"Procedural Politics, Partisanship, and Appropriations Legislation in the US House"

by

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Abstract

Procedural tools such as special rules have long provided rich insight for theories of legislative organization and the role of agenda control in the operation of the House and resulting policy outcomes (Dion and Huber 1996; Krehbiel 1997). The analysis provides a comparative framework between the Gingrich and Boehner Republican Houses and their respective party coalitions to understand the leadership’s use of such procedural tools to manage the flow of amendment activity and their effects on appropriations decisions. The empirical focus is on the use of special rules, House floor waivers related to Rule XXI and blanket waivers, and amendment activity on appropriations legislation for seven post-reform congresses (102nd-103rd, 104th-105th, and 111th-113th). Although these types of waivers don’t change jurisdictional precedents directly, they do affect jurisdictional battles over particular bills and provide party leaders with the ability to insert policy riders within the originating committee’s legislation. The analysis considers major predictions from partisan theories relating to how the majority party shaped institutions and rules to exercise agenda control and shape appropriations policy. The results demonstrate that such procedures are relevant to the exercise of both negative and positive agenda control and explain significant partisan conflict on spending decisions. Moreover, the paper finds strong support of key predictions made by CPG in the operation of the appropriation process under the current GOP House regime (Aldrich and Rohde 1997-98).

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I. Introduction

The 112th Congress earned the label, “Worst Congress Ever,” from long-time Congress watcher Norman J. Ornstein, at least in part because of its comparative dearth of legislative accomplishments (2011). If it was not for the passage of legislation to end the fiscal cliff (HR 8 the tax rate extension bill), delivered on the last House roll-call vote on the last day of the 112th, the comparison would seemingly have been worse. As moderates in both chambers have all but disappeared, the demand by members to win partisan support at home and from cash-flush, ideological PACs has grown. House and Senate party leaders in the 112th Congress delivered on this increased demand by loading floor agendas with proposals to galvanize party cleavages rather than attract opposition votes from across the aisle. In the House, nearly 73% of roll calls were characterized by party unity votes in 2012—the highest percentage ever in a presidential election year (Sanchez 2013).1

The 113th Congress didn’t earn the same troubled moniker, but had many similarities nonetheless. Beyond an early budget deal in 2013 to roll back spending cuts and budget caps, the 113th was just a squeak more productive passing a dozen more laws than its “Worst Congress Ever” predecessor.2 And in terms of partisan conflict, the 113th House earned its own notoriety for the highest percentage of party-unity votes in that chamber’s history, occurring on 74.5% of roll calls (Newlin 2014, 1344). Moreover, the primary defeat of Eric Cantor (R-VA) triggered a leadership race elevating establishment-favored Kevin McCarthy (R-CA) to Majority Leader and conservative favorite Steve Scalise (R-LA) to Majority Whip. The leadership shuffle during the 113th exposed a long-simmering divide within the House GOP conference between the Tea Party wing and the traditional business-friendly Republicans (Ethridge, Phenicie, and Wright 2014).

The GOP gained 13 House seats in the 2014 Midterm election and a switch in Senate control (+9 GOP seats) which seems to have only heightened the intra-party fissure between the hard-right and establishment Republicans for the 114th Congress, especially in the House. Speaker Boehner’s burgeoning 247-seat GOP majority is the largest in over eight decades, but the added reinforcements haven’t yet transformed the House majority party into a governing panacea nor has it lead to more (or easier) legislative victories. Indeed, the first test for the new 114th GOP House majority started on the very first day with the largest revolt against an incumbent Speaker in over 100 years, 25 House Republicans voted for someone other than Speaker John Boehner. In hopes of regaining some party discipline in the future, the Speaker kicked off two party rebels from the Speaker’s own Committee—the House Rules Committee.

The Speaker’s task of keeping the Republican conference unified to achieve policy accomplishments while challenging President Obama’s agenda will not likely get any easier as illustrated by the recent GOP struggle to pass the Department of Homeland Security appropriations measure. Speaker Boehner and House leaders relied heavily on Democratic votes to narrowly adopt a clean appropriations bill and to end an intra-party standoff that nearly resulted in a government shutdown. Conservative Republicans had demanded an earlier version of the funding bill contain policy riders to choke off moneys necessary to implement President

1 Party-unity votes occur when a majority of one party (Republicans) votes in opposition to a majority of the other party (Democrats).
2 The 113th enacted 296 public laws while the 112th enacted just 284 laws. And to give some historical perspective going back 30 years, the next lowest output was the 104th Congress (1995-96) with 337 public laws.
Obama’s executive orders allowing illegal immigrants—DREAMERS—to stay in the United States. But the policy riders would not have supermajority support in the Senate and so the House GOP was forced to pass a clean funding measure or to be blamed for shuttering the country’s vital Homeland Security.

There’s plenty of pressing policy decisions on the horizon that will likely stoke division in the House GOP conference including doc-fix for medicare, Export-Import bank reauthorization, raising the debt-ceiling, and across-the-board spending cuts forced by sequestration to name just a few. On the ongoing intra-party struggles, Representative Charlie Dent (R-PA), a long-time ally of Speaker Boehner quipped, “We really don’t have 218 votes to determine a bathroom break over here on our side. So how are we going to get 218 votes on transportation, or trade, or whatever the issue. [Party leadership] has not done a good job of managing expectations. There are too many folks with unrealistic expectations” (Parker 2015). Another Republican strategist made a more blunt prediction, “There’s going to be turbulence” (Weyl 2014, 842).

In this climate, new policies from the authorization committees have virtually shutdown and budgetary constraints imposed by mandatory spending have magnified the role of appropriations in policy making. Regarding appropriations, one long-time Republican staffer said, it's “the only game in town” albeit a different game, “but it's the game nonetheless” (Hallerman 2014, 540). Hitching a policy rider to the appropriations train to encourage (or discourage) agency spending or create new policy is the big business of lobbyists and lawmakers. Party leaders view the appropriations process as a powerful tool to deliver on a range of GOP priorities, including what Senate Majority Leader Mitch McConnell (R-KY) called, “Obama’s overactive bureaucracy” (Scholtes 2015, 18). But the leadership also recognizes that such party priorities have to be balanced with the risk of paralysis as the Chair of House Appropriations, Representative Harold Rogers (R-KY), noted “Appropriations bills are not a luxury, they are a necessity. We have to pass them” (Zeller 2014, 1384). In terms of stopping the president’s agenda with appropriations, the risks are real and the political stakes of shutdown politics exceedingly high as Rogers forewarned, “Don’t take a hostage you can’t shoot” (Zeller 2014).

So, it's a fine line the GOP leadership needs to thread by utilizing appropriations on issues that unite the majority party but do so in a way that demonstrates competence in governing and allows the appropriations train to run on time. Nevertheless, the House GOP leadership has been publicly committed to a more transparent, seemingly free-wheeling, and open amendment structure, especially for appropriations legislation. This paper seeks to assess a couple of important questions about the current GOP House majority: 1) how open has the appropriations process been under the current GOP regime? 2) why did the leadership choose this structure for handling appropriations bills? 3) how does the new GOP appropriations process—its patterns in floor procedure and voting behavior—inform party theories and their implications for negative and positive agenda powers in the House?

To provide insights on these questions, the analysis compares characteristics of special rules and the patterns of floor waivers they contain for appropriations bills across a number of different congresses. The results speak to important considerations of positive and negative agenda control. The analysis details critical House rule changes under the GOP majority that are consistent with predictions made by Conditional Party Government (CPG), especially as they relate to spending measures. In addition, the empirical analysis shows that the restrictive nature of special rules and the use of waivers have become increasingly common procedural features on appropriations legislation and that these features help explain partisan conflict.
II. Party Theories: Negative and Positive Agenda Control

The literature on Congress has witnessed decades of rich debate among competing theories of legislative organization over congressional process, behavior, and institutional change (Mayhew 1974; Cooper and Brady 1981; Rohde 1991; Krebsiel 1991; Sinclair 1995; Binder 1996; Cox and McCubbins 2005). For purposes here, the intent is not to elaborate on this complete literature. But rather undertake a more modest focus on partisan theories, particularly the Cartel and CPG theories, and their respective implications for positive and negative agenda control (Aldrich and Rohde 1997-98; Cox and McCubbins 2005). In focusing on these perspectives, we assume individual members of Congress (MCs) have multiple goals (e.g., reelection, policy, power) and that MCs may vary in the weight they place on these (Fenno 1973). We also assume institutions matter in affecting MC’s attainment of these goals. Party leaders share similar individual goals but also balance between collective goals of the party such as maintaining majority control and working to deliver directly (or indirectly) on goals of individual party members. Institutions and procedures represent a critical tool leaders use to strike such a balance. Both of the major partisan theories, Cartel and CPG, are in relative agreement about such a framework, but there are some differences in emphasis on positive and negative agenda control.

The core feature of Cartel theory is that the majority party is empowered as a “procedural cartel” with the ability to control the floor agenda in the House of Representatives (Cox and McCubbins 2005). The primary mechanism of this power is negative agenda control. Negative agenda control is the majority party’s ability to prevent policies from getting on the House agenda that would be antithetical to the party’s preferences (or goals) or create a significant cleavage within the party (Cox and McCubbins 2002). Critical manifestations of this power revolve around leadership agenda powers, committee gatekeeping, and the Rules Committee that governs a bill’s access to the floor. Cox and McCubbins (2005) have demonstrated that since adoption of Reed’s Rules the majority party in the House has maintained an extraordinary advantage in roll rates relative to the minority party across a variety of legislative stages from the committee context to the floor (procedures and final passage votes). Throughout the long House history covered in their analysis, the authors show that the majority party roll rate varies very little—the majority party rarely loses to the minority party. According to Cartel theory, the negative control is unconditional, an ever present power of the majority party that doesn’t change regardless of the size or preference homogeneity of its membership.

However, a pillar of CPG is that the power of the majority party is conditional on the cohesion within and disparity between policy preferences of the political parties. That is, the power granted to party leaders and the willingness of party members to collectively support the exercise of such institutional powers hinge on the distribution of preferences within the majority party, but also between the majority and minority party (Rohde 1991; Aldrich and Rohde 1997-98). The distribution of preferences of the majority and minority party are largely determined exogenously through elections. A key hypothesis from CPG is that as intraparty preference homogeneity and interparty conflict grows, members of the majority party will increasingly have the incentive to empower leaders with resources and control over institutions to pursue goals shared by the party (e.g., policy). The logic is that homogeneity within the majority party increases incentives for the rank-and-file to grant strong leadership powers because leaders will be less likely to pursue ends contrary to majority party preferences while interparty heterogeneity increases the negative consequences of victory by the opposition party. Although CPG does recognize the important role of negative agenda control, the early development of the theory was designed to explain the 1970s Democratic reforms and growing leadership strength during the 1980s. This placed greater emphasis on positive agenda control to understand how the growing
liberal majority pursued institutional changes that provided the rank-and-file with greater power to effect policy (Rohde 1991). Positive agenda control is the ability to place proposals preferred by the majority party on the floor agenda (Finocchiaro and Rohde 2008).

From the perspectives of Cartel and the CPG frameworks, negative and positive agenda control powers have theoretical and practical implications in terms of understanding what constitutes winning with respect to the policy goals of the majority party. On one hand, winning by negative agenda control means the majority party, or agents empowered by the majority party, are able to protect status quo policies preferred by the party from being overturned by rival policies. On the other hand, winning by positive agenda control means the majority party, or agents empowered by the majority party, are able to replace status quo policies with new policies preferred by the majority party.

Both forms of winning are important for understanding the majority party’s powers and strategies for effecting policy change. Importantly though, the majority party’s inclination to employ these powers is at least partly dependent upon the governing context of the majority party and its relation to existing policy status quos (Finocchiaro and Rohde 2008). If the party has just won majority control in the recent election, one would expect a majority party in its new governing role would have many existing status quo policies it would want to target depending on how long it was out of power. The particular issues and breadth of the majority party’s desired policy change(s) would be conditional upon the intra and interparty preference distribution of the political parties as suggested by CPG. If however, the recent election simply returns the existing majority to its governing role, one would expect the majority party would have fewer existing status quo policies or opportunities for policy change the longer time it had been the governing majority. Although the hunger for policy change would likely be muted or narrowed, the push for positive policy change would be conditional upon the distribution of policy preferences of the political parties as outlined by CPG. On the surface, it would seem there’s some evidence for this as we will see in the next section. Speaker Gingrich delivered the GOP from 40 years in the political wilderness and the new governing party—the revolutionary 104th Congress—desired change to existing status quo policies across a broad range of social, economic, and cultural issues. In contrast, the GOP takeover in the 112th Congress marked a relatively short hiatus of only four years out of power in the House and somewhat narrowed agreement on policy change among the new Republican governing coalition (e.g., reduce spending back to 2008 levels, overturn regulations and Obama reforms).

Under these different conditions then, the CPG theory predicts that the majority party’s positive agenda control powers should vary. Special rules written by the Rules Committee are used primarily to bring bills to the floor for consideration, and as such are viewed mostly as a positive agenda control strategy. However, as Rohde and Finocchiaro argue, special rules are somewhat unique in that their application tends to “intertwine” elements of both positive and negative agenda control (2008, 41). For example, the party leadership—through the Rules Committee—exercises both negative and positive agenda control powers through increasingly complex special rules. Complex special rules have a variety of features relevant to positive and/or negative agenda power such as self-executing provisions, bundling packages of underlying legislation and/or amendments, and governing the available amendments for consideration. A special rule may apply both positive and negative control in a variety of fashions. For example, the special rule simultaneously determines which alternative policies (and not others) are brought to the floor as well as the subset of amendments (and blocking others) that will be considered to the underlying bill. In a similar fashion, waivers contained in the special rule can selectively “turn off” specific standing rules of the House on the underlying bill, sections, or to amendments providing advantages or disadvantages, respectively. Sometimes such waivers are included in the
special rule simply as routine efficiency-enhancing mechanisms, but other times they are used for partisan advantage (Hixon and Marshall 2002). As noted earlier, Finocchiaro and Rohde point out that negative and positive agenda control powers often may be combined in application, especially when it comes to the use of special rules governing all matters of a bill’s consideration on the House floor. When such elements are combined, CPG predicts that they should vary or be conditional upon the distribution of policy preferences of the political parties.

The task of this analysis is to apply the theory of CPG in the context of the current GOP House majority. How should the intra-party homogeneity of the Republican Conference affect variation in agenda control power on appropriations? In the context of the 112th Congress, the GOP was taking over the House after four years of Democratic control—including the last two years (2009-10) under unified government during the new Obama Administration. One might conclude that a relatively homogenous majority party, taking control immediately following unified opposition, would have considerable desire for policy change. And that scenario for policy change was the case for the new Republican majority. However, the range of policy issues on which the party was in agreement was relatively limited in scope to Obama and Democratic reforms in healthcare, financial, and environmental regulations, and especially federal spending. The GOP takeover of the Senate for the 114th Congress likely raised expectations for policy change as suggested earlier by Representative Charlie Dent, but the context of structural limitations of the Senate’s supermajority requirement and the possibility of a White House veto didn’t change. Given that federal spending was a key area of relative agreement between conservatives and the Tea Party faction and was a priority in the Republican’s Contract for America, one would expect the majority party to enhance its control over spending decisions of the House. That is, the majority party would be expected to empower party leaders with control over institutions and rules to effect policy change on this range of status quo policies. This should be especially true for committees, House rules, and procedures related to spending. If the majority party agreed on limiting/reducing spending as is suggested then one would expect in this area of party agreement that the majority party would place a premium on its positive agenda powers. On this point, Speaker Boehner recognized the potential consequences of the leadership’s decision to open up the amendment process on appropriations measures by stating:

“The more we do to avoid risk and protect our members from tough votes, the more ineffective and polarized the institution becomes” (Schatz 2010, 2520).

So it would seem that the new GOP majority was committed to an open amendment process and less concerned with blocking alternatives to appropriations. All members would be allowed to offer amendments on appropriations, but most importantly the majority would be free to offer amendments to cut federal spending, an area where the Republicans were in relative agreement. Although the freedom to offer amendments on appropriations was a centerpiece of Boehner’s pledge to run a more open and transparent House, such a decision would carry risks for the party. Indeed, Rules Committee Chair, Pete Sessions (R-TX), hinted last year at the potential of the open process to cause party dysfunction because, “Of course it’s a double-edged sword” (Dumain and Tully-McManus 2014, 890). Moreover, the leadership pleaded with the rank-and-file during the 113th Congress to show restraint in their amendment activity because of bruising intra-party fights that were perilously close to undermining the appropriations process. Clearly, such intra-party chaos on appropriations could backfire by making a public spectacle of the majority’s inability to govern in the face of the 2014 midterms. According to one GOP aide at a June 2014 closed door meeting of the party conference, the Majority Whip, Kevin McCarthy (R-CA), suggested that members “need to think long and hard” before they offer overly political amendments that could poison the chances a spending bill passes on the floor (Dumain and Tully-McManus 2014, 889). At the same meeting, the Whip went on to warn that if members couldn’t
find their own self-restraint on amendments, the leadership “might need to reconsider our position on whipping amendments.”

Recall earlier a critical prediction of CPG theory: As the condition of preference homogeneity within the majority party and preference heterogeneity between the parties becomes increasingly satisfied, CPG suggests that the majority party will delegate greater resources and control over institutions to the party leadership in order to achieve the party’s policy and collective goals. CPG suggests that agenda control powers may also vary as the condition of party preferences becomes increasingly satisfied and in part dependent on the governing context of the majority party and the subset of existing policy status quos the party is in agreement about changing. In order to begin to assess the veracity of these predictions, the next section moves to a brief discussion regarding the context of the new Republican majority of the 112th Congress and looks at a few of the key institutional changes made, especially those that relate to enhancing the party’s control over appropriations and spending. To place the changes in comparative perspective, the discussion also briefly reviews the extensive institutional changes made by the revolutionary 104th.

III. Institutional Change: Two GOP Majorities and Two GOP Houses

Speaker Gingrich & the Revolutionary 104th

In 1994, the partisan guerrilla warrior, Newt Gingrich, delivered on his promise wresting control of the House and ending the longest period of single-party control in that institution’s history. It was a shift in party fortunes of proportions rarely ever seen in American politics and the resulting impact of the electoral wave on the operation and institutions of the House were equally seismic (Aldrich and Rohde 1997-98). The 54-seat wave added to large gains from the 1992 election cycle, which together created an ideologically cohesive class of conservative activists wanting policy change on a wide array of fiscal, social, and cultural issues. One freshman, John Shadegg (R-AZ), reflected on his new colleagues: “The freshmen aren’t interested in coming here to be reasonable and to settle for what they can get. They don’t want to go along to get along” (Shear 1995, 602). The GOP majority empowered its leadership by changing institutional structures and processes in order to affect change in policy the majority party wanted. The new Speaker was not only the formal leader, but widely viewed as the ideological architect of the Republican revolution. According to one of the insurgents, Rep. Brownback (R- KS), “Basically, he’s using us to institute the revolution” (Doherty 1996, 916). With such powers in hand, Gingrich was widely hailed as embodying the likes of powerful legendary Speakers and revolutionaries of the past—“a combination of Czar Reed and Lenin” (Sinclair 2000, 139).

The Gingrich House witnessed a number of major changes that enhanced leadership power and control, largely at the expense of the committee system. Democratic majorities in the House had instituted changes similar in scope gradually during the 1970s and 1980s. As intra-party homogeneity increased and ideological differences grew between the parties, policy-making in the House was increasingly characterized as moving from a committee-dominated to a party-dominated process (Marshall 2003). In contrast to the more slow-moving Democratic reforms, the Republican changes under Speaker Gingrich occurred in just a few weeks (Aldrich and Rohde 1997-98). The independent power of committees was the target of major change and the

3 There are at least two notable exceptions to this in terms of GOP changes. Similar to moves instituted by the Democratic party, in 1986 Republicans provided their party leader with the power to appoint members to the Rules Committee. Likewise, in 1988 House Republicans strengthened
committee guys running them would find their influence sharply curtailed under the new House structure. Three full committees were abolished—their jurisdictions divvied up between other panels, the tenure of chairman (both committee and subcommittee) were limited to three terms, and committee staff were cut sharply by one-third. Special attention was afforded to the key panels that would carry the weight of legislative proposals contained in the Contract With America. Gingrich and the leadership stacked Energy, Judiciary, and Appropriations with new activist members and tossed seniority aside to install loyal partisans at their respective helms. For example, Gingrich gave seven freshmen and four sophomores prized seats on Appropriations and handed Robert Livingston (R-LA), fifth in seniority, the gavel to the panel. These institutional changes have been thoroughly detailed in other works, but this brief review provides a sense of the magnitude of institutional changes designed to centralize power in the hands of the leadership and move policy priorities of the majority party (see for example Aldrich and Rohde 1997-98; Sinclair 2000).

A Limited GOP House Alliance

The 2010 election ushered in a new House Republican majority to the 112th Congress, a 63-seat wave representing the largest GOP landslide since 1938. John Boehner (R-OH) has seemingly taken lessons from the earlier Republican revolution; yet, there are notable differences in context, leadership style, and resulting institutional changes under the new Speaker. For example, the new House GOP majority in the 112th Congress would enjoy about a dozen more seats than the GOP majority in the revolutionary 104th. But as the former House Speaker Denny Hastert noted the advantage of more seats does not necessarily make the task of building party coalitions less challenging:

“When you have a thin majority — with an advantage of just five or six seats — that means you can’t lose anybody. But it’s almost easier to stick together,” Hastert said. “Everybody can see the casket and the grave. You don’t have to preach to everybody. When you get more of a margin, that’s when it gets to be more difficult. That’s when some people start to tell the press that they won’t vote for something” (Ota 2010, 2528).

Unlike the flamboyant Newt, the new Speaker’s leadership style was described as more restrained by former Speaker Hastert: “John is competitive, and he is very careful” (Schatz 2010, 2520). Speaker Boehner is the formal leader of the GOP majority, a classic pro-business Republican, but he’s not the conservative movement’s leader or culture warrior, he’s the Un-Gingrich. He doesn’t possess the same “one of us” bond with the freshmen that Gingrich enjoyed. One former Republican aide put it this way: “The new crop of freshmen is not going to be deferential to the leadership, so its going to be much harder to be like Moses and demand fealty” (Schatz 2010, 2520). Boehner effectively campaigned and raised money for party candidates but largely delegated the development of the Young Guns and the Contract for America to his able lieutenants (e.g., Eric Cantor, Paul Ryan, and Kevin McCarthy). The Contract for America was not embraced as widely during the 2010 campaigns as compared to the original Contract under Gingrich, and was more a set of general principles rather than a list of specific policy promises. The inherent ambiguity in the contract’s principles would allow for creative policy prescriptions instead of anchoring the party conference to particular policies—or to be judged by the success or failure of such policies and in this sense much less a contract than during the Gingrich era.

their leadership by providing the top leadership with weighted votes on the GOP panel that recommends committee assignments.
Many of the new members were elected by the grass-roots Tea Party movement and less dependent on the traditional party establishment. Boehner instructed his leadership team to embrace the Tea Party, but admitted “They didn’t know who I was, or whether they were for me or against me” (Schatz 2010, 2520). As a pro-business conservative, Boehner would face a difficult balancing act. Many of the traditional Republican interests (e.g., government contracts, free trade, tax breaks, defense spending) would now be at odds with the libertarian stream of the Tea Party. One casualty of this friction was the abolition of earmarks, a long-held and effective practice used by the leadership of both parties to build winning coalitions. Outside groups kept pressure on the leadership to deliver on Tea Party priorities as the former chair of Freedom Works, Dick Armey, reminded Republicans—the electoral broom sweeps both ways (Ota 2010). From inside the House, these newly elected members found their interests more closely aligned with the hard right than the traditional establishment Republicans. This was especially true around reducing government spending and dismantling Obama-led regulations and reforms, particularly in healthcare and the financial industry. The Tea Party members quickly integrated with the Republican Study Committee (RSC)—which constitutes about 176 members or three-quarters of the House GOP conference. It was mostly on this smaller subset of issues that the majority party found relative agreement between the establishment-dominated leadership and hard-right members of the powerful RSC. Indeed, Speaker Boehner said he “felt just as strongly about spending and debt and Obamacare as any tea partier in America” (Goldfarb 2011, 378).

*Institutional Change in the 112th Congress: An UnGingrichy House?*

Speaker Boehner seemed to design his House leadership in a characteristically UnGingrich-like manner. For one, freshman members made up less than 20% of his leadership transition team, whereas 50% of Gingrich’s transition team were freshman. More importantly though, Boehner publicly rejected the centralized leadership models of the recent past. He vowed to conduct the House in a more open and transparent manner, giving committees the freedom to do their work unshackled from leadership control. Upon taking the gavel for the first time he said, “The House works best when it is allowed to work its will” (Gettinger 2011, 961). In fact, Boehner was the first Speaker since Tom Foley (1989-95) to serve as a committee chair, and in terms of the committee appointment process, he kept his word.

As earlier discussed under the Gingrich revolution, the focus of institutional changes made by the majority party were to enhance the leadership’s power often at the expense of the committees. But with respect to the critical organizational decisions, the changes in the 112th were far different from the heavy-handed reforms instituted during the Gingrich House. The leadership did not circumvent party rules to stack committees as occurred during the 104th Congress. Rather, in the 112th the GOP’s Steering & Policy Committee determined committee chairs by the book. Even so, there was notable pressure from the hard right to choose more extreme conservative candidates for committee posts on Appropriations and Energy & Commerce. But it was not the same level of intense tension that existed between committee guys and revolutionaries during the 104th Congress (Aldrich and Rohde 1997-98). Committee chairs would play an important role in spearheading the party’s policy priorities—or in other words employing positive agenda powers designed to replace the status quo with policies preferred by the majority party. However, the leadership didn’t succumb to pressure to jump seniority or waive the three term limits to place more extreme conservatives in chairmanships. They didn’t need to break conference appointment rules because nearly every prospective chairman played the same card, as did the leadership, vowing to cut government spending and roll back Obama and Democratic achievements on healthcare and financial regulation (Goldfarb 2010, 2868). For example, Chairman Paul Ryan (R-WI) pledged to cut federal non-security spending back to FY 2008 levels and Fred Upton (R-MI) took a far-right stance against EPA regulations. In their cases and others, such promises on key party issues would be sufficient.
A second critical consideration revolves around the standing rules of the House. Here, the party leadership was also empowered by the rank-and-file through changes in the standing rules of the House that made it easier for the party to reduce federal spending. Although a systematic analysis of the changes to the standing rules of the House must wait for future work, the partial list here provides a sense, for the 112th and later for the 114th Congress, of the more important changes written and passed by the Republican majority designed to shape federal spending decisions.

112th House Rules Changes

- **Cut-as-you-go rule.** Replaces the Democrat’s pay-as-you-go rule. The new rule requires mandatory spending offsets with cuts to existing programs, but doesn’t apply to tax cuts and the rule provides some other exemptions for GOP priorities. One practical implication of this change would be that a bill containing a new spending program could not be brought up under suspension of the rules, unless the bill contained an offset that eliminated another federal program of equal or greater size.

- **Spending cut lock-box.** This rule applies to floor amendments to appropriations. Cuts in spending go to a special account to reduce the size of the spending bill. One effect of the rule change was the practice of reverse earmarks where existing programs/projects can be targeted for cuts.

- **Highway Spending.** Eliminates mandatory appropriations of transit projects to equal transportation authorizations.

- **Spending cap trigger.** Provides Chairman Ryan with the power to establish a budget-enforcement trigger.

- **Elimination of Gephardt rule.** This change ended the automatic debt-ceiling increase with the adoption of the budget resolution.

Again, noting this is by no means a systematic analysis, the rules changes above do provide a strong indication that the majority party agreed in general on making cuts to federal spending. One significant outcome of the above changes in the appropriations process was to dramatically encourage the practice of reverse earmarks where existing programs/projects are targeted for cuts through amendments to appropriations bills. Another was the prohibition of amendments to appropriations bills that would impact increased spending or simply offset the costs from another account. It was reported that on one FY11 spending bill alone, this rule change eliminated dozens of Democratic amendments that were ruled out of order (Gettinger 2011, 94).

These rule changes marking the new GOP majority in the 112th Congress are relevant to our understanding of positive and negative agenda powers. The former change takes away some positive agenda power from the powerful Appropriations Committee and places it in the hands of the floor, predominately to GOP Conference members interested in offering amendments tailored for targeted spending cuts. This species of reverse earmark amendment may also be valuable to members for scoring political points with constituencies regardless if they eventually succeed in changing the policy outcome. For example, Rep. Thomas Massie (R-KY) offered one such amendment to a spending bill that would block the District of Columbia from spending money to
enforce its local gun laws. Although he admitted the amendment would not survive in the Senate, he said the vote on the amendment represented an important opportunity to take a stand on gun rights (Gresko 2014). The latter rule change would seem relevant to negative agenda control in that it provides cover from a species of amendments to the appropriations bills. The change prevents amendment proposals that could target popular programs with increased funds and shelters the majority party members from taking votes on such amendments. In other words, it protects status quo funding levels set by Appropriations from being rolled—in one direction—through increased spending. What constitutes the meaning of an open process—even with open special rules on the floor—is tempered by what’s allowed by the standing rules of the House.

House rule changes during the 113th Congress were just at the margins for our purposes here, but the 114th offers a few additional ones for appropriations as well as for mandatory spending and the budget process that are worth briefly exploring. Changes in House rules were packaged in Hres 5 (www.congress.gov) which among other things requires reduction accounts with all general appropriations bills, and;

114th House Rule Changes

- Makes en bloc amendments in order to transfer appropriations from provision(s) in a bill to a spending reduction account and are not subject to a demand for division of the question in the House or Committee of the Whole.
- Forbids amendments to the spending reduction accounts in general appropriations.
- No amendments to spending bills will be in order that propose an increase in budget authority unless considered en bloc with other amendment(s) proposing an equal or greater decrease in such budget authority.

These changes in the appropriations process, like some of the earlier ones for the 112th Congress, would prohibit certain types of amendments that would be politically difficult for the GOP conference and provides political cover with en bloc amendments for example that would transfer cost savings into a spending reduction account in the bill. And what is more important for our purposes, any of these rules can be selectively turned off on a given spending bill with a waiver in a special rule when political circumstances warrant such action by the GOP leadership.

In terms of the budget process, the 114th House also adopted dynamic scoring. Dynamic scoring is a cost estimating method that incorporates macroeconomic analysis and assumptions like job creation, economic growth, etc…in tallying the cost of policy (Krawzak 2015). The rule requires the CBO to include dynamic scoring estimates on major revenue and mandatory spending legislation. The rule changes also provide the Budget Committee Chair (Rep. Tom Price) with discretion in designating what constitutes major legislation and thus which legislation dynamic scoring would be applied to. This change may make unifying the GOP conference on a few large-ticket policies more feasible. It will allow the GOP to cast policies like tax cuts, restructuring of mandatory spending (e.g. Medicare and Medicaid), and reform (or repeal) of the ACA in a more politically rosy macroeconomic light.

According to our discussion then, there is some evidence in support of CPG theories main predictions. The breadth of policy agreement in the current Republican House majority has been more limited than that of the revolutionary 104th. But where there was relative agreement on policy change—especially in the area of federal spending—the majority party changed standing rules of the House (especially in the 112th but also the 114th Congress) to enhance the
leadership’s control over spending decisions and the party’s ability to effect spending cuts. And although admittedly only a preliminary look at the rules changes, they do seem to enhance the majority party’s agenda control powers (both positive and negative) with respect to the House’s spending decisions. In addition, the majority party didn’t violate conference rules to stack the appropriations or other key committees. But the new committee leadership did pledge to cut spending and roll back Obama-led policy changes. When the leadership didn’t go far enough with spending cuts, majority party MCs successfully pressed for more. For example, when the leadership tried to back-peddle on FY2011 spending cuts, the rank-and-file successfully pressured the leadership to increase cuts more in line with their electoral promises. “You know, I think the leadership has been fantastic, because they have been listening to us,” said Rep. Raúl R. Labrador (R-Idaho) (Goldfarb 2011, 378). The leadership was held on a relatively tight leash when it came to spending decisions or other areas where there was policy agreement between the hard right and Tea Party. On this point, Speaker Boehner admitted, “We’re in a new era. It means that the leaders may not get what they want every day” (Goldfarb 2011, 378).

IV. Design and Empirical Evidence

Now the discussion moves to the empirical analysis to assess how open the appropriations floor process has been under the current Republican majority. The focus of the analysis is on the characteristics of special rules that govern floor consideration of the spending bills and voting behavior on the rules and final passage of appropriations bills. Special rules are written by the House Rules committee whose membership heavily favors the majority party, 9 to 4. A special rule requires passage by a floor majority which then allows the respective legislative proposal(s) to be considered. The provisions of the rule provide among other things control over debate, whether and what amendments are allowed, the vehicle for amendment, and sometimes the waiving of standing rules on the underlying bill, provisions, or amendments. The use of special rules can simultaneously apply elements of positive and negative agenda power (Finocchiaro and Rohde 2008). Special rules bring a particular legislative vehicle(s) to the floor and can also shape the possible substantive outcomes of the legislation. Thus, special rules often are at the center of partisan fights in the Rules Committee and the conflicts regularly spillover onto the House floor (Marshall 2005). Beyond characteristics of the special rules, the analysis will also assess the level of partisan conflict on floor votes for special rule adoption and final passage votes of the appropriations bills. The special rule votes are key agenda control decisions in that they determine which bills get to the floor and final passage votes reflect on how agenda control effects the final outcome of the legislative process (Carson, Monroe, and Robinson 2011).

The analysis compares the 112th, 113th, and partially available data from the 114th appropriations legislation with earlier Congresses including three under Democratic control (102nd, 103rd, and 111th) and two under GOP control (104th and 105th). Appropriations legislation is uniquely suited for understanding how the majority party in Congress employs agenda control powers, and thus represents the empirical focus of this analysis. The majority party employs positive control to ensure “must pass” appropriations legislation. Appropriations bills are of obvious import in maintaining federal government operations, but also politically critical to demonstrating the majority party’s competence for governing. Usually, the majority party is loathe to place its governing reputation at risk and at the very least has preferred to appropriate through continuing resolutions over shutdown brinkmanship. So, the majority party must employ some minimal level of positive agenda control to ensure appropriations are passed. As privileged legislation, the appropriations bills don’t require a special rule for immediate consideration on the floor. But in the last two decades, the typical pattern has been for appropriations bills to be brought to the House floor by special rules from the Rules Committee (Marshall, Prins, and Rohde 2000). And over the last two decades the special rules governing consideration of appropriations have increasingly taken on a variety of complex features.
characteristic of positive and negative agenda control power. Moreover, special rules on appropriations have increasingly evoked partisan fights following the more general trends in House special rules (Sinclair 2010).

Figure 1 provides a breakdown of the restrictive characteristics of the special rules used to bring the appropriations bills to the floor for seven congresses spanning the period (1991-2014). The special rules vary in their restrictiveness by type from open, modified-open, modified-closed, and closed. The coding primarily captures how much the rule allows for amending possibilities to the underlying bill. For an initial comparison, Figure 1 includes only regular appropriations bills and excludes continuing, supplemental, and emergency spending bills. The continuing and emergency supplemental bills have become an increasingly used vehicle to fund the government but are also typically governed under more restrictive rules. The figure of regular appropriations reveals some consistency in the use of open rules during the 102nd-105th Congresses. During this period, about three-quarters of the regular appropriations bills were brought to the floor with open rules. The 112th is most like these earlier Congresses in that the vast majority (91%) of the regular appropriations bills were governed by open rules. Appropriations under the 111th Congress and the 113th Congress are very different. Under the democratically controlled 111th, all regular appropriations bills were brought to the floor using modified-closed rules that kept relatively tight control over the amendments allowed for consideration. Similarly, the 113th Congress witnessed a dramatic shift from the more open amendment environment of the 112th Congress in terms of how the Republican majority controls amendment activity on appropriations. The pattern for the 113th shows regular appropriations bills were just as likely to employ more restrictive rules (modified-closed or closed) as they were open rules on the House floor. The GOP leadership’s move to more restrictive amendment procedures in the 113th may also provide valued context in understanding the new House rules changes passed at the beginning of the 114th Congress that basically outlaw additional species of amendments and/or provide cover through en bloc packages of amendments to spending bills.

Figure 2 offers a similar illustration but includes all appropriations bills (including continuing, supplemental, and emergency appropriations). The figure reveals the shift in patterns from including the additional appropriations vehicles increasing the variation in restrictive rule type used. The relative patterns in open rules remain for the 102nd-105th and 112th Congresses. These Congresses all employed open rules for the majority of their appropriations bills ranging from 71% during the 102nd to 50% for the 112th. The 112th, 113th and the new 114th Congress

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4 Data for the 114th appropriations legislation is not complete, ending with floor actions on bills up to March 4th, 2015.

5 The coding of special rules follows Marshall 2002 and 2005. Special rules are coded into four types. Open rules place no restrictions on the ability to amend the bill (this may include granting priority to amendments pre-printed in the Congressional Record). Modified-open rules may make certain amendments or substitute(s) in order while not limiting other potential amendments, may preclude second-degree amendments to said amendments, impose a time limit on the amendment process, or limit amendments to a “section or title” of the bill or substitute while remaining parts of the bill are open to amendment. Modified-closed rules restrict amendments to the bill and/or substitute(s) made in order within the rule (or in a Rules Committee report). Closed rules preclude all amendments with only a motion to recommit.
have important caveats, as discussed earlier, in that certain kinds of amendments to appropriations are no longer allowed under the current standing rules of the House. Even so, one pattern that is notably different is the rise in the percentage of more restrictive rules. The percentage of modified-closed rules remained low during the 102nd-103rd (7% and 9%) but then increased in nearly every subsequent Congress. Moreover, the closed special rules also increased dramatically during this timeframe. In terms of the percentage of closed rules on appropriations bills, the 111th-113th are very similar and surpass the 104th Congress. During the 104th, 21% of appropriations bills were brought to the floor under a closed process. The 111th saw nearly an identical percentage (20%) and the trend increased dramatically in the 112th and 113th Congresses (37% and 62%) driven some, but not exclusively, by the increased frequency of continuing, emergency, and supplemental appropriations. The 113th is somewhat unique in covering the government shutdown and Republican efforts in the House to control spending by several continuing resolutions funding narrow subsets of government programs and services. The majority of these appropriations vehicles were considered under closed rules.

Whether these trends will continue during the 114th Congress for the remaining regular appropriations legislation, only time will tell. Inevitably, the minority party will seek to score political advantage by criticizing the majority party for shutting out the minority. For example, Representative Louise Slaughter (D-NY), ranking minority member of the Rules Committee, often is the minority party’s point person to raise the specter of the majority’s heavy handedness. Recently, she posted a statement on her website “Closed rules have excluded the minority party from fully participating in the legislative process. As a result, the majority is able to pursue a politically driven agenda without the minority being able to offer common sense amendments that would achieve bipartisan compromise” (Dumain and Tully-McManus 2014).

The figures do suggest the emergence of a more restrictive procedural environment for appropriations bills and the majority party’s reliance on agenda control to shape policy outcomes. The appropriations legislation has not only been the legislative battleground for the parties to fight over spending levels, but the majority party has increasingly included policy riders in the legislation to effect change across a wide variety of policy issues. For example, the FY 2012 Interior & Environment spending bill marked intense partisan conflict over spending cuts and several policy riders designed to undo EPA regulations. The Subcommittee Chair or Cardinal of Interior-Environment said, “Wherever I go, the biggest complaint I hear about the federal government is how the EPA is creating economic uncertainty and killing jobs” (Gardner and Fuller 2012, 1321). Policy riders have increasingly contributed to partisan conflict over appropriations (Marshall, Prins, and Rohde 2000).

Table 1 looks at certain types of waivers of the standing rules of the House—a mostly unexplored feature of special rules. The subset of waivers here are important to understanding how policy riders can be placed on legislation. These procedural tools in effect can protect policy riders from points of order. Columns 2 and 4 represent the distribution of blanket waivers for the underlying bill or amendment determined by the special rule for appropriations bills. Blanket waivers provide an all-encompassing protection from points of order for provisions in the bill or amendments in violation of a standing rule(s). The pattern in column 2 shows a fairly steady increase in the use of blanket waivers on appropriations bills. The pattern in column 4 for blanket waivers for amendments reflects the trend toward modified-closed rules especially during the 104th-105th and 112th Congresses. This species of waiver is typically used in complex or modified-closed rules that are written to control amendments—the height in the use of this tool
was the 111th Congress. Column 3 reflects the distribution of a particular type of waiver for rule XXI. This tool protects the underlying bill for containing authorizing language, for example a provision making expenditures for policy not previously authorized. As one can see, these types of waivers are fairly standard—occurring on a majority of appropriations bills under study here, with the notable exception that the 114th is far from complete. The last column, column 5 is a cumulative index measuring the occurrence of any of the three distinct kinds of waivers captured in the table. Since the 105th Congress, over 90% of appropriations have been afforded these types of waiver protections. The use of waivers—even limited to just these three kinds shows the heavy reliance on this type of procedural protection on appropriations legislation.

The last stage of the empirical analysis assesses the extent of partisan conflict on appropriations final passage and special rules adoption votes. As suggested earlier, the rule adoption decisions are critical for agenda control and the final passage on appropriations legislation provides insight into how effective agenda control strategies of the majority party have been in terms of shaping the final policy on the House floor. Figure 3 presents the mean level of partisan conflict on these votes for 111th-113th Congresses and the few votes available so far from the 114th. The figure presents each Congress with the first bar of the cluster represents the mean level of partisanship on the appropriations final passage and the second bar represents the mean level of partisanship on special rule adoptions for the appropriations bills. As one can see, the mean levels of partisanship on appropriations final passage is .62 during the 111th then dips slightly to .56 during the 112th but rises again to .64 during the 113th Congress. These levels reflect the occurrence of significant party conflict on appropriations final passage, typically characterized by large majorities of each party voting in opposition to one another. The mean levels of partisanship on the special rule votes are significantly and consistently higher for all three Congresses. The levels hover between .90 and .95 reflecting near perfect partisan conflict on rule adoption votes. There’s just a couple votes available for the 114th, but the patterns there are consistent with the other congresses. The high levels of conflict at least partly capture the partisan response to the majority party’s effective use of agenda control.

Within these patterns there exists interesting variation. For example, there was perfect bipartisan consensus (partisanship=0) on final passage of the “Pay Military Act” during the 113th Congress. However, partisan conflict over the rule vote was .99, very near its maximum. The rule was closed, allowing no amendment opportunities and contained a blanket waiver covering the underlying bill. Given the perfect consensus on the bill, it’s likely that some of the partisan conflict over the rule may be explained by the restrictiveness of the rule or the waiver contained in the special rule. As suggested, these features of the special rules can be important to understanding how the rules exercise both negative agenda control through blocking amendments and positive agenda control by overriding standing rules to potentially protect provisions (e.g., policy riders) in the underlying bill. This raises an important empirical question regarding the extent that such features of special rules significantly impact partisan conflict. To explore this possibility more systematically, the analysis provides three simple regression models explaining levels of partisan conflict on appropriations final passage and special rule adoption votes.

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6 Mean partisanship is calculated as the absolute difference between the percentage of Democratic members voting aye minus Republican members voting aye. The mean partisanship variable varies from 0 (no partisanship) to 1 (perfect partisanship).
The regression models explaining partisan conflict on appropriations and special rule votes are presented in Table 2. Here, the dependent variable—mean partisanship—is the same as from the earlier figure and covers the 111th–113th Congresses and the handful of votes for the 114th. The models include simple dummy variables capturing whether or not the special rule used to govern debate on the respective appropriations bill was open or restrictive, and whether the rule contained a blanket waiver or waiver for rule XXI. The logic behind these variables is to assess whether special rules containing these characteristics, relevant to negative and agenda power application, can systematically explain partisan conflict over appropriations final passage and rule adoption votes on the House floor. There are three simple regression models presented in Table 2. The first model includes indicators for blanket and XXI waivers only.

[TABLE 2 ABOUT HERE]

The coefficient results indicate that both types of waivers are associated with significant increases in levels of partisan conflict on these votes. Model 2 includes an indicator for the restrictiveness of the special rule and the XXI type of waiver. Here, the coefficient for the restrictive rule is positive and significant suggesting that the restrictive nature of special rules increases partisanship. Model 2 does show again that the XXI waiver systematically explains increases in levels of partisan conflict on these floor votes. Lastly, Model 3 in the table includes all three independent variables. The coefficient results illustrate again the importance of the presence of the blanket and XXI waiver types in the rules for explaining partisan conflict on appropriations decisions. However in Model 3, the restrictive rule indicator is only marginally significant. It may be that there’s too little independent variation between the restrictiveness of the special rule and the waiver types. There’s also some indication of ceiling effects in terms of partisanship on the special rules, but there’s certainly some evidence (Model 2) that restrictiveness of special rules matter for explaining partisanship. As suggested earlier, the majority party has increasingly used the appropriations process as a conduit to carry contested policy riders and to effect change across policy areas, especially those areas House Republicans are united in challenging President Obama’s agenda. The waivers here provide the procedural means for these legislative vehicles to selectively circumvent standing House rules(s) and enhances the majority party’s application of agenda control.

V. Conclusion

Appropriations decisions have always been the root of congressional power, the power of the purse (Fenno 1966; Smith and Deering 1984; Fisher 2000). The appropriations process in the contemporary Congress is an incredibly useful venue from which to understand not only the veracity of policy conflicts between the political parties, but also the role of party leaders and procedures in shaping congressional politics. As the 113th came to a close and the 114th Congress begins to take shape, we continue to observe that House Republicans utilize appropriations to carry party priorities and these tend to invoke significant partisan conflict. Toward the end of the 113th Congress for example, the House was knocked off of its scheduled summer recess to deal with the nation’s growing immigration crisis. President Obama had asked Congress for $3.7 billion in emergency funding to ease the migrant crisis on the U.S.-Mexico borders. The Senate Democrats had already passed a spending bill covering $2.5 billion and many House Republicans were feeling pressure to act before going home to their districts. Appropriations Chair, Harold Rogers (R-KY) originally circulated a $1.5 billion spending target but that proposal was squashed.

7 The variable measuring the restrictiveness of the rule was coded as a simple dummy variable based on the four category measure used in Figures 1 and 2. If the rule was open or modified open, the variable was coded 0 and if the rule was modified-closed or closed the variable took on the value 1.
by House conservatives. Even after appropriators came back by cutting the emergency spending target in half, the rank-and-file forced the leadership to pull the spending and related immigration measures from the House floor. The House was finally able to pass revised versions of the immigrations bills the next day, but only after the leadership caved to demands and healed the significant rift within the GOP conference. Representative Michele Bachman (R-MN) said, “I was a hell no, and now I can be for this bill today. We completely gutted the bill that the leaders had written” (Weisman and Parker 2014). The final vote on the emergency spending measure (HR 5230) was perfectly partisan, pitting all Republicans against all Democrats. The final measure would end the president’s ability to offer temporary legal status to unauthorized children immigrants (HR 5272) and the vote was also extremely partisan. Likewise, the special rule, Hres 710, that governed final debate on both bills pitted nearly all members of the respective parties against each other. Consistent with the analysis here, the special rule closed off all amendment opportunities on the floor and provided blanket waivers to both underlying bills. And as was mentioned at the outset of the paper, the fight over immigration ensued anew kicking off the 114th Congress with an intra-party brawl on the Homeland Security appropriations measure.

This analysis sought to understand how open the appropriations process has been under the new GOP House regime and why the party leadership chose such a structure to handle its spending decisions. On this score, the empirical analysis shows that the 112th appropriations process was more typical of earlier Congresses in terms of the use of open rules, but the 113th diverged from this earlier pattern becoming more restrictive. Overall, the analysis shows an increase in the majority party’s use of floor procedures in exercising both restrictive and positive agenda controls on appropriations legislation. Moreover, the empirical results demonstrate the importance of floor waivers like blanket and rule XXI waivers in explaining partisan conflict over spending decisions. And although beyond the scope of this work, future analysis on amendments can likely hold greater insight. The next step is to consider who offers amendment challenges on appropriations, their substantive legislative characteristics (e.g. cuts etc…), and to then explain variation in amendment conflict and outcomes. This has the potential to offer further insight into the influence of the majority party and leaders in the appropriations process and consequences for congressional politics.

In addition though, the discussion provides insight into the majority party’s use of agenda control mechanisms in the appropriations process. The task here was to apply CPG to the context of the new House majority and leverage the extent that key prediction(s) of the theory hold up to evidence. In particular, CPG suggests that as the condition of preference homogeneity is increasingly met within the majority party, and heterogeneity between the parties, party leaders will be granted greater resources and institutional controls to impact the party’s policy and collective goals. The analysis highlighted critical differences between the GOP majorities and changes to House structures from the Gingrich and Boehner eras. However, where there was substantial policy agreement among conservatives and the Tea Party wing, especially in the area of reducing federal spending, the majority party was able to change House standing rules. These rule changes greatly enhanced the majority party’s control to affect spending decisions—eliminating certain kinds of amendments to appropriations and spurring others like the reverse earmark amendments. And although committee posts were not stacked as had been done in previous eras, there’s significant evidence suggesting the committee leadership would not tread far from the policy and political goals of the GOP conference.

Together then, the results illustrate the importance of procedural tools in understanding both positive and negative agenda control. Such procedural strategies have become the typical fare of the appropriations process and carry the potential for real policy change. Whether such strategies for policy change result from the exercise of negative and/or positive control, their
limits largely depend on the preference homogeneity of the majority party and the context of the party’s relation to existing policy status quos. Consistent with expectations from conditional party government, and if early observations are an indicator, the GOP House leadership in the 114th Congress will continue to challenge President Obama’s policy agenda through the appropriations process on issues that unite the party (e.g. EPA and financial regulations).
References


Figure 1: % Regular Appropriations Bills by Rule Type

Congress

<table>
<thead>
<tr>
<th>Congress</th>
<th>Open</th>
<th>Modified-Open</th>
<th>Modified-Closed</th>
<th>Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2nd 1991-92</td>
<td>77%</td>
<td>23%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>3rd 1993-94</td>
<td>79%</td>
<td>21%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>4th 1995-96</td>
<td>76%</td>
<td>10%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>5th 1997-98</td>
<td>71%</td>
<td>12%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>6th 1999-00</td>
<td>91%</td>
<td>9%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>7th 2001-02</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>8th 2003-04</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
</tr>
<tr>
<td>9th 2005-06</td>
<td>100%</td>
<td>0%</td>
<td>0%</td>
<td>0%</td>
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</tbody>
</table>

(n=22) (n=24) (n=29) (n=24) (n=13) (n=11) (n=15) (n=1)
Figure 2: All Appropriations Bills by Rule Type

![Bar chart showing the distribution of Appropriations Bills by Rule Type across different Congresses. Each bar represents a Congress, divided into Open, Modified-Open, Modified-Closed, and Closed categories.](chart.png)
Figure 3: Mean Partisanship Appropriations Final Passage and Special Rule Votes, 111th-114th Congresses

<table>
<thead>
<tr>
<th>Congress</th>
<th>Mean Partisanship</th>
</tr>
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<tr>
<td>111th (n=19,20)</td>
<td>0.62</td>
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<tr>
<td>112th (n=22, 20)</td>
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<tr>
<td>113th (n=32,28)</td>
<td>0.64</td>
</tr>
<tr>
<td>114th (n=2,2)</td>
<td>0.99</td>
</tr>
</tbody>
</table>

Legend:
- □: Appropriations Final Passage
- ■: Special Rule Adoption
<table>
<thead>
<tr>
<th>Congress</th>
<th>Blanket Bill</th>
<th>XXI (2) Bill</th>
<th>Blanket Amendment</th>
<th>Any Waiver</th>
</tr>
</thead>
<tbody>
<tr>
<td>102\textsuperscript{nd}</td>
<td>7.4% (n=2)</td>
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<td>30.3% (n=10)</td>
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<td>13.2% (n=5)</td>
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<td>51.7% (n=15)</td>
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<tr>
<td>111\textsuperscript{th}</td>
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<td>(n=61)</td>
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*The 114\textsuperscript{th} Congress is not complete.
### Table 2: Regression Models Explaining Partisanship, Appropriations and Special Rule Votes 111th-114th Congresses

<table>
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<tr>
<th>Independent Variables</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
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<td>.035</td>
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<td></td>
<td></td>
<td>(.023)</td>
<td>(.022)</td>
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<td>Blanket Waiver</td>
<td>.315**</td>
<td></td>
<td>.275**</td>
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<td></td>
<td>(.045)</td>
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<td>(.055)</td>
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<tr>
<td>XXI Waiver</td>
<td>.308**</td>
<td>.290**</td>
<td>.327**</td>
</tr>
<tr>
<td></td>
<td>(.039)</td>
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<td>(.038)</td>
<td>(.057)</td>
<td>(.052)</td>
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<tr>
<td>R2 = .27</td>
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<td>R2 = .15</td>
<td>R2 = .28</td>
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<tr>
<td>(N=146)</td>
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<td>(N=145)</td>
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Note: The dependent variable is mean partisanship on appropriations final passage and special rules adoption votes. (*) = p<=.05, (**) = p<=.01. Regressions estimated with STATA 11.0SE, standard errors are robust.