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Limitation Riders in the Postreform House: A Test of Procedural Cartel and Conditional Party Government Theories

Jessica Scott Tollestrup
Portland State University

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Limitation Riders in the Postreform House: A Test of Procedural Cartel and
Conditional Party Government Theories

by

Jessica Tollestrup

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requirements for the degree of

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Thesis Committee:
Richard Clucas, Chair
Melody Rose
Christopher Shortell

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ABSTRACT

The theoretical debate over the ability of parties and leaders in the House of Representatives to influence legislative decision-making is at the center of much of the literature on Congress. On the one hand, the Procedural Cartel perspective argues that while the tools used by the majority party leadership to assure the triumph of its preferences may vary depending on the institutional context, the basic ability of the leadership to impact legislative outcomes remains consistent. In contrast, Conditional Party Government (CPG) theory posits that any power the majority party and its leadership possesses over legislative decision-making is directly conditioned upon the amount of agreement within the majority party caucus as to collective goals, as well as the amount of ideological polarization that exists between the majority and minority parties. This thesis provides an original test of these two theoretical perspectives by evaluating their comparative ability to account for the proposal and passage of limitation riders on the House floor during the annual appropriations process since the 1980s. Limitation riders provide a good vehicle to test theories of congressional voting as they often have important policy implications in areas of significant controversy. In addition, the extent to which the individual members or legislative parties are able to successfully utilize limitation riders as a means of making substantive policy is indicative of larger patterns of committee or party domination of the floor process.

After reviewing the relevant literature on congressional decision-making, this analysis proceeds to outline the theoretical predictions that the Procedural Cartel and

CPG perspectives make regarding limitation riders. An original dataset comprised of over 800 limitation riders from the 97th through the 110th Congresses is analyzed both with respect to overall proposal and passage rates as well their party of origin. This study finds that while the CPG perspective is best able to account for what occurs during periods of low polarization and cohesion, Procedural Cartel provides the most accurate prediction of what occurs when polarization and cohesion are high. These findings suggest that, although these theories both have some ability to account for congressional decision-making on the House floor, both of these frameworks need to be revisited so that they can accurately account for what occurs during floor phase of the legislative process.

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Introduction

The theoretical dispute over the way that political parties impact legislative processes and outcomes is at the center of much of the literature on decision-making in the U.S. House of Representatives (Sinclair 2002). Proponents of the Procedural Cartel thesis argue that the tools to influence decision-making outcomes are almost always controlled by the majority party and its leadership, who use them positively to control the agenda and negatively to assure voting discipline (Cox and McCubbins 2005; 2007). Although the leadership's propensity to use agenda control versus voting discipline is dependent upon the institutional context that exists within the House at that time, majority party control over the legislative process is always present to some degree. An alternative framework is offered by Conditional Party Government (CPG) theorists, who posit that the institutional context conditions whether or not party government exists (Aldrich 1995; Aldrich and Rohde 1997; Rohde 1991). According to this perspective, the majority party leadership is able to influence policy outcomes when there is widespread agreement as to policy goals (intra-party cohesion) and significant ideological distance between the two parties (inter-party polarization); absent these circumstances, influence over the legislative process shifts to the committees where the chairs are able to exert control over the legislative agenda, both within the committees and on the House floor.

While some scholars test these theories by analyzing voting behavior on the House floor to identify historic trends in party influence over voting outcomes (see, for example, Cox 2001; Cox and Poole 2002; McCarty, Poole and Rosenthal 2002;

Poole and Rosenthal 1997), others evaluate the extent to which shifts in partisan behavior are attributable to institutional change (see, for example, Lowry and Shipan 2002; Roberts and Smith 2003). A third approach involves examining the interaction between the House committees and floor processes, either by conducting broad analyses of the level of cohesion in committee and floor policy output (Londregan and Snyder 1994; Maltzman and Smith 1994) or by evaluating the extent to which the committees are bypassed by the House leadership during the legislative process via procedural measures and rules changes (Aldrich and Rohde 2009; Schickler and Rich 1997).

This research provides a novel way of testing the comparative explanatory power of the Procedural Cartel and CPG approaches by evaluating the ability of each perspective to account for the historic rate of proposal and passage of limitation riders from appropriations legislation on the House floor. Limitation riders provide a good vehicle to test party-based theories of decision-making as they often have important policy implications in areas of significant controversy (Oleszek 2007). In addition, the extent to which members of the majority and minority party are able to successfully utilize limitation riders as a means of making substantive policy is indicative of larger patterns of party or committee dominance over the legislative process. Although a number of studies (see, for example, Carper 1960; Davidson 1983; Devine 1987) have detailed the procedural history or policy effects of certain limitation riders, there has yet to be a systematic examination of the aggregate number of riders that are proposed each Congress, as well as changes in trends of partisan sponsorship.

The following analysis takes place in five parts. The first chapter begins by reviewing the relevant theories on parties, leadership and congressional decision-making and details their development beginning in the 1960s through the more modern perspectives which emerged in the 1980s and 1990s. Contrasts are drawn between the CPG approach, which argues that the amount of power that parties and leadership wield is determined by the institutional characteristics that exist at that time, and the Procedural Cartel perspective, which posits that party and leadership power has been a consistent influence on decision-making outcomes across modern Congresses. This chapter then proceeds to outline the changes that have occurred during the twentieth and early twenty-first century in the structure of the House and how the Procedural Cartel and CPG approaches account for these changes. While proponents of both theoretical perspectives tend to agree that the institutional changes during the past century have been significant for the development of stronger party leadership, these theories have conflicting perspectives on the opportunities for the exercise of party power that existed before and after the reform era.

In chapter two, after a brief overview of the appropriations process, the development of institutional mechanisms to manage appropriations since the Civil War era are detailed and compared to larger patterns of institutional change. This is followed by a discussion of the definition, origin and impact of limitation riders on annual appropriations, as well as a review of the previous scholarship on this topic. The argument contained within this section is that, because of their impact on agency rules and practices, limitation riders are an effective way for individual members and

the parties to make policy changes that circumvent the authorization process, as well as serving as a tool for the minority to take positions and improve their electoral success. Based upon this view of the purpose of limitation riders, this chapter then extrapolates both the parallel and contrasting theoretical predictions of the Procedural Cartel and CPG perspectives regarding limitation rider proposal and passage on the House floor, derived from their conceptions of the potential strength of the party leadership and the tools at the majority's disposal during varying conditions of cohesion and polarization.

Chapter three utilizes a dataset of limitation riders from the 97th through the 110th Congresses to test the Procedural Cartel and CPG perspectives. After a description of relevant methods and the hypotheses generated by each theory, the aggregate and partisan proposal rates of limitation riders are evaluated via descriptive, cross-tab and logistic regression analysis. This analysis finds that the similar predictions made by the two theories related to the aggregate number of limitations proposed on the floor each Congress, as well as their aggregate and partisan pass rate, receive strong support within the data. However, while CPG receives the strongest support during the Congresses with low polarization and cohesion, the data from the Congresses with high polarization and cohesion more closely conforms to the Procedural Cartel predictions.

Finally, in chapter four, the implications of the findings of the limitation rider analysis, alternative explanations and areas for further research are discussed. The major finding of this study, that both the Procedural Cartel and CPG perspectives are

unable to fully account for the amending activity during circumstances of both high and low inter-party polarization and intra-party cohesion, suggests that both of these theories bear reconsideration. In the area of alternative explanations, the Pivotal Voter perspective, where limitations are used to shift the ideal point of appropriations legislation in order to gain the ‘pivotal vote’ for passage, requires further examination that is outside the scope of this study. Additional explanations related to inter-branch bargaining during divided government or other elements of the legislative context are also possible but require additional evaluation. Research in the areas of the impact of rules and policy-type on patterns of rider proposal and passage, as well as what tends to occur within the committee context would also be potentially fruitful. This chapter concludes that although further research is needed to clarify the extent to which the basic tenants of the Procedural Cartel and CPG theories need to be revised, it is clear that both of these perspectives on the influence of parties on decision-making in the House need to be revisited.

Chapter One: Partisan Accounts of Congressional Decision-making and the Historical Development of the Postreform House

The purpose of this chapter is to provide the theoretical basis and broad historic perspective for the analysis of limitation riders that will occur in the latter parts of this study. This chapter begins by generally reviewing the historical development of party-based theories of congressional decision-making and how they led to the development of the CPG and Procedural Cartel perspectives. The CPG and Procedural Cartel perspectives are then explained in detail, with particular attention given to the contrasting accounts they provide of the kinds of power the party leadership possesses, its source, and how institutional change impacts its exercise. The second part of this chapter provides an overview of the structural evolution of the the House since the beginning of the twentieth century and concludes with an explanation of how the Procedural Cartel and CPG perspectives account for the significance of these changes and why they occurred.

Party-Based Theories Overview

The CPG perspective on congressional decision-making belongs to a group of theories which argue that the power of parties and leadership in the House of Representatives is conditioned by the context in which decision-making takes place. While early work on this topic (see, for example, Froman, Jr. and Ripley 1965) hinted at the possibility that institutional variables could impact the amount of leadership control and party influence that occurs on a given issue, it was not until the 1970s, with the work of Fenno (1973) and Mayhew (1974), that a systematic approach to

congressional decision-making outcomes theoretically rooted in institutional characteristics and incentives began to emerge. Fenno's (1973) study of committees identified three basic goals that motivate member action—reelection, influence within the House and making good public policy—and hypothesized that within this context, political parties function as one of several environmental constraints on member and committee activity. In contrast, Mayhew's (1974) electoral connection thesis argues that Members of Congress are predominately motivated by reelection and, due to the weakness of institutional collective action incentives, are able to ignore the wishes of their respective parties in the decisions that they make. Legislative parties can, nevertheless, still be powerful due to their ability to utilize rules, budgetary and taxation contexts to frame decisions in such a way that the preferred leadership policy can potentially be victorious.

Cooper and Brady's (1981) seminal study of leadership styles in the House is the first of its kind to directly condition the type of leadership that emerges upon its institutional context and, in this respect, is a direct predecessor to the CPG approach. In their examination of the transition from the "hierarchical" style of Speaker Cannon to the "bargaining" style of Speaker Rayburn, Cooper and Brady (1981) posit that the institutional context is primarily determined by the external electoral environment. When party strength is high, power is concentrated in the hands of leaders; when party strength is low, power is dispersed and leaders hold more maintenance-oriented roles. Elaborating on this approach, Brady, Cooper and Hurley (1987) argue that the degree to which power can be concentrated in the hands of party leaders is itself dependent on

the potential of the majority to act as a voting coalition. Members are naturally resistant to party voting structures because they tend to contradict traditional concepts of representation and impose limitations on individual activity, even when the existence of a strong leader might be advantageous for collective action aims. Thus, a substantial level of intra-party unity and inter-party conflict can exist at length without manifesting a highly centralized power structure.

Another forerunner to CPG theory is the Principal-Agent approach. Developed by Barbara Sinclair in the 1980s, this perspective theorizes that changes in leadership functioning are best explained as a response to member expectations, which are formed by their institutional and political environment (Sinclair 1983). The majority party leadership is tasked with building winning coalitions on major legislation while promoting intra-party harmony and the relationship between these two primary functions conditions the leadership's use of tools that the House and internal party structure provide (Sinclair 1983). Because the aims of individual members can conflict with the collective party goals, the potential influence of leaders over their members' behavior depends upon the amount that the leadership can impact a particular member's goal achievement (Sinclair 1983; 1995). If the party membership's preferences are highly dissimilar, it is likely that the leadership's pursuit some member goals will often conflict with the action that other party members want to be taken (Sinclair 1986; 1995). Party members, therefore, must collectively navigate tradeoffs between the delegation of executive power to better facilitate collective action, and the equal distribution of power and resources which

results in higher autonomy for individuals to pursue their legislative goals (Sinclair 1995). The implication of this is that the amount of power that the leadership possesses is dependent upon the amount of agreement on collective aims that exists within the caucus at that time (Sinclair 1983).

CPG theory was developed initially by Rohde (1991) and Aldrich (1995) in the early 1990s. This perspective asserts that in the House of Representatives, institutional motivations for party discipline are weak and because of this, the parties and the chamber leadership are not inherently the dominant influence in the decisions made by the collective membership (Aldrich 1995; Rohde 1991). Instead, the ability for the majority party leadership to exercise control over the legislative agenda and its membership's voting decisions is conditioned by the amount that the majority and minority parties are ideologically polarized, as well as the level of ideological cohesion present within the majority party caucus (Rohde 1991). When polarization and cohesion are low, the majority caucus is often unable to agree to legislative goals and, as a result, power is centered in the committees, where small groups of legislators and the committee chairs control the policy-making agenda with a high degree of autonomy. These periods of time where the ideological cohesion and the consequent voting cohesion of the majority party is low also provide opportunities for the minority party to ally with ideologically similar factions within the majority party in the committees and pass their own policy priorities. Effectively, this makes the committees ideological "outliers" when compared to the preferences of the majority party caucus.

As the amount of inter-party polarization and intra-party cohesion ebbs and flows, changes in the amount of majority party floor voting cohesion, the amount of control that the committees wield and the success with which minority legislative measures are able to be proposed and passed also occur (Rohde 1991). When polarization and cohesion are high, a high degree of agreement as to policy aims exists within the majority caucus and the majority party leadership is consequently empowered by its membership to pursue those aims (Rohde 1991). The ability of the leadership to influence decision-making outcomes in the direction that the party caucus desires falls into two broad categories—agenda control and voting discipline—both of which can be exercised in various forms during the committee and floor processes (Aldrich and Rohde 1997). To control the committee phase of the legislative process, the leadership controls committee appointments to assure ideological alignment with the majority caucus and utilizes the tools of seniority bypasses for committee chairs, multiple referrals and loyalty oaths (Aldrich and Rohde 2009). To control the floor phase of bill consideration, the leadership can engineer special rules, extraordinary conference committee assignments and vote trades (Aldrich and Rohde 1997; Rohde 2005). As inter-party polarization and intra-party cohesion increase, the majority party's consensus as to policy preferences and, consequently, the party leadership's ability to utilize the tools enumerated above also increases (Aldrich and Rohde 2009). However, if polarization and cohesion again begin to decrease, less agreement as to common policy goals exists within the party

caucus and, consequently, the power of the leadership to pursue those goals also decreases (Aldrich and Rohde 2009).

In contrast to CPG theory, the Procedural Cartel approach developed by Cox and McCubbins around the same time period (1991; 1994) argues that institutional bases of party power in the House of Representative exist unconditionally and are based upon two types of “assets” that all members entrust to their respective political parties: intra-legislative benefits such as human capital and seniority, and electoral benefits such as the party label. Each individual member has the incentive to protect the party label through coherent legislative action because of its value as an information shortcut to voters. In addition, individual members also desire to accrue human capital and seniority because of the advantages both provide for goal achievement during the legislative process, which translate into the electoral realm. Through the power that stems from control over these assets, the majority party caucus and chamber leadership is able to facilitate and oversee the key legislative deals that occur within the House by making the rules that govern the structure and process of legislation (Cox and McCubbins 2007). In addition, both the committee system (via control over appointments and the committee chairs) and the legislative process (via control over the floor rules and scheduling) are controlled by the majority party leadership so that bills containing policy changes that are opposed by the leadership almost never make it onto the floor agenda (Cox and McCubbins 2002).

The Procedural Cartel framework conceives of the majority party leadership as perpetually navigating the trade-offs between the two methods of influencing

legislative outcomes—agenda control and voting discipline (Cox and McCubbins 2005). Although agenda control always exists at some level, this method is emphasized during periods where party cohesion is weak because it enables the party leadership to control floor outcomes by preventing unfavorable legislation from ever being considered (Cox and McCubbins 2002). Voting discipline emerges as a more frequently utilized leadership tool when party cohesion is strong (Cox and McCubbins 2005). This is not to say that the relative amount of power that the majority leadership holds never fluctuates; rather, that control of legislative outcomes via agenda control or voting discipline is a consistent element within the legislative process.

The development of the party-based literature on decision-making in the House of Representatives has culminated in two contrasting accounts of majority leadership influence over legislative outcomes. On the one hand, Procedural Cartel theory emphasizes that while the exercise of party leadership power may differ through varying levels of polarization and cohesion, the amount of actual power it holds is generally consistent. In contrast, CPG theory posits that the actual power that the party leadership possesses is conditioned upon the amount of polarization and cohesion present within the institution at the time. The differences between these perspectives are evident in the divergent theoretical explanations that each theory provides of the pre and post reform changes that occurred in the House during the twentieth century.

Institutional Development in the House of Representatives, 1910-2010

The Procedural Cartel and CPG perspectives both give analytic accounts of the historic institutional development that has taken place within the House. Before these

accounts are detailed, an overview of the significant changes that are relevant to each theoretical perspective is provided within this section. Over the past hundred years, the structure of Congress and the House in particular has experienced three periods of significant internal transformation which were catalyzed by changes in the ideological composition of its membership. In each case, the structural shifts were in the area of procedural norms, which in turn impacted the amount of power that the party leadership exercised in controlling legislative outcomes. While the location of these shifts—whether they were internal to the parties or within the external institutional context—varied, their effect on centralizing or disbursing the centers of legislative influence was widespread.

The Era of Committee Governance

At the turn of the twentieth century, the Speaker had the power to appoint legislative committees, served as the chairman of the rules committee and had significant discretion over the recognition of members (Cooper and Brady 1981). However, in the first few years of the twentieth century economic and social change in the midwest and western regions resulted in the election of a new group of progressive Republican members. The Speaker's use of his powers to constrain these members led to a revolt beginning in 1909, where the progressive Republicans allied with the minority Democrats to strip the Speaker of his procedural ability to control the agenda and committee appointments. Between 1909 and 1910, these changes included the establishment of a Consent Calendar and the call of committees, removing the Speaker from the Rules Committee, enlarging its membership and providing for their election

by a floor vote of the House membership. During this time, a procedure was also established through which individual members could initiate the discharge of bills from committees and the House rules were amended so that the members and chairs of the standing committees would also be elected by a floor vote.

Once the procedural and rules changes initiated by the revolt had been implemented, the Speaker was left with little power to influence committee assignments or control the agenda via the Rules Committee. In addition, the Speaker's ability to coerce or punish individual members also declined (Rohde 1991). Sinclair (1995) describes the institutional cooperation mechanism that resulted from these changes as "inter-committee reciprocity (23)," while the power of the committees and chairs over the next fifty years broadened, the role for the floor and leadership narrowed. The power of committees was particularly aided by their exclusive ability to propose legislation, the procedural barriers to calling bills onto the floor, the practice of reserved seats in the conference committees for senior committee members and the lack of recorded votes in the Committee of the Whole, which discouraged position-taking behavior on the part of individual members (Davidson 1981; Sinclair 1995). These advantages were underpinned by the rise of careerism in the House, where low turnover assured that the typical tenure of a committee chair would be lengthy (Davidson 1981). The 1946 Legislative Reorganization Act also served to expand the power of standing committees by reducing their number from 48 to 19, increasing staff allocations and codifying committee jurisdictions to avoid disputes (Deering and Smith 1997; Davidson 1990).

The internal dynamics within the majority party during the era of committee government were often acrimonious due to both the seniority system of selecting committee chairs, which lessened the incentives for chairs to be responsive to the wishes of the caucus, and the propensity of conservative southern Democrats to ally with Republicans to pass their own policy priorities while blocking or altering much of the majority caucus' legislation in committee (Aldrich and Rohde 2009). Dyson and Soule (1970) found in their study of the House during this era that the committees also tended to be highly influential on floor outcomes, with the Democratically controlled committee positions prevailing around eighty-four percent of the time while the Republican controlled committee positions prevailed around seventy-five percent of the time. Toward the end of the committee era of governance, problems began to arise both within the Democratic majority and the committees themselves. Within the caucus, the number of members from northern states began to grow, particularly as a result of the 1958, 1964, 1970 and 1972 elections, while members from the south continued to be closely aligned with their Republican counterparts (Sinclair 1985). In addition, in the late 1960s friction between the committees and the majority party caucus began to increase as the liberal majority in the caucus more often than not disagreed with what the committee produced (Sinclair 1985). At the same time, the jurisdictional competition among House committees and the necessity to coordinate legislative deliberations was rising while long-standing conflicts between the authorizing versus the "taxing-spending" committees began to impact floor consideration of committee legislation (Davidson and Oleszek 1976).

The 1970s Reform Era

As a result of the growing institutional tensions and the greater homogeneity of the majority party, momentum began to develop within the Democratic caucus toward institutional change that would afford the liberal members a greater ability to influence legislative outcomes. The ‘reform era’ in the House began with the Legislative Reorganization Act of 1970, which provided for recorded votes in the Committee of the Whole and resulted in committee decisions being more vulnerable to challenge on the House floor (Davidson 1986). A year later, a change in internal party rules entitled the “Subcommittee Bill of Rights” was passed, which removed the right of the chairs to appoint the subcommittee chairs and gave it to the Democratic committee membership (Rohde 1974). This change significantly strengthened the liberals within the Democratic caucus by making this group immediately eligible for positions that had previously been chosen by the more conservative committee chairs (Rohde 1974). Further reforms that took place in 1973 and 1974 opened up conference committee and markup session to public scrutiny (Unekis and Rieselbach 1984), required the committee and subcommittee chairs to receive caucus approval for their continued tenure, limited members to chairing no more than one committee each, provided for regular meeting of the Democratic caucus and reinvested the Speaker with the power to appoint members of the Rules Committee (Sinclair 1985). In 1974, the caucus utilized its new powers to depose three committee chairs while the majority party leadership began to act as mediators when disagreements between the committee and the caucus took place (Sinclair 1985).

Rohde (1991) identifies three tracks of institutional change that occurred during the reform era of the 1970s: committee chair power was removed or restricted, the influence of the party and leadership over the policy process was increased and the institutional bases of power were vested in the party caucus. However, Oppenheimer (1980) notes that these reforms had the effect of pulling the House in two seemingly opposed organizational directions. While some of the reforms gave greater authority to the subcommittees and provided for greater equality among House members via the collectivization of power, others served to centralize decision-making by empowering the party leadership (Oppenheimer 1980). These seemingly contradictory changes were the result of a two-fold reaction to the power of the committee chairs before the reform. On the one hand, the members of the Democratic Party caucus were concerned with assuring that their preferences would substantively impact policy outcomes and they therefore removed power from the committee chairs and vested it in the subcommittees, where the more junior and liberal members of the caucus would be able to influence the shape of legislation. However, the caucus also needed the ability to coordinate legislative activity so that power would not again devolve to the committee chairs, hence the centralization of power in the hands of the party leadership.

While the impact of the institutional reforms that occurred in the mid 1970s was often gradual, some of the results were more immediate. Beginning in 94th Congress, an explosion in the number of floor amendments, many of which engendered significant controversy, created coordination challenges for the majority

party and had the overall effect of raising the amount of uncertainty in the floor process (Smith 1989). The Democratic response to this was to again change the rules in the 96th Congress to make it more difficult to require a publically recorded vote on floor amendments and increased the use of restrictive rules to over three-quarters of the time by the 98th Congress (Bach and Smith 1988; Smith 1989). The effect of these changes was a steep decrease in the number of floor amendments successfully proposed after the 97th Congress (Bach and Smith 1988; Smith 1989). Meanwhile, another result of the institutional reforms for the committees was the growth of multiple referrals, where the party leadership could refer a piece of legislation to more than one committee and set time limits for its consideration (Deering and Smith 1997). The consequent ability of the party leadership to choose which committee report would be considered on the floor undermined committee autonomy in crafting legislation while enhancing the ability of the party leadership to control the ultimate policy outcome (Davidson and Oleszek 1992; Deering and Smith 1997).

Republican Rule and Early Twenty-first Century Developments

While party leadership power continued to grow during Democratic rule in the 1980s, with the Republican takeover in the 104th Congress, Gingrich went further than any previous post reform Speaker in stripping committees of their power (Dodd and Oppenheimer 2009). In the case of the Appropriations, Energy and Judiciary Committees, Gingrich bypassed more senior members on the panels in the selection of chairs, abolished three committees and reduced the seats available on the other panels by twelve percent (Aldrich and Rohde 1997). At the same time, Gingrich cut

committee staff allocations by one-third, eliminated the ability of the committee chairs to proxy vote and term-limited committee and subcommittee chairs to six years of service (Aldrich and Rohde 1997). The Republican leadership further undermined committee assignment norms by giving a record number of freshmen seats on the Rules, Ways and Means, Appropriations and Commerce Committees (Rieselbach 1995). Gingrich also consolidated his power over the floor process by opening it up to more amendments (Davidson 1995), utilizing special rules to maintain control over the proceedings (Aldrich and Rohde 2009) and was at least somewhat involved in eighty percent of the measures that exited the committees (Sinclair 1999).

While Speaker Hastert initially promised a return to regular procedures, many of the extraordinary practices that had occurred under Gingrich were continued. Special rules were often employed to block Democratic floor amendments and seniority bypasses were utilized to choose more conservative candidates for the Appropriations subcommittee chairs (Aldrich and Rohde 2009). Change in partisan control during the 109th Congress maintained many of the same patterns seen under Republican rule. While Speaker Pelosi conducted only one seniority bypass, she did not automatically let all of the chairmen of 1994 have their old committees back either (Pearson and Schickler 2009). She additionally demonstrated her willingness to employ special and closed rules to control the floor process and give preference to party priorities, such as the “Six for ‘06” agenda items (Dodd and Oppenheimer 2009). Finally, four out of the five new appointees to the Rules Committee were freshmen and the exclusive designation was removed so that members could be given additional

committee assignments as incentives to comply with leadership dictates (Aldrich and Rohde 2009).

In summary, the trajectory of institutional change in the House over the past century has vacillated between centralization and decentralization of institutional power. While changes in the ideological makeup of the membership which led to tensions within the current institutional arrangements were responsible for the initial modifications, the consolidation of the reforms was dependent upon the continued demand for the new structural arrangement. The era of committee governance between 1920 and 1970 was ended because the composition of the majority party, which had up until that point been ideologically heterogeneous, became cohesive enough to initiate changes that would refocus power in the hands of the caucus and leadership. The continued consolidation of party leadership authority through the era of Republican rule in the 1990s and early twenty-first century has continued this trend of centralization as the institutional arrangements that are conducive to the exercise of party leadership power have been further entrenched.

Theoretical Accounts of Institutional Change

The Procedural Cartel and CPG perspectives both evaluate the institutional reforms that have occurred in the House of Representatives from the perspective of changes in the exercise of party leadership power. While both theories agree that the extent to which the party leadership has acted assertively to agenda-set and influence voting behavior over time has varied considerably, these perspectives disagree as to the actual causes and effects of the institutional changes for the absolute amount of

power that the party leadership possesses. Procedural Cartel theory tends to interpret the effect of the 1970s reforms as strengthening the ability of the party leadership to position-take and to rely on voting discipline instead of agenda setting to impact legislative outcomes. In contrast, the CPG perspective argues that these institutional changes affected the actual amount of power that the party leadership possesses, by either vesting or removing the basic ability to agenda set and influence voting behavior.

In analyzing the changes in the House that occurred in the twentieth century, Procedural Cartel theory emphasizes the continuity of certain key institutional traits with respect to committee assignments, the seniority system and the ideological alignment of committees relative to the majority caucus, which allows the committees to be utilized for the purpose of agenda control. While norms have historically constrained committee assignments, they have never removed the ability to use party loyalty as a determinant of committee appointments (Cox and McCubbins 2007). This was seen in the 104th and 109th Congress, where the Republicans ignored many norms in placing freshmen on powerful committees (Cox and McCubbins 2007). Moreover, the lack of seniority violations in the pre reform period does not mean that they were impossible (Cox and McCubbins 2007). The stalemate between the regional groupings of the Democratic Party during the 1940s through the 1960s caused each group to focus on ensuring that their contingent had sufficient representation on the committee, and not waste their energies attacking the members of the other wing (Cox and McCubbins 2007). Likewise, the 1974 and 1994 seniority violations are

exemplary of the importance of this tool and the power that the leadership possesses to utilize it to maintain party discipline. In Cox and McCubbins' (2007) study of committee outliers, little evidence is found that they systematically exist in the postwar era with only a few committees (Agriculture, Armed Services, Education and Labor, Government Operations and Interior) being frequently unrepresentative of their ideological or regional groupings. Additionally, Cox (2001) found that during the committee process, moderate majority party members tend to dissent less than ideologically comparable minority party members. In total, this lends support to the theoretical proposition that the committee members act as agents of their respective parties and do not tend toward widespread action that is contrary to the desires of the majority party caucus.

When attempting to account for party leadership influence on voting behavior, proponents of Procedural Cartel theory argue that the operationalization of "party cohesion" as either the "number of party votes" or the "amount of party cohesion on all votes" is problematic for testing theories of leadership influence (Cox and McCubbins 1991). This is because these kinds of measures are not clearly related to the activity of party organizations, which are generally selective about the number of positions they take (Cox and McCubbins 1991). Instead, the number and results of party leadership votes (defined as a vote where the party leadership took a position on the outcome) is utilized to evaluate majority party agenda size and its level of success. Whereas under conditions of caucus homogeneity, the party leadership takes more positions and utilizes voting discipline on the floor to get its way, under conditions of

caucus heterogeneity the party leadership focuses more on agenda control and takes fewer positions (Cox and McCubbins 2005; 2007). In their examination of party leadership votes in the postwar era, Cox and McCubbins (2007) found that, regardless of the amount of caucus cohesion, when the party leadership took a position they usually won out. Cox and Poole (2002) also found in the post-reform era that party pressure typically takes place with votes on procedure, rules organization and those that are “label defining” with less pressure generally occurring with other kinds of substantive votes. More generally, Forgette (2004) has found that across circumstances of high and low cohesion in the postwar period, members’ attendance at a party caucus meeting immediately prior to key congressional votes imposes a greater level of partisan cohesion than would otherwise take place. Finally, in McCarty, Poole and Rosenthal’s (2001) examination of members who switch parties, they found that the ideal point of these individual members’ moves in the direction of their new party even after the change has taken place. In total, the above studies indicate that across centralized and decentralized institutional configurations, the party leadership apparatus has influenced legislative outcomes in both significant and consistent ways.

Unlike Procedural Cartel theory, the CPG approach argues that the amount of intra-party cohesion and inter-party polarization present within the House accounts for both the institutional changes that take place and the amount of leadership that is manifest. In their study of CPG levels in the House and Senate between 1876 and 1984, Aldrich, Berger and Rohde (2002) found that in both chambers, CPG is at an almost constantly high value through the end of World War I. The House variable

then steadily declines thereafter until about 1970, where it is resurgent through the mid 1980s. The historic similarity in CPG levels, it is theorized, is due to the role that parties play in elections where the partisanship of the public affects the voting choices that Members of Congress make (Aldrich, Berger and Rohde 2002). According to the CPG perspective, the growing ideological homogeneity within the parties in the electorate resulted in more cohesive and ideologically polarized parties in Congress, which consequently enabled the 1970s institutional reforms. These reforms changed the structure of the House so that conditional party government could operate as long as the party was cohesively aligned around a set of desirable policies separate from the status quo (Aldrich 1995). In the immediate aftermath of the reform, a number of issues still split the Democratic caucus—particularly Civil rights, energy, environment and defense policy— and CPG was not present on these issues until the 1980's, where the increased intra-party homogeneity enabled the leadership to create party policy positions and utilize the tools of agenda management and institutional discipline to help push the caucus agenda (Rohde 1991). This in turn led to the changes in institutional norms such as multiple referrals, the greater use of restricted or suspended rules and the greater interference of the Speaker in the committee process in order to prevent the committees from being preference outliers (Rohde 1991).

Evidence supportive of the CPG perspective can be found in Young and Heitshusen's (2003) study of committee stacking, which found that the majority party leadership was able to be successful in this practice more often after the House reforms took place. Likewise, Bianco and Sened's (2005) work utilizing the

‘uncovered set’ found that polarization provides the majority party advantages in terms of agenda setting, where the activity of party leaders can move legislative outcomes considerably closer to the preferences of their caucus. The institutional changes that took place under the new Republican majority in the 104th Congress, where the simultaneous stripping of committee power and consolidation of leadership authority during the committee and floor stages aligned with the predictions of CPG regarding what occurs in high cohesion and polarization situations (Aldrich and Rohde 1997). The 104th Congress for these theorists additionally highlights the potential importance of transitional periods where cohesion and polarization is high for allowing leaders extraordinary levels of power to influence committee action and resolve bill conflicts (Aldrich and Rohde 1997; Rohde 2005). Also notable during the period of Republican Rule is the findings of Moscardelli, Haspel and Wike (1998), that the ideological distance of majority party members from the Speaker was statistically significant in predicting support of party building legislation.

While the Procedural Cartel and CPG perspectives both acknowledge that the 1970s reforms strengthened the party leadership’s ability to exercise power, they disagree as to whether or not there was significant power present before the reforms. Considerable evidence can be marshaled by Procedural Cartel theorists, who argue that the consistency in committee ideological alignment, party leadership vote victories, the influence of caucus proceedings and the ideological realignment of party switchers all point to party leadership influence (in varying forms) across varying circumstances of cohesion and polarization. On the other hand, the CPG perspective

points to the changes in committee stacking behavior, the assistance of ideological polarization in achieving the outcomes favored by the party leadership and the increased activity of the leadership in consolidating its power as cohesion and polarization increases, as evidence that institutional composition does in fact condition the amount of actual power that the party possesses.

Conclusion

The strongest differences between the theoretical predictions made by the Procedural Cartel and CPG frameworks are seen during periods of low party cohesion. Procedural Cartel posits that when party cohesion is low, the party leadership will maintain control of the policy outcome via the legislative agenda, the result of which is that legislative proposals sponsored by the minority party will be less likely to make it onto the agenda than the majority sponsored items, although the items on the agenda from both parties will have similar rates of passage due to the lack of voting discipline (Cox and McCubbins 2005; 2007). CPG theory, however, predicts that when majority cohesion is low a majority faction will ally with the minority party making it difficult for the majority leadership to prevent many of the minority sponsored proposals from being considered. In addition, the lack of majority party voting cohesion means that the minority proposals have a better chance of passing a floor vote than under circumstances where polarization and cohesion are high (Aldrich and Rohde 1997; Rohde 1991).

The predictions of these two theories, however, also substantively contrast when dealing with periods of high inter-party polarization and cohesion. Under these

circumstances, Procedural Cartel theory argues that the leadership will switch tactical emphasis from agenda control to voting discipline (Cox and McCubbins 2005). This means the more minority proposals may be allowed floor consideration, but very few will be successful. In contrast, CPG posits that once polarization and cohesion are high, the majority caucus removes power from the committees and vests it with the party leadership, who are then able to utilize both agenda control and party discipline to control legislative outcomes. Effectively, this lessens the amount of minority legislation that will be passed or even proposed while simultaneously assuring that majority party priorities will survive floor consideration.

While premised on the basic concept that political parties and the party leadership are able to impact congressional decision-making outcomes, the Procedural Cartel and CPG perspectives nevertheless provide contrasting frameworks for understanding the circumstances and ways in which this influence occurs. In the following chapters, the competing theoretical predictions made by the Procedural Cartel and CPG perspectives regarding party leadership control over the agenda and voting discipline will be applied to the floor consideration and passage of limitation riders in the House of Representatives during the post reform era.

Chapter Two: Limitation Riders and the Congressional Appropriations Process

This chapter utilizes the Procedural Cartel and CPG perspectives described in the previous section to derive a set of complimentary and competing predictions about the proposal and passage of limitation riders in the post-reform House of Representatives. After a descriptive summary of the congressional appropriations process, the first section of this chapter details the post Civil War institutional development of appropriations procedures and practices. This is followed in the second section by a substantive explanation of limitation riders, their role in the appropriations process, and the way that they are utilized in both inter-branch and partisan conflict. The third section examines the phenomenon of limitation riders as floor amendments and develops the Procedural Cartel and CPG explanations for the proposal and passage rates that should occur during each Congress under varying conditions of inter-party polarization and intra-party cohesion. This chapter concludes by summarizing the predictions of each theoretical perspective and how they will be utilized in the upcoming analyses contained within chapters three and four.

The Congressional Appropriations Process

Despite the procedural and institutional separation that exists between arenas of substantive and fiscal policy-making within the congressional budgetary process, decisions regarding the allocation of monetary resources directly impact the emphasis which substantive policy priorities receive (Hartman 1982). Hartman posits that because of this, “fiscal budget decisions not only reflect views about fiscal and social policy but also are substantially shaped by electoral politics and by the processes of

government (1982, 381)". A further elaboration of this perspective is provided by Stewart (1988), who notes that congressional spending decisions are dependent upon the types of structures used to make them and these structures are chosen according to the sorts of outcomes they are likely to create, both in terms of spending levels and substantive legislative outcomes. The following section explores the structure of the appropriations process, both descriptively and with respect to how electoral, partisan and institutional pressures have influenced its evolution over time.

A Descriptive Overview

Federal budgeting is generally divided into four main phases: the preparation and submission of the budget by the president to Congress, the congressional review and response to president's budget, the execution of budget-related laws by federal agencies and the completion of agency spending audits (Oleszek 2007). Within the second phase, Congress adopts a budget resolution in response to the presidential recommendations regarding spending levels for various programs and agencies (Streeter 2008). While this resolution never becomes law, the budgetary targets it sets are often procedurally enforced as the House and Senate consider various measures related to the budget, including appropriations and tax bills.

While most government spending is statutorily mandated, as in the case of entitlements and interest payments on the national debt, the discretionary part of spending is handled via the appropriations process. There are three types of appropriations bills that Congress passes to allocate discretionary funds: regular appropriations bills, continuing resolutions and supplemental appropriations measures

(Streeter 2008). Regular appropriations legislation, where the funding for the federal agencies is typically grouped into thirteen appropriations packages, is divided into a series of sections that generally concern an individual budgetary account. These measures provide detailed directions to the departments and agencies contained within the bill on the distribution of funding among the various activities or programs that are funded within an account. Regular appropriations legislation can also provide transfer authority to the agencies to move budget authority from one account or fund to another. When there is a delay in enacting a regular appropriations bill so that the yearly budgetary deadline lapses, continuing resolutions are utilized to maintain temporary funding for agencies and programs until the regular bills are enacted. Finally, supplemental appropriations provide funding for unforeseen needs or increase funding for previously authorized programs.

The distinction between authorizations and appropriations, both in terms of purpose and temporal ordering, is important to keep in mind. While the authorization process is utilized to establish, continue and modify programs or policies, appropriations is utilized to fund programs or policies that have been previously authorized. Because it is procedurally prohibited to pass an appropriation for which there is no authorization, the authorization committees are typically considered the policy-making centers of Congress (Oleszek 2007). In contrast, the Appropriations Committees are vested with five main duties (Shuman 1992, 75):

- 1) Examine the caps for the ceilings set by law and compare them to the president's budget,
- 2) Divide allocations between discretionary and statutory spending,

- 3) Produce and pass law related to the thirteen regular appropriations bills and any supplementary bills,
- 4) Produce continuing resolutions which temporarily extend funding until the regular appropriations bills are enacted and
- 5) Oversee the agencies and programs under its jurisdiction.

For each authorized program and agency subject to the annual appropriations process, the Appropriations Committee, has three main options: to provide all the funds recommended in the authorization bill, provide a reduction in the amounts authorized, or refuse to provide any funds at all (Oleszek 2007).

Historical Development

The evolution of what would become the modern appropriations process described in the previous section began in 1774 with the passage of two general appropriations bills (Fisher 2003). While the process was initially slow to develop, expansion into all areas of discretionary spending began during the 1830s (Fisher 2003). Separate committees to handle appropriations were not created, however, until the Civil War era, when the high level of spending necessary for the war effort required greater coordination than could be collectively provided on the floor (Fisher 2003).

In the period immediately following the conclusion of the Civil War, tensions gradually developed between the Appropriations Committee and the House members, who wanted greater expenditures for their own districts (Brady and Morgan 1987) as well as between the Appropriations and authorizing committees, who felt that their jurisdiction was being encroached upon (Fisher 2003). These areas of dissatisfaction led to a stripping of power from the Appropriations Committee and the delegation of

appropriations authority to the authorizing committees between 1877 through 1885 (Fisher 2003). The fragmentation of appropriations power resulted in higher levels of governmental spending and the responsibility to constrain the budget began to rest with the Speaker, who could enforce fiscal discipline by refusing to recognize members who intended to introduce additional spending for floor consideration (Fisher 2003). In 1920, however, after the revolt against Speaker Cannon, the House reconsolidated jurisdiction over appropriations into a single committee, an action which the Senate followed in 1922 (Fisher 2003).

Before the reform era of the 1970s, the only major changes to the budget process occurred via the 1946 Legislative Reorganization Act, which established a joint budgetary committee to prevent the authorization committees from spending via borrowing authority, and through the gradual use of omnibus appropriating during the 1950s (Fisher 2003). Although the pre-reform era was generally characterized by extensive committee autonomy, action on the part of the Appropriations Committee membership during this period tended to be constrained to some degree by the expectation that it be responsive to the wishes and sentiments of fellow House members, as well as the high level of involvement of the party leaders in committee assignments (Fenno 1973). While the chair had the use of procedural tools within the floor process to deter changes to the committees' legislative product, the committee eventually had to share control over the legislative outcome with the party leadership (Fenno 1966).

During the period of institutional reform that occurred in the 1970s, Congress passed the 1974 Budget Act. The major provisions of this act formed a budget committee in each chamber with responsibility for drafting the congressional budget, created the Congressional Budget Office to analyze and furnish budget information, and mandated a budget timetable for each fiscal year (Palazzolo 1992). The purpose of the budgetary reforms was in line with the larger institutional reforms that took place during this period, which shifted control over policy outcomes from the committees to the party leadership, who could then coordinate the budgetary process so that the outcome was in line with the majority caucus' priorities (Thurbur 1992). While this shift in power over appropriations from the committee to the leadership was gradually realized during the 1980s, as party control consolidated, these changes more rapidly led to the transference of policy debates into the fiscal realm, where resource allocation became influenced by partisan and ideological conflicts and resulted a higher degree of party voting on budgetary items (Patashnik 2005).

Between the early 1980s through the late 1990s, more changes in budgetary procedure took place, such as the gradual utilization of multiyear budgeting (Hartman 1982) and the increasing use of restrictive rules and omnibus legislating (Smith 1989), which allowed the Appropriations Committee to recover some autonomy that had been lost in the early reform era. Notable changes in law during this period included the Gramm-Rudman-Hollings Acts of 1985, which established declining annual deficit targets (Fisher 2003) and the 1990 Budget Enforcement Act, which sought long-range budget control through greater centralization of the congressional budget process

(Thurbur 1992). An additional parallel development was the increasing use of the congressional budget process by the majority party to quickly fulfill campaign promises and circumvent issues with divided government, particularly during the Clinton administration, with both deficit reduction and Medicaid reform being passed in this way under the Republican majority (Sinclair 1997).

The development of the appropriations process that began during the Civil War and continued through the pre reform era was due to factors both internal and external to Congress. The heightened majority party cohesion in the 1880s was partially responsible for the collective ceding of control over appropriations to the party leadership, where it was believed that centralized direction over the process would better assure that the spending priorities of the majority caucus' were being fulfilled (Fenno 1966). Likewise, the decrease in party cohesion forty years later led to the reinstatement of power to the Appropriations Committee, which was in line with the broader reforms empowering committees that were taking place within the House at that time (Fenno 1966). Stewart (1989) also notes that in addition to the heightened spending the occurred during the Civil War, which necessitated the creation of a budgetary apparatus, the changing nature of partisanship was also important in accounting for the later changes to the budgetary structure. Before 1896, the parties were focused on controlling the administrative apparatus of government by building and maintaining patronage via appropriations to government agencies (Stewart 1989). In addition, during the periods of divided government that occurred between 1865 and 1921, the power of the congressional majority over appropriations was utilized to

control opposition executives and gradually led to increased budgetary struggles (Stewart 1989). The decision to reinvest power within the Appropriations Committee was necessary to counterbalance the growing executive influence over spending that stemmed from the 1921 Budgetary Act, which delegated to the president the responsibility to propose the budget (Stewart 1989).

The major budget acts that were passed during and after the reform era have generally been designed to make it easier for legislative majorities to convert their spending preferences into law (Patashnik 2005). For example, the Budget Act of 1974 made the budget committees responsible to the majority party caucus by mandating that members be hand-picked by the leadership with tenure and seniority norms no longer being applicable (McCubbins 1990). Although the Speaker was never given a formal role in the process, he was able to become involved in the policy-making at the committee stage as well as negotiate budget agreements with the president and Senate leadership (Palazzolo 1992). Changes in committee relations with the majority and minority caucuses were also apparent in the aftermath of the reforms, where floor amending activity to appropriations bills grew from a low of 14 being proposed in 1965, to over 140 in 1980 (Kiewiet and McCubbins 1991). However, the House Appropriations Committee still retained some ability to shield their legislation from floor amendments, by reporting bills with discretionary amounts up to the limits of their spending allocations (Forgette and Saturno 1994).

There were also changes in the internal dynamics of the Appropriations Committee during the post-reform era. While pre-reform, the committee avoided

taking roll calls in order to aid collegiality and lessen opportunities for members to take partisan positions against one another, in the post-reform period, the number of amendments on which subcommittee chairs and ranking members took opposite sides increased (Gordon 2005). Committee discord increased in the 104th Congress due to Gingrich's use of the Appropriations Committee to achieve his policy agenda, beginning with the violation of the seniority norm to appoint Livingston (D-WV) as chair due to his high level of partisan loyalty (Aldrich and Rohde 2000). The appointment of sub-committee chairs only upon the signing of a loyalty pledge to the party leadership and the opening of conference committee and markup meetings to the press also acted to silence attempts at compromise and encourage partisan behavior (Gordon 2005).

Stewart's (1989) observation that the structure of budgetary decision-making is chosen based upon the outcomes it is likely to create has been reflected in the evolution of the appropriations process detailed in this section. Additionally, in many respects both the historic growth and contraction of Appropriations Committee strength parallels larger patterns of institutional development that occurred at the same time. During periods when the Speaker was particularly powerful and the institutional mood was in favor of centralization, there tended to be less power vested in the Appropriations Committee; when institutional power was more decentralized, the Appropriations Committee was stronger and more impervious to outside influences. Despite the greater levels of autonomy that the committee enjoyed in the 1980s, under the current institutional configuration the appropriations process has increasingly been

utilized by the majority party leadership as a tool to achieve its own policy agenda. With the increase in policy implications of budgetary decisions, the importance of the procedural tools that exist within the appropriations process for both the majority and minority party to achieve more substantive ends have been greatly amplified. The following section explores the policy-making potential of one such appropriations tool, the limitation rider, and details the development and changing motivations behind its utilization across a variety of institutional arrangements.

Limitation Riders

Within the appropriations process, one of the primary methods of creating or influencing substantive policy is to attach a ‘rider’ to the text of the bill. Riders are defined by Smith (1989) as amendments placed on appropriations bills during the committee or the floor phase of the legislative process. A ‘legislative rider,’ which changes existing law in some way, is usually prohibited unless it is protected by a special rule or adapted by unanimous consent (Oleszek 2007). In contrast, ‘limitation riders,’ which place temporary restrictions on the purposes for which spending is authorized without altering existing law, are more generally allowable (Oleszek 2007). Although these kinds of amendments differ in form, with limitation riders always beginning with the language, “none of the funds provided in this act may be used for...”, a more general distinction exists; whereas legislative riders tend to set conditions on the use of appropriations, require a federal agency to make a determination or take some action, limitation riders tend to be phrased in the negative, are unconditional and entail no agency action (Schick 2007, 268).

Historic Development and Procedural Rules

Bach (1983) describes the long-standing rationale behind the practice of attaching limitation riders thus: “the concept of a limitation amendment may be understood as a compromise between two principles: first, the separation of appropriations from policy decisions (in the form of authorizations and other legislation); and second, the right of Congress to decide not to appropriate for an authorized agency, purpose or program (3).” During the 1820s and 1830s, legislative riders that added policy provisions were frequently attached to appropriations bills, but were generally considered neither procedurally nor substantively problematic (Fisher 2003). The attachment of limitation riders to appropriations bills began in the 1870s, with subject matter often involving war powers, federal supervision of elections and the extension of revenue laws to the territories (Devine 1987). During the twentieth century, the use of limitation riders grew and spread to many policy areas. For example, defense riders were attempted to stop the closure of military installations under the Hoover Commission during the 1950s (Carper 1960). Defense riders were also employed in the 1990s to limit the way that Clinton could conduct foreign policy with respect to the Balkans and Haiti (Wildavsky and Caiden, 2001). During the 1980s and 1990s, foreign operations riders were used to forbid the funding of non-governmental organizations that were politically supportive of abortion (Green 1993). In addition, limitations on labor, education and health related appropriations know as the ‘Hyde Amendments’ were an important legislative element that shaped early abortion policy after the *Roe v. Wade* decision in 1973 (Davidson, 1983).

Under the procedural rules governing appropriations legislation, limitation riders are only allowable if they do not impose additional duties or burdens on the executive branch, interfere with its discretionary authority or require officials to make judgments or determinations about existing law (Oleszek 2007). During consideration of limitation riders on the floor of the House, special rules can waive points of order that otherwise could be made against the bill or one of its limitation rider provisions that do not meet the above structural criteria (Bach 2003a). Conversely, it is also possible that special rules can be utilized to protect certain sections against the addition of limitation riders on the floor, or to allow the consideration of a limitation rider that might typically be out of order (Bach 2003a). The House “germaneness rule” (Rule XVI, clause 7) additionally impacts the floor consideration of limitation riders by mandating that amendments on a subject different from the bill under consideration are not allowable (Bach 2003b).

Besides the general procedural constraints on the proposal of limitation riders on the House floor, Rule XXI(2)(d) places specific conditions on the way that this kind of amendment is considered on the floor. The 1970s growth in floor amendments can be at least partially attributed to the rise in the number of limitation amendments being proposed on the floor (Smith 1989). Moreover, limitations were used disproportionately by Republicans and Democratic conservatives who lacked votes in the committee to pass their policy priorities (Smith 1989). Between the 96th and 97th Congresses, a total of two-hundred and thirty-seven limitation amendments were offered on the floor to be attached to appropriations bills (Sachs 1984). After the

Democratic majority in the House was bolstered by the 1982 election outcome, clause 2(d) of House Rule XXI was passed, requiring that a member wanting to offer a limitation must wait until all other kinds of amendments have been considered (Bach 2003b). After a bill has been completely read, a member may propose a limitation rider but the House can end the amending session via a successful “vote to rise” and thus not consider this, or any other limitation (Bach 2003b). When this rule was first enacted in 1983, the power to propose the motion to rise rested with the floor manager (typically the subcommittee chair), which gave the committee when acting in concert with the majority leadership the power to coordinate the prevention of unwanted limitation amendments from being proposed on the floor (Smith 1989). However, in the 104th Congress, this power was transferred to the majority leader or his designate, effectively giving the majority leadership greater discretion over what amendments will be allowed and removing power from the subcommittee chairs to block unfriendly limitation amendments (Bach 2003b).

In his evaluation of the potential impact of House Rule XXI changes, Bach (1983) predicted that it would result in an overall decrease in limitation amendments and would ultimately facilitate closer cooperation between the leadership and committee chairs in order to coordinate successful motions to rise. This prediction was correct; in the 98th Congress, the number of riders proposed on the floor dropped to a total of thirteen. Additionally, Sach’s (1984) analysis a year after this change found that the pattern of limitation rider consideration on the House floor now fell into four distinct categories: limitation riders that were precluded from consideration via

successful motions to rise, limitations that were successfully considered and voted upon despite attempts at a motion to rise, limitations that were protected by rules that circumvented procedure, and finally, limitations that were never subjected to motions to rise and thus could be successfully considered.

Legislative and Partisan Practices

Previous to this study, scholarly attention to the uses of and practices surrounding limitation riders has been sparse, with almost all substantive work in this area centered on normative concerns regarding the appropriateness of limitation riders as a legislative tool. Arguing in favor of limitation riders, Sundquist (1983) posits that limitations are a proper fallback for the legislative branch to restrain executive power. However, Zellmer (1997) argues that limitation riders have been used to circumvent long-standing policy that possesses broad support without public input or legislative accountability. From a more intra-branch perspective, Devine (1987) further observes that the appropriations process is not the proper vehicle for substantive policy-making due to structural characteristics that prevent the full consideration or articulation of policy in appropriations legislation. Finally, Sidak (1989) argues that attaching limitations to appropriations bills frustrates the president's ability to perform his duties under the Constitution and might even constitute a violation of the prerogatives given to the president in the exercise of his power under Article II.

While the above evaluations of the propriety of limitation riders provide some insight in to their use, a more thorough evaluation is required to more fully understand what motivates their proposal and passage in order to properly utilize them to test the

Procedural Cartel and CPG perspectives. The practice of attaching limitation riders to appropriations legislation stems from long-standing patterns of inter-branch rivalry. The appointment power of the executive and legislative branches, as well as the effective threats of sanctions that each can make provides an inherent influence over bureaucratic behavior (Calvert, McCubbins and Weingast 1989). However, issues with delegation from legislative officials to the bureaucracy require a basic ceding of control over aspects of policy implementation (Lindblom 1968). Due to nature of inter-branch rivalries, lack of ideological alignment between the legislative and executive branch often leads to lesser amount of decision-making authority being delegated as each branch attempts to exercise the maximum influence possible over agency structure and decision-making (MacDonald 2007). Limitation riders provide a powerful legislative tool to influence agency decision-making and structure through the denial of funds for specific purposes and provide an additional high-stakes way of forcing the president to cooperate with the intentions of the legislature in agency structuring and policy-making (Sundquist 1983).

Limitation riders can also be used strategically to shape legislation in a way that impacts its likelihood of eventual passage. Individual legislators can, theoretically, vote for riders in the hopes that their passage will cause the eventual bill to fail (Melnick 1983). Moreover, individual members who would generally favor the policy that the rider promotes vote against it if they are concerned that it will weaken legal regimes in the long-term (Melnick 1983). Members of Congress also add limitation riders to appropriations bills because the policies they contain cannot pass

as free standing bills and this kind of legislation is unlikely to be vetoed over the rider's addition (Oleszek 2007). While these riders may sometimes trigger inter-branch conflict, at a minimum they provide the congressional negotiators with a better bargaining position (Oleszek 2007). An early example of such an attempt occurred during the Reconstruction period, when the congressional Democrats attached riders to appropriations bills to repeal various laws related to loyalty oaths and the deployment of federal troops or marshals to polling places in the South, a policy-making attempt that ran contrary to Hayes' agenda (Vazzano 1993). After negotiations failed and Hayes vetoed four different appropriations bills, the ultimate result was the extraction of concessions from Hayes in exchange for the riders' removal (Vazzano 1993).

The party leadership has also historically utilized limitation riders as a means of quickly passing substantive policy when the authorization process was either unavailable or the policy committees were uncooperative. For example, in the 104th Congress, despite the increase in majority party cohesion that came with the Republican rise to power, there remained significant disagreements between the party's moderate members, who perceived policy-making as an incremental process, and the more ideological members, who desired rapid policy change (Marshall, Prins and Rohde 2003). As a result of these disagreements, the authorizing committees were often unwilling or unable to cooperate with the leadership in fast-tracking the Speaker's policy priorities (Aldrich and Rohde 1997). Therefore, during this period the Republican Party leadership chose to utilize limitations attached during both the committee and floor processes as a tool to overcome the tensions that were emerging

within the authorization committees and were beginning to create policy gridlock (Marshall, Prins and Rohde 2003).

In an interview conducted by the author, former Congressman Les AuCoin (D-OR), a member of the House Appropriation Committee during the 97th through the 102nd Congresses, drew a distinction between the motivations of majority versus minority party members in proposing limitation riders. While members of the majority propose limitations to “steal the policy-making thunder of the authorization committee by passing policy in the form of a limitation that would not be able to be attached to authorization bills” (AuCoin Interview, February 3, 2010), the purpose of minority party action tends to be more closely related to position-taking. “Other than the very real possibility of a genuine (minority) interest in policy change, a limitation on expenditures is an enormous political weapon. If you are of the minority party, as the Republicans were when I was in the majority, you’ve been out in the woods in the minority since the Eisenhower years. It was a great ‘guerilla war’ tactic to have a limitation on expenditures that might have to do with some hot button social issue and then force the majority to go on the record about (it)... And so, a large amount of their (the minority party) efforts was to use it (limitation riders) in a political way to try to set people up for tough re-election races” (AuCoin Interview, February 3, 2010).

Historically, the use of limitation riders to influence public policy has been motivated both by inter-branch rivalries and partisan struggles. Within the House of Representatives, while the majority party leadership has found limitation riders to be an effective tool to combat policy gridlock and uncooperative authorizing committees,

the minority has been able to use them strategically to attach their own policy priorities to ‘must pass’ appropriations legislation and subject members of the majority to recorded votes on controversial issues. Because of their policy-making implications and usefulness to the majority and minority parties, limitations provide a valid test of competing theories of congressional decision-making that seek to account for party leadership power in the areas of agenda setting and voting discipline. Based upon the rationales detailed above for individual members of the House to propose or support the passage of limitation riders, the following section will explore the comparative accounts that the Procedural Cartel and CPG perspectives provide regarding the number of limitation riders that are proposed and passed each Congress.

Riders and Theories of Congressional Parties

Although the Procedural Cartel and CPG theories have differing conceptions of the role of the Appropriations Committee relative to the party leadership, the development of the appropriations process, as well as level and type of influence that the party leadership is able to exert over decision-making outcomes, these perspectives provide a set of both cohesive and contrasting predictions as the number, pass rate and partisan source of limitation riders that are proposed under varying circumstances of inter-party polarization and intra-party cohesion. The most basic premise of Procedural Cartel theory is that the parties are consistently able to exercise some degree of control over legislative decision-making. During periods of low inter-party polarization and intra-party cohesion, leadership influence occurs via agenda control, the goal of which is to assure that measures sponsored by the minority or that are not

avored by the majority do not make it to the floor for consideration. When party polarization and cohesion are high, the majority switches its emphasis to voting discipline, which has the effect of allowing more minority measures onto the agenda but proportionally fewer survive the floor process. The ability to control the agenda or create voting unity is enabled by majority party's control over institutional organization, through which it is able to assure committee chair compliance and the ideological alignment of the committee members with the majority caucus (McCubbins 1990).

In contrast, CPG theory distinguishes between the legislative context that exists under periods of low versus high inter-party polarization and intra-party cohesion. During periods when polarization and cohesion is low, the party leadership has little ability to agenda set or discipline its membership and, consequently power over the agenda devolves to the committees. Under these circumstances, it is possible for the committees to be ideological outliers and even pass legislation that is contrary to the caucus' overall preferences because of the lack of agreement within the majority party caucus on most major policy issues. Additionally, committees have procedural abilities to limit floor amendments and protect their legislative efforts from tampering, which results in agenda control of both majority and minority sponsored measures. During periods of high polarization and cohesion, however, when there is greater ideological cohesion within the caucus, power is vested in the majority party leadership to pursue the caucus' goals through both agenda control and voting discipline. The leadership is therefore able to utilize rules to discourage minority and

unfavorable majority amendments while also assuring that party discipline during the actual vote takes place.

When accounting for why innovations in the appropriations process, such as the 1983 change to Rule XXI, occur, the Procedural Cartel perspective argues that they assist the majority party in furthering its caucus' aims by assuring that the party label in the arena of appropriations is protected (Kiewiet and McCubbins 1991). According to this perspective, these changes are largely unrelated to ebbs and flows in the amount of cohesion and polarization that exists within the majority party at the time. The CPG perspective, however, argues that the legislative context, which includes the electoral, partisan and policy environment, is important in producing changes in the appropriations process (see, for example, Aldrich and Rohde 2005). For example, the appropriations reforms that occurred in the 1970s were first facilitated by the rise in cohesion within the House Democratic Caucus. Then, the procedural changes that came out of these reforms paved the way for new policy-making processes, such as reconciliation, to emerge that were favorable toward the implementation of the majority caucus policy priorities. Finally, the economic context of two oil shocks, slowing growth, inflation, a series of tax limitation initiatives in various states demonstrated that government programs needed to be cut back and provided further impetus for the budgetary reforms to take place.

Based upon the above descriptions of the Procedural Cartel and CPG perspectives, predictions regarding aggregate as well as the partisan proposal and passage rates of limitation riders on the floor of the House under circumstances of

high versus low cohesion and polarization can be derived. It is important to note, however, that despite the fact that these two perspectives provide differing accounts of party leadership power and the causes of changes to the appropriations process, these two approaches make some similar predictions regarding the proposal and passage of limitation riders on the floor of the House. This circumstance is probably in large part due to the fact that the Procedural Cartel and CPG theories agree at a basic level as to the ability of the majority party leadership to impact outcomes utilizing the tools of agenda control and voting discipline, and that inter-party polarization and cohesion have an effect on the way these tools are used. The three areas of similarity and their comparative theoretical rationales, as well as the area of difference, are summarized in Figure 2.1 below.

Figure 2.1
Procedural Cartel and CPG Hypotheses, Proposal and Passage of Limitations on the House Floor

		Overall # Proposed	Overall % Passed	Maj./Min. # Proposed	Maj./Min. % Passed
Low Polarization & Cohesion	Procedural Cartel	Low	High	Maj. greater than Min.	Roughly Equal
	CPG	Low	High	Roughly Equal	Roughly Equal
High Polarization & Cohesion	Procedural Cartel	High	Low	Minority > Majority	Majority > Minority
	CPG	High	Low	Majority > Minority	Majority > Minority

For the overall number of riders that will be proposed each Congress, both the Procedural Cartel and CPG perspectives predict parallel trends. The Procedural Cartel perspective posits that during periods of low polarization and cohesion, party agenda

control will produce a lower overall number of amendments being introduced. In periods of high polarization and cohesion, the focus on voting discipline results in a larger number of amendments from both parties being allowed onto the floor. On the same theoretical question, CPG argues that the ability of the Appropriations Committee to procedurally discourage limitation riders during periods of low polarization and cohesion leads to fewer amendments. When polarization and cohesion are high, a higher number of majority amendments are allowed on the floor because of the majority leadership's control over the agenda.

The Procedural Cartel and CPG perspectives also make similar assertions in predicting the aggregate proportion of riders that will pass each Congress. Procedural Cartel theory claims that during periods when polarization and cohesion are low, because the party leadership is focused on agenda control and not voting discipline a greater proportion of limitations pass on the floor when compared to periods of high polarization and cohesion, where the party leadership's focus on voting discipline leads to a lower proportional pass rate. For rider pass rate, the CPG perspective argues that during periods of low polarization and cohesion, the low majority party voting discipline leads to a higher pass rate of amendments when compared to Congresses with high polarization and cohesion, where the greater voting discipline that has resulted from the presence of conditional party government leads to a lower overall pass rate of amendments.

The final area of similarity between the Procedural Cartel and CPG perspectives is regarding the pass rate of limitation riders for the majority versus the

minority party. Procedural Cartel posits that under periods of low polarization and cohesion, the lack of majority focus on voting discipline causes a pass rate that is overall roughly equal for each group, although the actual proportion of limitations that pass each Congress for the majority versus the minority may be somewhat inconsistent. In contrast, when polarization and cohesion are high, the focus on voting discipline and not agenda control means that the minority will have the opportunity to propose riders, but the pass rate of these riders will be much lower than those proposed by members of the majority. From the CPG perspective, during periods of low polarization and cohesion, the lack of majority party voting cohesion leads to a roughly equal pass rate of majority and minority riders on the whole with the possibility that the variance in which group passes a greater proportion of limitations each Congress would be somewhat inconsistent. During periods of high polarization and cohesion, the voting discipline that emerges from the stronger majority party leadership means that the majority will always have proportionally more riders pass than the minority each Congress.

While the above three predictions made by the Procedural Cartel and CPG theories concerning limitations differ in rationale, they lead to similar expectations in the areas of aggregate proposal, aggregate passage and majority versus majority pass rate. Where the Procedural Cartel and CPG perspectives diverge is as to which party proposes more riders during Congresses with high versus low polarization and cohesion. When polarization and cohesion are low, Procedural Cartel argues that the majority party's focus on agenda control results in the minority being able to propose

fewer riders than the majority. CPG, however, predicts that during periods of low polarization and cohesion, the lack of majority agenda control means that the minority and majority will be able to propose a roughly equal number of riders on average, although the actual pattern each Congress may be somewhat inconsistent. When polarization and cohesion are high, Procedural Cartel theory posits that the majority leadership's focus on voting cohesion means that the minority party members, who will have an incentive to propose more riders due to their lack of satisfaction with the status quo, will have the ability to propose more riders than periods where majority agenda control is the focus. Because the majority party should be generally satisfied with the legislation as it exits the committees because they are ideologically aligned with the caucus, this will result in the number of minority riders increasing so their number exceeds those being proposed on the floor by the majority. The CPG perspective, however, conceives of the majority leadership as being able to exercise both agenda control and voting discipline in periods of high polarization and cohesion. Therefore, the majority should be able to prevent many of the minority party riders from being introduced, which results in more majority riders being proposed on the floor than minority riders.

Based upon the differing conceptions of leadership power and the tools the majority party utilizes during periods of low versus high cohesion and polarization, the Procedural Cartel and CPG perspectives make contrasting predictions regarding the amount of riders that should be successfully proposed on the House floor by each party during varying institutional contexts. However, the similarity between the

theories in their basic premise regarding the importance of parties for legislative outcomes leads to similar forecasts concerning the number of riders that should be proposed in the aggregate, as well as their overall and partisan passage rates. The presence of similar predictions is evidence that the Procedural Cartel and CPG perspectives may not be as opposite as they are sometimes portrayed and provides an opportunity to test the ability of their areas of theoretical cohesion to predict legislative behavior. While determining the comparative accuracy of each perspective's underlying rationale in the areas where their observable manifestations are similar is outside the scope of this study, the upcoming analysis will still be able to determine whether or not their areas of theoretical overlap have evidentiary support.

Conclusion

The purpose of this chapter was to lay the descriptive and theoretical groundwork for the analysis of limitation riders that will occur in chapters three and four. Within the evolution of the appropriations process that has occurred since the Civil War, larger institutional competitions between the committee and the leadership for control over the legislative process are reflected, with the Appropriations Committee being more dominant in the earlier part of the twentieth century while the party leadership has been increasingly resurgent since the 1970s reform era. The ability of the party leadership to utilize the appropriations process to achieve substantive ends through tools such as limitation riders has become more widespread in recent years. Meanwhile, the ability of the minority party to use this tool to attach policy that could not independently pass, or to force the majority party to go on the

record regarding issues of controversy has continued to provide incentives for their members to attempt to propose and pass these kinds of amendments.

The allowance of indirect policy-making within the appropriations process via tools such as limitation riders, as well as the distinct motivations that the members of the majority versus the minority have to use them, provides a hitherto unexplored avenue to test the comparative predictive ability of the Procedural Cartel and CPG perspectives. In addition, the similarity of three out of the four predictions made by these theories provides an additional means to evaluate these perspectives by directly testing the proposition that polarization and cohesion impact the legislative success of the majority and minority parties, as well as overall institutional dynamics in the proposal and passage of floor amendments. In the following chapter, both the parallel and competing predictions made these perspectives regarding limitation riders will be evaluated.

Chapter Three: Limitation Riders in the 97th through the 110th Congresses

Method and Data

This chapter utilizes a dataset of limitation riders taken from the 97th through the 110th Congresses to test the explanatory power of the Procedural Cartel and CPG perspectives outlined in the previous chapter. These Congresses were selected because, while they are after the 1970s reform period in the House, they include the 1983 modification of the rules governing floor consideration of limitation riders and thus are able to measure the impact of that change. In addition, this time period includes seven Congresses with low inter-party cohesion and intra-party polarization and seven Congresses with high polarization and cohesion, both of which are important explanatory variables for the Procedural Cartel and CPG theoretical frameworks.

The unit of analysis for this study is each individual limitation rider proposed on the House floor between the 97th and 110th Congress to a regular appropriations bill, which allows for the impact of the partisanship of the bill sponsor to be accounted for. Riders from continuing resolutions or supplementary appropriations legislation are not included in this analysis because these types of bills are typically considered under closed rules, making the successful proposal of a limitation rider on the floor in this legislative context a rare occurrence. The data on individual limitation riders was taken from the text of the amendments proposed on the House floor to all regular appropriations bills during the period under study found in the Library of Congress THOMAS database. Limitation amendments were identified by their procedurally

mandated opening language “None of the funds provided in this Act may be used for...”(Oleszek 2001, 54), resulting in a starting total of 1075 limitation riders in the period under study. The 137 limitation riders that were withdrawn from consideration were then removed from this total, as were the 75 amendments excluded from consideration via point of order objections. The totals on limitation riders that were withdrawn and subjected to successful point of order motions is included in Table A.1 in Appendix A.

The limitations sponsored by Congressman Jeff Flake (R-AZ) during the 109th and 110th Congresses were also excluded. Between the 108th and 109th Congresses, the total number of riders that were proposed on the floor increased from 98 to 166 and this high level was maintained with 168 limitation amendments being successfully proposed on the floor in the 110th Congress, a dramatic swing that was in large part due to the efforts of Flake. Elected in 2000 on a platform of anti-government waste, Flake’s main legislative priorities involved combating earmarks and the other forms of government spending he viewed to be unwise or excessive (Pear 2006; Ruyle 2009). His efforts in this area and his willingness to publically criticize his own party leadership over its spending priorities led to the stripping of his seat on the Judiciary Committee during the 110th Congress (Fein 2007). Although Flake’s focus within the early part of his legislative career was on removing earmarks during the floor consideration of appropriations legislation, during the 109th and 110th Congress he widened his floor tactics to include the proposal of 93 limitation riders, of which only seven passed. The fact that this one individual Congressman is responsible for over

one-half of the limitation riders proposed by members of the Republican Party during the 109th and 110th Congresses significantly distorts the data on the phenomenon under study. In addition, the fact that the member who proposed the second largest number of limitation riders during the period under study, Jim Trafficant, Jr. (D-OH), only proposed a total of thirty-two riders between 102nd and 107th Congresses, adds further support to the proposition that Flake's legislative behavior in this area is aberrant. After excluding the limitations proposed by Flake during the 108th and 109th Congresses from the group of riders to be examined, the final total was 771.

This study utilizes two dependent variables to test both the similar and competing predictions that the Procedural Cartel and CPG approaches make regarding patterns of limitation rider proposal and passage under varying conditions of inter-party polarization and intra-party cohesion. The first dependent variable is the number of limitation riders successfully proposed on the House floor to regular appropriations bills during the 97th through the 110th Congresses. The second dependent variable is the proportion of riders that passed during floor consideration of regular appropriations legislation during each of the Congresses contained within this study. These dependent variables are utilized because of their ability to operationalize two important phenomena: the amount of majority party agenda control and the amount of majority party voting cohesion that takes place within a given Congress. In Congresses with high levels of majority-party agenda control, more majority party limitations will be successfully proposed than minority riders; in Congresses with high levels of majority-party voting discipline, a higher proportion of majority limitations

will pass than minority limitations. Supportive evidence for the Procedural Cartel perspective from these two dependent variables would be a higher number of majority riders being introduced when polarization and cohesion is low, and a higher number of minority riders when polarization and cohesion are high. If the number of majority and minority riders that are proposed is approximately equal when polarization and cohesion is low and the number of majority limitations exceeds the minority during high polarization and cohesion, this would lend stronger support to the CPG perspective. Both theories, however, expect to find a high rate of passage in the aggregate and for both parties during periods of low cohesion and polarization, and a lower aggregate but higher majority passage rate during periods of high polarization and cohesion.

It follows, therefore, from the above discussion that the first independent variable utilized in this study is the party of the limitation rider sponsor. Legislative sponsors were coded first according to which party they belonged at the time of the vote (Democratic, Republican, etc.) and were then re-coded according to whether or not the sponsor's party held a majority or minority of the seats in the House at the time that the rider was proposed. Representatives Bernard Sanders (Independent) and Bruce Vento (Democrat Labor Union) were coded according to the party with which they caucus, which is in both cases the Democratic Party. The data source for this variable is the Congressional Biographical Directory published by the U.S. Congress.

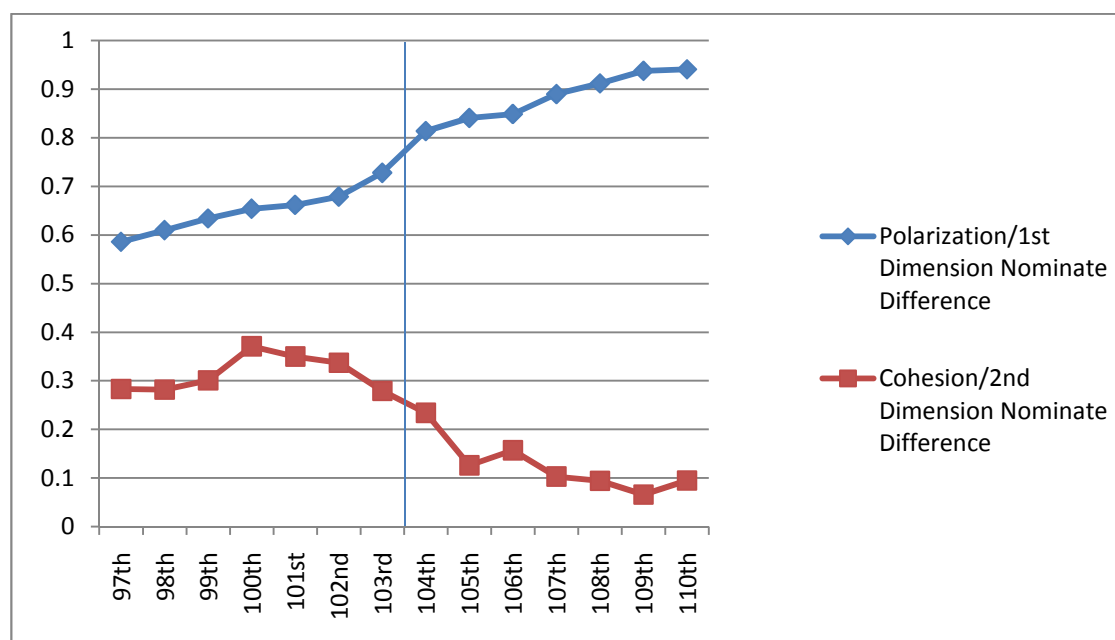
The second and third independent variables in this study are the level of inter-party polarization and intra-party cohesion present within each Congress. Rohde's

(1991) initial study of conditional party government operationalized these concepts as the number of party unity votes, where the majority of one party votes the opposite of the majority of the other party, that occur in each Congress. Poole and Rosenthal (1997) utilize a two-dimensional spatial model (D-NOMINATE) to map legislative voting and measure the amount of party cohesion on a given issue. The first dimension contains the fundamental economic issues that define and separate the major political parties and so a high amount of party unity on these votes indicates that the amount of polarization *between the parties* is also high. The second dimension deals with regional issues that *divide the parties internally*, such as the question of slavery during the Civil War era, making the level of unity of these votes indicative of the amount of internal party cohesion that exists. Poole and Rosenthal (1997) found that parties have typically been polarized on the first dimension and this polarization is exacerbated when the party membership is highly cohesive on these issues. This methodology can also be utilized to create aggregate estimates of party polarization and cohesion for each Congress derived from both D-NOMINATE and the scores for the more recent Congresses entitled W-NOMINATE (see Aldrich, Rohde and Tofias 2007). In this mode of analysis, the two dimensions that map the amount of inter-party polarization and intra-party cohesion are maintained as distinct estimates because combining them tends to mask where the significant areas of difference between and within the parties occur (Aldrich, Rohde and Tofias 2007).

The operationalization of inter-party polarization and intra-party cohesion variables in the current study involves a measure that captures the distance between

the median Democrat and median Republican on the first and second NOMINATE dimension for each Congress. This measure is scaled between zero and one with a higher score on the first dimension indicating a higher amount of polarization between the two main parties. Conversely, while the second dimension is similarly scaled, a higher score indicates a lower level of internal party ideological cohesion. These scores are taken from the Aldrich, Perry and Rohde (2009) study, which are numerically listed in Table A.2 in Appendix A.

Figure 3.1
Difference in Median Party NOMINATE Scores, 97th through the 110th Congresses



Source: Aldrich, Perry and Rohde (2009).

Figure 3.1 illustrates the level of inter-party polarization and intra-party cohesion during the 97th through 110th Congresses. The first-dimension measurement of inter-party polarization during the period under study shows that the level of

polarization is initially low and proceeds to steadily grow until the 104th Congress, where it jumps to a relatively high level that consistently increases through the 110th Congress. Specifically, the level of party polarization began at .586 in the 97th Congress and grew to .728 in the 103rd Congress. Between the 103rd and 104th Congress, the level of polarization increased almost .1 to .814, and ended up at .941 during the 110th Congress. These numbers generally indicate that the majority and minority parties had only a moderate level of ideological distance in the first part of the period under study, but that the amount of distance between them increased significantly after the 103rd Congress and ended with the parties being almost entirely separate from one another.

For the second-dimension measurement of intra-party cohesion, the amount of ideal-point polarization began at .283 during the 97th Congress and, after initially increasing through the 100th Congress, showed a general decline through the 110th Congress to a level of .095. Overall, these numbers indicate that the level of intra-party cohesion was initially moderate and, after some instability between the 98th and 102nd Congresses, the general trend was toward much higher cohesion after the 104th Congress. It is also worthwhile to note that this low level of difference between the parties on regional issues is consistent with the increase in polarization on economic issues, where the parties manifest their strongest differences and battles over policy within the House are typically concentrated. The above data establish a period of low inter-party polarization and intra-party cohesion between the 97th through the 103rd Congresses and contrasts it to the high polarization and cohesion that occurs between

the 104th and 110th Congresses. Thus, it provides a good time period to test both theoretical perspectives simultaneously.

The Procedural Cartel and CPG theories yield a set of three similar predictions regarding the aggregate number of limitation riders proposed each Congress, the overall rider passage rate and the rider pass rate for the majority versus the minority party. First, according to these two theoretical perspectives, the total number of limitation amendments proposed each Congress on the floor between the 97th and 103rd Congresses will be lower than the total proposed each Congress between the 104th and 110th Congresses. Second, the overall proportion of limitation riders that pass between the 97th and 103rd Congresses will be higher than the proportion that passes between the 104th and 110th Congresses. Third, when comparing the pass rates of the majority versus the minority party, the parties will have roughly equal pass rates during the period of low cohesion and polarization between the 97th and 103rd Congress but the majority's pass rate will exceed the minority's as the level of polarization and cohesion is heightened during the 104th through the 110th Congresses.

While the Procedural Cartel and CPG perspectives make similar predictions in three key areas, they differ as to whether the majority or minority proposes more riders during periods of low versus high inter-party polarization and intra-party cohesion. According to the Procedural Cartel perspective, when cohesion and polarization is low, the majority's utilization of agenda control results in the minority party members proposing fewer limitation riders than the majority members. More specifically, if this theory is correct, between the 97th and 103rd Congresses the majority party should

propose more riders each Congress than the minority party. From the CPG perspective, however, during periods of low polarization and cohesion, the lack of majority agenda control gives both parties roughly equal abilities to propose floor limitation riders, which means that if this theory is correct, between the 97th and 103rd Congresses, the number of riders proposed by the majority and minority party members should be roughly equal. During Congresses with high polarization and cohesion, such as the period between the 104th and 110th Congresses, if the Procedural Cartel perspective is more accurate, the majority focus on voting cohesion should result in the members of the minority party having the ability to propose more riders than under periods where majority agenda control is the focus. In contrast, the CPG perspective posits that when cohesion and polarization is high, the majority is able to prevent many of the minority party riders from being proposed due to their ability to control the agenda and enforce voting discipline. If this theory is the more accurate, in each of the Congresses between the 104th and 110th Congress, the majority party should propose more riders than the minority party.

The parallel theoretical predictions made by the Procedural Cartel and CPG frameworks regarding limitation rider proposal and passage can be generally summarized by three hypotheses:

Hypothesis One: Fewer limitation riders are proposed but proportionally more pass in Congresses with low inter-party polarization and intra-party cohesion than in Congresses with high polarization and cohesion.

Hypothesis Two: During Congresses with low inter-party polarization and intra-party cohesion, the limitation riders sponsored by members of the majority and minority parties have approximately equal rates of passage.

Hypothesis Three: During Congresses with high inter-party polarization and intra-party cohesion, the limitation riders sponsored by members of the majority party have a greater rate of passage than the riders proposed by members of the minority party.

The contrasting predictions made by the Procedural Cartel and CPG perspectives regarding limitation rider proposal and passage are contained within the following four hypotheses:

Hypothesis Four (Procedural Cartel): During Congresses with low inter-party polarization and intra-party cohesion, members of the majority party propose more limitation riders than members of the minority party.

Hypothesis Five (Procedural Cartel): During Congresses with high inter-party polarization and intra-party cohesion, the members of the minority party propose more limitation riders than members of the majority party.

Hypothesis Six (CPG): During Congresses with low inter-party polarization and intra-party cohesion, the number of limitation riders proposed by members of the majority party and members of the minority party should be close to equal.

Hypothesis Seven (CPG): During Congresses with high inter-party polarization and intra-party cohesion, the minority party members propose fewer limitation riders than the members of the majority party.

The data in this study is analyzed utilizing the dependent variables of limitation rider proposal and passage rates in each of the Congresses under study along with the independent variables of sponsor partisanship, inter-party polarization and intra-party cohesion. The dependent variable of limitation rider passage is coded dichotomously (pass-1, fail-0). The first and second dimension NOMINATE inter-party polarization and intra-party cohesion scores are kept in continuous form ranging from zero to one. The variable of majority status was coded dichotomously (majority-1, minority-0) and used to formulate an interaction term for the impact of majority status during the high polarization and cohesion Congresses (104th through 110th) on the likelihood that a limitation rider would pass.

The evaluation of the shared hypotheses begins with an examination of the aggregate numbers of limitation riders proposed and passed during the Congresses under study. If the prediction made by Hypothesis One is correct, a smaller number of limitation riders will be proposed in the 97th through the 103rd Congresses than the 104th through the 110th Congresses, but the riders proposed in the latter group will have a proportionally lower rate of passage. The second piece of analysis tests the predictions made by Hypotheses Two and Three by examining the rate of passage of the limitation riders proposed and passed each Congress. Evidence supportive of these hypotheses would be an approximately equal rate of passage of minority and majority-sponsored riders during the 97th through the 103rd Congresses, as well as a greater rate of passage for riders sponsored by members of the majority party than those sponsored by members of the minority party during the 104th and later Congresses. The third

piece of analysis tests Hypotheses Two and Three via multinomial logistic regression with the STATA 10 statistical package to evaluate if the level of intra-party polarization, level of inter-party cohesion and majority party status during periods of high polarization and cohesion significantly impact the odds that a limitation rider will pass.

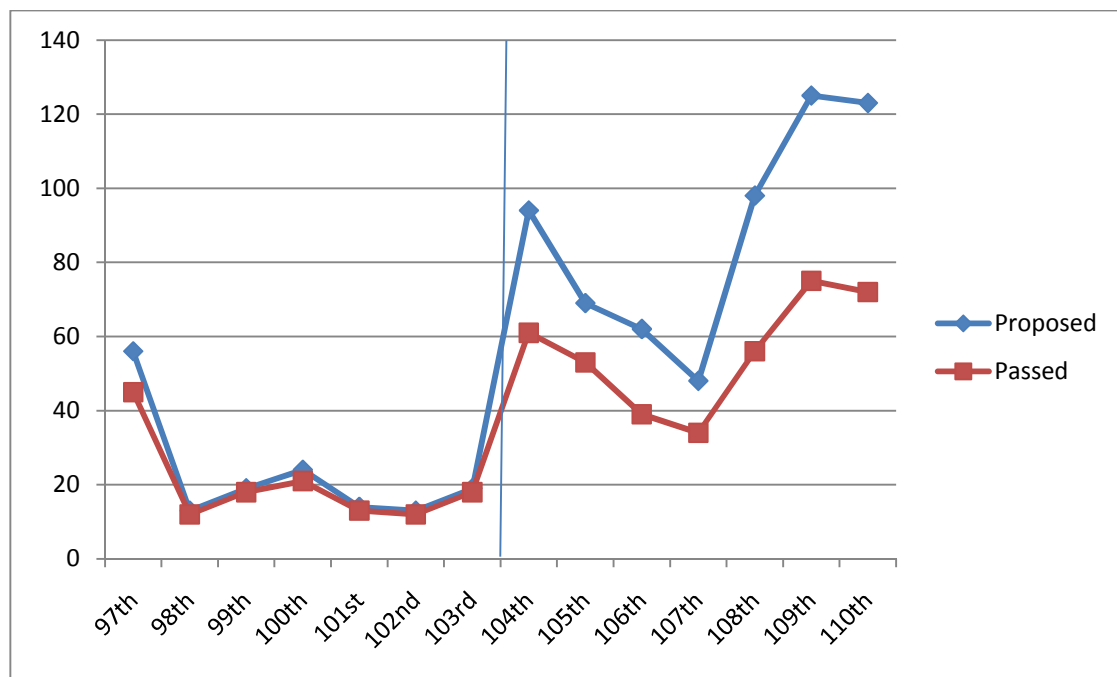
The final piece of analysis tests the four remaining hypotheses with an assessment of the total number of limitation riders proposed by majority versus minority party members in each of the Congresses from the period under study. If the Procedural Cartel perspective (Hypotheses Four and Five) is correct, members of the majority party will propose more limitation riders than members of the minority between the 97th and 103rd Congress, while members of the minority party will propose more riders than the majority party during the 104th through the 110th Congress. If, however, the CPG thesis (Hypotheses Six and Seven) has better leverage, the members of the minority will equal or exceed the number of riders proposed by members of the majority during the 97th through the 103rd Congresses, while members of the majority party will propose more riders than the minority between the 104th and 110th Congresses.

Findings

Figure 3.2 illustrates the total number of proposed and passed limitation riders during the 97th through the 110th Congresses. The drop in the number of limitation riders between the 97th and 98th Congresses from 56 to 13 is reflective of the 1983 rules change that strengthened the ability of the floor manager from the committee to

prevent the consideration of limitation riders with a successful motion to rise. The impact that this change had on the number of riders proposed during that Congress is also indicative of the amount of control that the committee itself, or the majority leadership working through the committee, is able to exert from this point forward over the floor process. The number of limitation riders proposed during the 98th through the 103rd Congresses range between 13 and 24. This number dramatically increases during the 104th Congress to 94 limitation riders and then immediately decreases during the 105th Congress to 69. While a moderately downward trend continues during the 106th and 107th Congresses, the number of limitation riders again increases during the 108th Congress from 98 riders to 123 during the 110th Congress.

Figure 3.2
Limitation Riders Proposed and Passed, 97th through the 110th Congresses



The pass rate of this group of limitation riders varies considerably across the 14 Congresses under study. Although between the 97th and 103rd Congresses, almost all riders that were proposed were passed, this trend abruptly changed during the 104th Congress with a pass rate of less than two-thirds for that time period. While a greater proportion of riders began to pass during the 105th through the 107th Congresses, the pass rate never approached the level of the earlier Congresses. Beginning with the 108th Congress, the proportion of limitation riders that were passed dramatically decreased so that during the 109th and 110th Congress, less than two-thirds of the riders proposed were passed.

The findings in Figure 3.2 are strongly supportive of the parallel Procedural Cartel and CPG predictions contained within Hypothesis One. During the period of low inter-party polarization and intra-party cohesion between the 97th and 103rd Congresses, with the exception of the 97th Congress, in each Congress a lower number of limitations was proposed than in any of the 104th through 110th Congresses. Moreover, the total number of limitation riders proposed during the 97th through the 103rd Congress was 158, versus the 619 total proposed between the 104th and 110th Congresses. For the rate of passage during the low versus high polarization and cohesion Congresses, out of the 158 riders proposed between the 97th and 103rd Congresses, 139 (eighty-eight percent) passed while for the 104th through the 110th Congresses, out of the 619 riders that were proposed only 390 (sixty-three percent) passed. These findings are strongly supportive of the Hypothesis One prediction that a greater proportion of riders would pass during Congresses with low inter-party

polarization and intra-party cohesion than Congresses with high polarization and cohesion.

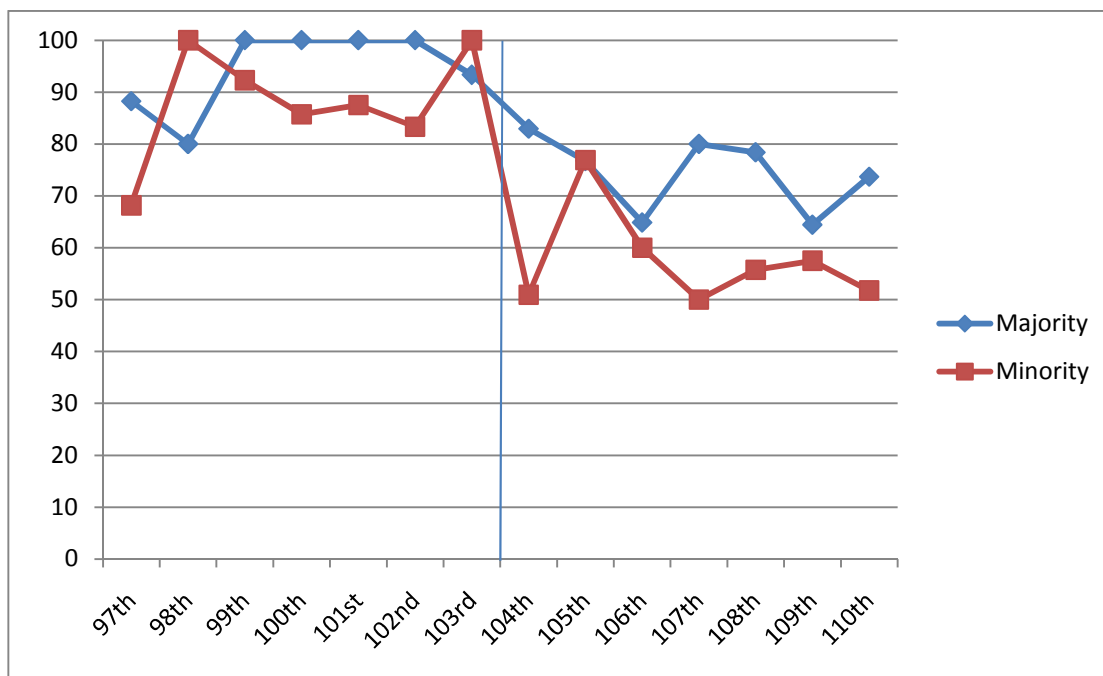
Table 3.1
Limitation Riders Proposed and Passed by Party, 97th through the 110th Congresses

Congress	Riders Proposed		Riders Passed	
	Majority	Minority	Majority	Minority
97 th	34	22	30	15
98 th	5	8	4	8
99 th	6	13	6	12
100 th	3	21	3	18
101 st	6	8	6	7
102 nd	7	6	7	5
103 rd	15	4	14	4
104 th	41	53	34	27
105 th	43	26	33	20
106 th	37	25	24	15
107 th	15	33	12	22
108 th	37	61	22	34
109 th	45	80	29	46
110 th	38	85	28	44
Total	332	445	252	277

Table 3.1 details the number of limitation riders proposed and passed in the 97th through 110th Congresses broken down by the legislative sponsor's party while Figure 3.3 illustrates the passage rate for the limitation riders proposed by majority party members versus the minority party members during the period under study. In the aggregate, during the 14 Congresses contained within the study, 252 out of the 332 limitation riders that were proposed by members of the majority party passed while 277 out of the 445 riders proposed by members of the minority party passed. When comparing the total number of riders that were proposed by these two groups of

members, the minority failed to pass 158 total limitation riders, almost twice as many as the 80 limitation amendments that the majority failed to pass.

Figure 3.3
Percentage of Limitation Riders Passed by Party, 97th through the 110th Congresses



In evaluating the difference between the majority and minority limitation rider pass rates during periods of low polarization and cohesion, the data in Figure 3.3 indicates that between the 97th and 103rd Congresses, the pass rate of the majority versus the minority is somewhat inconsistent. While the minority had a perfect rate of passage for the 98th and 103rd Congresses, the majority exceeded its rate of passage in the 97th, 99th, 100th, 101st and 102nd Congresses. Supplementing this data with the numbers found in Table 3.1, during this period the members of the minority party proposed a total of 82 limitation riders and passed 69 of them while the majority proposed a total of 76 limitation riders and passed 70 of them. Overall, the difference

between the majority and minority's average pass rate is only eight percent, with a 92% pass rate for the majority and an 84% pass rate for the minority. This evidence is generally supportive of Hypothesis Two, which predicts that during periods of low inter-party polarization and intra-party cohesion, the majority and minority-sponsored limitation riders will have roughly similar pass rates. Although for four out of the seven Congresses, the gap in pass rate between the parties was over ten percent, the relatively small number of riders proposed by each group tends to inflate an actual difference that is quite small.

The data in Figure 3.3 is also supportive of Hypothesis Three, which predicts that during periods of high inter-party polarization and intra-party cohesion, the pass rate of majority riders will be greater than the pass rate of minority riders. Between the 104th and 110th Congresses, the majority had a higher rate of passage for six of the Congresses and equaled the minority's pass rate in the seventh Congress. In addition, while the minority proposed a total of 363 limitation riders during this period, which is 107 more than the majority, only 208 of these riders passed, which is only 36 more than the majority passed during that same period. The difference between the majority and minority party's average pass rate is ten percent, with the majority passing 67% of its limitation riders while the minority passed 57% of its riders. While difference between the majority and minority pass rates in periods of high versus low cohesion and polarization is not high in an absolute sense, the greater majority pass rate within each Congress and the two-thirds increase in the difference between the pass rates

between the low and high cohesion and polarization periods is generally supportive of what this hypothesis predicted.

Table 3.2
Logistic Regression Analysis: Passage Rate by Polarization, Cohesion and Party Sponsor, 97th through the 110th Congress

	Limitation Passage	
	Coefficient	Odds Ratio
Inter-Party Polarization (First Dimension)	-5.390** (2.14)	.004
Intra-Party Cohesion (Second Dimension)	-.251 (2.529)	.778
Majority Party (104 th through 110 th Cong.)	.471** (.172)	1.601
Log Likelihood	-462.59	
Chi-square	47.49	
Pseudo R2	0.0488	
N	777	

*p<0.05; **p<0.01.

Note: Standard errors in parentheses.

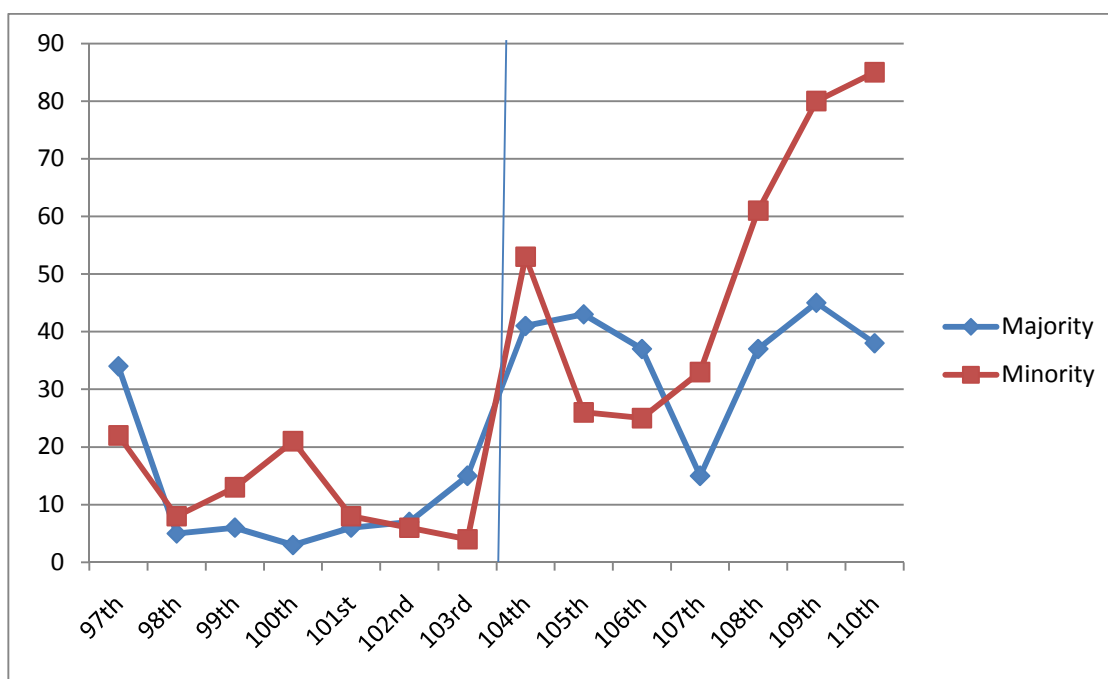
The results of the logistic regression test of Hypotheses Two and Three's predictions regarding the impact of inter-party polarization, intra-party cohesion and the majority party status of the limitation sponsor during periods of high polarization and cohesion on rider passage are found in Table 3.2. The polarization and cohesion variables are the D and W NOMINATE polarization scores by Congress found in Table A.2 and are kept in continuous form. The dichotomous majority party variable was tested during the 104th through 110th Congresses only through the creation of a variable that captures the interaction of majority party status with high polarization and cohesion. Inter-party polarization is found to lower the odds that a rider will pass with a coefficient that is highly statistically significant. In addition, during periods of

high polarization and cohesion, if the legislative sponsor is a member of the majority party, this also significantly raises the odds that a limitation will pass. While these findings lend strong support to the shared Procedural Cartel and CPG Hypotheses Two and Three, it is important to note that the variable of intra-party cohesion was not statistically significant and that the pseudo R2 of 0.0488 indicates this model is limited in its ability to fully account for why limitation riders passed or failed in the period under study. Despite the model's limitations, however, the statistically significant performance of the polarization and majority party variables in the direction that Hypotheses Two and Three predict lends support to the proposition that the patterns observed in the data are not coincidental and can be at least be partially accounted for via the parallel predictions made by the Procedural Cartel and CPG perspectives.

Figure 3.4 illustrates the number of riders proposed by the majority versus minority party members during the 97th through the 110th Congresses. For the period of low inter-party polarization and intra-party cohesion between the 97th and 103rd Congress, the Procedural Cartel perspective and Hypothesis Four predicts that the majority party members will propose more riders than minority party members. In contrast, CPG and Hypothesis Six posit that during periods of low polarization and cohesion, the majority and minority should have a roughly equal numbers of riders proposed. The data contained within Figure 3.4 indicates that in the aggregate, between the 97th and 103rd Congresses the minority and majority proposed similar numbers of limitation riders with the majority proposing 76 and the minority proposing 82. In only two out of the seven Congresses, did the majority exceed the

minority in the number of riders its member proposed, in three out of the seven Congresses, the number of limitation riders proposed by the majority versus the minority party members were only separated by one rider and in the remaining two Congresses, the minority exceeded the majority in the number of riders its members proposed. These findings suggest greater support for Hypothesis Six than Hypothesis Four and are generally supportive of the CPG prediction that members of the minority and majority would propose roughly equal numbers of riders on the floor during Congresses with low cohesion and polarization where the committees are able to control the floor agenda and dissuade amendments from both parties.

Table 3.4
Number of Limitation Riders Proposed by Party, 97th through the 110th Congresses



The data found in Figure 3.4 also speaks to the contrasting expectations of Hypothesis Five (Procedural Cartel), which predicts that members of the minority will

propose more riders during high polarization and cohesion Congresses than the members of the majority, and Hypothesis Seven (CPG), which predicts that members of the majority will propose more riders during high polarization and cohesion Congresses than the members of the minority. Between the 104th and 110th Congresses, members of the majority party proposed 256 limitation riders while the minority party members proposed 363 riders. In addition, the majority party members proposed more limitation riders than the minority in five out of the seven Congresses under study. It is also worthwhile to note that between the 107th and 110th Congresses, the difference in the number of riders proposed by members of the majority and minority steadily increased, from 18 riders in the 107th Congress to 47 riders in the 110th Congress. The findings in this analysis suggest stronger support for Hypothesis Five and the Procedural Cartel perspective than Hypothesis Seven and the CPG perspective. Moreover, when inter-party polarization and intra-party cohesion were especially high in the latter four Congresses, the level to which the number of minority riders exceeded majority riders increased in each Congress. This is particularly supportive of the proposition that as polarization and cohesion increase, the majority will focus less and less on agenda control.

The data contained within Table 3.1 and Figures 3.2 and 3.3 suggest strong support for the parallel predictions made by the Procedural Cartel and CPG perspectives contained within Hypotheses One, Two and Three. The overall trends of rider proposal and passage, both in terms of aggregate totals and within each Congress, conform to the predictions of both theories, that fewer limitation riders

would be proposed but these riders would have a higher pass rate during Congresses with low inter-party polarization and intra-party cohesion when compared with Congresses that have high amounts of polarization and cohesion. Only the 97th Congress had as many riders proposed as any of the 104th through 110th Congresses and this discrepancy can be accounted for via the rules change that occurred in the 98th Congress, which was indicative of stronger agenda control being exerted by either the committees or the leadership. The data on limitation rider pass rate by party is also supportive of the Procedural Cartel and CPG perspectives, that the majority and minority limitation riders would have a similar rate of passage during low polarization and cohesion Congresses but the majority would have a higher passage rate during the high polarization and cohesion Congresses. This was true of the aggregate numbers, where the majority and minority average rates of passage were separated by six percent between the 97th and 103rd Congresses versus the ten percent higher rate of passage for the majority party riders between the 104th and 110th Congresses. Although a larger difference between the rates of passage in the low versus high cohesion and polarization periods would have lent stronger support to these two hypotheses, the small number of riders during the low cohesion period makes the difference in the rate of passage between the two parties, which was in fact only six limitation riders, seem much larger than it really is.

The results of the statistical analysis located in Table 3.2 are also supportive of the shared theoretical predictions made by Hypotheses Two and Three. Inter-party polarization and Majority party membership both were statistically significant, with

majority party membership increasing the odds of a rider's passage and inter-party polarization lowering the odds of a rider's passage. However, the lack of statistical significance for the inter-party cohesion variable is problematic for the predictions made by these hypotheses, as is the low pseudo R2 for the model. Nevertheless, the results of this analysis when combined with the raw and cross tabulated data lend support to the proposition advanced by both the Procedural Cartel and CPG perspectives that the amount of inter-party polarization and intra-party cohesion significantly impacts the likelihood that limitation riders will be proposed on the floor and consequently passed.

The comparative evidence for the Procedural Cartel and CPG perspectives contained within Figure 3.4 is clearly delineated by the institutional context present within each Congress. While during the period of low inter-party polarization and cohesion, the evidence was most supportive of the CPG prediction that the number of riders proposed by the majority and minority party members would be similar, the evidence during the period of high party polarization and cohesion was most supportive of the Procedural Cartel predictions that the minority party would propose more riders than the majority. Some argument could be made that the trend within the latter Congresses is more strongly supportive of the Procedural Cartel hypothesis than the pattern of data within the earlier Congresses is supportive of the CPG predictions. However, the fact that data within the 97th, 103rd, 104th, 107th, 108th, 109th and 110th Congresses is supportive of the Procedural Cartel perspective while the data for the 98th, 99th, 100th, 101st, 102nd, 105th and 106th Congresses is supportive of the CPG

perspective confirms that neither theory has the ability to fully account for the proposal of limitations by members of the majority and minority during both kinds of institutional contexts.

While overall, the data shows that the institutional context matters for the number of limitations proposed and passed but does not account for the specific way in which it matters. Moreover, in the area of theoretical contrast, this data demonstrates that both the Procedural Cartel and CPG perspectives are limited in their ability to account for the attempts to amend legislation on the House floor. In the concluding chapter of this analysis, the reasons for and implications of this finding is explored.

Chapter Four: Conclusion

The findings in the previous chapter are generally supportive of the theoretical proposition that the institutional context impacts the success with which the majority and minority parties are able to propose and pass agenda items on the floor of the House. Specifically, the aggregate number of limitations proposed and passed, as well as the proportion of riders passed by the majority and minority parties varied depending upon the level of inter-party polarization and intra-party cohesion present within Congress at the time, as both the Procedural Cartel and CPG approaches predicted. The pattern of limitation riders proposed by the majority and minority parties, however, could not be completely accounted for by either the Procedural Cartel or the CPG perspective. While the data in the period of low polarization and cohesion most closely aligned with the CPG expectations, the greater number of riders proposed by the minority when cohesion and polarization was as high, was as predicted by the Procedural Cartel theory. This final chapter begins by discussing the implications of the findings contained within the previous chapter for the accounts of decision-making within the House proved by the Procedural Cartel and CPG perspectives and concludes by discussing other theoretical explanations for these findings not tested within this study and suggests avenues for further research.

Discussion

The major finding within this study is the inability of both the Procedural Cartel and CPG perspectives to account for the pattern of limitation proposal on the House floor by the majority versus the minority party. The CPG argument, that when

polarization and cohesion is low, the committees will dominate the floor process and have the ability to successfully dissuade amendments originating from both the majority and minority parties, most closely aligns with the data from the 97th through the 103rd Congresses. However, the Procedural Cartel thesis, that the majority party's focus on floor voting discipline (instead of agenda control) when polarization and cohesion is high results in the minority having the ability and incentive to propose a high number of riders, is borne out by the data from the 104th through the 110th Congresses.

The inability of the Procedural Cartel or the CPG approaches to account for the proposal of limitations during both kinds of institutional contexts implies that there may be weaknesses within both theoretical frameworks. In the case of the Procedural Cartel theory, if the majority actually controls the agenda during Congresses where polarization and cohesion are low, more riders from the majority should be proposed than the minority. However, the low number of limitations that members of the majority party were able to propose during the 97th through the 103rd Congresses appears to indicate that the majority has less ability to agenda control under institutional contexts where polarization and cohesion are low than is argued by the Procedural Cartel perspective. For the CPG approach, if the majority exercises significant agenda control during Congresses where polarization and cohesion are high, members of the majority should be more successful in proposing riders on the floor than the minority. However, the higher number of limitations proposed by the minority when compared to the majority, particularly during the 107th through 110th

Congresses, suggests that majority exercises, and possibly even possesses, much less agenda control during periods of high polarization and cohesion than it is typically credited by this theory.

A possible objection to these findings is that limitations are an inappropriate test of these theories because the politics surrounding their proposal and passage—and appropriations generally—differs from the normal floor conditions under which legislation is considered. While this might be the case if this study had utilized earmarks or other kinds of appropriations amendments that concern distributive politics, limitations have essentially legislative implications through the forbidding of agency action or policy implementation. Limitations can therefore be considered to be representative of other kinds of legislative amendments and are subject to the same kinds of politics. A more serious objection is that the theoretical extension of the Procedural Cartel and CPG perspectives found within this analysis is flawed. In the case of the Procedural Cartel theory, because this framework views the party leadership as having almost perfect control over the committees and the legislative product that exits during periods of low polarization and cohesion, it might follow that the appropriations legislation reported by the committees during this kind of institutional context should align with the preferences of the party leadership, making floor amending unnecessary. Likewise, in the case of CPG, during periods of high polarization and cohesion, the agenda control that the majority exercises over the committees should also result in a committee report that is equivalent to the majority leadership's preferences, which could eliminate the need for majority members to

propose limitations on the floor at all. However, while agenda control might lessen the desire of majority members that are closely aligned with the party leadership to propose amendments, members that are in less agreement with the leadership's goals still have incentives to attempt to introduce limitations. Even as polarization and cohesion increase, until there is perfect ideological alignment between each member of the majority caucus with the party leadership, the proposal of limitations by members of the majority should continue.

The findings within this study as to the areas where both the Procedural Cartel and CPG perspectives fall short in their ability to account for the floor amending process have implications for the future applicability of these theories as they currently stand. Although both approaches are able to predict amending attempts under one kind of institutional context, in order for these frameworks to have the ability to provide a complete account of decision-making in the House, the basic tenants of each theory regarding the ability of the majority leadership to control the agenda need to be revisited, and even potentially revised.

Other Alternative Explanations and Avenues for Further Research

In addition to the theoretical areas for reconsideration outlined in the section above, there are significant theoretical and empirical avenues for further research in the area of limitations, appropriations and committee politics that might shed further light on the politics of decision-making in the House. The purpose of this study was to test two 'party-based' theories of congressional decision-making and in doing so, a methodology that distinguished between members according to their partisan

affiliation was utilized. However, another potential alternative explanation for the findings in this study can be derived from the ‘floor-based’ Pivotal Voter perspective. Krehbeil’s (1998) basic argument is that the capacity of politicians to enact policies is tempered by the executive veto and the Senate filibuster procedures, which lead to the filibuster and ideal points being the key “pivots” for congressional decision-making. Because the members of each legislative chamber can proximately place each of their colleagues in reference to each issue’s pivot, this leads to members structuring their legislation strategically in order to capture that key pivot vote. Extrapolating from this perspective, it is possible that the purpose of limitation riders is to move a piece of legislation along the ideological spectrum so that it either aligns with the pivotal voter, or sabotages the bill so that the pivotal voter will vote against it. The methods utilized to test the Pivotal Voter argument examine member voting behavior not in reference to partisan affiliation, but each individual’s position on a one-dimensional ideological scale. While the methods in this study are unable to test this thesis, a future study that plots the position of each amendment along a single-dimensional ideological space and then examines how each member tends to vote on these issues relative to their own one-dimensional ideal point could potentially shed light on the amount of party influence that actually occurs in these votes, and how much party discipline is actually taking place in various institutional contexts. In addition, information on the ideological position of members that tend to sponsor limitation riders could also help to clarify the possible motives behind their introduction.

Another possible explanation for the trends found within this study is the presence or absence of divided government. Oleszek (1991) has noted that the long-standing trend of divided government has encouraged the rise of a more confrontation style of politics in Congress, where the minority party has the incentive to attack the majority in many different policy arenas and to do so in ways that attempt to alter the parliamentary context. In addition, relations between the President and Congress are also affected as each branch attempts to maintain power by blocking or delaying the other (Oleszek 1991). As divided government has a negative impact on the passage of “landmark legislation” (Howell, Adler, Cameron and Reimann 2000), it is possible that during these periods limitation riders provide an effective means of circumventing policy gridlock and increasing the veto bargaining advantages of Congress relative to the opposition executive. During these periods, limitation riders could also provide a weapon to the minority party to attack the majority on controversial issues. There is some evidence for this perspective, particularly during the 104th Congress, where the number of limitation riders increased with the onset of divided government and remained at high levels relative to previous periods through the 106th Congress. However, the overall increases and decreases in numbers of limitation riders proposed and passed during the entire period contained within this study do not consistently coincide with changes in divided and unified government. In addition, the new appearance of unified government in the 107th Congress did not appear to have a consistent influence in decreasing the proposal of riders, either aggregately or for the different parties. It is possible, however, that divided government in combination with

a Republican majority has a greater impact than divided government with a Democratic majority, but there is limited data with which to test this theory as limitation riders on the floor were not a widespread occurrence until the 1970s.

A final alternative explanation for the number of limitation riders proposed and passed in a given year is their legislative environment. Kiewiet and McCubbins (1985) have noted that appropriations tend to be in larger amounts during election years than non-election years and prevailing economic conditions, such as the amount of inflation and unemployment, also tend to influence the level of appropriations that occur. The partisan context is also significant for budgetary decisions, with a Democratic-controlled Congress tending to appropriate around eight percent per year more than one controlled by the Republican Party (Kiewiet and McCubbins 1991). Finally, the amount of controversy that the majority party's legislative agenda engenders might also influence a decision to resort to utilizing this tool. It is possible that some of these context-based theories could at least partially account for the pattern of limitation rider proposal and passage found within this study, particularly those premised on which party controls the House because limitations can be perceived as an effective way to curb 'wasteful' government spending (see Aldrich and Rohde 2009). One might therefore expect that Republicans would tend to attempt limitations more often than Democrats, particularly when they are in the minority. There is some evidence for this perspective as Republicans proposed more limitations than Democrats in 10 out of the 14 Congresses under study. However, to thoroughly test these kinds of explanations, what occurs within the committees during differing

types of party rule and whether or not the policy content of the riders aligns with the issues of the day must be examined.

While the Pivotal Voter, divided government and contextual theories summarized above might provide additional insight into the proposal and passage of limitations on the House floor, as well as the broader validity of various theories of Congressional decision-making, these explanations require additional analysis is outside the scope of this study. Another significant area for further research is the extent that the rules under which an appropriations bill is considered affect the likelihood that limitation riders will be successfully attached. The drop in the number of limitation riders between the 97th and 98th Congress, which was the result of a change in House rules, demonstrated the significant impact that the procedural context can have on the ability of these amendments to be successfully proposed on the House floor. Based upon these findings, while it seems probable that party leadership utilization of special rules would also have a considerable effect on the number and predominate partisan sponsorship of limitation riders that are successfully proposed, further study is needed to isolate the exact relationship between the two variables and the potential differences in how they operate for members of the majority and minority party.

Another area of inquiry is the relative proportion of limitation riders attached by the majority on the floor versus the number attached in committee. While relations between the majority party and the Appropriations Committee was indirectly examined in this study via the data on floor amending activity, a full study of

committee patterns in limitation rider proposal and passage would more thoroughly clarify the changing nature of their interactions. If the number attached in committee is inversely related to the number proposed and attached on the floor by the majority, this would lend further support for the CPG approach. However, if the number attached in the committee shows greater consistency across varying conditions of polarization and cohesion, this would suggest that the Procedural Cartel framework is potentially more valid.

A final area to be examined in the future is the extent to which limitation riders are more likely to be attached to certain types of appropriations bills. Might the agency to which funds are being appropriated and the consequent policy areas that limitation riders can influence potentially make certain bills more appealing targets than others? The challenge of examining this possibility is that appropriations legislation does not typically (except in the cases of Defense and Interior) allocate funds to only one agency. And even in the case of agency appropriations that are typically packaged with other groups, the pattern is not consistent over time and thus, looking at the bills themselves is not a fruitful way of examining this question. In addition, while it might be possible to look at the individual appropriations account to which a limitation rider is attached and discern which agency is targeted, riders that are attached in such a way as to limit all of the accounts contained within a bill would have to be excluded from this kind of analysis.

Conclusion

This study has utilized limitations as a means of empirically testing the Procedural Cartel and CPG theories of congressional decision-making. The evidence from the analysis of the insertion of limitations into appropriations legislation on the floor indicates that the institutional context is significant in determining the amount of power that the majority leadership holds and the tools that can be utilized to pursue its agenda. However, while there is some evidence of party leadership control over decision-making during Congresses with low polarization and cohesion, it appears that during these periods, the leadership's ability to agenda control is limited by the lack of majority party cohesion that exists and the power that the committees wield. Additionally, during periods of high cohesion, while the majority party leadership may possess more power to influence voting outcomes, its ability or choice to utilize agenda control appears to be limited. These findings suggest that both the Procedural Cartel and CPG perspectives on the power that the majority party leadership possesses over the agenda during varying institutional contexts do not conform to what actually occurs during the floor portion of the legislative process. While further research is needed to clarify the extent to which the basic tenants of the Procedural Cartel and CPG theories regarding party government and agenda control need to be revised, it is clear that, at the very least, both of these perspectives on the influence of parties on decision-making in the House must be revisited.

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Appendix A

Table A.1
Limitation Rider Proposal and Passage Rate by Party, 97th through the 110th
Congresses

Congress	Outcome				Total
	Failed	Passed	Pt. of Order	Withdrawn	
97th	11	45	5	3	64
Majority	4	30	3	1	38
Minority	7	15	2	2	26
98th	1	12	1	0	14
Majority	1	4	1	0	6
Minority	0	8	0	0	8
99th	1	18	6	2	27
Majority	0	6	4	1	11
Minority	1	12	2	1	16
100th	3	21	6	2	32
Majority	0	3	0	1	4
Minority	3	18	6	1	28
101st	1	13	6	1	21
Majority	0	6	3	1	10
Minority	1	7	3	0	11
102nd	1	12	1	2	16
Majority	0	7	0	0	7
Minority	1	5	1	2	9
103rd	1	18	3	1	23
Majority	1	14	2	1	18
Minority	0	4	1	0	5
104th	33	61	7	14	115
Majority	7	7	0	4	45
Minority	26	26	7	10	70
105th	16	53	5	8	82
Majority	10	10	4	4	51
Minority	6	6	1	4	31
106th	23	39	4	20	86
Majority	13	24	1	7	45
Minority	10	15	3	13	41
107th	14	34	4	11	63
Majority	3	12	4	4	20
Minority	11	22	4	7	43
108th	42	56	8	16	122
Majority	15	22	3	6	47
Minority	27	34	10	10	75
109th	50	75	13	44	182
Majority	16	29	1	23	69
Minority	34	46	10	19	109
110th	51	72	6	12	141
Majority	10	28	2	6	46
Minority	41	44	4	6	95
Total	245	526	73	134	984

Table A.2
 Difference in Median Party NOMINATE Scores, 97th through the 110th Congresses

Congress	1st Dimension Nominate Difference	2nd Dimension Nominate Difference
97 th	.586	.283
98 th	.610	.282
99 th	.634	.301
100 th	.654	.371
101 st	.662	.350
102 nd	.679	.337
103 rd	.728	.279
104 th	.814	.234
105 th	.841	.126
106 th	.849	.157
107 th	.890	.103
108 th	.912	.094
109 th	.938	.066
110 th	.941	.095

Source: Aldrich, John H., Brittany Perry and David W. Rohde, 2009.