. The permissiveness of rules can range from those that allow all germane amendments (i.e., open rules) to those that allow a limited set of

amendments (i.e., structured rules) to those that bar all amendments (i.e., closed rules).

Scholars of legislative politics have long recognized the substantial policy consequences of special rules. By issuing restrictive or closed rules, the majority-party-controlled Rules Committee can potentially shut the minority party out of the amending process (Aldrich and Rohde 2000; Cox and McCubbins 2005). Moreover, scholars have argued that majority-party centrists—members spatially located on the minority-party side of the majority-party median in a unidimensional policy space—can incur policy loss under this arrangement as well (Cox and McCubbins 2005; Jenkins and Monroe 2012a, 2012b; Monroe and Robinson 2008; Young and Wilkins 2007). By extension, this can lead to substantial policy loss for their supporters in the electorate, harming the interests of moderate and potential median voters in the US electorate. Measuring or accounting for this policy loss has proved difficult, however, as data limitations have forced scholars to treat special rules categorically, as either open or restrictive, or to use final passage votes to test theories of policy bias. This is problematic, as very few special rules are purely open or purely closed. Specifically, most rules adopted in the House are "structured" rules, which allow for consideration of some, but not all, amendments.

In this article, we build on the existing literature by collecting and presenting a new data set that includes all amendments considered by the Rules Committee during the construction of structured rules in the 109th, 110th, and 111th Congresses (2005–2010). Using these data, we examine which proposed amendments are allowed to be voted on under each structured rule. We then look at the success of these proposed amendment. We draw three primary conclusions. First, our raw data demonstrate that a substantial amount of legislative behavior occurs under structured rules. Second, we find that the potential policy loss for majority-party centrists is mitigated under these rules. Specifically, even when we control for other institutional factors, majority-party centrists are generally more successful at getting their amendments considered and adopted under structured rules. Finally, while we observe a bias towards the majority party, minority-party members are granted consideration of their amendments at a higher rate than we might expect.

Existing Work on Special Rules

Nearly all major bills considered in the US House come to the floor with a special rule, and in recent Congresses most of these rules have

been restrictive. Oleszek (2011) reports that while only 15% of bills were considered under restrictive rules during the 95th Congress (1977–1978), 99% of bills received a restrictive rule during the 111th Congress (2007–2008).[1] Restrictive rules can be closed or, as is often the case, "structured." Under structured rules (aka modified closed/modified open rules), the Rules Committee typically issues a letter to members of Congress announcing that the Rules Committee will soon report a rule on a specific bill. The announcement will say that the rule "may structure the amendment process" for floor consideration of the bill and requests that members interested in amending the bill electronically prefile proposed amendments to the Rules Committee via their website (Appendix A in the online supporting information displays an example of one of these calls for potential amendments). The committee will then decide which of the amendments will receive floor consideration.

Scholars have argued restrictive rules allow majority-party leaders to bias policy outcomes away from the chamber median in several ways (Monroe and Robinson 2008). First, the Rules Committee can use its scheduling power to provide restrictive special rules to proposals that shift existing status quo points the majority party opposes and deny rules for proposals that shift status quo points away from the majority party. Consistent with this, most analyses of special rules have found that restrictive rules are used primarily to advance bills that favor the majority party (Dion and Huber 1996, 1997; Marshall 2002, 2005; Moffett 2012; Sinclair 1994).[2] Second, through its control over the Rules Committee, the majority party can construct restrictive rules that bar amendments that would allow proposals to collapse to the policy preferences of the floor median. As such, scholars have argued that the majority party possesses the tools necessary to tilt policy outcomes away from the chamber median if it so desires (Aldrich and Rohde 2000; Binder 1997; Maltzman 1997; Rohde 1991).

This argument is made explicitly by Cox and McCubbins (2005), who argue that the majority party can use the negative agenda control provided by the Rules Committee to "cartelize" the chamber's agenda. This negative agenda control is unconditional and allows the majority party to bias policy outcomes in its favor. Cox and McCubbins (2005) contrast this with positive agenda control, the ability of the majority party to successfully push a measure through the chamber, which they claim is conditional and only marginally affects aggregate policy outcomes. They bolster this argument with data demonstrating that majority-party roll rates are far lower than their minority-party counterparts. Cox and McCubbins note that the only downside to cartelizing the agenda is that "consistently centrist members may suffer a net policy

loss from the majority's veto" (2005, 46). Recent scholarship has questioned why centrists would accede to this policy loss. Both Finocchiaro and Rohde (2008) and Smith (2007) note that getting majority support for special rules necessitates the usage of positive agenda control.[3]

The degree of positive agenda control necessary to overcome centrist policy loss is unclear. In most cases, centrists are not being asked to vote against their ideological interests but rather to forego opportunities to pull status quo policies closer to their ideal points (Jenkins and Monroe 2012a). Additionally, votes in favor of special rules are said to lack "traceability" and are thus less likely to lead to electoral punishment by constituents (Arnold 1990). In exchange for supporting the less visible vote on the special rule, majority-party moderates are paid off with side payments (Krehbiel, Meirowitz, and Wiseman 2015; Snyder 1991). These include favorable office assignments (Cox and McCubbins 1993, 2005), disproportionately high compensation to congressional campaigns (Jenkins and Monroe 2012a, 2012b), and collective benefits accrued through the maintenance of a favorable partisan "brand name" (Cox and McCubbins 1993; Monroe and Robinson 2008).[4] As Monroe and Robinson note: "Instead of requiring majority party members to make difficult choices on highly visible substantive final passage votes, restrictive rules allow for less costly acts of loyalty by voting with the party on much less visible (and less widely understood) 'procedural' votes" (2008, 218). This argument is bolstered by analyses that found significant party influence on rules or procedural votes (Cox and Poole 2002; Roberts 2005; Snyder and Groseclose 2000).

While theoretically appealing, Monroe and Robinson (2008) and Jenkins and Monroe (2012a) note that these electoral side payments are likely only part of the story. We argue that another likely means of compensation is through the construction of the special rule itself. Structured rules allow for votes on selected amendments. These amendments could provide substantial policy concessions and/or position-taking opportunities to majority-party centrists. However, data limitations have made it infeasible to systematically analyze who benefits under the construction of structured rules. As Krehbiel argues, this existing literature has lacked the data to directly test Rules Committee behavior, and instead been forced to rely on a "range of legislative behavior from committee organization to roll call voting" (1997, 921). In what follows, we build off the existing literature on special rule choice by taking advantage of new data on all proposed amendments considered before the creation of a special rule in the 109th, 110th, and 111th Congresses (2005–2010). In the next section, we provide examples highlighting the importance of distinguishing between restrictive rule type and content.

The Politics of Structured Rules

As the literature demonstrates, in order for a majority party to secure noncentrist outcomes, the party must first garner the support of centrists within its own party. In some cases, these centrists are asked to make substantial policy concessions. However, the amount of policy loss incurred by centrists is dependent on both the content of the underlying policy *and* the construction of the restrictive rule.[5] To see this, consider Figure 1, a simple spatial model with a unidimensional policy space that anticipates policy outcomes for status quo points. We consider these outcomes when majority-party leaders are exercising agenda control under both open and closed rules.[6] We use this model to identify centrists who would prefer the policy outcomes under a majority-party controlled open-rule environment to outcomes occurring under closed rules with majority-party agenda setting. In this figure, M refers to the majority-party median and F refers to floor median.

If a bill was considered under an open amending process, majority-party moderates would be able to offer amendments that would move the policy content of the bill to the location of the floor median. We assume that majority-party leaders, recognizing that a move to the floor median would harm the majority of their party members for some status quos, will use their powers of negative agenda control to prevent such bills from receiving floor consideration. Bills with underlying status quo points located between F and $2M - F$ would generate a policy loss for M if an open rule allowed amending to move the final policy location to F. Party leaders will therefore block consideration of bills with status quo points in this range. The dotted line on Figure 1 represents the predicted policy outcomes for status quo points considered under an open rule with majority-party negative agenda control.

Under a closed rule, we assume that majority party leaders will use their positive agenda-control powers to bring bills to the floor that mirror the preferences of the majority-party median, M. For some status quo points, the floor median, F, will not support a bill located at M. For a status quo between F to M, any move toward M will cause a policy loss for F. Since F would vote against any bill M would favor, party leaders will not introduce bills in this range or these bills will fail. For status quo points located between $2F - M$ and F, party leaders will have to consider the preferences of F when selecting the ideological content of a bill. If a bill is placed to the right of F such that F is indifferent between the bill and the status quo, policy can be moved towards M while still gaining the support of F. The solid line on Figure 1 represents the predicted policy outcomes for status quo

FIGURE 1

Status Quo Locations and Expected Policy Outcomes under Open
and Closed Rules
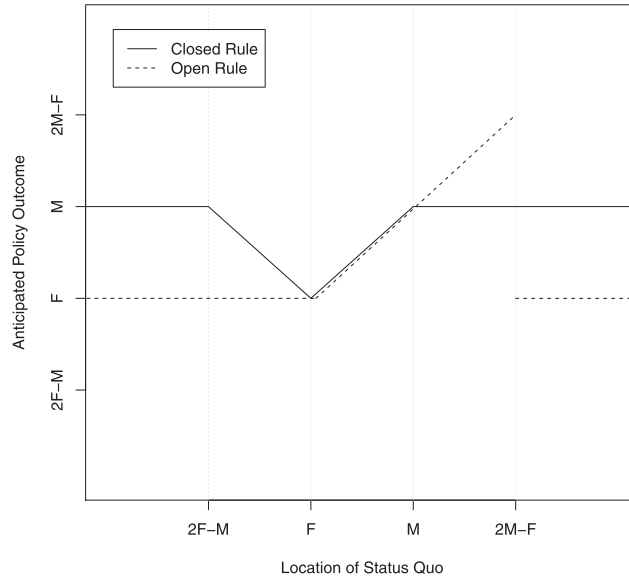
points considered under a closed rule with majority-party positive
agenda control.

Centrist majority-party members near F are almost always better
off under an open rule than they are under a restrictive rule. Closed rules
represent a strict policy loss for status quo points to the left of $2F - M$
and to the right of $2M - F$. For status quo points between M and F, there
is no predicted policy change under either open or closed rules. Only
with status quo points between M and $2M - F$ are moderates better off
under closed rules.

To gain further leverage on centrist policy loss, we seek to find
the spatial location of a cut-point voter, C, who would be indifferent
to the anticipated outcomes under open and closed rules. This will
allow us to identify all majority-party members more moderate than
C who would prefer open rules to closed rules. By assuming a uni-
form distribution of status quo points, we can calculate C's expected
utility from outcomes under both open and closed rules. By setting
these two expected utilities equal to each other, we can solve for C to
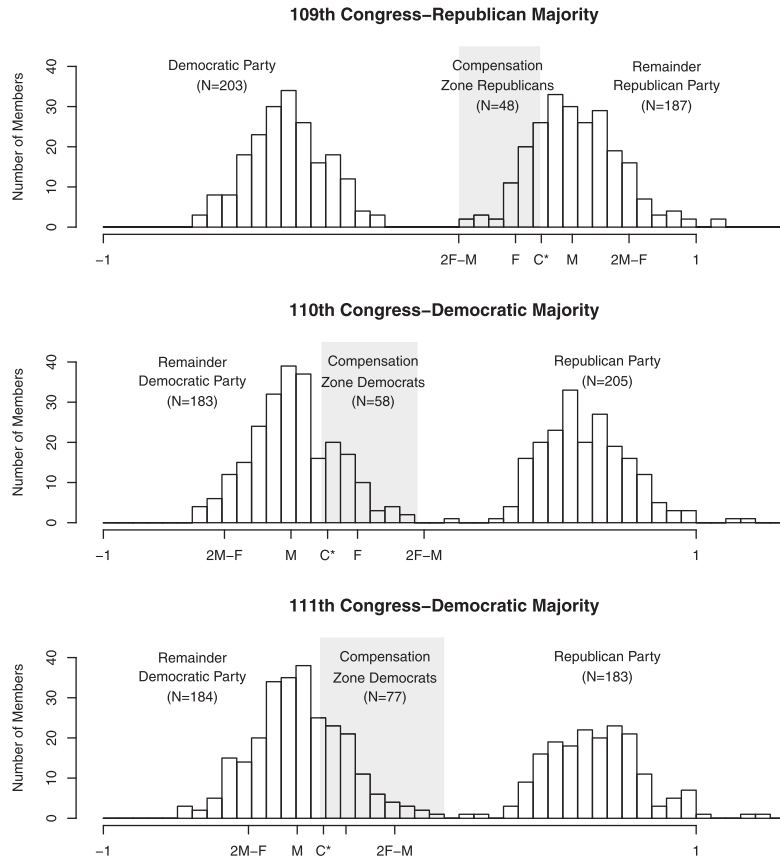estimate the location of the cut-point voter, a member who is

indifferent to expected policy outcomes under open and closed rules. All majority party members to the interior of C will prefer open-rule outcomes to closed-rule outcomes. A formal derivation of C is provided in Appendix B in the online supporting information.

We utilize DW-NOMINATE scores to identify the party and floor medians from the 109th, 110th, and 111th Houses. We estimate C for each House. We theorize that majority-party members more moderate than C will need to be compensated for their policy loss or will have little incentive to support the party on procedural votes. We identify members of this "compensation zone" in Figure 2. The figure demonstrates that a significant number of majority-party members would be better off in a House dominated by open rules. In the 109th House, just over 20% of majority-party Republicans were in the compensation zone. When Democrats were in the majority in the 110th and 111th Houses, 24% and 29%, respectively, would have been better off with open rules rather than the restrictive rules that dominated that House.

This theoretical discussion treats special rules as either open or closed. As we have previously discussed, most rules are neither closed nor open, rather they allow for consideration of preapproved amendments. While the content of these structured rules can directly impact the majority party's control over policy outcomes, existing theories of political parties offer little discussion of how the Rules Committee decides which amendments survive and which amendments die. Studies arguing that rules allow the majority party to move policy outcomes away from the chamber median and towards the party median (Aldrich and Rohde 2000; Binder 1997; Maltzman 1997; Rohde 1991) imply that amendments from members near the party median should be favored over minority and centrist majority-party members. Other studies highlighting the majoritarian goals of the Rules Committee (Gilligan and Krehbiel 1987, 1989; Krehbiel 1991) imply that members near the floor median and members with informational advantages should be favored in the amendment selection process.

While some have suggested that members who forego policy benefits and support the restrictive rule are compensated with side payments (Jenkins and Monroe 2012a; Monroe and Robinson 2008), we argue that electoral side payments alone may not be sufficient to counterbalance policy sacrifices made by centrists. Specifically, the goal of skewing policy outcomes towards the party median must be tempered by the need for a majority to enact a special rule, and by extension, policies. Monroe and Robinson suggest this is the case, speculating that modified restrictive rules could "potentially be used on proposals the

FIGURE 2
Estimated Compensation Zones, by Congress

109th Congress–Republican Majority

110th Congress–Democratic Majority

111th Congress–Democratic Majority

leadership finds either too extreme to pass the floor or too moderate for its liking" (2008, 225). In circumstances when the outcome of a rule/bill is not in doubt, the majority-party leadership may also use their control over amendments to reward or punish members of the majority for loyalty/disloyalty to the party.

Being given access to the amending process can be an important form of compensation for the policy losses centrists suffer when they support restrictive rules. This compensation can take on many forms. Amendments can allow moderates to make up for policy losses by moving a bill's ideological content closer to their ideological location, but such substantive changes to the ideological content of the bill are not the

only way in which centrists can gain utility through the amendment process. The amendment process can also allow centrists to pursue electoral goals. Members can sponsor amendments as a way to position-take on a wide variety of issues that may be important to members and their districts. Such position-taking amendments may not necessarily impact the final ideological content of a bill. Such amendments do not even need to be successful to be useful to centrists members. As Binder and Lee (2015, 251) note, a failing amendment can still give a member status as a "player" on an issue. In fact, failure can be a condition for allowing a vote. They quote former Representative Barney Frank discussing the negotiations over the Dodd-Frank financial reform bill:

I would go to leaders to ask for an amendment from Walt Minnick or Melissa Bean. The leadership will permit it if it can be defeated . . . If so, then it can be offered. It's like the situation in Catch-22: "Only schedule appointments when I'm not in the office." (2015, 251)

We evaluate these dynamics by analyzing all instances in which the Rules Committee announced it was considering a structured amendment process during the 109th, 110th, and 111th Congresses. We consider all amendments proposed to be included under such structured rules. We then analyze which amendments the committee opts to include in structured rules, as well as what amendments are successfully adopted on the chamber floor. Our results suggest that centrists are more successful at getting their amendments included and adopted under structured rules.

Data and Methods

To assess the role the Rules Committee plays in setting the agenda in the House, we offer the first systematic examination of the content of structured rules. When the Rules Committee is considering a structured rule, the committee sends a letter to members requesting that they submit proposed amendments. In recent congresses, the Rules Committee has begun archiving on its website all amendments proposed in response to an announcement of a structured rule.[7] We collected data for each bill where the Rules Committee announced that it might issue a structured rule.[8] The text of the structured rule reported for each bill, also found on the Rules Committee website, includes a list of all the proposed amendments allowed under the rule. Together these data give us all proposed and successful amendments considered under structured rules for the 109th, 110th, and 111th Houses.

Structured rules make up a great deal of all amending activity that takes place in the House. In the 110th Congress, 83 (52.20%) of 159 adopted rules were structured rules. In the 111th, 73 (66.97%) of 109 adopted rules were structured rules. Once structured rules were identified, we collected data specific to each amendment proposed under the rule. This necessitated a substantive reading of all 1,429 amendments proposed for consideration under structured rules in the 109th Congress, the 1,589 amendments proposed during the 110th Congress, and the 3,678 amendments proposed during the 111th Congress.[9] For each proposed amendment, we coded whether the amendment was disallowed in the structured rule by the Rules Committee ($Y_1 = 0$) or whether the proposed amendment was allowed by the structured rule ($Y_1 = 1$). We also used the *Congressional Record* to determine if a proposed amendment was eventually adopted ($Y_2 = 1$) or whether the proposed amendment failed, either because it was not allowed consideration or because it failed to gain a majority on the House floor ($Y_2 = 0$).

After receiving all proposed amendments to a bill, the committee, typically in consultation with the House leadership, decides which, if any, will be allowed to be considered on the floor.[10] In the 109th House, the Rules Committee only allowed 447 of the 1,429 proposed amendments (or 31.28%) to be considered. In the 110th House, 608 of the 1,589 proposed amendments (or 38.26%) were granted consideration. In the 111th House, 839 of the 3,678 proposed amendments (or 22.81%) were allowed. While consideration does not guarantee success, amendments included in a structured rule are very likely to succeed on the floor. Of the 447 allowed amendments in the 109th House, 305 (68.23%) were eventually passed. Similarly, 482 out of the 608 (79.30%) allowed amendments were passed in the 110th House, and 655 out of 839 (78.07%) allowed amendments were passed in the 111th House.

We begin our empirical investigation of amendment allowance and passage by considering the role of the amendment sponsor.[11] It has long been recognized that majority-party members should have an advantage in the House amending process. We expect majority-party members to be more likely to have their amendments granted consideration by the Rules Committee, and we expect their amendments to be more likely to be successful on the floor. We additionally argue that members in the majority-party "compensation zone" should receive additional consideration of their amendments to compensate them for the policy losses they incur as a result of restrictive rules. We create a dummy variable to identify all majority-party members who are more moderate than the location, C, which indicates the spatial location where

a member would be indifferent between open rules and closed rules. We also use a dummy variable to identify all minority-party members.

Table 1 reports amendment proposal, allowance, and adoption for each House. As expected, the Rules Committee is generally more positively disposed to majority-party members' amendments, allowing a high percentage of amendments consideration for two of the three Houses examined. Majority-party members are more likely to have their amendments adopted for all three Houses.

Compensation-zone members' amendments are more likely to be both allowed and adopted in the two Democratic-controlled Houses (110th and 111th Houses). Centrists had an approximate 10% advantage in allowance and passage in these two Houses. In the Republican-controlled 109th House, compensation-zone members do not fare as well as other members of the majority party, but they are not being prevented from making amendments as many negative agenda-control models predict.

Interestingly, minority-party amendments are frequently receiving floor consideration. Minority-party member amendments are allowed consideration approximately 25% of time in the 109th and 110th Houses and 16.53% in the 111th. It is likely that the majority party is allowing the consideration of minority-party "extremists," as long as these amendments do not have enough support to gain passage. Such amendments may help to reveal splits in the minority party, without the risk of affecting policy. For example, during the 111th Congress, Representative Paul Broun (R-GA) proposed four amendments to a continuing appropriations act: Amendment 30 cut it by .5%, Amendment 37 by 1%, Amendment 38 by 2.5%, and Amendment 39 by 5%. Majority-party Democrats allowed a vote on only the amendment proposing the 5% cut. However, such amendments are rarely successful—of the 1,888 minority amendments proposed for consideration only 161 (8.53%) were eventually adopted.[12]

These results are further confirmed via multivariate analysis. We first model whether a proposed amendment is allowed ($Y_1 = 1$) or disallowed ($Y_1 = 0$) consideration by the House Rules Committee, using logistic regression. We then model whether proposed amendments were eventually successful ($Y_2 = 1$) or whether they failed to be adopted ($Y_2 = 0$).[13]

Our initial model considering amendment allowance is reported in Model 1 in Table 2. We identify amendments sponsored by members of the majority-party compensation zone and members of the minority party. Compared to the baseline of majority-party members who are not in the compensation zone, compensation-zone members are more likely

TABLE 1
Amendments Proposed, Allowed, and Adopted

	Proposed	Allowed	Adopted
109th Congress			
Compensation	109	37	28
Zone		(33.94%)	(25.69%)
Rest of Majority	473	204	150
Party		(43.13%)	(31.71%)
Minority	847	206	127
Party		(24.32%)	(15.00%)
Total	1429	447	305
		(31.28%)	(21.34%)
110th Congress			
Compensation	180	102	95
Zone		(56.67%)	(52.78%)
Rest of Majority	618	300	263
Party		(48.54%)	(42.56%)
Minority	791	206	124
Party		(26.04%)	(15.67%)
Total	1589	608	482
		(38.26%)	(30.33%)
111th Congress			
Compensation	610	219	212
Zone		(35.90%)	(34.75%)
Rest of Majority	1159	305	282
Party		(26.32%)	(24.33%)
Minority	1888	312	161
Party		(16.53%)	(8.53%)
Total	3657	836	655
		(22.86%)	(17.91%)

to have their amendments allowed in both the 110th and 111th House, but not in the 109th.[14] Minority-party members are significantly less likely to have their amendments allowed for all three Congresses.

We recognize that there are a number of factors, unrelated to party or ideology, that may also influence the Rules Committee's decision to accept a proposed amendment, particularly on bills that have a relatively easy path to passage. Consistent with arguments made by Krehbiel (1991, 1997) and Gilligan and Krehbiel (1987, 1989, 1990), the committee system in the House leads certain members to become highly specialized experts in the topics considered by their committees. As such, we consider whether each amendment's sponsor is a member of the bill's committee of origin. It may be that the Rules Committee defers to the expertise of relevant committee members.

TABLE 2
Logit Models of Amendment Allowance

Variable	Model 1			Model 2		
	109th	110th	111th	109th	110th	111th
Compensation-Zone Sponsor	−0.389*	0.327*	0.450***	−0.523**	0.293*	0.495***
	(0.223)	(0.171)	(0.108)	(0.233)	(0.173)	(0.111)
Minority Sponsor	−0.859***	−0.985***	−0.590***	−0.853***	−0.949***	−0.481***
	(0.123)	(0.114)	(0.091)	(0.128)	(0.121)	(0.095)
Bipartisan Cosponsors	–	–	–	0.425	0.361*	0.695***
	(–)	(–)	(–)	(0.269)	(0.186)	(0.186)
Bill Manager's Amendment	–	–	–	2.064***	1.260***	4.982***
	(–)	(–)	(–)	(0.499)	(0.439)	(1.018)
Committee of Origin Sponsor	–	–	–	0.469***	0.269**	−0.271***
	(–)	(–)	(–)	(0.123)	(0.113)	(0.093)
Rules Committee Sponsor	–	–	–	−0.051	0.320	0.020
	(–)	(–)	(–)	(0.304)	(0.229)	(0.162)
Constant	−0.277***	−0.058	−1.030***	−0.547***	−0.263***	−1.088***
	(0.093)	(0.080)	(0.067)	(0.109)	(0.095)	(0.078)
N	1429	1589	3657	1429	1588	3657
Null Deviance	1775.8	2114.4	3931.9	1775.8	2112.5	3931.9
Residual Deviance	1726.2	2009.8	3825.1	1675.6	1985.7	3709.2

Note: The dependent variable in each model is an indicator variable for whether or not a proposed amendment was allowed. Cell entries are logit coefficients with standard errors in parentheses.
*** $p \leq 0.01$, ** $p \leq 0.05$, * $p \leq 0.1$.

A limited number of the proposed amendments (36 in the 109th and 33 in the 110th) are manager's amendments. These amendments are proposed by either the majority or minority floor manager of a bill. Given the expertise of the bill's manager, it seems very likely that the Rules Committee would be more likely to allow manager's amendments and that such amendments would pass on the floor.[15] We also control for Rules Committee membership as these individuals can use their position on the committee to increase the odds of their amendments being accepted. To account for popular amendments, we introduce dummy-variable controls for amendments that have bipartisan cosponsors. The results from this model are reported in Model 2 in Table 2.

These somewhat conflicting results for amendment allowance are not surprising. As discussed above, the amendment process is not just a tool to change the substantive content of legislation; it can also be an opportunity to participate in electorally motivated position taking. When more ideological extreme members of both parties propose amendments for purely position-taking reasons, there is little chance that such amendments will gain sufficient support to pass. As such, party leaders may be apt to allow such amendments to be considered. Indeed, as discussed above, majority-party leaders may see benefits in allowing majority-party extremists the opportunity to formally act on issues of importance to their home constituents. There are also benefits in allowing votes on minority-party amendments that document extreme positions that can be used in upcoming elections. The different motives of members and party leaders between policy amendments and position-taking amendments make it a more difficult task to predict precisely which amendments will be granted consideration on the floor.

As we previously discussed, consideration does not guarantee amendment success. Accordingly, we also estimate models examining the factors determining whether proposed amendments will eventually be adopted. These results are presented in Model 3 in Table 3. As with amendment allowance, majority-party compensation-zone members have an advantage in passing their amendments in two of the three Houses considered. Amendments sponsored by members of the minority party are significantly less likely to pass for all three Houses considered. As a robustness check, we repeat this analysis including the same additional control variables considered in Table 2. The substantive results of this model (Model 4) are consistent with the results from the model displayed in Table 3.

The predicted probabilities from Model 1 and Model 3 are presented in Table 4. In the 110th House, compensation-zone members are 7.2% more likely to have their amendments allowed than are other

TABLE 3
Logit Models of Amendment Passage

Variable	Model 3			Model 4		
	109th	110th	111th	109th	110th	111th
Compensation-Zone Sponsor	−0.248	0.411**	0.507***	−0.303	0.401**	0.551***
	(0.238)	(0.170)	(0.109)	(0.251)	(0.173)	(0.113)
Minority Sponsor	−0.968***	−1.383***	−1.238***	−0.868***	−1.327***	−1.133***
	(0.138)	(0.127)	(0.107)	(0.143)	(0.134)	(0.111)
Bipartisan Cosponsors	–	–	–	0.114	0.143	0.802***
	(–)	(–)	(–)	(0.322)	(0.206)	(0.198)
Bill Manager's Amendment	–	–	–	2.551***	1.550***	3.780***
	(–)	(–)	(–)	(0.468)	(0.440)	(0.544)
Committee of Origin Sponsor	–	–	–	0.127	0.167	−0.335***
	(–)	(–)	(–)	(0.141)	(0.122)	(0.107)
Rules Committee Sponsor	–	–	–	0.103	0.255	0.044
	(–)	(–)	(–)	(0.324)	(0.235)	(0.171)
Constant	−0.767***	−0.300***	−1.135***	−0.956***	−0.457***	−1.186***
	(0.099)	(0.081)	(0.068)	(0.119)	(0.097)	(0.081)
N	1429	1589	3656	1429	1588	3656
Null Deviance	1484.4	1950.2	3437.5	1484.4	1947.8	3437.5
Residual Deviance	1433.1	1779.0	3173.9	1387.0	1756.9	3069.4

Note: The dependent variable in each model is an indicator variable for whether or not an amendment was adopted. Cell entries are logit coefficients with standard errors in parentheses.

*** $p \leq 0.01$, ** $p \leq 0.05$, * $p \leq 0.1$.

TABLE 4
Predicted Probability of Allowance and Adoption
by Ideological Group

	Predicted Probabilty of Allowance	Predicted Probability of Adoption
109th Congress		
Compensation	0.340	0.268
Zone	[0.257, 0.434]	[0.190, 0.356]
Rest of Majority	0.431	0.317
Party	[0.387, 0.476]	[0.277, 0.360]
Minority	0.243	0.151
Party	[0.215, 0.273]	[0.127, 0.176]
110th Congress		
Compensation	0.567	0.528
Zone	[0.495, 0.639]	[0.456, 0.600]
Rest of Majority	0.485	0.426
Party	[0.446, 0.524]	[0.387, 0.465]
Minority	0.261	0.157
Party	[0.231, 0.292]	[0.132, 0.184]
111th Congress		
Compensation	0.359	0.348
Zone	[0.323, 0.397]	[0.311, 0.387]
Rest of Majority	0.263	0.243
Party	[0.239, 0.289]	[0.219, 0.269]
Minority	0.165	0.085
Party	[0.149, 0.182]	[0.073, 0.099]

majority-party members. In the 111th House, compensation-zone members have an 9.6% advantage over their fellow partisans. Only in the 109th House are compensation-zone members less successful than their majority-party colleagues; however, these moderate members are not being prevented from introducing amendments that may "roll" the majority party as previous theories have posited.

In terms of amendment passage, compensation-zone members have a 10.2% advantage over other majority-party members in the 110th House and a 10.5% advantage in the 111th House. Compensation-zone members and other majority-party members are statistically indistinguishable in the 109th House. Minority-party members are highly disadvantaged in having their amendments affect the policy of underlying bills. In the 109th House, only 15.1% of minority-party amendments are adopted. In the 110th, 15.7% are successful, and only 8.5% are adopted in the 111th.

Discussion and Conclusion

Our analyses broadly highlight the complex and important role played by special rules. We offer several conclusions. First, recent scholarship has argued that the usage of restrictive rules is important because it can bias policy output away from members located around the floor median—and their supporters in the electorate. These scholars argue further that members are compensated with electoral side payments. Our results here build on this, demonstrating that in addition to electoral side payments, centrists are often provided with policy and/or position-taking benefits through amending opportunities provided under restrictive rules. These amendments are approved or disapproved on the House floor often through a recorded roll-call vote.

Second, while we observe a bias towards majority-party-sponsored amendments, we find some evidence that majority-party members near the floor median tend to be more successful. Consistent with recent theoretical work by Finocchiaro and Rohde (2008) and Smith (2007), this suggests that at least some positive agenda control is necessary to ensure the adoption of a restrictive special rule. While certainly not the only tool employed by majorities, we believe the inclusion of centrist amendments represents an important part of this positive agenda control.

Third, these results are consistent with work reporting more intraparty conflict on amendment votes (Froman and Ripley 1965; Roberts and Smith 2003). This suggests that scholars of political parties may be well served by shifting away from analyses that focus exclusively on final passage votes. Focusing primarily on final passage votes can lead to overlooking significant and important disagreements within the party. While this study examines differences between majority-party members in and out of the compensation zone, further work can more carefully examine intraparty differences across the ideological space. Understanding how majority parties negotiate within their caucuses can ultimately help determine where final policy outcomes are located.

We believe these data could be of great service to scholars studying special rule choice and the lawmaking process more broadly. To date, existing scholarship has been hampered by data limitations. Accordingly, they have been forced to consider the restrictiveness of a special rule using a categorical coding system. As we have broadly demonstrated here, structured rules can retain many of the same features as an open rule. Thus, even if a bill's parent committee and the Rules Committee are more liberal than the floor median, restrictive rules could provide for the consideration of a more moderate amendment to induce support on final passage. Without knowing variables like the party affiliation or ideology of the member

offering the amendment, and the success of that amendment, scholars may only be able to tell a partial story.

Future work should seek to examine the question of special rule construction by looking more narrowly at the content of both the bill and the amendments considered by the Rules Committee. This would allow scholars to get a better feel for the nature of centrist compensation. In order to effectively build off previous literature, we operated under the assumption legislators were negotiating in a continuous, unidimensional policy space. As we have noted, congressional negotiating is rarely this simple. As such, policy concessions may occur through opening up new issue dimensions for amending activity. Or, they may be made by altering the underlying legislation directly. A more narrow examination of bill and amendment content would allow scholars to better address these questions.

Finally, in addition to the facilitation of nonmedian policy output, scholars may want to examine the role restrictive rules play in increasing observed levels of political polarization in the US House (Roberts 2010). The data we present here suggest there is a strong correlation between the restrictiveness of the rule used for a bill and the amount of party division on its final passage vote. For the Congresses we study here, bills considered under an open rule had an average party difference—defined as the absolute difference in proportion of each party voting "aye"—of less than 30%; for structured rules, the average party difference was greater than 50%. To be sure, the type of rule adopted is not completely independent of the issue under consideration. Measures that have broad support or do not raise controversial issues may be considered under more open procedures. However, the decreasing opportunities to offer amendments has produced a situation where minority-party members end up voting in opposition to the majority party more often both on procedural and substantive votes (Finocchiaro and Rohde 2008; Rohde 1991). In contrast, open amending processes tend to moderate bills and can help attract broad support on final passage.

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NOTES

1. During the 111th Congress, the House Rules Committee reported 73 structured rules and 35 closed rules. Only one bill was granted an open rule, and this rule still required amendments considered to be preprinted in the *Congressional Record* (i.e., modified open). See House Report 111-714 for a complete summary of Rules Committee activity during the 111th House.

2. Not all scholars agree with the argument that the Rules Committee operates as an "arm" of the majority-party leadership, however. Krehbiel (1991) and Gilligan and Krehbiel (1987) argue that there exists no direct evidence that special rules facilitate noncentrist policy outcomes. Instead, the authors stress the informational benefits of restrictive chamber rules. Specifically, they argue that restricting floor amendments ensures parent committees that their policy recommendations will not be altered by less knowledgeable members on the floor. As such, the Rules Committee can induce committees to gather more information by specializing. They argue that this specialization benefits both the committee and full chamber. Further, Krehbiel (1991) notes that special rules are subject to simple majority floor votes, and as such, the floor median can reject noncentrist outcomes. Krehbiel (1991) employs a data set of rules issued over two Congresses, reporting that, consistent with his expectations, committees with medians close to the floor median are likely to receive restrictive rules.

3. Finocchiaro and Rohde find less conflict over special rules during eras where the majority party had weak control over the Rules Committee and was unable to control how rules were structured. They interpret this finding as evidence that the majority party did not attempt to bias outcomes through its usage of special rules during this period. They conclude that "useful and important analytical distinction(s) between positive and negative agenda control is not as clear in practice as it is in theory when we consider the construction of procedural terms for floor consideration of legislation" (2008, 22).

4. Cox and McCubbins do not explicitly address centrist policy loss stemming from amendment restrictions. When they refer to centrist policy loss, they do so in terms of scheduling legislation. That is, "particular bills that they would support are blocked from reaching the floor by the cartel, whereas such bills would not be blocked if the floor controlled the agenda" (2005, 47).

5. Given this, it seems the empirical treatment of special rules as either open or restrictive is overly simplistic. Delineating between open, modified, or closed rules is also problematic. If a bill receives a modified rule that allows only amendments preferred by the majority party or allows minority-supported amendments but these amendments fail to gain passage, the policy implication of that rule is effectively identical to a closed

rule. However, if a modified rule allows amendments that end up rolling the majority party, the policy implication of that rule is much more like an open rule. Studies analyzing only the category of rule a bill received, without considering the content and eventual success of the amendments allowed or restricted, would be unable to distinguish the vastly different policy effects different rules can have.

6. This spatial model is an adaptation of the zone-based model presented in Monroe and Robinson (2008). Romer and Rosenthal (1978) and Denzau and Mackay (1983) provide the theoretical underpinnings for modeling agenda setting under both open and closed rules.

7. The request letters and proposed amendments can be accessed at http://rules. house.gov.

8. The data examined in this article look primarily at bills considered under a structured rule. Occasionally, the Rules Committee will solicit prefiled amendments and then issue a closed rule rather than a structured rule.

9. In the 111th House, Jeff Flake (R-AZ) introduced 554 amendments to the Department of Defense Appropriations Act of 2010. The vast majority of these amendments sought to attack earmark proposals in the bill. The Rules Committee allowed 553 amendments to be combined into a single "en bloc" amendment and receive consideration on the floor. Given the unusual nature of Flake's amending activity on this bill, all Flake amendments on this particular bill were excluded from analysis.

10. It is not uncommon for the Rules Committee to receive over 100 proposed amendments for highly salient bills receiving structured rules.

11. If an amendment has multiple sponsors, we consider the lead sponsor to be the amendment's sponsor for purposes of member-level independent variables.

12. Appendix C in the online supporting information provides a visual representations of how party status, compensation-zone status, and member ideology influence amendment success in the House. The top panel of each figure displays the distribution of member ideologies, using DW-Nominate scores. The figures then display histograms, sorted by sponsor ideology, of all amendments proposed, all amendments that were allowed consideration on the floor by the Rules Committee, and all amendments that eventually gained passage on the House floor.

13. Successful amendments are first allowed to be considered by the special rule and then considered and passed on the floor. While this process mirrors a two-stage selection process frequently analyzed using a Heckman selection model, we choose instead to use two separate logit models. All independent variables that seem likely to influence the selection stage are also likely to influence the outcome stage. In selection models, "the quality of estimation depends on *identifying* the predictors of sample selection *separate from* the outcome of interest" (Brandt and Schneider 2007, emphasis in original). The lack of distinct predictors of each stage makes the use of a selection model highly susceptible to identification issues.

14. Our results are not as supportive of our theory in the 109th Congress as they are in the other two Congresses for which we have data. We think at least two factors could account for this. First, the 109th had a fewer number of amendments proposed by compensation-zone members. Thus it may be that the Republican leadership engaged in more prefloor accommodation so that members did not need to formally propose amendments. Second, it could be the case that the GOP was not trying to move as many status

quo points in 109th as it was in previous Congresses. President Bush and congressional Republicans certainly began the 109th Congress with an ambitious policy agenda. Fresh off his 2004 re-election, President Bush famously declared, " I earned capital in the campaign, political capital, and now I intend to spend it." However, the combination of a political scandal involving the lobbyist Jack Abramoff, a separate scandal that forced Majority Leader Tom DeLay to relinquish his leadership position, and declining public approval of the wars in Iraq and Afghanistan forced congressional Republicans into political survival mode. A key policy goal for President Bush in the 109th Congress was Social Security reform, but Speaker Hastert refused to put it on the floor, telling the president: "Look, we got another situation where our guys are getting killed on it in an election, and this is a poison pill for us. We don't have that big a majority and it is very difficult to carry this load and I don't think we are going to be able to pass it" (Baker 2014, 415). Thus we think it is possible that the political realities of 2006 led to a censored agenda by House Republicans.

  15. In some cases, we discovered that manager's amendments included the text of amendments that had been submitted by moderate members during the initial amendment-consideration process.

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Supporting Information

Additional supporting information may be found in the online version of this article:

Appendix A. Example of Call for Amendments for H.R. 928
Appendix B. Estimating Indifference between Open and Closed Rules
Appendix C. Distributions of Amendment Sponsors' Voting Records
Figure 1. Distributions of Amendment Sponsors' Voting Records: 109th House
Figure 2. Distributions of Amendment Sponsors' Voting Records: 110th House
Figure 3. Distributions of Amendment Sponsors' Voting Records: 111th House