

THE EFFECTS OF BICAMERALISM ON U.S. APPROPRIATIONS POLICIES

by

MARK EDWARD OWENS

(Under the Direction of Jamie L. Carson)

ABSTRACT

This dissertation examines how supermajority rules interact with other institutional constraints. I study appropriations policies to better understand how the content of legislation develops in response to bicameral differences over a one-hundred and four year period. As each chamber has developed independently of one another, the institutional differences that have emerged have had a dynamic impact on the lawmaking process. The time frame of the study, 1880 to 1984, is particularly important because it captures the years when the Senate grew to play a more active role in the legislative process and a number of key budgetary reforms. To study this phenomenon empirically, I measure how regular appropriations bills were packaged differently by the House and Senate from 1880 to 1984 and compare the final enactment to the difference in chamber proposals to determine the magnitude of a chamber's leverage on enacted policy changes. By treating the Senate's choice to amend the House version as a selection effect, we can examine the effect bicameralism has on policy outcomes. Specifically, I analyze a ratio that represents how close the final bill is to the Senate version, given the size of the bicameral distance. Finally, I complete the study by examining how the president influences bicameral negotiations and how bicameralism complicates our theories of intra-branch relations.

INDEX WORDS: Appropriations, Bicameralism, Budgeting, Polarization, Senate

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DEDICATION

For my mother and father

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night parties. But I leave it to the reader to identify which event corresponds with a member of this dynamic group.

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CHAPTER 1

PIVOTAL CHAMBER: THE U.S. SENATE AND APPROPRIATIONS

The recent return of polarization between the two governing parties in Washington has been blamed for gridlock. The fact that the U.S. Congress has been passing fewer bills has allowed current congressional scholars to characterize contemporary legislative-executive relations as ineffective. At the conclusion of the first session of the 113th Congress, Sarah Binder spoke directly to the conflict polarization and bicameral differences have brought when she said, “If we look back five or six decades, these are the forces that have mired Congress in a stalemate. And they’ve all come to a head this Congress” (Zillman 2013). Even before the 113th Congress, efforts to determine why Congress was so unproductive focused their attention on the Senate because the polarization of the parties has encouraged senators to obstruct (Mann and Ornstein 2006; 2009 and Packer 2010). The public attention that the effect bicameral differences can have on policy production has been reinforced by attempts to change the Senate’s rules to reduce the threat of obstruction from a minority of the chamber since the 2009 when the 112th Congress convened.¹

Many of the suggested rules changes have sought to reduce the length of debate following specific votes, as well as reduce the number of votes necessary to stop a filibuster in

¹ On January 5, 2011 Senators Tom Harkin (D-IA), Jeff Merkley (D-OR), and Tom Udall (D-NM) introduced three separate resolutions to alter the Senate’s rules to reduce the threat of a filibuster. S.Res. 8 was sponsored by Senator Tom Harkin (D-IA) and attempted to change paragraph 2 of Rule XXII so that each successive cloture vote on the same question would require a lower threshold of support. The votes required to end debate would be 57 on the second vote, drop to 54 on the third vote, and then only require a simple majority vote thereafter. Senator Udall (D-NM) sponsored S.Res. 10 which attempted to eliminate filibusters to motions to proceed and the anonymity of senators who place holds on nominations. Senator Merkley (D-OR) sponsored S.Res. 21 which proposed that cloture could be invoked by a simple majority if no senator asked the chair to be recognized for debate (*Congressional Record*, vol. 157, January 26, 2011, page S265; also see Heitshusen 2013).

the Senate as outlined in Rule XXII of the Standing Rules of the Senate. However, the difficulty of the Senate majority to pass legislation and confirm nominees is not just the ability of senators to obstruct, but how the effects of obstruction combine with other differences between the House and Senate. Senator Udall identified the problem by saying:

“the rules as they exist today make an effort to change them a daunting process. Under the current Standing Rules of the Senate, Rule V states that quote, ‘the Rules of the Senate shall continue from one Congress to the next unless they are changed as provided in these rules.’ As adopted in 1975, Rule XXII requires two-thirds of Senators present and voting to agree to end debate on a change to the Senate rules – in most cases 67 votes.

Taken together these two rules effectively deny the Senate the opportunity to exercise its constitutional right to determine the Rules of its Proceedings ... and serve to bind this body to rules adopted by its predecessors.”

- Senator Tom Udall (D-NM)²

Arguments raised about the procedures for debate in the House and Senate are rooted in the belief that rules can determine who has power over the development of policy. Equally important to the rules of a chamber are the number of votes needed to enforce them, because decisions made by a majority vote do not need to meet the demands of all the legislators. The concern that majorities may overlook the concerns of a minority has led to constitutional mandates on votes relating to inter-branch relations and how each chamber manages its membership.³

The importance of Senator Udall’s emphasis on the Standing Rules of the Senate is that the *Rules and Expulsion Clause* (Article 1, Section 5, Clause 2) states, “Each House may determine the Rules of its Proceedings...” Therefore in the U.S. Congress we find two chambers

² Udall, Tom. 2010. “The Constitutional Option.” Speech on the Senate floor January 25, 2010. Accessible: <http://www.tomudall.senate.gov/files/documents/Speeches/TheConstitutionalOption.pdf>.

³ The United States Constitution, Article II, Section 2, Clause 2 mandates that two-thirds of the Senate must vote to ratify a treaty. Article I, Section 3, Clause 3 outlines the requirement of another two-thirds majority requirement in the Senate to remove federal officers with a conviction of impeachment. Both the House and the Senate are subject to a supermajority requirement in order to override a presidential veto (Article I, Section 7, Clause 2), expel members from their chamber (Article I, Section 5, Clause 2), or propose constitutional amendments (Article V).

operating under different rules with the goal of passing identical versions of each bill before it can be enacted. The uniquely different legislative bodies we see today, with the House and Senate, reflect the changing nature of each chamber and how each has adapted in an attempt to reduce the frustration and delay in the legislative process.

A Difference in the Development Majority Rule in the House and Senate

The ability of the House of Representatives to pass legislation with less obstruction than the Senate is a consequence of the power that was vested within the Speaker of the House. The concentration of power within the Speaker began after Speaker Thomas Reed (R-ME) instructed the Clerk of the House to count all members on the Floor but not responding to the roll-call vote in order to break the disappearing quorum, which the minority used to keep votes from passing. Following this decision the House Republican majority in the 51st Congress also voted to formally change the rules to allow present members to be counted towards quorum and reduced the number of members necessary for the Committee of the Whole to meet to one hundred. The change in the required size of the Committee of the Whole was important because the rules stated that a majority of the Committee of the Whole could end debate, therefore limiting input from the minority (then Democrats). These “Reed’s Rules” were also important in expanding the House majority’s control over scheduling legislation by expanding the influence of special orders from the Committee on Rules and bringing bills to the floor in the order which pleased the majority (Binder 1997; Cooper and Brady 1981; Dion 1997; McConachie 1898; Rohde 1991).

The emphasis by which the House Republicans in 1890 placed on increasing the power of the Speaker of the House and the Committee on Rules was a reaction to the increasing disagreement between the two parties (Binder 1997; Koger 2010). The urgency to limit obstruction from the minority was a reflection of how the delay in handling the dilatory tactics of

the minority made it more difficult for the majority to manage all of the legislative demands (Binder 2003; Smith 2007). As new states were added to the union and the population of the country grew the membership of each chamber was impacted differently. The House of Representatives grew, far more quickly and in turn began to emphasize the importance of efficiency in making decisions, which led to less of an opportunity for rank-and-file legislators to participate in debate. As the smaller chamber, the Senate was able to protect the individualistic focus of its membership because colleagues interacted more with one another on committees or in floor debate.

For the House to change its rules, in 1891 or 2013, the process is relatively straight forward, because since the entire body is up for election every two years each Congress provides an opportunity to update the rules of the chamber. The idea that the reforms Speaker Reed implemented are still in use today is a testament to the durability of rules that strengthen majority power to survive shifts in party control (Cooper and Brady 1981). In the Senate, the ability to change the chamber's rules is more complicated. The Senate is referred to as a continuing body, because senators serve six year terms and approximately two-thirds of the chamber is returning to a new Congress without having to stand for election (Binder and Smith 1997). Interestingly, rules changes can be proposed on the first day of the Congress and passed by a majority vote; however any further revision to the Senate's proceedings is subject to a two-thirds majority vote under Rule XXII (Heitshusen 2013). Therefore, because of the difficult to change rules to that satisfy two-thirds of the chamber the Senate often follows the precedent of previous questions of order (Gamm and Smith 2000; Lynch, Madonna, and Owens 2014).

A recent precedent altered the Senate's rules, with respect to nominations, to enhance the power of the majority party. On November 21, 2013 Senate Democrats exercised the nuclear

option (or known as the constitutional option) to confirm multiple nominees by a majority vote, despite obstruction from Senate Republicans. In his opening remarks to the Senate, Majority Leader Reid (D-NV) framed this precedent as an institutional improvement when he said, “The American people believe Congress is broken, The American people believe the Senate is broken. And I agree.”⁴ The interpretation of this precedent was set by five actions: a motion to reconsider a cloture vote, a point of order, the ruling of the chair, appeal that ruling, and vote on the appeal of the chair’s ruling. The motion to reconsider cloture vote on the nomination of Patricia Millett for the District of Columbia Circuit of the United States Court of Appeals passed 57 to 43.⁵ Immediately following the vote Reid raised a point of order that cloture could be invoked for executive and judicial nominations with a simple majority vote. The goal in this case was to have the president pro tempore, rule Reid’s motion out of order, which would then be appealed by Reid. Then by not voting to sustain the decision of the chair the nomination could move forward with a majority vote in the Senate. The response of the president pro tempore to the appeal of the chair’s ruling that came from Senator Mitch McConnell (R-KY) immediately following the vote describes the precedent:

The PRESIDENT pro tempore. Under the precedent set by the Senate today, November 21, 2013, the threshold for cloture on nominations not including those to the Supreme Court of the United States, is now a majority. That is the ruling of the Chair.⁶

By a vote of 48 yeas and 52 nays,⁷ the Senate set a new precedent that debate over confirming presidential executive and judicial nominations, could end with a simple majority of the senators present in the chamber. Confirmations to the Supreme Court would still follow the constraints of Rule XXII, which requires a supermajority of three-fifth, or sixty votes, in order to

⁴ *Congressional Record*. Vol. 159, November 21, 2013, page S8414.

⁵ Roll Call Vote No.239. *Congressional Record*. Vol. 159, November 21, 2013, page S8417.

⁶ *Congressional Record*. Vol. 159, November 21, 2013, page S8418.

⁷ Roll Call Vote No. 243. *Congressional Record*. Vol. 159, November 21, 2013, page S8418.

limit debate on a nomination to 30 hours. Senators Carl Levin (D-MI, Joe Manchin (D-WV), and Mark Pryor (D-AR), all in the majority party, chose not to vote with the majority to change the precedent. In his comments, Senator Levin quoted another senator from Michigan Arthur Vandenberg, who voted witnessed the use of the nuclear option in 1949. Levin's point was clear as he said, "And let us not kid ourselves. The fact that we changed the rules today just to apply to judges and executive nominations does not mean the same precedent won't be used tomorrow or the next year or the year after to provide for the end of a filibuster on legislation, on bills that are before us, and on amendments."⁸ Senators like Carl Levin see the difficulty in changing the Senate's rules and the existence of obstruction in the chamber as an important check on "majority overreach."

Three years prior to Senate Majority Leader Harry Reid's use of the nuclear option, Senator Robert Byrd (D-WV) in 2010 during the Hearings before the Committee on Rules and Administration of the Senate pleaded with the 111th Congress that "We must never, ever, ever, ever tear down the only wall, the necessary fence, that this nation has against the excesses of the executive branch and the resultant haste and tyranny of the majority." Then Byrd immediately followed up with a question that has motivated my research, "Does the difficulty [in overcoming legislative delays] reside in the construction of our rules or does it reside in the ease of circumventing them?"⁹ Perhaps the complex and diverse set of procedures and precedents that Senator Byrd alluded to also allows the Senate the flexibility to combat any motivations of the majority over reach in their influence over policy, within its own chamber and from the House.

⁸ *Congressional Record*. Vol. 159, November 21, 2013, pages S8421-S8423.

⁹ Committee on Rules and Administration. 2010. "Examining the Filibuster." *Hearings Before the Committee on Rules and Administration of the United States Senate*, 111th Congress, 2nd Session, Senate Hearing 111-706, page161.

Reed's Rules in the House and the potential for cloture to be invoked by a simple majority on nominations, or potentially legislation in the Senate, show us that institutions adapt their rules when it is difficult for Congress as a collective to take action on policy. This sets up an interesting question about how the policy content of legislation changes under different levels of bicameral difference. Specifically, how much does a bill change when it is considered by the Senate? And what proportion of that change will be reflected in the final bill? In order to answer these questions, I will analyze the effect of political and institutional factors on the amount of federal spending within each appropriation bill as it is passed by the House, Senate, and enacted into law. By looking at policies that are central to the core responsibilities of the government in order to fund the activities of the federal government we can see how these bicameral differences affect policy outcomes even when gridlock does not occur.

A Necessary Component of Good Governance: Appropriations

Even prior to 1789, the Articles of Confederation required Congress to pass any appropriation with a supermajority vote, because the national impact the policies would have through the funds collected from the states.¹⁰ Appropriation bills provide an interesting perspective to examine the influence of bicameral differences on policy outcomes. Furthermore, each bill is essential to Congress's power over legislation, which led Senator Robert Byrd to classify appropriations bills as "the foundation of the power of the purse of the Congress in dealing with the executive branch."¹¹ In the larger lawmaking process, appropriations are the final stage to affect policy as appropriations occur after spending has been authorized.

Therefore, the dollars appropriated to a federal agency and specific federal programs implies a

¹⁰ The Articles of Confederation only required supermajority votes on two other considerations; monetary policy and the size of the military.

¹¹ Committee on Rules and Administration. 2010. "Examining the Filibuster." *Hearings Before the Committee on Rules and Administration of the United States Senate*, 111th Congress, 2nd Session, Senate Hearing 111-706, page 167.

level of revised control that Congress is willing to give to the executive after the initial figure was set by an authorization.¹²

Another important aspect of the appropriations process is that annual appropriation bills receive more amendments on the floor than other policies (Smith 1989). In the House where the use of special rules is expected to be restricted amending activity, almost a third of the amendments that receive a roll call vote in the House are to appropriations bills (McCubbins and Rodriguez 2005). In a bicameral setting, amendments to appropriations bills can affect the consideration of a bill especially if they raise points of ideological disagreement between the majorities in the House and Senate. If one chamber is insistent on the inclusion of a specific policy provision that is unacceptable to the other chamber a stalemate may occur. With each of these steps, we see the additional complexity that is required to craft Congress's "power of the purse" (Fenno 1966).

However, the expectation that the House and Senate will not be able to reconcile such a difference may be overstated in this case, because appropriations are an example of must-pass legislation. This distinction allows appropriations bills to be treated as privileged legislation, which makes them subject to additional rules that try to expedite the consideration of legislation. Timing is an important aspect of the appropriations process, because all bills must be passed before the start of the fiscal year for which they appropriate money. Therefore, the consequences of failing to reach a bicameral agreement can be severe, such as a temporary shutdown of the government or the suspension of a federal works project.¹³ Although amendments provide

¹² If any appropriation implicitly modifies the impact of an authorized policy, Congress "must do so advisedly, speaking directly and explicitly to the issue" (GAO Principles, *supra* note 5, Ch. 2, pp. 67-68). Furthermore, this issue was addressed by the Supreme Court in *Tennessee Valley Authority v. Hill*, 437 U.S. 153 (1978). The U.S. District Court ruled in a similar way in 1944 *U.S. Security*, 323 U.S. 283, 303 n.24. Also see McCubbins and Rodriguez (2005) for a detailed discussion of the appropriations cannon as it relates to the courts.

¹³ I want to clarify that regular appropriations are the bills passed each year that approve the federal spending for authorized programs. In addition to regular appropriations, there are also additional bills that are known as

information about how often changes to the underlying content are considered in a chamber, we still know less about the magnitude of these policy changes. Studies that have focused on the House and Senate's ability to reconcile policy differences have used how appropriations bills are scheduled to structure their study (Fenno 1966; Ferejohn 1975; Strom and Rundquist 1977). The sequence of congressional actions has remained consistent with the House initiating appropriations legislation before the Senate begins its deliberation, which provides an opportunity to compare how policies are changed on the floor of each chamber and if those changes are reflected in the final agreement.

Origination of Appropriations

The legislative process that crafts federal appropriations has remained remarkably consistent since 1789, with the Senate set as the second actor for the purpose of responding to the initial proposal of the House. Although the process is not explicitly set forth to be this way in the Constitution, the path has been set by a dominant interpretation of two key clauses in Article 1 of the Constitution. These two clauses are most well known as the *Origination Clause* (Article 1, Section 7, Clause 1) and the *Appropriations Clause* (Article 1, Section 9, Clause 7). The common historical expectation is that spending bills are to originate in “the people’s House” to increase the accountability voters have over how the government spends the citizens’ tax dollars. Furthermore, the Senate was traditionally expected to be a less-active observer to consider any item that was not initially included, but ought to be (Fenno 1966).

Origination Clause:

“All Bills for raising Revenue shall originate in the House of Representatives, but the Senate may propose or concur with Amendments as on other Bills.”

- *United States Constitution (Article 1, Section 7, Clause 1)*

deficiency and supplementary bills that allow the government to meet the fiscal obligations of the government that may have exceeded the projection of an annual appropriation bill or be necessary in the event of a disaster.

Appropriations Clause:

“No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.”

- *United States Constitution (Article 1, Section 9, Clause 7)*

From the beginning, during the Constitutional Convention, lawmakers intended to limit the Senate’s role in the appropriations process. Elbridge Gerry, from Massachusetts, proposed a version of the origination clause which favored the House even more than the current interpretation of the language today. Gerry, wary of giving too much influence to elites in the Senate, did not want the Senate to even have the opportunity to amend any money bill, all of which were to originate in the House. His belief was “that the people ought to hold the purse-strings” and any involvement by the Senate would further complicate such a goal (Farrand 1937, 233). The Appropriations Clause bestows Congress with the ability to control federal spending, thus providing Congress with the “power of the purse.” Although this second clause is silent on the role of the individual chambers, the House continues to see itself as the first mover.¹⁴

Elbridge Gerry’s vision of the appropriations process was also shared by other framers, specifically James Madison, whose writing of *Federalist 58* elaborates on the importance of the *Origination Clause* by explicitly stating what the role of the House should be. The explicit statement that the House of Representatives “alone” can propose appropriations has been used to justify why the House is believed to be the center of Congress’s authority over federal spending. However, the Senate still has a role over determining the sum of annual appropriations and we

¹⁴ The House enforces its interpretation of the Origination Clause by returning any money bill initiated by the Senate with a blue-slip. Although a hearing by the House Judiciary Committee did agree by a majority vote that the Senate could originate an appropriation bill in 1880, no formal resolution was adopted to support the position and the House did not consider the Senate bill which was reported (see House Committee on the Judiciary 1881; *Hinds’ Precedents*, sec. 1500; Saturno 2011).

have witnessed the Senate's power over Congress's purse-strings increase as the chamber has developed.

“The House of Representatives cannot only refuse, but they alone can propose the supplies requisite for the support of the government... This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people, for obtaining a redress of every grievance, and for carrying into effect every just and salutary measure.”

- James Madison, *Federalist 58*

Annual Consideration of Appropriation Bills

Federal appropriations are made on an annual basis through twelve or thirteen regular appropriation bills. Each of these bills allocates the spending for the following fiscal year to multiple federal agencies and programs listed in the jurisdiction of that bill. On occasion since 1950, Congress has packaged multiple appropriation bills together into a larger omnibus bill. Another alternative if an agreement cannot be reached by the end of the fiscal year is that Congress can pass what is known as a continuing resolution. We have seen continuing resolutions with more frequency in recent decades, because the added benefit of this procedure is that the government is not forced to shut down as each agency is funded under the previous year's budget.

The sixteen day long partial shutdown of the government in October of 2013, served as an example of how decentralizing control over the federal budget has generated more sources for legislative conflict. The partisan conflict within Congress has placed appropriations policies as a final opportunity to gain leverage on the implementation of other policy agendas, for example defunding the Affordable Care Act and raising the debt ceiling. From a textbook approach to lawmaking, Elbridge Gerry's fear of the Senate ruining the appropriation process may be reinforced by the potential of senators to propose non-germane amendments that the authorize

new laws and appropriation of additional spending through rider amendments.¹⁵ However, the in an effort to avoid obstruction with procedural tools, such as a budget reconciliation to pass the Affordable Care Act, the House of Representatives has also provided opportunities for conservatives to work outside of regular order with the goal of simultaneously limiting the role of government and reducing the national debt.

Many discussions of how the federal government funds agencies and programs often begin with a comparison between the power of Congress and the President as Congress attempts to control the implementation of policy by manipulating the purse strings (Howell and Jackman 2013; Kiewiet and McCubbins 1991; Schick 2007). Therefore, the bureaucracy's ability to implement policy is expected to be conditioned on how much funding the agency receives. However, the executive branch is not without power in this relationship. The President has been able to submit a budget request since 1922, and informally through the Book of Estimates prior to 1922 (Schick 2007; Stewart 1989). Additionally, Congress often sees fit to delegate more authority to the President to avoid blame and increase efficiency (Kiewiet and McCubbins 1991).

Through a review of the bicameral differences that exist we are reminded that Congress is not a unitary body working with the President. Citizens are represented by a bicameral legislature, which includes the U.S. House and U.S. Senate, therefore we should be sure to study how the differences between the two chambers affect the legislation Congress enacts. The variation in what one chamber wants and the final agreement can be very different if there is split partisan control across the chambers. Furthermore, even when there is a unified majority in both

¹⁵ A rider amendment is a proposal that is nongermane to the underlying bill, but can either ensure the passage of another bill or instruct the bureaucracy on how to implement a policy directive. For appropriations nongermane amendments are not to be made, however many are still considered because a point of order is not raised against the amendment. For additional research on the complexity of rider amendments see Bach (1986) or MacDonald (2010).

chambers, an organized minority coalition in the Senate still has the opportunity to extract policy concessions and force a disagreement between the two chambers.

In order to analyze how close both chambers are in their decisions on how to best utilize the power of the purse I examine the how the Senate's leverage over policy outcomes has changed over time. The results of this study will provide inferences about how policies are developed in the House and Senate as a function of their overlapping constituencies, as well as the minimum proportion of the chamber that is necessary to overcome obstruction. Since appropriations are privileged bills, the pressure of reaching an agreement does increase the likelihood that some compromise will be made. But is the consequence of not being able to fund the government enough to streamline a policy process that involves two institutions that make decisions under very different circumstances? Therefore, I evaluate how the Senate is able to react to the House's proposal for federal spending in an effort to change policy. The magnitude of the Senate's leverage is interpreted as a proportion of how much the Senate disagreed with the House proposal and how close the Senate figure is to the final appropriation. A systematic study of when the two chambers disagree and how they reconcile differences over policy content will help us understand the mechanisms by which bicameralism, as an institutional design, has blocked congressional majorities from manipulating policy content in its favor. Most studies have focused on the ability of the U.S. Congress to produce legislation, but in this study I analyze how bicameralism affects the substance of legislation.

The theoretical motivation of this project, within the literature, builds on the assertion by Riker (1992) that bicameral institutions will generate stable policy outcomes, as a result of inter-chamber compromises that must be made between each of the majority parties (Lijphart 1984). Other studies (Tsebelis and Money 1997; Rogers 1998) have compared national legislatures in

other countries or states with bicameral legislative bodies to understand the macro effects a bicameral system has on legislative decision making. I have chosen to compare institutional differences between the U.S. House of Representatives and Senate to assess how the Senate might influence policy outcomes in the final stages of lawmaking, as encouraged by Richard Fenno in his 1982 essay *The United States Senate: A Bicameral Perspective*.

Studies of legislative behavior are often choose to focus on the actions of one chamber independent of the larger bicameral institution, because Congress operates differently in three separate stages – the House, Senate, and Conference Committee (Steiner 1951; Vogler 1970). Given that most prior research has focused on the House (Binder 1997; Cooper and Brady 1981; Cox and McCubbins 2005; Rohde 1991), it is important to consider the role of the Senate as an institution to account for any bias that may occur by ignoring relevant and simultaneous policy alternatives (Binder 2003; Smith 2007). If we are to make inferences in how much influence the majority party has on policy outcomes, then we must learn more about the upper chamber. Understanding how the Senate responds to bills passed by the House will expand our knowledge of whether the most deliberative body in the world actually helps in providing policy outcomes that are more representative and inclusive of the needs and preferences of the nation as a whole.

Isolating the Senate's Role in the Appropriation Process

The consistency of the rules that structure the appropriations process is what provides the leverage of this study to examine bicameral relationships temporally. Since the chamber in which the bill originates has remained constant, we can test how the institutional development of the individual chambers has influenced appropriation levels. The U.S. Senate is the ideal institution to observe legislative action in this case, because the rules of the Senate have

fluctuated and changed the leverage the chamber has in the reconciliation of a policy disagreement.

The empirical studies I present in the dissertation are intended to explain how the differences between the House and Senate determine how disagreements over policy content are reconciled. In order to provide comparable observations over time, the unit of analysis will be each annual appropriation bill. The study will examine the appropriations process through many of its reforms from 1880 to 1984. The enactment of the Balanced Budget and Emergency Deficit Control Act of 1985 (or the Gramm-Rudman-Hollings Act) marks the end of this study, as it structurally altered the appropriations process by setting caps. Furthermore, if the deficit targets were not met in a given fiscal year, automatic spending cuts (sequestration) would begin. This statutory change in 1985, which gave teeth to strengthen the Congressional Budget and Impoundment Act of 1974, increased the constraints for either chamber which was looking to include a spending project that was not in the other chamber's proposal. The restriction of federal spending brought the federal deficit to the center of the increasing partisan polarization in the years that have followed, where the process of resolving bicameral differences after 1985 is analogous to a zero-sum relationship.

Using total sum in dollars of each proposal provides a direct comparison between the bill that passed the House and the bill that passed the Senate within each issue area categorized by the single appropriation bill. Furthermore, the policy content of each chamber is then also comparable to the final agreement which provides the opportunity to compare which chamber proposal the final dollar amount is closer to. In any legislature the skills of being successful or effective in influencing policy are largely similar. Therefore the interaction of institutional differences and the similarities in a legislator's approach creates competition between the two

chambers. What we learn from the outcome of the intra-institutional competition has important implications of the types for laws that are being passed and how much a new enactment changes current law.

By using a continuous measure of policy content we can infer what the policy consequences of each bill considered were. This builds on alternative approaches that have previously been used to study legislative behavior that emphasize who benefited from a vote. The most common way to capture majority party strength has been by calculating roll rates to measure the unity within the majority party on a winning vote. This is informative of whether the party leadership is strong and able to maintain cohesive support within the party, however any inferences about the underlying policy are indirectly tied to the larger party agenda (Cox and McCubbins 2005). For the purposes of this research, studying a roll call vote omits any policy concessions that were given ahead of time to form the revealed party unity. Furthermore, we cannot systematically understand how the policy (or bill) evolved from its original version if we only focus on final roll call votes or do not consider the chamber of origin.

In an effort to expand our observations of political activity to better understand how institutional constraints affect the party's agenda it is important to control for the chamber's workload and the public's demand for policies. Binder's (2003) exogenous measure of the legislative agenda provides a more complete understanding of legislative gridlock, by understanding what issues we should expect to see on the agenda, but are not considered during the legislative session.¹⁶ The use of recorded roll-call votes also limits our understanding of the process in which bills are considered, because the focus is on what passes and what does not. The combination of negative agenda control and party unity create an expectation that policy

¹⁶ This measure of salience considers the issues of national concern on the forefront of the minds of constituents by measuring how many times an issue is mentioned in the New York Times during that Congress. The measure extends from 1948 to 1998.

outcomes benefit less than a majority of all constituents with a bias toward those members of the majority party. By capturing the effects of more legislative actions we can provide a more comprehensive depiction of legislative behavior to generate inferences floor (Clinton and Lapinski 2006; Madonna 2011; Roberts 2007; Smith 1989, 2007; Snyder and Groseclose 2000). This, in turn, will allow the findings of this dissertation to contribute to our scientific understanding of the complete policymaking process that accounts for both chambers and the potential for parties to influence policy outcomes at multiple stages.

In the setting of this research design, the Senate majority party has to account for more potential threats to their preferred outcome, during this second stage of policy consideration. The Senate majority must first decide if the House version is acceptable to bring to the floor. If the House version is found to be unacceptable, the bill may die in committee or be placed at the end of the Senate calendar. The ability to limiting what comes to the floor and avoiding a vote is a form of indirect, negative agenda control but leaves the chamber open for blame regarding its inaction. Thus, the Senate majority party is more likely to amend the legislation that is closer to its preference, which pressures the House to reevaluate whether the Senate proposal is better than the consequences of not passing a bill. If the House decides not to acquiesce to the Senate's changes, then House members must decide which must remain to appease the preference of the filibuster pivot.¹⁷

Plan for Dissertation

The focus of this project is to answer to what extent (in a bicameral setting) does the Senate institution moderate or temper the House majority party's ability to create non-median

¹⁷ The filibuster pivot is a legislator which has at least as much utility to support cloture as all other legislators that support ending the debate (Krehbiel 1998). The filibuster pivot can be more easily defined as the 67th vote (1913-1975) or 60th vote (1976-2012) needed to invoke cloture.

policy outcomes?¹⁸ To answer this question, I use non-roll call observations of legislative activity to compare the role of both chambers in resolving a bicameral disagreement. The significance of this dissertation is to reevaluate our expectations regarding the House majority party's influence in dictating policy outcomes following the consideration of a bill by both chambers. To date, our understanding of the majority party's influence on policy outcomes has largely been limited to activity within the U.S. House of Representatives (Cox and McCubbins 2005; Finocchiaro and Rohde 2008). This prior research sets the foundation for this project. In addition, recent research on the U.S. Senate and its procedural tools has demonstrated the majority party's ability to deter the minority party's influence on policy outcomes (Den Hartog and Monroe 2011). There is still more to learn regarding how policy content changes when the U.S. House of Representatives and U.S. Senate respond to one another to resolve inter-chamber conflicts.

Chapter 2 describes how the legislative process that determines federal spending has developed and been reformed over more than a century. The primary focus is to disentangle the role of budgeting and spending, which as two halves of fiscal policy, are often lumped into the same discussions despite being very different processes. Specifically, the chapter documents how institutional reforms have enhanced the budgetary powers in Congress as a way to cut the deficit and control spending. I also examine how these tools for deficit reduction diminished the institutional power of appropriators and produced greater disagreement over fiscal policies between the two chambers. However, one thing is for certain, politicians are keenly aware of the effects of previous reforms and what can happen if power over the federal government's purse is

¹⁸ By setting the agenda of what is allowed to receive a vote, party leaders of the House majority party can pass legislation that actually is more beneficial to the party median rather than the median legislator inside the House chamber. Under a closed rule the median legislator is not able to propose a policy alternative that is more acceptable to those in the minority. Instead the median legislator becomes the last vote the majority party needs to pass legislation, which may exclude policy benefits from the minority party (Cox and McCubbins 2005; Riker 1986).

centralized solely within the appropriations process. This raises an interesting question, how can we create an institution that promotes policy agreement and budgetary controls to avoid large deficits?

The third chapter describes how changes in the Senate institution more generally have contributed to the dynamics of resolving bicameral differences. The theory of my argument builds on previous research on the development of the Senate and the appropriations process to take into account how chamber differences and contextual effects influence the likelihood of a policy conflict as well as the leverage each chamber has on the final policy outcome. In Chapter 4, I investigate when the two chambers are most likely to disagree and the differences between the proposed spending levels we should expect. Then given that the House and Senate reported competing bills, in Chapter 5 I develop a model to examine the effects that contribute to the Senate's leverage over the content of appropriation bills. To provide another perspective, Chapter 6 looks at the role of the President's budget request and how differences in party control of the House and Senate alter the difference between the budget request and policy enactment. Finally, I end with a discussion of how accounting for the Senate's influence can help better explain the role of political institutions. With the changing nature of each chamber, the rules that govern the behavior of legislators on the floor in the House and Senate have the potential to produce very different results, with respect to policy content. Thus, the degree to which each chamber's policy proposals are different will increase the difficulty of reconciling the policy conflict.

CHAPTER 2

BUDGETING VS. APPROPRIATIONS: COMPETING APPROACHES TO FEDERAL SPENDING

One measure of government “success” has been whether those in power are able to maintain a balanced budget where the total outlays equal the revenue the government has received. Since the issue can be simplified to whether the expenses of our government are “on budget” the national debt has historically been a salient topic, which remains correlated with the public’s evaluation of government efficiency (Arnold 1990; Bovitz, Carson, and Collens 2012; Jones, Baumgartner, and True 1998). In 1913, the nation adopted the Sixteenth Amendment and Congress enacted the Income Tax Act.¹⁹ At the time, Congress sought to replace tariffs as the core source of revenue by levying an income tax which would become a more stable and predictable stream of revenue. One consequence of this action is that the implementation of an income tax strengthened the direct connection between each voter and how the government managed federal funds. Later, the Great Depression marked a great shock within the nation and what role federal spending could play, which was not seen during the economic panics of 1893–1896, 1907–1908, and 1921–1922. These shocks are important as we consider the increasing salience of federal expenditures and sources of government revenues in the minds of the electorate.

In the late nineteenth century, changes to the appropriations process by progressives were most interested in limiting the spoils system by restricting the government’s ability to increase

¹⁹ (Amendment XVI to the U.S. Constitution) The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.

employee salaries by controlling the distribution of federal funds. Both the Holman Rule in 1867 and the Pendleton Act in 1883 reduced the ability for parties to increase federal government spending to benefit positions gained through patronage (Skowronek 1982; Stewart 1989).^{20 21} In addition to changing institutional rules to control corruption, the use of dilatory tactics and obstruction by those in the minority of either chamber brought forth other reforms to make it easier to pass an appropriations bill despite other legislative activities. In 1870, the Senate floor operated under the “Anthony Rule” which shortened the period of time allowed for debate as long as there was not an objection from the floor.²² Shortly after the Anthony Rule was implemented, the Senate allowed amendments to appropriations bills to be tabled without tabling the entire bill, beginning in 1871. Procedurally, this meant that with a majority vote senators could table the consideration of non-germane or controversial amendments without having to halt debate on the bill entirely.

At the turn of the century, each chamber enacted changes to their procedures . The House of Representatives began experimenting with more restrictive rules to appropriation bills in the 1880s, before applying special rules to all types of legislation (Roberts 2010; Robinson 1963). Then, more than thirty years later, in an effort to limit floor debate the Senate adopted cloture in 1917.²³ The ability to invoke cloture changed how policies like appropriations were considered in the Senate, because it reduced the uncertainty over how many votes would be

²⁰ The Holman Rule of 1867 stated that House amendments could not increase appropriations for public works or federal employee salaries.

²¹ The Pendleton Act of 1883 established a Civil Service Commission and made an increasing number of federal employee positions merit based. By 1897, a total of 86,000, almost half of all federal employees, were classified as civil service positions (Hooenboom 1961).

²² In 1870, President pro tempore Henry Anthony (R-RI) instituted the “Anthony Rule” creating a time constraint on legislation that was not objected to. This preceded the use of Unanimous Consent Agreements but worked to increase chamber efficiency (<http://democrats.rules.house.gov/archives/jcoc2m.htm>).

²³ Under the cloture rule (Rule XXII), the Senate may limit consideration of a pending matter to 30 additional hours. During this study the Senate could limit debate by a two-thirds vote of the chamber, from 1917-1945. (source: http://www.senate.gov/reference/glossary_term/cloture.htm)

needed to pass a bill (Wawro and Schickler 2006). Each of these procedural changes provided the opportunity for legislators and rational actors to structure policy outcomes and reduce the threats of dilatory tactics and obstruction.

During the twentieth century the nation's continued interest in addressing uncontrollable deficits connected to two world wars and an expanding federal government brought forth reforms that systematically changed the government's oversight on every dollar spent. Prior to 1975, spending decisions were made as authorizations occurred and then finalized through the appropriations process. Although that process still remains intact, the Congressional Budget and Impoundment Act of 1974 added a new layer to the legislative process in the U.S. Congress through the introduction of the bicameral budget resolution. The creation of the Budget Committees in the House and the Senate further codified a three step process to governing which relies on bicameral agreement:

- 1) Drafting the Congressional Budget in response to the President's Budget Request.
- 2) Authorizing spending to implement legislation.
- 3) Appropriating the funds which had been authorized.

Therefore in the historical congresses the budget and spending were maintained under the jurisdiction of the Appropriations Committees. But the increasing distinction between budgeting and appropriations with each reform has challenged the flexibility the Appropriations Committees once had to distribute funds through the adoption of modern budget constraints on spending.

In this chapter, my goal is to document the legislative history of budget reforms as they have systematically changed how Congress approaches fiscal policy. Most importantly I will discuss how each change provided an opportunity for the Senate to become more of an equal

partner in determining how federal funds would be spent. Members of prestigious committees in Congress, like appropriations, tend to hold more seniority and consider the interests of other legislators (Fenno 1966). The interest of these legislators to make a deal provides an incentive to achieve compromise or protect projects that are important to their constituencies (Shepsle et al. 2009). By revisiting the goals and effects of these reforms we can understand why lawmakers felt it was necessary to decentralize authority from the Appropriations Committees to the chamber floor and Budget Committees. The effects of modern budgeting reforms that attempt to expedite the concerns of the majority are important to understand, because these are extra constraints that have been laid on top of the traditional bicameral process of appropriations.

The Early Appropriation Process: Dynamics of Bargaining Under Different Rules

The appropriations process in the nineteenth century was quite unique from today. Federal appropriations varied depending on the underlying issue that the bill was tied to, as they often do today. However, a current observer of the appropriation process would be surprised to see that much of the federal spending during this time was allocated to the Post Office. The Post Office was receiving 18 percent of the budget in 1895 and 26 percent of the budget in 1915. This was followed by the Sundry Civil appropriations, at seven percent (1895) and nine percent (1915), and then four percent of appropriations for the Legislative, Executive and Judiciary Departments (Stewart 1989). Also, to give context to the appropriation politics of this era the Rivers and Harbors Bill was often the target of symbolic criticism of wasteful government's spending decisions (Ferejohn 1974).

The importance of considering lawmaking in historical context is that we can gain greater understanding of how the appropriations process and more broadly the legislative process have changed over time. This is important because all institutional reforms may not have the same

effect on how legislation is developed, but from this perspective we can see which types of reforms increased the role of one chamber compared to the other. These diverse institutional changes include the adoption of Reed's Rules in 1890, which increased the strength of majority rule in the House and the innovation of Rule XXII to allow senators to invoke cloture, institutionalizing the importance of supermajority coalitions. However both chambers have worked together to reform how they consider budgetary legislation. Reforms such as the Budget and Accounting Act of 1921, Legislative Reorganization Act of 1946, and Budget and Impoundment Act of 1974 served as shocks to the legislative process and were intended to improve the government's control over the budget.

In 1885, the jurisdiction over appropriations for Agriculture, Defense, the Post Office, and Rivers and Harbors was transferred to the authorizing committees from the House Committee on Appropriations (Stewart 1989). The Senate also followed suit in 1889, after a petition by junior members, decentralizing power over appropriations to standing committees that held jurisdiction over the authorization of policies (Schickler and Sides 2000). The action of decentralizing the control of appropriations decisions has most often been described as evidence of an intergenerational war between the old guard and new workhorses. If we take this line of thinking seriously, the actions of junior senators to reform how decisions over federal spending were made also challenges the previous notion that senators in the historical era were not equally involved in the appropriations process as representatives were.

The House and Senate Appropriations Committees did not lose their jurisdiction over all bills at this time. In fact both Appropriations Committees still retained control of the nine other general appropriations bills through 1920 (Stewart 1989). The bills returned to the jurisdiction of the Appropriations Committee, shortly after the end of World War I, which was further

codified through the reorganization of the committee through the Budget and Accounting Act of 1921. The decision making process over federal spending was also significantly changed by the Budget and Accounting Act of 1921, which instituted the requirement that the President to draft a budget each year (Bovitz, Carson, and Collens 2012).

Table 1: Appropriation Bills from 1920-1921

Agriculture	Military Academy
Army	Navy
Diplomatic and Consular	Pension
District of Columbia	Post Office
Fortification	Rivers and Harbors
Indian	Sundry Civil
Legislative, Executive, and Judiciary	

Table 2: Appropriation Bills from 1922-1923

Agriculture	Military Establishment
District of Columbia	Navy
Executive & Independent Offices	State, Justice, Commerce and Labor
Interior	Treasury & Post Office
Legislative Establishment	War & Civil Functions

During the early twentieth century as spending grew out of control through the diffuse jurisdictions of appropriations, the Senate was also becoming more partisan (Binder 2003; Gamm and Smith 2002). The increasing contestation on the Senate floor in the early-twentieth century grew from the increasing power of the House majority (Koger 2010). Senators were also less willing to support House proposals without revision as members' electoral considerations change after the constitutional requirement to directly elect senators (Meinke 2008; Schiller 2006). As a result, party leaders began to formally coordinate floor activity in ways that allow members within the majority to share credit for policy alternatives (Binder 2003; Brady, Brody, Epstein 1989; Schickler 2001). Without party leaders to prioritize legislation, the sheer number

of policy alternatives that would have been proposed by senators for electoral benefit would have made it more difficult to address the policy needs of the nation given the observable increase in Congress's workload. With more competition and conflict over policy priorities, the Senate became more of a partisan institution and the upper chamber began to challenge the policy recommendations of the House more often (Binder 2003; Chiou and Rothenberg 2003, 2006, 2009).

The action of delegating the initial organization of the budget to the President did not have the anticipated effect of reducing the deficit as priorities turned to the Great Depression and World War II. The Legislative Reorganization Act of 1946 instituted multiple changes in the appropriations process as a reform to make the legislative process more predictable.

Congressional leaders wanted to simplify decisions with respect to spending and guard against the increasing legislative workload to address the deficits incurred during World War II (Davidson 1990). An example of the complexity of federal spending, prior to 1946, was that authorizing committees granted agencies the option to enter into long term contracts beyond the scope of regular appropriation bills.²⁴ The result of this freedom was that agencies entered into contracts to pay sums greater than the projected appropriations, which added additional pressure on the appropriations committee to honor the agency's commitment (Fenno 1966; House Committee on Appropriations 2010). This presented legislators in both chambers with a dilemma of protecting the treasury or continuing to provide the services that the federal government had authorized. These competing priorities make it particularly difficult for legislation to coherently appeal to a large coalition within the chamber.

²⁴ An early example of this is the River and Harbor Act of 1922, which authorized the Army Corps of Engineers to commit to large and extended multiyear civil works projects even by ignoring the "funds available" clause of the Antideficiency Act, which would have forced all of the funds for a project to be appropriated in the first year (GAO-06-382SP Appropriations Law—Vol. II, 6-89).

Legislative Reorganization Act of 1946

One of the solutions suggested by a commission promoting the reorganization of Congress, led by Senator Robert La Follette Jr. (R-WI) and Representative Almer “Mike” Monroney (D-OK), was to create a Joint Committee on the Legislative Budget. Members of the Joint Committee (20 in total) would be equally drawn from each chamber and limited to those that served on the House Ways and Means Committee, House Appropriations Committee, Senate Appropriations Committee, and Senate Finance Committee (Adler 2002). The specific aim was that leaders in Congress wanted to prohibit unauthorized limits to federal spending, but also prohibit spending beyond annual contracts, except in the case of public works (House Appropriations Committee 2010, 13-14). Section 138a of the Legislative Reorganization Act of 1946 provided the Joint Committee on the Legislative Budget to suggest annual spending caps (Fenno 1966; Galloway 1953). The La Follette-Monroney Committee suggested the President have the power to reduce appropriations across the board if Congress appropriated more than the revenues allocated for the given year, but the House stripped the suggestion. Congress did not allow the president any opportunity to revise appropriation levels post passage (Schneider et al. 2003). The reorganization of the committee system also set the number of subcommittees to twelve, which also created minor changes in jurisdiction sources that would define how policy issues would be combined in the general appropriation bills. Congress’s reorganization also increased the size of the membership of the House and Senate Appropriations Committees, as well as the staff resources the two committees would have in an effort to handle the increased workload (Galloway 1953; Schneider et al. 2003). Representative Monroney outlined the intention of the committee by stating, “I feel that a greatly enlarged staff would enable the

committee to ferret out of the money bills much more information and facts regarding the agencies than is now done with the small staffs used” (Monroney 1949, 20).

Since the suggested caps were not enforceable and appropriators could not agree on suggested appropriation terms, the Joint Committee dissolved in 1949. Congress continued to search for ways to resolve the difficulties encountered in creating a budgetary check on the executive branch’s power. In 1950, House Appropriations Committee Chair Clarence Cannon (D-MO) initiated the first attempt to pass an omnibus appropriation bill with H.R. 7786 (Nelson 1953). Chairman Cannon believed compiling all appropriations bills into one bill, as an omnibus bill, could be a tool to reduce waste, reduce the deficit, and minimize the influence of special interests. While writing about the Legislative Reorganization Act George Galloway summarized why Cannon believed this solution would be simple and effective:

“This big money bill represents a forward step in appropriation procedure in that, by bringing all the general supply bills together into a single measure, it gives Congress and the country a picture of the total outlay contemplated for the coming fiscal year. The new procedure also permits a comparison of total proposed appropriations with the latest available estimates of total Treasury receipts. This comparison enables Congress to decide in its wisdom whether to balance the budget, to create a surplus for debt retirement, or to incur an increase in the public debt” (Galloway 1953, 65).

The move to fuse the varied policy interests of legislators into one bill shows that Chairman Cannon also understood that in order to convince legislators to vote for a bill to limit spending his colleagues needed to know that their interests would be protected. This echoes Adler’s (2002) argument that the competition to secure reelection can be a substantial threat to the effectiveness of institutional reforms. Adler uses the example of the budget limitations leaders intended to set forth through the Legislative Reorganization Act as one of the reform’s failures because reforming spending was in conflict with the reelection goals of the rank-and-file. Similarly, it is important to also understand that institutionally the actions of rank-and-file

members to represent their constituencies are also possible because of the multiple steps in the legislative process. Although party leaders can attempt to control the first stage of the process, the later stages allow any legislator who is not satisfied with the bill to raise their point of contention and fight for the inclusion of a project. Another alternative is that a legislator may fight to curb Congress's spending, but the effort of a champion of deficit-reduction to stop the inclusion of a new specific spending item to meet the public's general demand to control spending should require more effort. In the situation where the inclusion of a spending item will help a fellow colleague meet the policy demands of her constituency the debate over the cost will take longer than if the deficit hawk chooses to challenge spending that seems unjustifiable.

During the 1950s the Senate was also changing its approach to debate on the floor by setting the rules for considering legislation through Unanimous Consent Agreements (Ainsworth and Flathman 1995; Krehbiel 1986; Smith and Flathman 1989). Unanimous consent agreements became an institutional innovation by expediting consideration of legislation by only addressing the necessary procedures, as long as there was no objection from the membership (Shepsle and Weingast 1984). Over time majority leaders would work with minority leaders in crafting these agreements to reduce the likelihood the agreement would be objected to on the floor. Nevertheless, this style of managing the Senate chamber, by definition, generates an expectation that an appropriation passed by the Senate will be reflective of a larger coalition.

Unanimous consent agreements also increase the role of the Senate Minority Leader in bicameral negotiations, allowing both parties to better communicate their preferences. At the same time, during the "Textbook Congress," committee chairs acquired more power as the heterogeneous views of members within each party made it more difficult for the Speaker of the House to centralize power within the chamber (Aldrich 1995; Cooper and Brady 1981; Rohde

1991). The strength of committees in this era diffused power across multiple jurisdictions allowing legislators to gain more power over certain aspects of the policy agenda, but the House Appropriations Committee remained systematically different from all other committees. Through appropriations the subcommittees of the House Appropriations Committees touched on each policy jurisdiction and the value of their service to the prestigious committee insulated them from serving on other committees. The insulation of the House Appropriations Committee countered the expectation that policy proposals from the House would become more inclusive in this period (Fenno 1966).

In the decades that would follow the Omnibus Appropriations Act, Congress continued tinkering with options to limit disagreement between the chambers regarding acceptable levels of federal spending. However, many of the attempts to regain control over federal spending targeted the power of appropriators by setting limitations on annual appropriations, which were difficult to meet. The consequence of these actions was that new problems arose such as backdoor spending where authorizing committees would attempt to hide spending or delay payments in order to meet the annual spending caps (Fenno 1966; Schick 1980).

Bow Amendment: Institutionalizing Caps on Expenditures as Early as 1967

The budgetary conflict between domestic needs and protecting against larger deficits after 1965 became so strained that the House and Senate were unable to reach agreements on regular appropriations bills, creating a string of continuing resolutions. In fact the partisan division across the chambers was so deep that in 1967 Congress did not pass the first attempt to increase the debt limit. In the same year, Representative Frank Bow (R-OH) offered an amendment to limit the total appropriation suggested by the House Appropriations Committee to 5 billion dollars less than the executive's estimate or president's budget request. Although the

amendment was defeated in the House Appropriations Committee, Bow's position was adopted by the larger Republican Caucus. Bow's Amendment was added to a later continuing resolution in 1967 and was credited with saving 4 billion dollars (Gilmore 1990).

In 1968, Congress experienced the consequence of not addressing the spending limit in a satisfactory way. The Revenue and Expenditure Control Act of 1968 to enact an excise tax became a much more contentious bill as a floor amendment by Senators Harrison Williams, Jr. (D-NJ) and George Smathers (D-FL) added a spending limitation to the bill, as well as the surtax that President Lyndon B. Johnson was advocating for. At this point the debate over how to control federal spending was a conflict between the two committees in each chamber. The two competing groups included the House Ways and Means Committee and Senate Finance Committee set to receive more control as the House and Senate Appropriations Committees were at risk of losing the authority to set the annual appropriations levels for bills. The Senate vote over the Revenue and Expenditure Act of 1968 divided the members of each Appropriation Committee along party lines and asserted that the federal outlays for the 1969 fiscal year could not exceed the total spending limit by more than \$4.5 billion. However, the House and Senate did not meet this target and spending for all federal programs – not including spending for the Vietnam War, veterans' benefits, and Social Security – was cut by \$8.4 billion (Schick 1980).

Although the Chairman of the House Appropriation Committee George Mahon (D-TX) saw the effectiveness of the Bow Amendment following its implementation in 1968, the arrival of Richard Nixon as a Republican President provided another concern over the potential consequences of setting restrictive limitations on spending.²⁵ Moving ahead to 1972, the vote to

²⁵ Mahon: "...I have come to the conclusion that an expenditure ceiling can be meaningful, and that it will encourage greater focus of attention by Congress and the country and the press upon spending. But embracing this idea of an expenditure ceiling as here propose, I do not want us for any means to delude ourselves. The best means

set an expenditure ceiling was attached to the bill to raise the debt limit. In this episode, President Nixon's administration was searching for opportunities to direct which programs would be subject to any impoundment of spending authority for the next year. Not only did President Nixon receive this authority, but the new opportunity for the House Ways and Means Committee to gain jurisdiction over the limit on federal spending challenged the Appropriation Committee's power (see Schick 1980; Thurber 1997). The control of the House Appropriations Committee over budgetary decisions is an important factor to keep in mind, because as the number of decision makers with power over federal spending increases, the greater the difficulty for a majority coalition to control spending proposals (Fenno 1966). Given the conflict between the two chambers on how to control the nation's fiscal policy, Congress sought to find a solution that would attempt to unify budgetary goals of the House and Senate, therefore strengthening Congress's power in relation to the President.

Congressional Budget and Impoundment Act of 1974

To address how Congress, an institution with two chambers, could work to control spending, a Joint Study Committee on Budget Control was created to set forth a proposal for the Congressional Budget and Impoundment Act of 1974 (also referred to as the Congressional Budget Act). As a reform the Budget Act of 1974 altered the bicameral politics on spending with the adoption of a congressional budget resolution, creation of a House and Senate Budget Committee, and the Congressional Budget Office. The motivation behind Congress's desire to establish internal control over the budget was because legislators had seen their strength of the power of the purse decline in the seven years from 1966 to 1973 (Schick 1980). The tension between Congress and the President over the budget grew as a result of increases in mandatory

and most appropriate and effective way to reduce Government spending is to hold the line on authorizations and appropriations." 115 *Congressional Record* p. 13125 (May 20, 1969).

spending under President Lyndon B. Johnson and the unilateral action of President Nixon to defer expenditures and impound funds from policies he did not prefer (Schick 1980).

However, reforming the budgetary process was not simply about Congress trying to limit the power of the president, but also to heal the number of political divisions with the House and Senate. The battles between the House Ways and Means Committee and House Appropriations Committee over jurisdiction of controlling spending had not been resolved. The Joint Committee began their proposal by suggesting that a Committee on the Budget in each chamber be made up equally of members of the Appropriations Committee and the Ways and Means Committee in the House, or Appropriations Committee and Finance Committee in the Senate. By increasing the participation of members of the tax and spending committees equally in the budget process, the proposal intended to consolidate power at the committee level and reduce bicameral disagreement (Schick 1980).

The Budget Act also tried to institutionalize the spending ceilings that had been set in years before. However, Section 308 required committees to estimate spending on items and create new budget authorities five years into the future, which led to considerable backdoor spending. The Senate Government Operations Committee suggested new authorized spending be limited to three year projects. This proposal appeased the preferences of the Appropriations Committees that saw their power over funding decisions being challenged, but was later removed after the committee's action. The debate that led to the large scale reform of the budgetary process showed that while there was a large and collective agreement to ease bicameral disagreement and cut the deficit; no majority could be found to find an institutional solution that limited the existing power of any committee or chamber. Allen Schick summarized his detailed legislative history of the Congressional Budget Act with:

“The Budget Act illustrates [protection of existing interests] in operation. Budget power is not directly taken from the authorizing, appropriating, or taxing committees. No direct change is made in their jurisdiction; each committee can proceed pretty much as it has in the past. Change is concentrated, however, in the new budget process, with regard to which none of the existing committees had a vested interest. Of course, the budget process might turn into a trespass on the work and discretion of other committees, but this would be determined by later practices, not by the bare terms of the Act.”

– Allen Schick in *Congress and Money: Budgeting, Spending and Taxing*, page 78

Although congressional scholars and historians describe the 1974 reform as ineffective because the spending caps set forth for the budgetary process lacked strong enforcement, the simple act of a joint budget resolution protected the power of the Senate. To that point, the role of the Senate in determining all annual spending had the opportunity to increase as the Senate became an equal participant in the initial agenda setting stage. Therefore, the Congressional Budget and Impoundment Act of 1974 created a new era for the legislative process as the House and Senate Budget Committees replaced the House Appropriations Committee as the first institution to draft legislation with respect to spending.

Lessons Learned from Bargains during 1880-1984: Spending Caps and PAYGO

Congress has used the budgeting process to tackle the deficit since 1985 and by constraining how much money can be appropriated through spending caps the conflict between the House and Senate has increased over which programs to prioritize for funding. The real pressure of the spending caps is generated by the forced sequestration of funds post-passage if appropriators do not work within the constraints set by the budget resolution. Another strategy to constrain the Senate’s ability to increase spending by amending the House proposal is by forcing legislators to make item-by-item decisions. Through the pay-as-you-go (PAYGO) process, if senators wish to add more money to a project than the House allowed, the Senate

must match those funds by eliminating funding elsewhere to eliminate unexpected increases to the national debt.

Spending Caps, Sequestration, and PAYGO

The Balanced Budget and Emergency Deficit Control Act of 1985 and 1987 looked to reform the congressional budget process in a way that made it more effective in reducing the deficit. Thus, a framework of deficit reduction targets and budgetary deadlines were created to force bicameral agreement and limit spending increases that could help resolve policy disagreements, which historically appeared to be the source of the growing deficit. However, in the 1970s the Appropriations Committees only controlled forty-four percent of the federal spending, the rest of the sixty-plus percent was mandatory spending (Thurber 1997).

If the federal budget did not fall within ten billion dollars of that year's deficit target a series of spending cuts known as sequestration would automatically go into effect. The prescribed plan for sequestration was to reduce federal spending enough to meet the maximum threshold the federal deficit was allowed to be in that year. Although this style of controlling federal spending by setting a budget and five-year deficit reduction targets was ambitious, the plan was not executed as effectively as it was intended. Given these constraints the appropriations committees strategically delayed enacting appropriations until the sequestration occurred or used deficiency appropriations bills to address budgetary shortfalls (Thurber 1997).

Still with a focus on budgeting as the solution to curbing the deficit, Congress enacted the Budget Enforcement Act of 1990 to set new targets for deficit reduction and provide greater control over the Appropriations Committees. The new goal was to force appropriators to think about paying for federal projects not with future dollars, but with the budget authority of that given year. Therefore the process of funding a new program must come at the expense of

funding a current program; however, appropriators were further constrained by budgetary procedures known as firewalls. Firewalls between policy areas meant that spending levels for federal agencies would remain the same and for programs to increase their budget they must compete with similar projects. Although firewalls are expected to protect defense budgets from being raided, this restriction made it more difficult to adjust the size of budgets across issue areas. Therefore one explanation for increases in bicameral conflicts focused on spending is the difficulty of prioritizing similarly related policy issues.

The Balanced Budget Act of 1997, which was a large omnibus bill which included children's health care, Medicare, and general government spending, also revisited the issue of reducing the deficit after the President's line-item veto was found to be unconstitutional. With respect to budgeting one important part of this bill was to extend the limits placed on the PAYGO process for discretionary spending. However, control over discretionary spending limits and budget allocations remained under the jurisdiction of the Budget Committees (P.L. 105-33, Sec. 10114). Additionally the statute stated that the Senate could not consider an appropriations bill until the concurrent budget resolution was agreed to and the funds had been allocated (P.L. 105-33, Sec. 10107). The tax revenues acquired during the economic boom of the late 1990s helped to take lawmaker's target off of the deficit and controlling federal spending, however the processes which created and empowered the Budget Committees were still in place.

Conclusion

As part of the agreement to raise the debt ceiling in 2010, the Statutory Pay-As-You-Go Act of 2010 was signed into law. The goal of this legislation was to create permanent pay-as-you-go procedures for revenue bills, direct spending bills, legislation that combined tax and

spending provisions, and any annual appropriation bills that include multi-year budget commitments (Keith 2010).²⁶ The legislation also speaks to how the Office of Management and Budget and Congressional Budget Office are to score spending bills and calculate sequestration orders.

Congress continues to experiment with alternatives to reduce government spending through the budgetary process. One recent innovation was the creation of a Joint Select Committee on Deficit Reduction, popularly known as the Super Committee, as part of the Budget Control Act of 2011. The goal of the Super Committee was to identify \$1.2 trillion of potential spending reductions before 2013 or an aggressive plan of sequestration would go into effect. What is particularly interesting about this case is that it facilitated another move to decentralize control of federal spending to a temporary committee with the specific goal of cutting the deficit. The Super Committee was unsuccessful, the automatic cuts were implemented in 2013, and the conflict between House Republicans and Senate Democrats over federal spending only deepened. The observed polarization between the House and the Senate from 2010 has continued through 2013 to the point that neither a budget resolution nor regular appropriations bills had been passed before the end of the 2013 fiscal year.

The breakdown in the budgeting and appropriations process in 2013 highlights the lack of separation between the budgeting, authorization, and appropriation stages of the lawmaking process. As Majority Leader Harry Reid and Speaker Boehner negotiated with the President to end the government shutdown in October 2013, the Senate asked the House to pass a budget

²⁶ There are several PAYGO provision in each chamber that stipulate how long of a period an spending increase must be applied to a projection of future revenues ranging from six to eleven years into the future. For more on the Senate PAYGO rule see Heniff, Bill. 2010. "Budget Enforcement Procedures: Senate Pay-As-You-Go (PAYGO) Rule." Congressional Research Service Report RL31943. Additional information about the budgetary effects of PAYGO legislation in the House see Keith, Robert. 2010. "The Statutory Pay-As-You-Go Act of 2010: Summary and Legislative History." Congressional Research Service Report RL41157.

resolution and the House remained focused on an appropriation bill. All the while, the media was covering the process as a Budget War, a Debt Ceiling Crisis, or a Shutdown Showdown which told the story of the House of Representatives battling the Senate and President. By looking back at how Congress has modified how it regulates federal spending since 1880, we see the government's ability to manage the debt is impacted by how much power is centralized within the appropriations process and if there is consensus between the two chambers.

By expanding the number of legislators with influence in the appropriations process, institutional reforms have served to limit the House's leverage over policy outcomes. These institutional reforms have increased the influence that bicameral differences, particularly polarization, have on policy outcomes over time. Considering the source of legislative disagreements that lead to gridlock simultaneously assumes that the pivotal legislator's objection is known at each stage. However, as we see with the tensions associated with controlling federal spending, the institutions that structure how a proposal is considered can set the constraints where an objection can be raised due to the policy actions of the committee or the other chamber. Therefore, I argue the best test of bicameralism's influence on policy outcomes should account for the varying strength of institutional organizations, like the House Appropriations Committee, to craft a policy first and before a vote of the entire chamber is able to vote.²⁷

²⁷ Previous studies have analyzed a similar theoretical question in a unicameral context (Krehbiel 1998) and when the Senate moves first (Chiou and Rothenberg 2009).

CHAPTER 3

THE DYNAMIC INFLUENCE OF THE SENATE ON POLICY OUTCOMES

In 2010, the two chambers of Congress were unable to pass any of the twelve mandatory appropriations bills, leading to an eventual showdown in 2011 between the newly Republican-controlled House and the Democratic-controlled Senate. There were five continuing resolutions passed between September 30, 2010 and April 8, 2011 to keep the government functioning before both chambers passed the sixth and final continuing resolution. This final continuing resolution emerged from a verbal agreement by House and Senate leaders on April 9, 2011 that a true budget would be passed to fund the government through September 2011. The week-long extension to reach a compromise by the new April 15, 2011 deadline came at the final hour before the government would have been forced to shut down until an agreement could be made.

The threat of a government shutdown created the opportunity for the House Republicans to strike a deal extracting \$37.8 billion in budget reductions. However, this was not an agreement forced by a large House majority. The Senate was able to protect funding in the bill for Planned Parenthood and reduce the proposed funding cuts from the \$60 billion in cuts passed by the House. In response, Senate Majority Leader Harry Reid (D-NV) said on the floor:

“We didn’t do it at this late hour for drama; we did it because it’s been very hard to arrive at this point. Both sides have had to make tough choices. But tough choices are what this job’s all about.”

– United States Senate Majority Leader Harry Reid (D-NV)²⁸

Despite the frustration of some in the Republican House Caucus over the \$22.2 billion compromise, the policy impact of the Department of Defense and Full-Year Continuing

²⁸ Reid, Harry. April 9, 2011. Source: Kane, Rucker, and Fahrethold.

Appropriations Act, 2011 (H.R. 1473 – later passed on April 15, 2011) proved to be the largest budget reduction in United States history. Had the bicameral agreement not been met, more than 800,000 federal government workers would not have been able to report to work or be paid until either the House or Senate conceded to the other's demands. A decision to cut the budget by \$61 billion or \$37.8 billion is not trivial. The difference defined a new bargaining space where each chamber could reevaluate its approach to influencing the final appropriation after observing the other chamber's preference.

An organized Republican Caucus used its institutional position to pursue a top policy priority – deficit reduction – and force budget cuts within a bill that should have been passed before the 2010 election. But the final policy agreement is a clear concession by the Senate Majority Leader to get enough Senate Republicans on board and, by doing so, craft a resolution Speaker Boehner could pass in the House. During a press conference, Chairman of the Committee on Oversight and Government Reform – Darrell Issa – summarized the compromise as what House Republicans should expect to receive from a bicameral agreement by saying:

“It’s all that one-half of one-third of the government can hope for, in democracy, you compromise.”

– United States Representative Darrell Issa (R-CA) ²⁹

The House Republicans would not have been as successful had they not stood as a unified caucus defiant against the budget proposed by President Obama and the Democratic Senate.³⁰ This was unique because the Republicans did not behave this way during the two previous continuing resolutions passed earlier in March of 2011, bringing comparisons to the division between President Clinton and Speaker Gingrich in 1995.

²⁹ Issa, Darrell. April 9, 2011. Source: Kane, Rucker, and Fahrethold.

³⁰ Additionally the negotiating power of the House Republicans in this instance is tied to the pressure of Senate Democrats to avoid the status quo that would occur if a bill was not passed. This forced legislators to decide if fighting against the proposed spending cuts was worth the cost of a government shutdown.

The events from April 2011 demonstrate the importance of bicameralism in providing boundaries for how much spending could be cut. While both political parties were advocating for cuts in spending, the Senate was able to reduce the proposed spending cuts by \$22.2 billion from the original House proposal. The inter-chamber conflict during the consideration of the Consolidated Appropriations Act illustrates the importance of time and additional deadlines set within a legislative session (see Oppenheimer 1985). The legislators themselves have no interest in debating bills at the last minute and delaying their own adjournment for recess, which creates an implicit argument that the more contentious an appropriations bill is in the final days, obstruction will be more effective in generating policy concessions.

Studying the Senate's Influence

Federal spending is not only constrained by changes to the budgetary process, but as the appropriations process serves as the final approval of larger policy programs the institutional rules that govern the traditional lawmaking process also apply. Although the content within an appropriations bill can be dispersed to minimize strong objections, the funding for specific projects can become contentious. Legislative procedures in each chamber can be used in conjunction with the deadlines set by the appropriations process to hold a bill hostage in the strategy of gaining leverage on other legislation.

As we delve deeper into the effect of institutional and behavioral dynamics between the House and the Senate, it is important to remember that the primary focus of the study is to examine how rules affect the development of policy content. The opportunity of the Senate to amend the House's recommended levels of spending allows lawmakers to identify concrete differences in the preferred policies between the chambers. Moreover, the importance of this study's use of historical observations is that the opportunity legislators in either chamber have

over the inclusion of policy content has varied across time (c.f. Cox and McCubbins 2005; Koger 2010; Wawro and Schickler 2006).

The extent these policy differences are incorporated into the final agreement between the two chambers has largely been left to conjecture. I endeavor to use individual bill comparisons to explain how successful the Senate is in leveraging its position to get the House to accept the policy changes that have been added in order to pass identical versions of the bill. In order to understand the leverage the Senate has over the content of a law, I look to build on a well-developed literature on congressional politics and studies that have considered how the effects bicameralism has on policy outcomes are robust across different contexts (see Heller 2001; Riker 1992). Studies of the procedural development of both chambers have identified institutional differences as a driving mechanism for the difficulty of passing legislation in Congress (Binder 2003; Chiou and Rothenberg 2006, 2009; Madonna 2011; Schickler 2001; Wawro and Schickler 2006). The greatest change has been the centralization of power within the House majority to keep order within the larger chamber and thus making it more distinct from the Senate which must work within the constraints of supermajority rules (Binder 1997; Koger 2010). The value of combining chamber-specific theories with the study of bicameralism is that the strengths of one speak to the weakness of the other. In this chapter, I will describe why institutional and behavioral differences between the House and the Senate affect when the Senate is likely to disagree and how influential the Senate is in determining the outcome of policies.

Individual Member Policy Influence in the Senate

The Senate is commonly referred to as the “greatest deliberative body in the world” (Jenkins 1921; Young 1934). The equal privileges afforded to all members of the Senate are possible because of the smaller chamber size, however the impact of this more egalitarian

chamber is that the Senate is tied to a pattern of supermajority decision making. Through the equal representation states receive the legislative behavior of senators is motivated by substantially different factors than representatives in the House. The malapportionment of senators across the nation creates substantial variation in the representative behavior we should expect from legislators serving in the upper chamber (Lee and Oppenheimer 1999). From history we know this institutional complexity was an intentional solution to solve a dispute between well-populated and small states during the Constitutional Convention. Delegates from smaller states were attracted to equal representation the Senate would provide, because they understood geographic representation would give them greater representation in the legislative branch.

The individualism of the Senate influences policy outcomes when senators can personally obstruct legislation through dilatory tactics. However, dilatory tactics are not necessarily limited to disagreement regarding current legislation under consideration. The consequence of delaying legislation is that less time remains in the session to consider unrelated bills, which would allow for future salient votes and help certain senators in their own reelection (Oppenheimer 1985). Thus, some dilatory tactics are actually focused on delaying future legislative activity without receiving direct blame for obstructing controversial legislation. While senators have allowed party leaders to gain more power within the chamber to increase efficiency, the Senate as a whole has worked to preserve its norm of individualism (Sinclair 1989; Binder, Smith, and Madonna 2007).

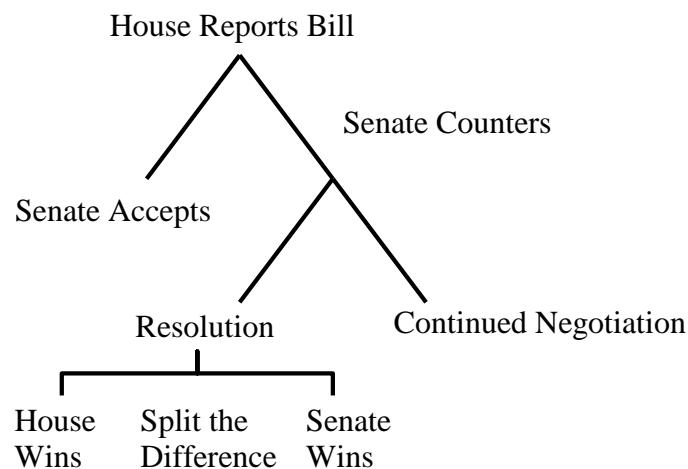
As one of two chambers with equal power, the institutional rules in the United States Senate add even more complexity to the process. The greatest attention to this problem has focused on members of the opposition in the Senate to bring the lawmaking process to a halt

through a filibuster. Ideological and partisan disagreement in the Senate contribute to obstruction and delay consideration of bills, however the Senate has protected unlimited debate since revised Senate Rule XXII by adding the cloture rule in 1917. By setting a supermajority threshold to allow the chamber to formally end debate, the Senate also provided the minority party with a tool to have their voice heard during the debate over a policy (Binder and Smith 1997; Wawro and Schickler 2006). The unique part of taking a historical approach to studying bicameralism is that we can observe legislative activity before and after the House altered its chamber rules to eliminate the threat of a filibuster. The expectation of a close to unanimous decision making process in the Senate means that the majority's effectiveness in directing policy content can be limited under divided and unified government.

Prior to the enforcement of Reed's Rules in 1890, obstruction was in fact more common in the House than the Senate. A contributing factor to this was that the people's house was more active and initiated much of the legislation drafted for governing the country in the first one hundred years (Binder 2003). After the implementation of Reed's Rules, the number of obstructions in the House quickly declined in 1894 as the Speaker learned to use his increased power to diminish dilatory tactics from the minority. However, the decrease in filibustering could have been a response to the public scrutiny of gridlock in Congress, since the instances of filibustering in the Senate also decreased in this era (Koger 2010; and see Madonna 2011). The effect of Reed's Rules in curbing obstruction, despite increases in Congress's workload, is most clearly seen through the increases in obstructive behavior by senators two decades later. Consequently, the divergent development of both chambers has shown that limiting the floor participation of House members does not eliminate obstruction; rather it simply increases the likelihood that an objection will be raised in the Senate.

The contrast between the institutional development of the House and Senate is particularly important to how we should expect the appropriations process to be affected by dynamic changes in the economy and political context. Furthermore, the *origination clause* from Article I of the U.S. Constitution maintains the consistency that the House will act first and the Senate will act second on money bills just as most legislation in the nineteenth century was considered. From a social science perspective this is important because we are able to closely observe the different constraints on legislators' floor behavior by comparing the two chambers. Figure 1 visually identifies the basic outcomes that can occur depending on the Senate's action. Although this diagram does not represent a formal game to test, it illustrates why I want to investigate when the Senate is likely to accept or reject the appropriation bill reported by the House.

Figure 1: Sequence of Floor Actions and Responses within the Appropriations Process



The action of the Senate at this stage is necessary to any study that intends to measure the effect of bicameralism on policy outcomes, because it allows for a direct comparison between the proposals of both chambers. In the event the Senate accepts the House bill, the measurable effect of each chamber's preference would be much more difficult to interpret and case studies

would perhaps be the strongest method of research. So from this point on I will focus on the likelihood the Senate will counter with a competing proposal instead of accepting the bill.

Likelihood of Bicameral Disagreement

Upon first glance it is understandable that the Senate is viewed as the source of obstruction and gridlock. However, I would suggest the Senate should not be blamed entirely as the cause of a policy failure despite its position as the second actor and the diminished control of the majority party to control the floor (Den Hartog and Monroe 2011; Lee 2009). Observers of the appropriations process should expect the Senate to counter with an amended proposal a majority of the time, because of the chamber differences which make the House and Senate react differently to the concerns of constituencies represented by the minority party. Moreover, the traditional sequence of floor activity shown in Figure 1 is not able to capture the size of the policy change the Senate offered, which is why we should expect partisanship to also play a considerable role in the likelihood that the Senate will attempt to shape the content of the underlying policy.

Scholars who have expected the Senate to most often play a secondary role still concede that the Senate's role is to serve as an appeals process for the secondary consideration of a funding proposal (Fenno 1966; Kiewiet and McCubbins 1991). Using that same approach I measure how the size of the appeals requests will increase as the House limits the participation of legislators on the floor. The first outcome of interest I will explain is whether the Senate offers a new proposal (see Figure 1). However, the second is likely more interesting as I explain how the difference in dollars between the bill reported by the House and the Senate's counter proposal will vary depending on the competing interests of the two chambers.

Although representatives and senators are motivated by different constituencies, we must remember that strategic behavior with respect to policy outcomes is different from strategic voting by individual legislators (see Calvert and Fenno 1994; Denzau, Riker, and Shepsle 1985). Each policy alternative that is presented by one chamber to another is reflective of at least a majority of the collective preferences within the chamber (Shepsle 1992). The difficulty associated with collectively promoting a strategic proposal, reduces the risk of potential bias that one chamber will decide to offer less or substantially more money than it is willing to enact. Furthermore, the risk of such behavior is amplified by the must-pass nature of appropriations, because the alternative of a failed reconciliation will result in an extremely punitive outcome or a temporary solution, such as a continuing resolution, will not reflect the preference of either chamber. Even the House Appropriations Committee's or the Senate Appropriations Committee's ability to act strategically is subject to objection during floor consideration of the bill in one of the two chambers. The Senate's mechanism to balance the enactment of strategic proposals by the House or biased policy outcomes is due to the interaction between individual senators pushing for supermajority coalitions and the Senate's equal role in the bicameral process. It is imperative that we understand when the Senate is most likely to counter with another proposal, as the Senate amendment is the selection mechanism where we can measure how much the policy content can change.

Bicameralism and Policy Outcomes

Congress's extended interpretation of the origination clause has held each chamber's position constant throughout the time period and by using dollars to infer changes in policy content the findings of this study can be comparable across historical eras. Therefore, the institutional constraints of this bicameral process create a research design that allows us to

directly observe the impact of institutional and behavioral dynamics within each stage of the lawmaking process. The separation of the House and Senate also highlights how the strong influences of malapportionment and term lengths can create different policy perspectives between senators and members of the House. Additionally, the scope of this study also allows us to observe trends in policy outcomes as the Senate has developed into the lone super-majoritarian chamber in Congress.

My theory develops in two stages, as you might expect for a study of bicameral decision making. First, as bicameral differences create policy conflicts, my belief is that the size of that conflict is dependent on chamber differences and contextual dynamics that influence how federal spending is framed as a policy issue. Our understanding of how distant bills reported by the House and Senate are from one another is important, as the content within the final policy agreement is drawn from the comparison of these two policy alternatives. Therefore, the size of the conflict and the forces that generated the competing policy proposals will affect which chamber is able to exert more leverage over the final agreement when the differences are reconciled. Although it is quite visible that the U.S. Congress is made up of two chambers, we must remember that each chamber is its own unique legislature and when both chambers work to resolve their differences both receive equal authority under the Constitution. By understanding the role of the Senate in reaction to the House, it is valuable to expand our expectations of how the Senate generates policy differences. Fortunately, the constraints of must-pass legislation allow us to evaluate which chamber has the greatest leverage over the policy content within the final agreement.

Chamber Differences

Recent scholarly work on the legislative process has built on strong theories that describe how the institutional context leads to increased benefits in favor of the party in power (Aldrich 1995; Cox and McCubbins 2005; Den Hartog and Monroe 2011; Rohde 1991) or simply for a majority coalition (Krehbiel 1998; Schickler and Rich 1997). The increase in the polarization between parties has significantly altered how legislation is considered in both chambers. Since the adoption of Reed's Rules in 1890, the use of special orders to control the floor is the core of partisan lawmaking whereby the majority party is able to bias the policy agenda in its favor by controlling how legislation is scheduled (Cox and McCubbins 2005; Cox and Poole 2002; Rohde 1991). Party polarization is considered to slow the lawmaking process in the Senate because senators are more likely to disagree on policy content and without a consensus, floor leaders cannot efficiently dispose of legislation (Binder and Smith 1997; McCarty, Poole, and Rosenthal 2001; Lee 2009; Theriault 2007). As a consequence, the filibuster, or threat of a filibuster, in the Senate is considered a primary threat to legislative efficiency in the U.S. Congress (Binder 2003; Chiou and Rothenberg 2003, 2006, 2009; Mann and Ornstein 2006, 2012). Party polarization can threaten the passage of legislation, because as the interests of both parties become more distant it is more difficult to propose legislation that will appease the viewpoint of the majority and the minority.

A common source of institutional disagreement for partisan electoral gain is divided government (Mayhew 2005). However in *Stalemate*, Binder (2003) shows that divided government and filibusters have only minimal negative effects on Congress's ability to pass legislation when we compare their effect to conflicting policy preferences between the two chambers. Under divided chamber control the Senate is constrained by how divisive of a counter

offer it can pass. Similarly, under unified government it is difficult for the Senate leadership to protect the House version from amendment. Regardless of the institutional context, the open rules of the Senate provide the flexibility to resolve difficult disagreements. The ability to reconcile the bicameral differences post-passage is a function of the differences in each chamber's rules and the threat of not delivering benefits to those who support the party brand. For that reason I believe it is theoretically important to include as a control a measure to designate whether or not both chambers were controlled by the same party of the President or not. This will speak to whether the House and Senate will be more likely to agree with one another if the two branches of government support similar partisan platforms.

One strong theoretical expectation is that both chambers should be more likely to disagree more often and by wider margins when there is greater ideological conflict between the two chambers. To account for this effect we can compare the average ideology of all members within the majority party of one chamber to the average of the other chamber's party. Using the Common-Space scores scaled using DW-NOMINATE provides comparable estimates of legislator ideologies across both chamber and time (Poole and Rosenthal 1997). Thus, the absolute value of the difference between each party's average score will help trace how large the expected policy conflict should be between the House and Senate.

Workload in the House and in the Senate

The number of bills and decisions legislators must make in a given Congress has not remained consistent over time and the effects of more demand for legislation has varying effects between the House and Senate. This tension builds from the competitive nature over which policy issues will receive consideration given the limited time on the legislative calendar of each chamber. Time is a particularly valuable asset in the Senate, as it is the clearest cost in trying to

break a filibuster through a war of attrition which increases the risk that fewer pieces of legislation will be considered. Controlling for the legislative workload in both chambers, we can better understand when legislators will be more aware of the potential complications the threat of a filibuster will bring.

As a result of the premium that party leaders or the majority party places on passing legislation, senators are able to leverage policy compromises by agreeing to drop the filibuster when the chamber accepts changes to a bill (Bell and Overby 2007; Binder and Smith 1997; Koger 2010; Wawro and Schickler 2006). Each instance of obstruction or an additional amendment increases the costs on the majority party to work through its agenda and policy preferences (Binder 1997; Den Hartog and Monroe 2011). The timing in the legislative session of the obstruction is important because of the existence of unrelated mandatory deadlines imposed by the process set to govern the nation. The structure of Congress with deadlines to pass legislation such as the budget in August, recess to campaign in October of an election year, and the final days of a congress allow for filibusters late in the session or near these critical points to be more successful (Oppenheimer 1985). Recent studies have also inferred that the longer it takes to pass a bill, the more difficult the bargaining process and therefore the policy is more likely to be a compromise (Warwo and Schickler 2006; Woon and Anderson 2012).

From this perspective we should also expect senators to engage in a filibuster with the intention of changing the content of the policy outcome. Therefore, the effect of the workload in each chamber should be different. This is especially true in the Senate, where it may have a substantial effect on whether the Senate accepts the bill proposed by the House as well as in determining the final outcome if reconciliation is needed. To control for legislative workload, I use Sarah Binder's (1997) estimates of the House's and the Senate's workload. The two

variables are generated through three factor analyses of the total days in the legislative session, number of laws enacted, and the number of legislators in that Congress.³¹ We should expect that as pressure to pass more legislation in each chamber increases the Senate will be more likely to give into the policy requests of the minority and the House will also concede to those demands to avoid further legislative delays.

Contextual Dynamics

Legislative action on federal spending can be traced by voters and has affected electoral success. Therefore, fellow partisans work in coordination to increase aid to colleagues. Previous studies of distributive politics have shown how increases in spending for popular projects as the bill moves through the legislative process can translate into electoral rewards (Arnold 1990; Crespin and Finocchiaro 2008; Shepsle et al. 2009).

One of Congress's primary powers has often been coined the power of the purse and in particular the House Appropriations Committee is often considered the guardian of the treasury. A growing national debt affects the bill reported by the House through two primary considerations—protecting the economy and electoral considerations. To be clear, these two considerations do not have to be separate as representatives have received electoral benefits for consistently trying to cut the budget (Arnold 1990; Bovitz 2002). For members of the House, the benefit of being a deficit hawk can be more easily seen for representatives of homogenous constituencies who will reward the incumbent for “protecting the Treasury” (Fenno 1966; Kiewiet and McCubbins 1991). Thus, when the national debt is larger the House has an

³¹ In Appendix 2, page 218-219, of *Minority Rights, Majority Rule: Partisanship and the development of Congress* Sarah Binder explains her use of principal components analysis and notes that for measures of the House's workload from the 54th Congress to the 101st Congress the number of members in that Congress is not included, because the number does not vary after membership in the House was capped at 435 representatives.

electorally safe justification to reduce the current level or proposed level of government spending.

When this is the case, the House Appropriations Committee is likely to report a bill that attempts to reduce federal outlays in an attempt to control the federal debt. If there are only a few changes made to the Committee's proposal on the House floor, the reduction in spending is likely to conflict with the Senate's traditional inclusive legislative behavior. In this instance, we do not have to assume that the House is reporting an arbitrary and biased policy proposal. A legislator's perceived benefit for taking a fiscally conscious position is different based on the chamber they serve in, we should expect the Senate to attempt to alter the content of the legislation. As the Senate takes action to broaden the policy to be reflective of a broader and geographically diverse coalition, distributive benefits should also be shared with a larger portion of the country. In many ways, the changes in how each chamber approaches its role in the appropriations process, under economic constraints, mirrors the effects of restrictive rules and supermajority requirements over policy outcomes. To account for the government's economic situation at the time the appropriations bill was drafted, the analysis includes the annual calculation of the national debt, adjusted to reflect FY 2012 dollars to facilitate comparability and interpretation.

In studies of U.S. congressional elections, bicameralism has provided the structure for important comparisons for studies focused on the distribution of appropriations from the federal government to different states as a function of the election cycle. States are more likely to receive more than their average share of government dollars when a senator is up for reelection (Crespin and Finocchiaro 2008; Shepsle et al 2009). From a position-taking perspective we should expect the House to pass smaller sums of federal funds. However, this can be contrasted

with the additional incentive of senators to reintroduce proposals that will aid their state's constituency, demonstrating support for the rational expectation that senators behave as seekers of re-election (Mayhew 1974). To account for the competing concerns legislators have for their reelection, I include a variable to indicate whether the appropriations bill was considered during an election year with a measure of 1 and 0 if there was no election (see Kiewiet and McCubbins 1991; Stewart 1989).

The institutional reforms which have, successfully or unsuccessfully, restructured the budget process have nevertheless systematically changed the underlying bicameral process. Specifically, each reform incrementally changed how each chamber considers appropriations policies and how the House and Senate are able to work together. From this perspective, I believe that as the Senate becomes more of an independent and equal chamber to the House across the time frame, there will be greater variation in the policy alternatives put forth by both chambers. The belief that institutional dynamics are heightened when interacted with bicameralism, especially when one chamber has supermajority requirements, has been previously tested with respect to increasing gridlock (Binder 1995, 2003; Mayhew 2005; Tsebelis and Money 1997). That same relationship can be captured as we should expect a dynamic increase in bicameral disagreement across the different institutional regimes. However, where the study of appropriations provides important leverage is that we can also see how institutional dynamics affect policy negotiation in a controlled environment where the negotiation is over must-pass legislation.

The reason reforms such as the Budget and Accounting Act of 1921, Legislative Reorganization Act of 1946, and Budget and Impoundment Act of 1974 are so important is that they altered the legislative process and were intended to improve the government's control over

the budget. To capture the temporal effect of each reform a value of one is awarded if the year of enactment was between 1880 and 1921 and a value of zero is awarded for all other years. A similar control variable is included if the year of enactment was between 1921 and 1946 as well as after 1946 and before 1975. These variables serve as controls for the selection model which produces a binary result if the Senate amended the bill in order to assess the probability of a bicameral negotiation from 1880 to 1984. We should expect significant variation in the behavior and leverage of both chambers across these eras. The Senate should disagree more often in the two recent eras, because the threat of a filibuster is greater than it had been previously. We should not necessarily expect that the Senate's leverage will then also increase, because each budgetary reform tried to limit the ability of Congress to increase spending to meet the needs of individual legislators. These results will be an early look to how the House learned to work with a more active Senate.

Conclusion

The changing strength of the Senate over spending decisions is a function of the institutional development of the chamber and congressional reforms that have tried to control the national debt. By comparing the appropriations reported by the House and Senate, this project measures how successfully bicameralism reaches its primary goal as an institutional design, in the United States, to reduce potential policy changes. Theoretically, the requirement that two very different and separate chambers find an agreement adds considerable transaction costs to the lawmaking process. However, the ability of each chamber to determine their own rules further complicates the simple separation of the House and Senate which becomes most visible through the policymaking process.

Theories of lawmaking have argued that agenda control, primarily in the House, increases partisanship and a majoritarian style of lawmaking where the influence of members outside the coalition in support of the bill decreases (Cox and McCubbins 2005). Conversely the Senate, which has far less agenda control, is expected to rely on establishing greater support from the chamber as a whole – through the creation of more inclusive coalitions (Koger 2010; Wawro and Schickler 2006). As a result, chamber-specific studies draw contrasting inferences for the content of policy reported by each chamber with the perspective that such differences are driven by the asymmetry between agenda control and electoral incentives between the two chambers. One interesting question still remains, how are these dynamics systematically affecting the underlying policy content when a bill is adopted? Admittedly bicameral agreements on specific policies may be unique occurrences, but if partisanship and institutional dynamics significantly increase gridlock in Congress (Binder 1995, 2003), there should be also be a substantial effect on changes in content when Congress overcomes gridlock. Looking beyond the inner workings of Congress, the combination of two chambers and their very divergent approaches to floor debate leaves the Senate with the decision of whether the policymaking process will remain representative of the larger public.

Testing bicameralism's effect on increasing the difficulty of passing legislation and moderating arbitrariness in appropriation bills adopted by the U.S. Congress does rely on the actions of the Senate, as it is the second chamber in this policy arena. Therefore, it is important to consider whether the Senate will choose to amend the bill reported by the House. This first stage is significant, because it is a clear indication of whether the Senate chamber recognizes the House proposal as the optimal agreement. If the Senate reports a competing bill then the size of

the disagreement over the policy content between the two chambers should be a strong predictor of how difficult reconciling the disagreement may be.

This chapter has provided a description of the dynamic changes in the proceedings of the House and Senate, as well as the appropriations process. By outlining the factors that explain the changes in institutional differences and the motivations of the legislators based on which chamber they serve we see that how the content of legislation is developed can be a complex process. In the chapters that follow I will offer tests of these hypotheses in three ways. Chapter Four will follow up on this topic in more detail by focusing on the probability that the Senate will offer a policy alternative and the effects chamber differences and contextual dynamics will have on the size of the policy disagreement. Understanding the Senate's decision to disagree is crucial to understanding the underlying policy content that will remain once the chambers have found a mutually acceptable solution. Chapter Five will examine which chamber has the greatest leverage over the content of enacted legislation given that there was a bicameral disagreement. Finally, if the Senate does indeed stifle the rate by which federal spending can be increased or decreased the executive branch should also be aware of its implications on the allocation of resources to implement federal programs. Chapter Six applies the conclusions of chapters four and five to the budget request put forth by the president.

As we think about the application of past theories of lawmaking, each have made a substantial impact on our understanding of Congress and emphasized the importance of specific details that shape policy outcomes. Unfortunately, when we think about how a policy idea is changed from the time it emerges to the time it is enacted, the literature raises more questions than expectations. This project emerges from the depth of research on each of the individual stages of the consideration of a bill in the House, moving through the Senate, and bicameral

reconciliation. Instead of interpreting policy proposals by Congress as if they were made by one unitary institution we need to be aware of the changes that occurred prior to even the conference committee stage. Not only does this complicate previous theories that Congress may act as a strategic institution, but it also complicates the speed that we should expect the federal government to solve long term policy issues. Therefore, the actions of one federal legislature are driven by the contrasting policy demands of its two heads.

CHAPTER 4

DEVELOPMENT OF CHAMBER DISAGREEMENT

The strength of Congress's power of the purse rests on the cohesive policy preferences of both chambers. The requirement that the House and Senate resolve bicameral differences does not inherently create a cohesive plan from the start. Therefore, I focus on two major themes beginning with the opportunities for policy disagreement and also the size and frequency of those disagreements. Although the cohesiveness of a majority in one chamber is likely to increase the chamber's efficiency, a bill reported to a chamber that is less cohesive should result in some modification, which threatens the initial chamber's control over the underlying content of the bill.

To revisit Elbridge Gerry's concern of the Senate having any role in the appropriations process, there is some value to his point of view for those who wish to eliminate threats to the passage of annual spending bills or the power of Congress. Regardless of partisan control, allowing the Senate to participate elongates the consideration of a bill even if there is no objection. Yet, passing a spending bill by the same process as the authorization bill creates a consistent continuity which adds legitimacy to the legislature's funding decisions. The trade-off is that there is a risk that beyond the additional necessary steps in the legislative process, the behavior of the Senate may have greater consequences if it does not accept the bill reported by the House.³² Naturally, this has sparked considerable research on legislative efficiency and

³² There are a variety of outcomes where the second chamber is able to halt the enactment of a bill beyond voting it down. The second chamber does not have to introduce the legislation for consideration in the committee stage or on the floor. This threat to legislative efficiency can occur under unified or divided government, as exogenous influences that can affect what legislation is prioritized can keep a bill off of the floor.

gridlock as a way to compare the impact of both chambers on the legislative process. Regardless of the source of inaction the policy result is the same and reflects an inter-chamber conflict.

Because the House initiates and passes more legislation than the Senate, the lower chamber is viewed as the most efficient legislature and the Senate is saddled with the blame of gridlock (Mann and Ornstein 2006). Nevertheless, by the law of numbers the Senate cannot match the legislative productivity of representatives in sponsoring legislation and the additional procedures, such as cloture and unanimous consent agreements in the Senate inhibit the chamber from taking swift action (Chen and Malhotra 2007; Weingast et al 1981). Congressional observers can clearly see the institutional differences, beyond their overlapping constituencies and terms, grow over time to better define the House and the Senate as unique chambers. However, many representatives have little patience or appreciation for the priorities of another chamber that conflict with their own.

A clear contemporary example of the frustration House members experience with Senate procedures that deter bills from passing can be seen in a passionate floor speech by United States Representative Anthony Weiner (D-NY). On July 29, 2010, in reaction to the failure of the House to suspend the rules and pass H.R. 847, the James Zadroga 9/11 Health and Compensation Act of 2010, he said:

“We see in the United States Senate every day, where members say we want amendments, we want debates, we want amendments, but we are still a no. And then we stand up and say only if we had a different process we would vote yes. You vote yes, if you believe yes, you vote for something if you believe it is the right thing, if you believe it is the wrong thing you vote no.”

– United States Representative Anthony Weiner (D-NY)³³

³³ Weiner, Anthony. July 29, 2010. Source: CSPAN Archive <http://www.c-spanvideo.org/appearance/598544846>.

In the end, H.R. 847 did pass the House on September 29, 2010 but the Senate rejected cloture on December 9, 2010 over concerns on how to pay for the bill.³⁴ An agreement between Senators Charles Schumer (D-NY) and Kirsten Gillibrand (D-NY) and Senator Tom Coburn (R-OK) to cut the compensation by \$1.8 billion and limit compensation for victims to ten years led to a one-hundred and twenty page substitute amendment that served as a compromise.³⁵ The bill was amended and passed via voice vote by the Senate on December 22, 2010. The House then accepted the Senate amendment that same day, clearing the bill to be presented to the President. Representative Weiner's outcry highlights how one member believed the institutional rules in another chamber were creating delay and uncertainty in the passage of legislation. The bill's goal to provide financial assistance for medical expenses of emergency responders from the attacks on September 11, 2001 was anticipated by its supporters to be an issue that should receive widespread consensus. However, this example demonstrates that members in the House had reservations about moving forward with the bill and did not want to make a quick decision given the estimated \$7.4 billion cost in health care benefits.

I am primarily interested in examining the historical development of the Senate as an institution and the mechanism by which bicameralism has influenced policy outcomes in the United States over time. Fortunately, institutional constraints on the consideration of fiscal policy have provided a clear and consistent expectation of each chamber's role over time.³⁶ Appropriations legislation provides the leverage and flexibility to answer three important

³⁴ The vote to reject cloture was not a direct vote against the underlying bill, but a commitment by Senate Republicans to object to all legislation until a continuing resolution that extended the tax cuts from the George W. Bush presidency was voted on by Congress.

³⁵ Reference Senate Amendment 4923 at *Congressional Record*, vol. 159 December 22, 2010, page S10980.

³⁶ The House has consistently been tapped as the initial actor as a result of Congress's interpretation of the U.S. Constitution Article 1, Section 7, Clause 1. "All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills (source: http://www.archives.gov/exhibits/charters/constitution_transcript.html).” This established the path dependence for consideration of appropriation bills based on previous precedent (see North 1990; Pierson 2000, Saturno 2011).

questions about how institutional constraints affect policy outcomes over time. First, like any legislation, appropriations bills provide a sample of bills to study the probability that a bicameral disagreement will occur. The second question appropriations bills allow us to address is perhaps the most interesting – how large is a typical bicameral disagreement given the conditions of the economy and chamber differences? Moreover, studying the divergence of both chambers in their policy priorities over time allows us to also assess the impact of individual budgetary reforms. Appropriations decisions, which occur within the larger policymaking process, will be used to illustrate how rules of chamber debate lead each chamber to propose very different policies (Crespin and Rohde 2010; Kiewiet and McCubbins 1991; Lee 2004; Shepsle et al. 2009). These differences set a clear bargaining space that must be reconciled to generate a final bill. The next chapter will build off of this one to study how chamber differences affect how differences are resolved, but first let us focus on the source of the policy disagreement.

Partisanship and Senate Action

The recent scholarly attention to the U.S. Senate is a response to a number of remaining unanswered questions as well as the observable increase in partisanship and conflict within the chamber. Over the last forty years, the Senate institution has changed both in its rules as well as those who serve in its membership. There has been a change in the ideology and geographic representation of party membership with the introduction of more liberal and junior senators from the north beginning in the 1970s. This was followed by the increase of Republican senators elected from southern states leading to a more geographic separation of the two parties (Gerring 1998; Nokken and Poole 2004; Sinclair 1989; Theriault 2008).

Early in its history the Senate was more of a club that acknowledged the norms of seniority by noting members as the senior member or junior member from a state and the

importance associated with learning the institution from a mentor (Matthews 1959). Moreover, Matthews identified two different types of senators within the chamber, those who work hard for policies and want to enact change (the “work horses”) and those senators that want to publicly take credit for their victories, known as “show horses.” The strict adherence to these social norms and the smaller size of the Senate as a body made it less of a priority to impose restrictive rules or centralize power in one leader to facilitate efficiency gains. For instance, Gamm and Smith (2002) found that majority party leaders did not even emerge in the Senate until around 1900. Another major change in the behavior of senators came as a result of the Seventeenth Amendment requiring senators to be elected by popular vote. Also in this era, the cloture rule was established to end debate on a bill (Binder and Smith 1997; Burdette 1940; Wawro and Schickler 2006; Koger 2010). Each of these events altered the upper chamber by changing the setting which laws were decided as well as the interests of members as they deliberated policy outcomes.

The turmoil of the 1960s and the polarizing environment associated with the debate over civil rights elevated the salience of the filibuster as southerners continued to obstruct and filibuster civil rights legislation (Mann 1997; Caro 2002). One unexpected consequence of establishing cloture to control debate is that it encouraged senators to filibuster. Senators recognized that the activities of a few could force a majority to increase the size of the winning coalition to overcome objections from the opposition (Binder and Smith 1997; Koger 2010; Krehbiel 1998; Madonna 2011; Wawro and Schickler 2006). The fear among the Senate majority of a filibuster led senators to propose policies that were inclusive of the chamber’s priorities and could attract larger winning coalitions (Krehbiel 1998; Wawro and Schickler 2006). One problem with drawing assumptions about policy content from recorded votes is that

legislation decided by unrecorded votes are omitted. This can be problematic as unrecorded votes were historically used to provide legislators cover on controversial votes (Madonna 2011; Roberts and Smith 2003; Smith 1989). As the twentieth century progressed, party leaders in the Senate became more powerful in maintaining cohesion in the chamber through their right of first recognition and the establishment of other party leadership positions via the creation of conference chairs (Gamm and Smith 2002).

With increased numbers of junior and liberal senators in the 1970s, the level of individualism within the Senate chamber increased as these new members experienced impatience with the norms of seniority and apprenticeship. As a result, this gave senior senators in leadership the power to slow down the legislative process. Individually, senators began to be described as generalists in their legislative activity as they participated in numerous policy debates in lieu of specializing in a given policy arena (Sinclair 1989). A consequence of this activity is that more policymaking occurred on the floor through the offering of amendments and more senators participating in the floor debate. Since the leadership structure of the Senate is established more through norms and is not as hierarchical as the House, the source of a senator's political influence is their membership in the upper chamber, rather than within a committee (Oppenheimer and Hetherington 2008). In such instances where the Senate considers a bill as the second actor, this propensity to alter legislation most often leads to reconciliation through a conference committee, where the House and Senate serve equally but their commitment to policy content will vary (Strom and Rundquist 1977).

Expectations for Different Spending Priorities

The appropriation process has always been intriguing as a way to trace how policy content changes, but much of the focus has been placed on the role of agencies and committees

in Congress with some expectations that floor activity has less of an effect. From 1885 to 1921 the appropriations process was described as one controlled by Congress, but the legislature's power was diluted across multiple committees (Schickler and Sides 2000; Stewart 1989). Agencies would provide separate estimates and often request more funds than they truly needed to either make up for budget shortfalls from the previous year or anticipate the House's attempt to cut spending. Quite often the House Appropriations Committee would often recommend an appropriation less than the incremental amount the agency requested. However, only ten times would this be less than the number of dollars appropriated to an agency in the previous year. On the House floor only minor additional increases were expected to accommodate the interests of the entire chamber (see Fenno 1966; Kiewiet and McCubbins 1991). Over time, this process generated a gradual increase in the aggregate amount of funds appropriated by the House as agency requests increase (Stewart 1989). From this point on we should think about trends in federal spending not only as a function of the preferences of federal agencies and the House of Representatives, but also carefully consider the importance of the Senate's actions.

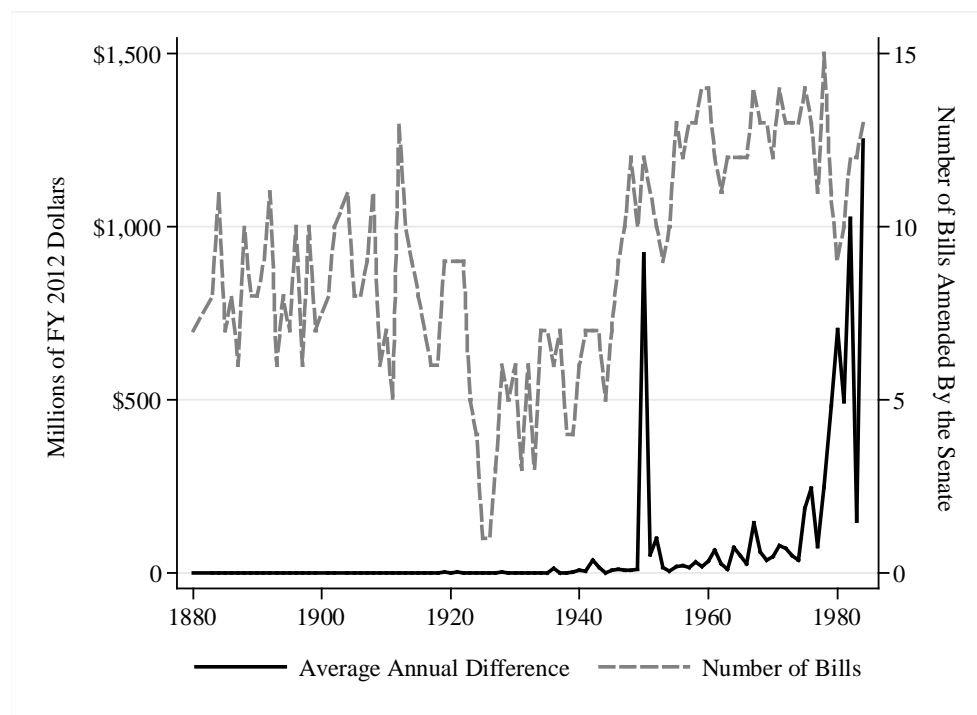
After the House reports a bill there is a strong expectation that the recommended appropriation will increase twice, in committee and on the floor, as the bill is considered in the Senate (Fenno 1966, Wawro and Schickler 2006).³⁷ Senate amendments allow legislators to use their power within the institution to insert proposals that were not considered in the House, or reinsert a project previously requested by their state's House delegation but were not included in the initial version. Until 1916, both chambers held to a norm of maintaining a balanced budget (this occurred two-thirds of the time), as well as a commitment to the principle of small and limited government. Thus, increases in federal spending were conditioned on the increasing

³⁷ Both Fenno (1966) and Wawro and Schickler (2006) provide descriptive evidence that the greatest change between the Senate version and the bill passed by the House occurs while the bill is considered in the Senate Appropriations Committee.

geographical expansion of the nation (Lee 2004; Schick 2007). Additionally, exogenous events raised the public deficit, through increases in defense spending associated with the first and second World Wars. However, once the public debt escalated to a total of \$26 billion by 1921, Congress chose to delegate much of the planning for the budget to the executive branch by establishing the Bureau of the Budget and returning all spending bills to the jurisdiction of the appropriations committees (Schick 2007, 14; Stewart 1989).

Considering how decisions on appropriation bills have been described, we should expect the House and Senate to pass different bills with some regularity. However, what we know less about is how the Senate – without seeing itself as the guardian of the treasury – challenges Congress’s ability to appear united. Figure 2 illustrates the size and frequency of conflicts between the two chambers regarding the twelve or more appropriation bills in a given year.

Figure 2: Bicameral Differences Across Time



We can see that the Senate closely followed the House's recommended appropriation level until the 1930s, as shown by the comparison of the absolute value difference between the House and Senate bills. Furthermore, the frequency with which the Senate amended the House bill varies considerably before a sharp decline after 1922. However, since the lowest point in 1925 and 1926 the disagreements have increased to the point that there was a large spike in the frequency and size of the two chamber's proposals in 1948. This descriptive evidence shows some delay, but is consistent with the expected behavior of a strengthening Senate after the introduction of party leaders and partisanship in the Senate (Binder 2003; Brady, Brody, and Epstein 1989; Gamm and Smith 2002). This figure also illustrates the variation between the spending levels approved by each chamber that must be resolved.

The most striking comparison in Figure 1 is between the two measures of comparing whether or not the content of a bill passed by the House or the Senate were different. There is much more variation in how often the Senate amended the bill reported by the House and it is quite clear how often the Senate disagreed fluctuated with the implementation of each budgetary reform. However, the size of the average bicameral disagreement (the black line) is much more difficult to compare historically because of the spike in 1948 and the increasing magnitude following the Budget Act of 1974. From this perspective I will now focus my comparison of each chamber's role in the appropriation process through the two different lenses of frequency and magnitude of the Senate's action.

Frequency

Since the Senate is in a position to consider appeals for the inclusion of proposals omitted from the House version, it is of little surprise that a bicameral legislature will foster policy revisions. However, the number of bills in which the House and Senate disagree is also likely to

increase when the channels of communication between the two chambers are the weakest. Subcommittee chairs of the House and Senate Appropriations Committees do communicate with one another in an effort to reduce the likelihood of specific policy disagreements. Therefore, under the condition of split partisan control of the chambers, we should expect the House and Senate to disagree more often. Moreover, when the House majority is large, the House should approve levels of spending that are lower than the Senate can pass with a majority vote because the House will seek to limit spending in an effort to achieve a political victory. The same can also be said for the expected tension between the House and Senate when the national debt is higher than average, as the public's concern for the size of federal spending should be the highest.

From the Senate's perspective, polarization should increase policy changes by the Senate regardless of partisan control between the House and Senate. This is because of the Senate's more open decision making process that is further reinforced by the supermajority constraints which leads to more inclusive policy proposals to facilitate a larger winning coalition (Koger 2010; Krehbiel 1998; Wawro and Schickler 2006). Because of the expected actions of the House when the economy is weak, we should expect the Senate to amend the House proposal if the debt is high or the House issued a special rule on an appropriations bill.

Magnitude

Once the Senate has offered an alternative to the policy proposed by the House, the magnitude of the disagreement becomes equally, if not more, important because it signals the severity of the disagreement and the difficulty in achieving a mutually agreeable compromise. At this point, we should not necessarily expect divided government to play as large of a role as in the frequency of a disagreement. However, partisanship within the Senate is likely to have much

more of a temporal effect on how distant the House and Senate proposals are. Consequently as the Senate develops into an autonomous chamber it will find more of a reason to challenge the expertise of the House Appropriations Committee. The bill reported by the House is likely to be revised by the Senate Appropriations Committee and individual senators on the floor, who have the opportunity to speak to the importance of the new policy content the Senate wants to add.

One way to think about how partisanship within the chamber may actually be more important than whether there is split partisan control between the legislature is that when one chamber knows the other is likely to disagree, they are less likely to overreach. However, even if the same party controls both chambers the House and Senate have very different levels of workload, which provides competition in how much attention can be given to a policy (Binder 1997, 2003; Cooper and Rybicki 2002; Oppenheimer 1985). Below, in Figure 3, we can see how the workload of the House and Senate has varied over time. With the exception of the nineteenth century the Senate's workload has continued to have greater legislative demands than the House. We see growing separation in the measures of workload in the House and Senate from 1950 into the modern era as the House's workload has declined.

Figure 3: Comparison of House and Senate Chamber Workload



Source: Sarah Binder (1997)

Three recent studies have used appropriations to theorize how party polarization delays the appropriations process and, through the bicameral process the Senate's filibuster pivot, is able to compete against the House Appropriations committee (Anderson and Harbridge 2010; Wawro and Schickler 2006; Woon and Anderson 2013). By studying the duration of a legislative bargain, the inference is that the Senate minority is able to extract policy concessions by obstructing must-pass legislation. In this study I use measures of workload in both the House and Senate to control for the expectation that the difference in dollars that the Senate should disagree with the House will increase as it becomes more difficult to pass a bill. The strategy of the obstructing minority is to extract as many policy concessions as possible by holding a bill hostage up to the corresponding deadline on the legislative calendar (see Oppenheimer 1985).

How Often Does the Senate Disagree?

Concurrent with the expectations, more often than not the Senate does propose a larger sum of appropriations than the House. Although it is interesting to identify whether the Senate provided a proposed increase or decrease to the House version, the true value of interest is the real difference of the two proposals. Therefore going forward, I first want to compare the Senate proposal in relation to the House version, but I will move in the direction of focusing on the absolute value difference.

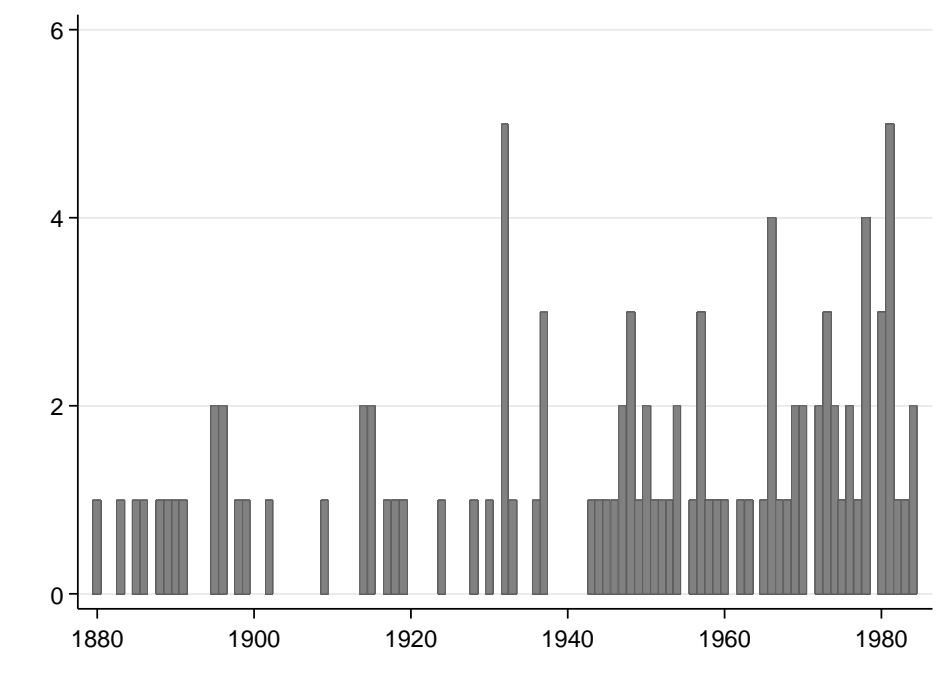
Table 3: All Senate Actions on Appropriations Policies, 1880-1984

Bills Reported By the Senate	Total
Senate Figure Higher Than House Figure	685 (56.2%)
Senate Figure Equal To House Figure	432 (35.5%)
Senate Figure Lower Than House Figure	100 (8.2%)
Total	1217

Table 3 documents how likely the Senate is to provide some input to the appropriations process, rather than address its policy concerns by communicating with House members. However, what probably stands out the most is how few observations there are when the Senate reported a bill with less spending than the House version. What is even more curious is whether this relationship is consistent over time or if it is indicative of the Senate's behavior within one specific time period. To shed light on that question, I investigate how often the Senate wished to appropriate fewer funds than the House. As you see in Figure 4, at no time was this strategy used on more than half of the appropriations bills in a given year. Throughout history, the actions of Senate have elicited proposals to appropriate fewer funds than the traditionally fiscally

conscious House. We can see a step increased in the number of bills each year the Senate revised the House proposal in favor of a lower figure beginning in 1965 and 1968.

Figure 4: Count of Bills Where the Senate Cut the House Proposal Over Time

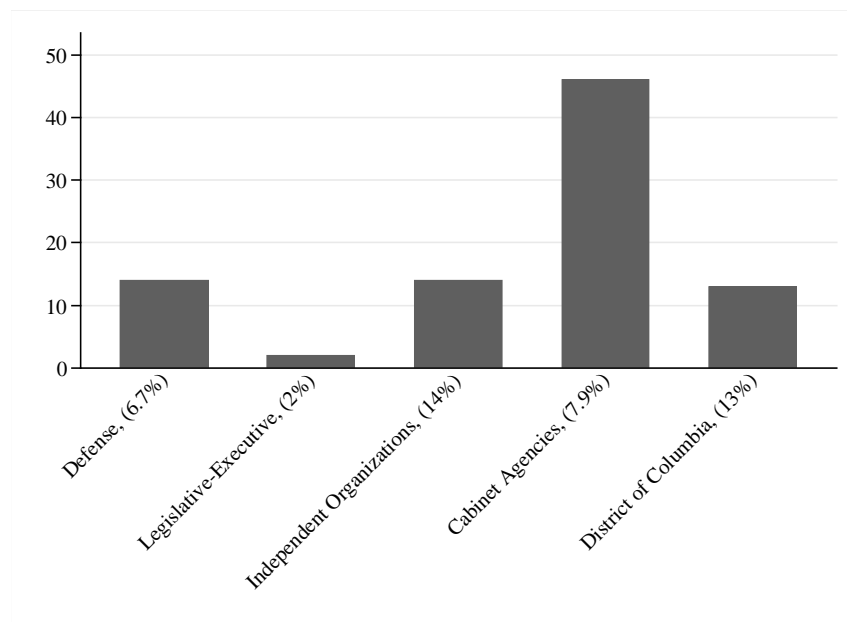


Seeing that the House and Senate found agreement on 35 percent of the appropriations issues passed from 1880 to 1984 and that the Senate does not uniformly increase funding for projects, I chose to look at this relationship across issue areas. Specifically, I am interested in how the Senate's unique behavior of proposing a lower figure than the House is spread across bills that carry funding for defense, the legislative and executive branches, independent agencies and commissions, cabinet agencies, and the District of Columbia. Figure 4 shows the full distribution across these five issue areas. It is important to note that on the x-axis the figure denotes the percent of all bills within the category that the Senate tried to fund at a lower level.

From this perspective, we can see the largest number of instances occurred when the Senate was trying to control spending dedicated for programs administered by cabinet agencies.

This is not surprising as projects of the Department of Agriculture and for Rivers and Harbors carried particularized benefits for specific geographic constituencies and were considered pork by competing constituencies (see Ferejohn 1974; Madonna 2011). The larger number of cuts for cabinet agencies occurs as a result of the fact that there are more bills in that category, whereas for Independent Agencies and the District of Columbia (which had 101 bills each), the Senate was more frugal than the House than on any other policy issue.

Figure 5: Count of Times the Senate Tried to Cut the House Proposal by Bill Type



To better understand the conditions in which the Senate will pass an appropriation different from the House proposal, I fit two probit models. The only difference is that one model predicts the likelihood of a bicameral disagreement by controlling for the size of each chamber's workload, whereas the second includes a measure of the majority party size in each chamber instead.

In the first model, which includes measures of each chamber's workload, we find that none of the political factors significantly contribute in predicting when a bicameral disagreement

is likely. The relationships which do exist are the positive relationships with respect to the size of the federal debt, whether it is an election year, and the era which follows the adoption of the Legislative Reorganization Act of 1946. These results support our expectations that the House will promote a greater change from the status quo to signal to voters during an election year that they are making sure the federal government is wisely spending tax dollars. The second model is also telling us that the House will overreach when conditions encourage the House majority party to maintain greater control of the appropriations process. As the House majority party grows stronger through the increasing size of party's membership in the chamber, the Senate is more likely to amend the House proposal.

By comparing the two models to one another we see that the size of a majority party's advantage in the House is a strong predictor of whether the Senate will pass amendments to the House's proposed appropriation bill. The significant relationship that we see for party strength, compared to the insignificant result for workload, tells us that holding all other factors constant the Senate's collective decision to amend a bill is tied to the content of the underlying legislation and less about future or previous legislation. This finding highlights how predictors of gridlock affect stages of the appropriations process differently. Although these results do not show that workload cannot be a factor, the Senate is not significantly more likely to amend an appropriation bill to further delay bills still on the legislative calendar. The importance of each chamber's workload will be revisited in the next chapter as we consider its effect on how much content is changed to a bill through the Senate's amendments.

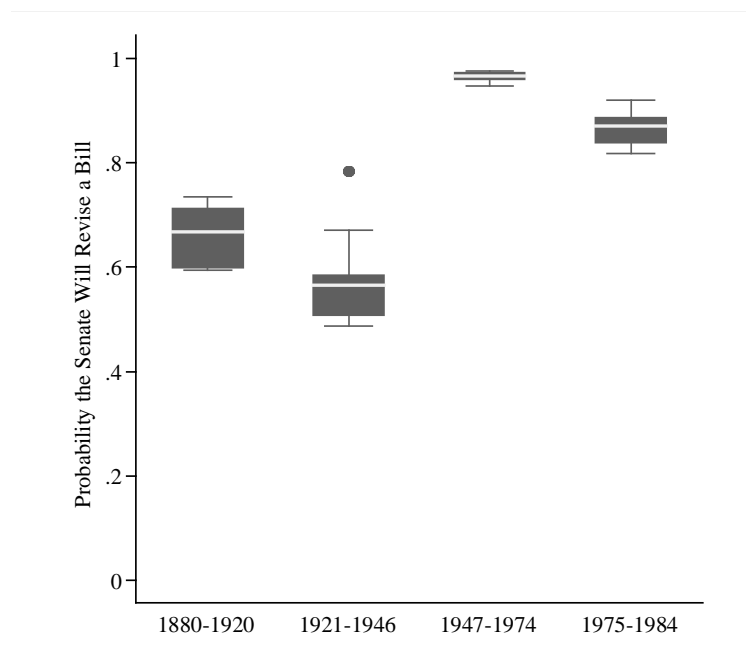
Table 4: Probit Models of the Probability the Senate Will Provide a Policy Alternative

	Predicting Bicameral Disagreement		Predicting Bicameral Disagreement	
	Coefficient (S.E.)	Predicted Probability	Coefficient (S.E.)	Predicted Probability
Divided Government	0.13 (0.12)	0.3%	0.05 (0.12)	1.4%
Bicameral Party Distance	0.32 (0.25)	8.9%	0.28 (0.23)	7.9%
House Workload	-0.02 (0.04)	-0.05%	- -	- -
Senate Workload	0.02 (0.10)	0.4%	- -	- -
House Majority Size	- -	- -	1.71* (0.68)	48.0%*
Senate Majority Size	- -	- -	0.44 (0.77)	12.4%
U.S. Debt (in trillions, adjusted)	0.21* (0.11)	6.0%*	0.24* (0.11)	6.8%*
Election Year	0.22* (0.08)	6.1%*	0.21* (0.09)	6.0%*
1880-1920	-0.09 (0.32)	-2.7%	0.06 (0.32)	1.7%
1921-1946	-0.42 (0.28)	-12.8%	-0.33 (0.28)	-9.9%
1947-1974	0.93* (0.20)	21.8%*	1.02* (0.33)	24%*
Constant	0.29 (0.34)		-1.12 (0.61)	
N	1217		1217	
AIC	0.97		0.97	
LR χ^2 (10)	217.70		225.99	
Prob > χ^2	<0.001		<0.001	
Note: A * identifies each coefficient that is significant at $p < 0.1$ in a two tailed test. Standard errors are clustered around each bill and year.				

The results presented in Table 4 were used to create Figure 6 (on page 65) to illustrate how the probability of the Senate providing competing policy recommendations changed across the four eras of budgeting in this analysis. The y-axis represents the probability that the Senate will pass an appropriations figure that is different from the House over the x-axis which

identifies the four eras which were included in the model as indicator variables. The results were estimated as the out of sample probability that the Senate would take action by holding all variables in the first model to their mean if there was unified government. Therefore each box plot shows the range and the mean probability to demonstrate that the activity of the Senate on spending bills changed dynamically following the adoption of each budgetary reform.

Figure 6: The Probability of Senate Action Across The Eras of Budget Reform



As we look at the four eras identified by the reorganization of the budgetary process, it is apparent that the ability of the House and Senate to work together has changed over time. With the introduction of the president's budget request in 1921 the Senate was less likely to amend the House legislation. This suggests that leaders in the House communicated with Senators as they drafted the legislation and that party loyalty to the president contributed to fewer disagreements. Furthermore, we see that the application of additional constraints to how appropriation policies

are handled creates the opportunity for more disagreement as both chambers set their policy priorities in anticipation of the reconciliation stage.

Restrictive Rules

Party influence goes beyond the ability of leaders to induce logrolling within the party caucus by punishing legislators or controlling incentives unrelated to the policy. Much of the skill in maintaining a cohesive party relies on the use of positive and negative agenda control to command what comes up for a vote on the floor (Aldrich and Rohde 1997; Cooper and Brady 1981; Cox and McCubbins 1993 2005; Finocchiaro and Rohde 2008; Rohde 1991). In an effort to understand the role of party and policy outcomes, scholars have used House special rules as the premier example of how policy outcomes can be biased towards the preferred outcome of the majority party. Who wins in the House is often dependent on which party is in control of the majority and the Rules Committee, thus setting the conditions under which legislation will be debated and imposing closed rules to obstruct amendments from the minority party (Cox and McCubbins 1993, 2005; Lawrence, Maltzman, and Smith 2006; Roberts 2010). The study of policy implications of restrictive rules is also important to understanding the effects of bicameralism in the U.S. Congress as the Senate lacks these strong tools of negative agenda control. Nevertheless, the Senate majority party still holds a number of advantages by controlling the committee system, raising the costs for minority proposals to make it to the floor, and using the motion to table (Carson, Madonna, and Owens 2014; Den Hartog and Monroe 2011; Lee 2009; Marshall, Prins, and Rohde 1999). But just as there is a comparative disadvantage in the Senate to use procedural tactics to manipulate the policy agenda, those same difficulties also extend to the ability of the Senate majority to guard against floor amendments on the floor. This problem is incredibly important to this effort to understand how policy content

changes from one chamber to the other as allowing more legislators to participate provides the greatest threat to protecting the underlying content of the current policy proposal (Fenno 1966).

One reason I choose to take a look at the effect of restrictive rules in the appropriations process is that rules can be used to limit the minority's ability to offer amendments and participate in debate in the House of Representatives. Also, special rules are not always offered but they are used selectively when there is an expectation that the minority will obstruct (Roberts 2010). Although special rules were less common historically, they were also used to waive points of order against legislation (Bach 1986, 1990; Fisher 1979; House Committee on Rules 1983, 156-159; Tiefer 1989).³⁸ Furthermore, special rules are not always used to limit debate as appropriations are privileged bills and carry additional restrictions on how they will be debated. However, for all of the attention special rules in the House and the Senate have received separately, much is left to be discovered in how the Senate responds to legislation that was considered under a special rule in the other chamber.

As is the case with most recent studies on special rules, the House Appropriations Committee and House Rules Committee who both have the ability to attach a special order did not do so in most instances. In fact, the House only used this procedural strategy just over twelve percent of the time on all appropriation bills. However, the Senate's response (as shown in Table 5) provides some unexpected relationships if we expect special orders to be a source of agenda control that allows the House majority party to create biased policy outcomes. By comparing the percentages in Table 5 to those in Table 3, we see that the Senate accepted the House figure five percent more often. Furthermore, given that the House issued a special rule

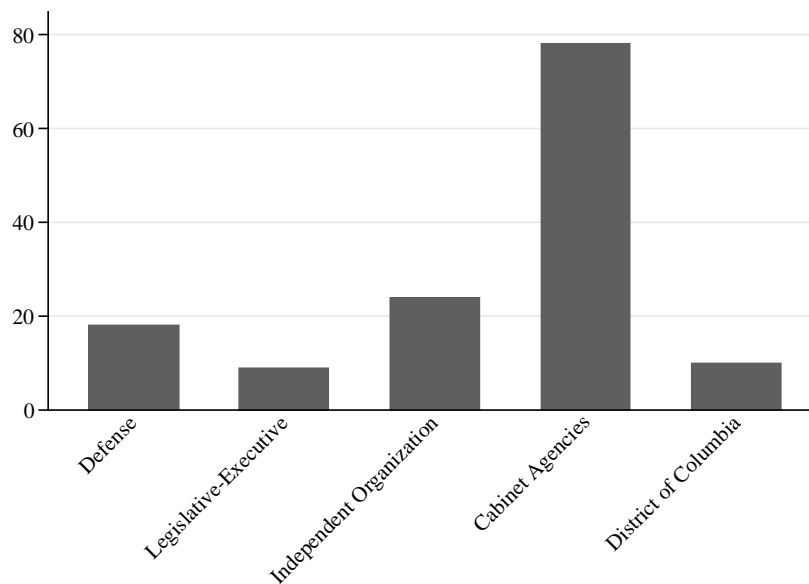
³⁸ On the floor, a representative raises points of order against an appropriation bill if she believes the legislation violates clause 2 of House Rule XXI. Under House Rule XXI, legislators cannot pass unauthorized appropriations nor can members of the House add an amendment which changes existing law, unless this rule is waived (House Rules Committee).

the Senate cut the House figure more often with 14.3 percent of all bills that received a special rule.

Table 5: Senate Action Following a Special Rule in the House

Senate Response Given a House Special Rule	Total
Senate Figure Higher Than House Figure	72 (45.4%)
Senate Figure Equal To House Figure	60 (40.3%)
Senate Figure Lower Than House Figure	22 (14.3%)
Total (12.6% of all bills)	154

Figure 7: Number of House Special Rules Given to Appropriations by Bill Type



Although the use of special rules in the House may not appear to be a strong mechanism of agenda control within the sample of appropriations bills, the House majority is able to use its strength through other means. Therefore, to revisit the arguments that the Senate should react and modify the House bill when the House bill is not representative of the viewpoint in the

majority of the states, I take a look at how much policy change occurred on the House floor. By focusing on the number of bills where the dollar amount of the bill was not changed on the House floor we can see the true effect of what the hypotheses were focused on while observing the true strength of the majority party beyond the use of special rules.³⁹

Table 6: Senate Action if the House Committee Report Was Not Modified, 1880-1984

Senate Response	Total
Senate Figure Higher Than House Figure	560 (53.3%)
Senate Figure Equal To House Figure	401 (38.2%)
Senate Figure Lower Than House Figure	89 (8.5%)
Total (86.1% of all bills)	1050

The actions of the Senate illustrated in Table 6 appear consistent with the theories of gridlock that suggest the Senate will disagree with the House more often when the House majority is strong (Binder 2003; Chiou and Rothenberg 2003, 2006, 2009). However, if we compare these results to Table 3, the percentage of each Senate action is similar. We cannot infer from this table the intensity of each disagreement. What is apparent from the percentages in Tables 3 and 6 is that the Senate's actions are often consistent regardless of the House's action. Therefore, gridlock is not easily predicted by the absence of policy influence from the House minority, but perhaps the degree to which the House minority's potential influence is constrained.⁴⁰ As separate institutions, we can make strong comparisons between the activities of the House and Senate by studying how they agree and disagree on the content of specific

³⁹ This does not signify that there were no amendments, as would be the case under a closed rule, however there was no increase or decrease in aggregate spending.

⁴⁰ Appropriations bills are unique, in that they are privileged bills that may be brought to the floor ahead of other bills in order on the legislative calendar, under clause five of House Rule XIII (Brown, Johnson, Sullivan 2011; Deschler 1976).

policies. Moreover, focusing on the content of one bill considered in two different chambers allows us to make stronger inferences than drawing indirect inferences by comparing unrelated procedures.

How Much Does the Senate Disagree?

Reconciling the policy disagreements between the House and Senate is not a uniform process and the difficulties associated with the task are not always consistent. Therefore, understanding how large the disagreement is can help speak to the intensity of the disagreement and how much compromise will be necessary. That is not to say that small disagreements cannot still be contentious; in truth they are, but first I want to grasp the scope of the majority of the disagreements. Most of the bicameral disagreements on appropriations bills (61.1%) during this time period were over less than ten percent of the overall content of the bill.

As Table 7 shows, the magnitude of the Senate's disagreement is most often within ten percent of the House's initial figure, as only 25.2 percent of all appropriations bills exceeded this threshold. This comparison should not be so surprising as both chambers are able to use the figure from the previous fiscal year and each agency's budget request as baseline comparisons; however it is interesting to see that Senate only cut the House figure by more than ten percent once.

Table 7: Instances When the Bicameral Disagreement Exceeded Ten Percent, 1880-1984

	Disagreement of More than Ten Percent	Total Bills Amended
Senate Figure Higher Than House Figure	305	685
Senate Figure Lower Than House Figure	1	100
Total	306	785

The magnitude of the changes in policy content that the Senate passes, compared to the House, should vary across time with changes in the size of the federal government and expansion of the United States. Additionally, we should also expect changes in the appropriations process to be marked by the historical budgetary reforms that tried to address the difficulties of controlling federal spending with a bicameral legislature. To show this variation, Figures 8, 9, 10 and 11 illustrate the changes in the mean difference of all appropriation bills in a Congress for each stage of the process, where all comparisons are to the initial suggestion of the House Appropriations Committee.

Figure 8: Additive Changes in Policy Content Before the Budget and Accountability Act

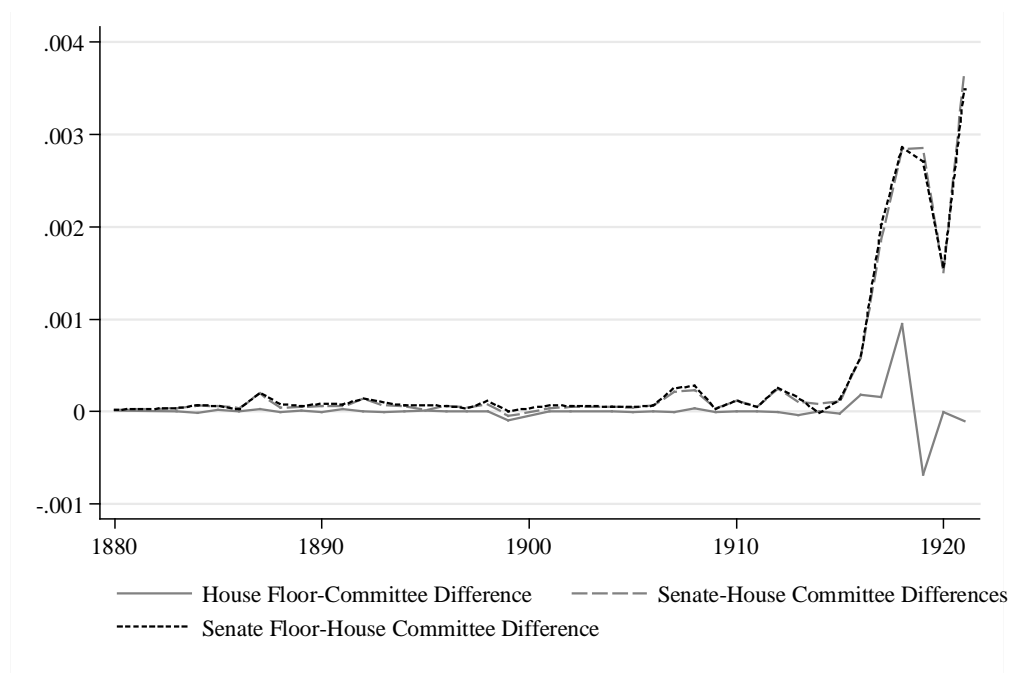


Figure 9: Additive Changes in Policy Content Between the Budget and Accountability Act and the Legislative Reorganization Act

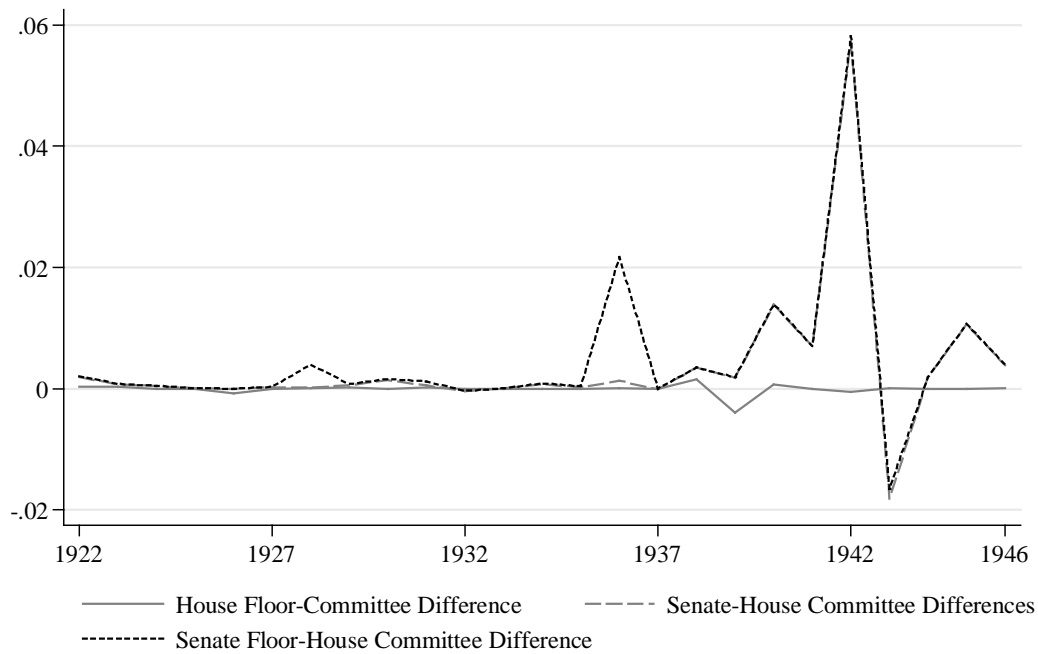


Figure 10: Additive Changes in Policy Content Between the Legislative Reorganization Act and the Budget and Impoundment Act

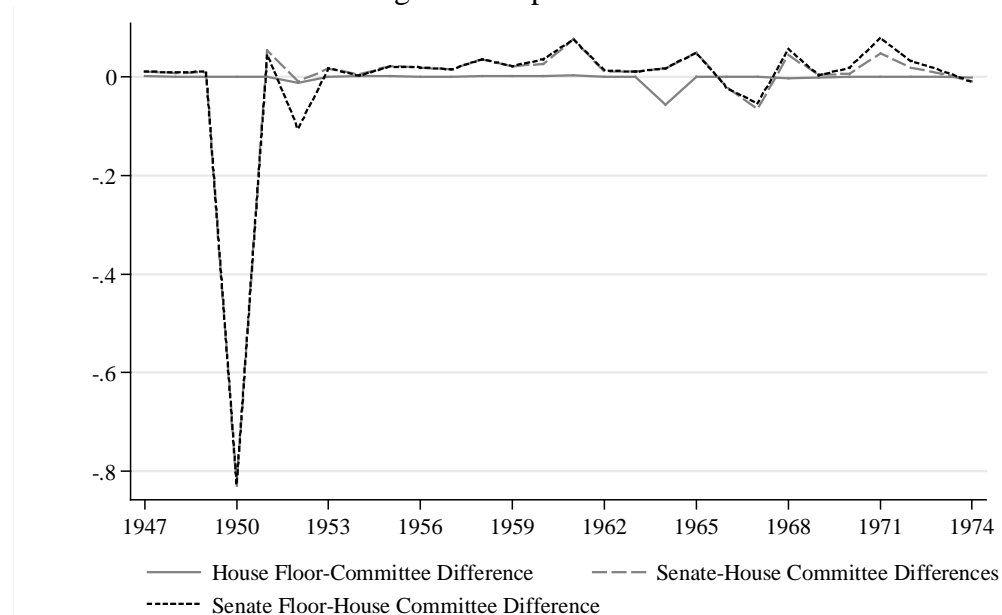
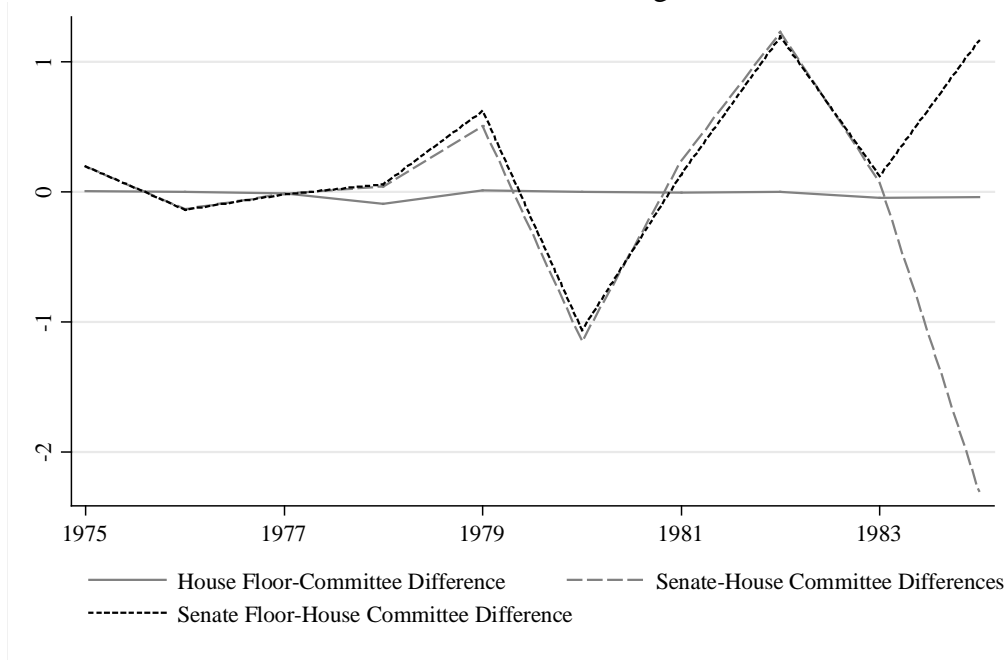


Figure 11: Additive Changes in Policy Content Between the Budget and Impoundment Act and Gramm-Rudman-Hollings



The trend lines of the average content policy changes, as compared to the initial House Appropriations Committee recommendation, across the different eras of budget reform are telling of why each institutional reform was necessary. In Figure 8 we can easily visualize how different the average figure passed by the House and Senate was before and after 1915. As we reflect on this period it is apparent why Congress chose to involve the president in the budgetary process in 1921, as each chamber held divergent policy priorities. Furthermore, Figure 9 shows that following the Budget and Accounting Act of 1921, the average bicameral differences were minimal until 1936 which precipitated the decision to reorganize the Bureau of the Budget from the Department of Treasury into the Executive Office of the President.

Although the Legislative Reorganization Act of 1946 set forth a consistent approach for Congress to set its own budget estimate by consulting the House and Senate, the variation between the average proposal by the two chambers was remarkably stable. The one spike in

Figure 10 represents how the Omnibus Spending Bill of 1950 was viewed as an opportunity to control the spending process. Even though the dataset treats the sections within the bill in 1950 as separate funding proposals, this year is an example of how limiting the number of bills that are voted on can divert more bicameral conflict into a specific bill. Figure 11 is interesting, largely because it shows that following the adoption of the Congressional Budget Act of 1974, the average reaction of the Senate to the House was not consistent and the average amount was substantially larger during the 10 years that preceded Gramm-Rudman-Hollings than the rest of the century before. Also if you focus on the disagreement between the Senate Appropriations Committee (gray dashed line) and the Senate floor (black dotted line), we see that for the first time in the previous 103 years the Senate floor was not in-line with the Senate Appropriations Committee. Such a difference will merit further study beyond this project to better understand why three senators rose to change the budgeting process in such a way that could potentially limit the leverage of their own institution.

Estimating the Magnitude of the Senate's Disagreement

Given the results of the previous analysis in Table 4, I present a model that examines the magnitude of a bicameral disagreement.⁴¹ In particular the use of a Heckman selection model allows the data to be analyzed in such a way that focuses on the bills that were modified, but acknowledges all of the bills in the dataset so to provide more efficient estimates and avoid bias by not including bills that were agreed to (without changes) in the analysis. This two stage estimation allows two equations to be estimated simultaneously to understand how a variable affects the likelihood of a disagreement and the effect it has on the magnitude of the policy

⁴¹ The dependent variable of this model is measured by taking the absolute value of the difference between the figures proposed by the House and Senate, where each figure is adjusted to reflect current dollars (FY 2012) in tens of millions.

change. The strength of this model is that it allows us to draw inferences about the Senate's disagreement, without biasing the results in favor of the hypothesis by accounting for the instances where the two chambers agreed first and avoided a bargain.

The results presented in Table 8 show that bicameral party distance and whether the annual appropriation bills are considered during an election year have a positive effect on the magnitude of a bicameral disagreement. Since a one unit change in the mean Common-Space scores for the two parties would represent an extreme change in the polarization of Congress, it is more informative to interpret the results of the estimated effect of the ideological distance between the majority parties of both chambers when the two parties grow a tenth of this unit apart, the magnitude of the disagreement increases by \$390,000, given that the Senate modifies the bill. Moreover, the hypothesis that the House will overreach by appropriating fewer funds during an election year finds some support. The estimated magnitude of a bicameral disagreement during an election year is \$160,000 higher than when the House and a portion of the Senate are up for reelection.

Additionally, two of the indicator variables for the budgetary era estimate that there is a negative relationship before and after the installation of the president's budget request, but not following the Legislative Reorganization Act of 1946. This is particularly interesting with respect to the dynamic growth of the Senate as an institution. As the Senate was becoming more partisan and becoming more institutionally distinguished from the House of Representatives, we see that the disagreement between the two chambers increases. Although these are broad controls, it is interesting to see that such changes occurred absent a significant relationship between the sizes of the majority parties in either chamber. This can occur because changes in policy content are considered in the form of amendments, which introduce two elements that can

affect the how differences are reconciled based on how many changes there are and how large the changes are for each bill. In any event as the number of rejected amendments from one chamber increases the reconciliation process will attract more attention as being contentious, just as the exclusion of major spending project are likely to attract greater attention from outside interests.

Table 8: Selection Model of the Magnitude of the Senate's Disagreement

	Bicameral Disagreement	Magnitude
Difference in Millions of Dollars, absolute value	Coefficient (S.E.)	Coefficient (S.E.)
Divided Government	0.05 (0.12)	-0.07 (0.08)
Bicameral Party Distance	0.27 (0.23)	0.39* (0.20)
House Majority Size	1.69* (0.68)	0.60 (0.92)
Senate Majority Size	0.46 (0.77)	-0.19 (0.60)
U.S. Debt (in trillions, adjusted)	0.24* (0.11)	0.16 (0.14)
Election Year	0.22* (0.09)	0.16* (0.10)
1880-1920	0.06 (0.33)	-0.42* (0.25)
1921-1946	-0.33 (0.28)	-0.59* (0.24)
1947-1974	1.02* (0.20)	-0.12 (0.30)
Constant	-1.12 (0.61)	-0.54 (1.24)
N	1217	906
Wald χ^2 (9)		39.15
Prob > χ^2		<0.001

Note: A * identifies each coefficient that is significant at $p < 0.1$ in a two tailed test. Standard errors are clustered around each bill and year. A similar test using the measures of chamber workload instead of majority party size in the chamber did not reject the null hypothesis.

Conclusion

The results of this chapter speak to the policy implications of the incongruent preferences of the two chambers from Lijphart's (1984) assessment of why the U.S. Congress is a strong bicameral institution. As a whole the House and Senate do not consistently put forth a cohesive policy agenda. Disagreement is just as likely to occur under unified government, when one party controls the House and the Senate simultaneously, as we could anticipate under divided government. Therefore, policy outcomes are influenced to a greater degree by how the institution is structured rather than a simplified view of party competition.

With an expectation that bicameralism is a check on the bias of one institution, we see that the House and Senate suggest different levels of appropriations because of the differences in the constituencies they serve and how accountable the legislator must be to the public. The analyses presented in Chapter 4 help to demonstrate that suggesting that the roles of the chambers are always consistent oversimplifies the role the Senate can play. Here we saw that the House has not always been the chamber to cut spending. The Senate consistently tried to appropriate fewer dollars than the House on at least two bills a year, especially during the time of the Conservative Coalition.

Also given the different institutional rules to establish how much input the minority party or opposition will have between the two chambers, this chapter showed how the use of House rules changes the appropriations process. Even though appropriations are privileged bills, the House still used special orders and special rules to structure how the bill was considered over twelve percent of the time. The House issued more rules on policy related bills which would determine spending for one of the cabinet agencies. All together the Senate amended about sixty percent of appropriation bills that received a special rule prior to the House debate. Given that

forty percent of the bills the House applied a special rule were not changed, we see some raw support for the earlier analysis that special rules had to be used to appropriate funds that had not yet been authorized, thus being less contentious in the eyes of senators.

The frequency of disagreement between the chambers is an important element of bicameralism's ability to restrict and delay legislation from passing. The question I find most interesting is how political factors affect the magnitude of the disagreement once another alternative is provided. Following Figures 8 through 11, we also see that budgetary reforms were necessary for different reasons throughout history in order to adapt to the expansion of the federal government and the growing disagreement between the two chambers. These findings continue to support the theoretical expectations scholars of Senate procedure describe about how the more inclusive Senate rules can lead to policy concessions. Even though economic factors may provide the impetus for a disagreement over spending recommendations, ideology is a strong predictor of the size of a disagreement (Koger 2010; Wawro and Schickler 2006).

The magnitude of bicameral disagreements increased during the era when Congress tried to (inconsistently) apply spending caps to control the aggregate authorization of federal funds following the Legislative Reorganization Act of 1946. Constraints such as the Bow Amendment (1967), which forced Congress to adhere to the president's budget request with respect to authorizing federal funds, limited the flexibility members of Congress to balance between the policy demands of their districts and national priorities. The congressional budget resolution resolved some of the tensions from the earlier era by allowing the Budget committees in the House and Senate to streamline information related to how much funding should be budgeted for a policy, given all of the priorities under consideration. The process illuminates a divide between the interests of the House and Senate when one chamber advocates for the authorization

of fewer or more funds for a project than was accounted for in the budget. If the authorized spending enacted by Congress exceeds the funds allocated in the budget resolution, then there is some uncertainty over what the final appropriation should be. With more information and budgetary restrictions each chamber has the opportunity to frame its suggested appropriation with the figure that best reflects its original preference. Following the Senate's increasing activity in amending House appropriation bills, our next step is to consider if these conditions also impact the Senate's leverage over the House in determining the content of the final policy.

CHAPTER 5

MEASURING THE ROLE OF THE U.S. SENATE ON APPROPRIATIONS IN THE HISTORICAL ERA 1880-1984

Understanding the conditions that contribute to the competing policy priorities of the House and Senate is an important step in isolating how policy outcomes are shaped by each stage of the lawmaking process. The models in Chapter 4 show that theories of Senate action are somewhat dependent on the outcome of interest that is being observed. Therefore, understanding the institutional and contextual differences between both chambers can help anticipate how large a policy disagreement may be. Similarly, by emphasizing how the content of a bill reported by each chamber creates an opportunity for us to infer which chamber has the strongest leverage over the final outcome.

Over time the difficulty in resolving bicameral differences has increased, especially as each chamber has become more autonomous and more partisan. In the nineteenth century, the Senate's responsibility as the second chamber in the policymaking process was to react to, and often support, the House proposal (Binder 2003; McConachie 1898; Schickler 2001). After establishing a super-majority threshold to overcome delays in consideration of a bill on the floor, senators in the minority were given an institutional tool to expand the scope of legislation to appease members of the Senate minority (Wawro and Schickler 2006). In the event a bloc of senators is not satisfied with the House version, the Senate may reject cloture thereby allowing a filibuster to continue. Such a threat is even greater in the appropriations process, as failure to enact an agreement can have extreme consequences and halt government operations due to a lack

of funds. This chapter will use historical evidence to support the argument that the Senate holds more leverage over enacted legislation.

Assessing The Senate's Leverage Over Policies

Analyzing the actions of the Senate, in response to the House before conference, provides a slightly different reference point to view the effects of bicameralism in the United States Congress. The research design allowed the House and Senate proposals to be compared to the final outcome to identify how influential each chamber was. Previous studies have focused on the number of times a chamber won or lost, which led to conflicting conclusions that the House wins more often in conference than the Senate (Ferejohn 1975; Steiner 1951) or that the Senate has clear advantages over the House (Fenno 1966; Kanter 1972; Longley and Oleszek 1989; Manley 1970; Strom and Rundquist 1977; Van Beek 1995; Vogler 1970). As the literature stands today, there is an opportunity to address the question of how much leverage a chamber has given political conditions in the two chambers. By detailing changes within the legislative process over time, we have an opportunity to better understand the mechanisms by which bicameralism influences final policy outcomes.

Comparing chamber proposals emphasizes the tension between chambers created by their differing rules that structure debate on a bill. When the House initiates an appropriations bill, there are a number of conditions where the Senate is most likely to amend the House bill. For example, the Senate is more likely to increase the House appropriation when the chambers have divergent policy preferences (Binder 1997; Chiou and Rothenberg 2003, 2009) or where the Senate most often considers appeals from senators to include projects that were not considered in the House bill (Fenno 1966). Historically, the Senate began to advocate for more specific legislative changes more often as the chamber established party leaders and more institutional

autonomy (Binder 2003; Brady, Brody, and Epstein 1989). One reason for this is that in order to improve chamber efficiency, it is important for Senate leaders to negotiate with the minority party to determine allowable concessions that can be used to end obstructive tactics (Matthews 1959; Smith 2007; Smith and Flathman 1989).

One reason that a majority of members in the House do not revolt in favor of a more open process is that their electoral incentive to fight is weakened by the value of protecting the treasury from rising deficits. This was especially true for incumbents who represent smaller homogenous constituencies, believing they would be rewarded for keeping deficits low (Fenno 1966; Kiewiet and McCubbins 1991). For example, the national debt became politically unpopular when it reached \$26 billion in 1921, so much so that Congress delegated the planning of the budget to the executive branch by establishing the Bureau of the Budget (Schick 2007, 14; Stewart 1989). Given the deference extended to senior members and specialists, it was unlikely that the House would advocate changes to the bill reported by the House Appropriations Committee.

The Senate's behavior in considering appropriations legislation is different from that of the House. Members of the Senate Appropriations Committee also serve as high ranking members of other committees, increasing their interaction with other members of the Senate and the connection between Senate appropriators and the initial authorization of an appropriation (Fenno 1966). Senators serving on the Appropriations Committee openly communicate within the chamber to see if individual senator requests can be bundled into the bill reported by the committee. As the country grew geographically, senators attempted to increase appropriations to cover the costs of adding services to the youngest states (Schick 2007).

In 1916, the growing difference in policies offered by the House and Senate contributed to the end of the legislative norm to maintain a balanced budget and a bipartisan commitment to small and limited government (Schick 2007). Shortly thereafter in 1917, the Senate adopted cloture in an effort to limit floor debate, thereby setting the size of a coalition necessary to set the date for a final vote. The timing of such a paradigm shift in the Senate illustrates how senators saw an opportunity to affect policy outcomes in a way to benefit their constituencies, or raise their policymaking profile, by using the rules of the institution to their advantage. By shaping the Senate into a chamber that could operate independent of the House, each senator was able to identify their contribution to the lawmaking process in an effort to claim credit and build support within their reelection constituency. Since senators are elected in a staggered fashion the direct effects of the electoral connection changed the Senate incrementally, but following the 1918 election every senator would have stood for popular election at least once (Meinke 2008).

Bicameralism is a helpful tool for scholars interested in how the design of a legislature can create variation in policy outcomes produced by the lawmaking process. A mechanism for describing bicameralism's influence on policy outcomes can be found in the institutional differences between the two chambers. In the case of the U.S. Congress, institutional differences lead to divergent chamber preferences on policy, but neither body has the authority to override the other chamber (Fenno 1982; Lijphart 1984). As the chambers negotiate a consensus agreement, the final enacted policy should not be expected to reflect an equal bargain (Fenno 1966; Ferejohn 1975; Strom and Rundquist 1977). An inequality between the chambers in the bicameral agreement suggests that legislators or political parties, more generally, are using variations between chamber rules to achieve political means by legitimate institutional processes (Binder 2006; Ware 2002).

The reason the Senate is able to wield more leverage than the House is a function of many of the same factors that predict why the two chambers will disagree on the content of a bill. Because the goal of the reconciliation process is to quickly resolve bicameral disagreement, the Senate should be less likely to repeatedly negotiate on a more moderate position. Furthermore, we can identify why there should be variation in a chamber's leverage providing for more precise theories than a sociological view that the Senate's leverage over the House is tied to institutional prestige. Each chamber's leverage fluctuates temporally as a function of polarization and institutional constraints.

Bicameralism and Policy Outcomes, 1880-1984

Recent studies have inferred that the longer it takes to pass a bill, the more difficult the bargaining process, and therefore the policy is more likely to be a compromise (Anderson and Harbridge 2010; Warwo and Schickler 2006; Woon and Anderson 2012). The direction of that compromise is expected to be in favor of the Senate proposal, which is traditionally a more inclusive alternative (Koger 2010; Wawro and Schickler 2006). However, when the Senate provides policy concessions the policy is revised again during the reconciliation process. This makes a natural contribution of this project to help us understand more about how the concessions built into the Senate proposal are reflected in the final policy. Past research on post-passage politics has focused on the probability one chamber will win or the frequency a chamber wins in that Congress, which leads me to my claim that we can also focus on how the magnitude of a chamber's leverage should also be considered.

The probability of bicameral negotiation is usually high because the House lacks the incentive to pass a wider policy proposal. When power is centralized around party leaders in the House majority, members of the majority are more likely to accumulate benefits for their

constituents through the additive process of passing more legislation.⁴² If the House majority fails to reach these goals it may incur additional electoral costs, diminishing its size in the chamber. Bicameralism removes the potential blame of enacting a biased policy because the bill reported by the House does not immediately move to enactment. Members of the House adopt a strategy to pass majoritarian policies when it is not electorally costly to exclude members of the minority from the policy making process. Therefore, as long as the larger proposal is not damaging to a majority of the voters, bicameralism provides the House political cover to pass legislation that it knows will be revised with the intent of judging where the Senate stands on a controversial topic. The utility of the House to offer the optimal bicameral proposal can be expressed as $b_H^*=0$, to estimate the House's incentive to pass legislation that reflects a unanimous benefit to the chamber. This would extend the expectation that any policy changes passed by the Senate would serve to fulfill such a role.

The House's strategy is further reinforced by the expectation that a reconciled agreement should, theoretically, split the difference between the two proposals. This assumption is generated by the requirement for both chambers to pass identical legislation and by their equal status at the bargaining table. Going into each conference committee or mode of reconciliation, the agreement where both chamber's utility (Y_{ti}) is theoretically maximized should be when $Y_{ti} = \frac{S_{ti} + H_{ti}}{2}$, which represents splitting the difference between the Senate proposal (S_{ti}) and the initial House proposal (H_{ti}). Each t represents time as a measure of the year in which the law is

⁴² Richard Fenno (1978) categorized the way legislators see their constituents into four groups. The first is the geographical constituency that is marked by the district or state boundaries. Second, legislators focus on constituents that are their supporters and are crucial to ensuring their reelection. Third, legislators think about which constituents are important to regain the party's nomination and those who serve as their strongest supporters. Lastly, there is the personal constituency, which includes individuals who have close relationships with the legislator and serve as close advisors or the largest fundraising contributors.

being considered. The i denotes the category of the annual appropriation bill. Although each bill is a separate observation the policy topic is repeated each year.

The institutional constraints that encourage the Senate to offer a competing policy are not as simple. Therefore I hypothesize that in the event that the Senate does not recognize the House bill as the optimal policy enactment, the upper chamber will respond with a counter proposal, which will be more reflective of a unanimous agreement. Senate rules (such as cloture) encourage more participation from members of the body, which results in more legislative action on the floor, increasing the transaction costs when attempting to pass legislation that reflects a simple majority. For this reason, senators are often recognized as having greater individual power than legislators serving in the House, which is preserved due to the smaller size of the chamber. The Senate is not a majoritarian institution and party leaders have fewer formal procedures to structure how legislation is scheduled to control what receives a vote and what does not (Burdette 1940; Binder and Smith 1997; Gailmard and Jenkins 2007). As a result, we should expect that when the Senate majority party is composed of members with heterogeneous preferences, any concessions given to simply pass the bill through the chamber will be very costly for party leaders (Koger 2010; Krehbiel 1998; Wawro and Schickler 2006).

Scholars have made exceptional contributions in carefully documenting the differences between the chambers which describe the incongruence in the design of each chamber and how the institutional differences have grown over time. The expectation that the chambers will split the differences between their proposals in conference should decline temporally. As the House has grown more partisan, its proposals should be increasingly narrow (Cox and McCubbins 2005; Carson, Lynch, and Madonna 2011). The Senate's rules have continued to promote policies that reflect greater consensus within the chamber (Koger 2010; Wawro and Schickler

2006). In the second stage of the bicameral process, legislators involved in crafting the agreement are able to assess the dollar differences between the chambers, as well as the intensity of a legislator's preference within each chamber. Another important consideration is that as one-half of the U.S. Congress, the House does receive positive benefits from passing annual appropriations, given that the House will prefer to accept some of the Senate's change as opposed to no bill at all. From this stand point, we begin to see why the House is more sympathetic to the amendments of the Senate (Fenno 1966). The more the House attempts to gain leverage over the final outcome, the greater the possibility the Senate moves to slow the process again. As the Senate delays its action, the Senate should have more leverage over the final policy than the House because of the uncertainty surrounding the ability of Senate leaders to quickly build another coalition.

Measurement and Data

The data in this analysis are a collection of all of the regular appropriations bills passed from 1880 to 1984.⁴³ All together the dataset includes the total recommended dollar amounts of the House version, Senate version, and the final amount after both chambers reconciled the differences (if any) between the two proposals for a total of 1108 bills. Specific explanatory variables are included to formulate a model intended to account for the contextual influences

⁴³ A significant portion of the data was graciously provided by Gregory Wawro from Chapter 10 of *Filibuster: Obstruction and Lawmaking in the U.S. Senate* (Wawro and Schickler 2006), as well as by Rod Kiewiet and Mat McCubbins from *The Logic of Delegation: Congressional Parties and the Appropriations Process* (Kiewiet and McCubbins 1991). The Balanced Budget and Emergency Deficit Control Act of 1985, otherwise known as the "Gramm-Rudman Hollings Act," serves as an important event to frame this analysis, because this reform introduced sequestration or automatic spending cuts if appropriations exceeded the deficit targets that had been set previously. Even though the Supreme Court found the bill unconstitutional in 1986, the law was passed again with new targets in 1987. By providing a consequence for appropriating more funds than the budget allows, the Senate was forced to offer cuts to the House proposal to make way for amendments instead of having the flexibility to offer new proposals.

within each chamber, as well as between the two chambers during the particular Congress in which the bill was considered.

Given the importance of how each institution collectively came to their agreement, this research draws a direct comparison between the bill reported out of each chamber and the enacted legislation to thereby identify which chamber has greater leverage. Identifying the behavior of institutions in a way that is flexible to the process of reconciling the bicameral differences is important to study policy outcomes over a long period of time.⁴⁴ The outcome of interest uses dollars as an exogenous measure to trace how the content of the bill evolves through the bicameral process. However, there are two additional stages in this process to ensure that the estimates are not biased. The dependent variable of the first stage is a dichotomous variable coded 1 if the bill passed by the Senate amended the bill reported by the House and 0 if the Senate accepted the House bill as it was initially drafted. The dependent variable for the second stage is also a dichotomous variable which takes a measure of 1 if the outcome of the enacted legislation is a bargain between the initial offers from the House and Senate and 0 if the dollar difference between the final enacted legislation and the Senate proposal is greater than the initial bicameral difference. The few bills which receive a zero are observations that the literature would not normally predict, because the bicameral resolution is a policy outcome that is greater

⁴⁴ This study does not use direct observations of how each bill was handled post-passage, because my research is focused on stages of the legislative process when the new proposals can be made to alter the underlying policy. Although bicameral differences during this period were often reconciled by convening a conference committee, post-passage negotiations can also occur through a ping-pong approach where each chamber votes whether to concur or not-concur with the amendments of the other chamber (Longley and Oleszek 1989). By comparing policies that were passed on the floor I am able to account for the potential policy impact earlier bicameral decisions may have on the conference report. As the “third chamber,” a conference committee can be insulated from the broader political struggles however its report is still subject to a vote by each chamber and potentially a filibuster in the Senate if the bicameral solution is unacceptable to a super majority coalition in the Senate. By comparing the monetary figure of each proposal the effect of bicameralism should be evident regardless of the bill’s consideration post-passage.

than the highest chamber proposal or lower than the lowest chamber proposal. Finally, for the third stage the dependent variable will be a continuous measure of chamber leverage.

This study accounts for all three stages simultaneously to measure when the Senate is likely to have the most leverage over enacted legislation. The measure of chamber leverage is coded so that higher values signify that the House holds more leverage on the bill. Bills where the Senate passed the House bill with no changes are selected out of our study because the process which led to that outcome is substantively different from any disagreement which was handled on the floor. Though the House gets what it wants when the Senate does not amend the bill it is difficult to control for the alternative explanation that the House passed a bill which would be safe from the threat of a filibuster in the Senate. The second stage of the equation selects out bills where S_{ti} is not equal to H_{ti} , but Y_{ti} is greater than 1. The notation below represents the policy measures used to calculate the chamber leverage, where O_{ti} , represents the final policy enactment within each year and type of appropriation; S_{ti} , represents the policy proposal adopted by the Senate within each year and type of appropriation; and H_{ti} , represents the proposal reported by the House to the Senate within each year and type of appropriation.

Dependent Variable

$$Y_{ti} = \frac{(|O_{ti} - S_{ti}|)}{(|S_{ti} - H_{ti}|)}$$

The value in using a bill as the unit for analysis is that each appropriation bill is a repeated observation (annually) that is comparable over time within each issue type over time and multiple outcomes can be compared within each year. Therefore, each chamber's leverage in bicameral reconciliation can be individually represented by a ratio indicating how far the enacted agreement is from the Senate proposal ($|O_{ti} - S_{ti}|$), given the size of the measurable bicameral disagreement ($|S_{ti} - H_{ti}|$). As the policy loss experienced by the Senate gets bigger

$(|O_{ti}-S_{ti}|)$, the ratio will also become larger which should represent more leverage by the House over the policy content of the bill.

We can then interpret a ratio that equals one as an observation when the House held complete leverage in the bicameral reconciliation process, conditioned on whether there was a previous bicameral disagreement. A ratio that approaches zero infers that the Senate version is much closer to the final agreement than the size of the bicameral disagreement.

Chamber Differences and Senate Leverage

As we look to understand how institutions shape policy outcomes, observing the congressional appropriations process in two stages allows us to learn more about how chamber differences influence the content of policy. Most importantly, the two stages of the model allow the estimation to account for the bills when the chambers already agree to not overestimate the effect of political factors and policy changes. Furthermore, we are able to parse the differences in what leads the House and Senate to pass incongruent bills from the factors that constrain the reconciliation process.

Earlier it was hypothesized that the Senate's leverage is conditioned on both institutional and behavioral differences between the two chambers. First, when the institutional rules of each chamber allow the House to hold comparably more power to control the floor than the Senate the Senate should increase its leverage over the final policy outcome. Moreover, when the House majority is most likely to try to control spending for electoral gain, the Senate should have more leverage over the final policy outcome to appeal to a more diverse coalition. Also over time we should expect the Senate's leverage to increase over bicameral agreements, because of the uncertainty of the upper chamber to enact its agenda when the workload is high.

The results, as presented in Table 9, show that as we consider all appropriations legislation the Senate's leverage over bicameral outcomes is conditional on the policy delivered by the House. By looking at the actions of the Senate in the context of all legislation, we can see that the Senate does gain more leverage when there are fewer congressional budget constraints, the debt is higher than average, and the Senate is subject to greater legislative demands. But we cannot overlook the leverage the House continues to inherit across time over appropriations decisions. Considered separately, the estimates of the first model tell us when the Senate is likely to reject the bill reported by the House and offer an alternative solution; the second model tells us how stable the bicameral negotiation is likely to be; and finally the third model estimates how the leverage one chamber has is related to institutional differences. The results expand our knowledge of bicameral negotiations over time and make year-to-year bicameral comparisons. Furthermore, we see the Senate's institutional advantage over bicameral resolutions is heavily related to how the upper chamber is unique from the House.

The primary results of interest apply to the bicameral agreement and should not be taken to say the House has little or no influence in setting a bill's parameters. House Appropriation Subcommittee chairs do communicate with their sister Senate subcommittee and to some extent rank-and-file members. A decision by the Senate not to amend certain portions of a House bill signals that there is likely a complicit agreement beforehand between the most active players or that the rank-and-file members are willing to delegate details to specialists.

The results of the three-stage Heckman model reported are found in Table 9. Although the selection effect, generated by the Senate's decision to amend the bill, is not significant it is important to control for in the model because of the potential for there to be bias. Modeling the selection effect is also theoretically important because if the Senate does not choose to offer a

policy alternative, we could not infer which chamber held more leverage because the potential for bicameralism to affect policy outcomes would not have been introduced.

Table 9: Selection Model of Senate Influence on Policy Outcomes 1880-1984

	Predicting Bicameral Disagreement		Predicting a Typical Bargain		Leverage
	Coefficient (S.E.)	Predicted Probability	Coefficient (S.E.)	Predicted Probability	Coefficient (S.E.)
Divided Government	0.01 (0.12)	0.4	0.18 (0.17)	1.1	0.02 (0.04)
Bicameral Party Distance	0.25 (0.23)	6.9	-0.96* (0.39)	-5.8	0.09 (0.09)
House Workload	- -		0.05 (0.08)	0.3	-0.04* (0.02)
Senate Workload	- -		0.22 (0.19)	1.3	-0.05 (0.04)
U.S. Debt (in trillions, adjusted)	0.22* (0.06)	6.1	0.10 (0.19)	0.6	-0.03 (0.06)
Election Year	0.23* (0.09)	6.4	-0.04 (0.14)	-0.02	-0.02 (0.04)
1880-1920	-0.10 (0.28)	-2.9	1.14* (0.54)	6.2	-0.25* (0.13)
1921-1946	-0.43* (0.22)	-13.3	0.42 (0.41)	2.1	-0.27* (0.12)
1947-1974	0.92* (0.23)	21.5	0.13 (0.21)	0.8	-0.16 (0.12)
Constant	0.30 (0.28)		1.16 (0.56)		0.48 (0.29)
N	1217		906		871
ρ			-0.33		0.60
Wald χ^2 (9)			16.68		24.62
Prob > χ^2			0.05		<0.001

Note: A * identifies each coefficient that is significant at $p < 0.1$ in a two tailed test. Standard errors are clustered around each bill and year. For Stages 1 and 2 $\rho = -0.33$ and a Wald test ($\rho = 0$): $\chi^2 = 0.51$, Prob > $\chi^2 = 0.47$. Stage 3 is a Heckman Selection Linear Regression across 101 time points, where $\rho = -0.76$, $\sigma = 0.49$, and $\lambda = -0.37$.⁴⁵

⁴⁵ For a robustness check see the Appendix, specifically Table 14, for an explanation that describes how I determined the model is identified by estimating each model separately. Additionally 1885 and 1900 were not included in the dataset, therefore the years 1880, 1885, 1886, 1900, and 1901 were dropped from the analysis as either the Senate's leverage or previous leverage was not available.

The Senate's leverage over the final policy enactment is a dynamic process, despite previous beliefs that each bill is the accumulation of unique influences. Since the process for considering appropriation bills has remained stable over time, it is possible to evaluate how the equality between the chambers in the reconciliation process allows the Senate to significantly alter bills reported from the House. The jump in the probability that the Senate would pass a bill that was different with respect to the proposed House appropriations between 1946 and 1974 points to the opportunity for the Senate to play an important role in triggering the effect of bicameralism on policy outcomes.⁴⁶ The chambers are most likely to report competing proposals in political environments that encourage conflict as seen by the significant influence of divided government and the emergence of two competitive parties in 1947 in predicting disagreement. Between 1947 and 1974, Congress also tried to control for spending but lacked the enforcement mechanisms to hold lawmakers accountable. The insignificant relationship during 1880 to 1920 is representative of the great deal of institutional development in both chambers, specifically where the Senate truly emerged to make the U.S. Congress a strong bicameral institution.

The second stage further describes the nuances of a bicameral bargain as a final policy outcome since it is possible for the total dollar amount of the compromise to exceed the largest proposal under consideration. Two findings in particular, the effect of the distance between each chamber's majority party ideology and the period prior to the Budget and Accounting Act of 1921, warrant further explanation. First, when there is split control between the chambers, the differences between the two chambers can constrain how large of a policy change can be agreed to if there are competing majorities with equal power in passing legislation (Mayhew 2005; Oleszek 2013). However, under unified control, the House and Senate may miscalculate the willingness of the other chamber to bargain given the threat of a filibuster. Those in the minority

⁴⁶ This same relationship is shown in Figure 6 of Chapter 4

of the Senate know that a filibuster is effective because, as Burdette states the filibuster is an “incalculable defense against oppression and overbearing authority” (Burdette 1940, 9).

Senators who engage in a filibuster do so for a variety of reasons that are not always clear to the legislators who initially draft the legislation. The motivations of senators may range from appealing to constituencies by taking a position, block a bill from passing, or even delay the chamber so that another bill cannot be brought up for consideration (Binder and Smith 1997; Burdette 1940) .

The bargaining outcomes were more likely to be simple in the earliest period of this analysis because the Senate was not as partisan and few legislators held the specialized knowledge of drafting complex legislation (Fenno 1966; Fisher 1979; Forgette and Saturno 1994; Schickler 2001; Stewart 1989). This stage of the estimation is simply an additional control after the selection effect of the Senate proposing a different policy. The reason this is important is the 43 episodes where the enactment fell outside of the zone of bicameral difference defined by the two chamber proposals. Theoretically, this is important because we would rarely expect a bicameral resolution to not be a zero-sum bargain. Accounting for the selection effect that both chambers may not be able to agree to a normal bargain helps to protect against biased and inefficient inferences in the last stage.

Finally, the third model analyzes how the behavioral, institutional, and policy constraints between the two chambers affects the leverage each chamber has in directing the total share of the bicameral disagreement. The first hypothesis which described why the chamber with the weakest agenda control is more likely to win in a bicameral negotiation finds no support in these

findings, although a simple linear regression would provide results that support the hypothesis.⁴⁷ The expectation that the Senate's leverage over final policies is strengthened by the difficulty in reaching an agreement in the upper chamber is confirmed when we consider the Senate's workload, the national debt, and the budgetary regulations of the time.

The fiscal issues of the nation affect a chamber's leverage over policy outcomes in a very interesting way as an increase in the national debt increases the likelihood that the Senate will act, but it is not clear that either chamber receives additional leverage from this macro-economic factor. The effect is substantively important because it appears that when representatives expect to receive the greatest benefit electorally from "protecting the treasury," the real outcome continues to reflect the status quo.

Unexpectedly, the results do not support the hypothesis that an increase in the ideological distance between the majority party means of both chambers will have a significant effect on the policy bargain. Theoretically, if the institutional constraints are structured so to enhance the role moderate members play in the development of policy, we can credibly infer that policy changes are drawing the bill closer to a more stable position. The more moderate policy position of the Senate should appeal to a wider coalition in the House meaning that the only conflict will be on behalf of the representatives attempting to enact a biased and narrower policy outcome.

However, a bicameral agreement is not always achieved in the first round of negotiation. Reading through the *Congressional Record* we can find occurrences where the House and Senate battled over more than three conference reports.

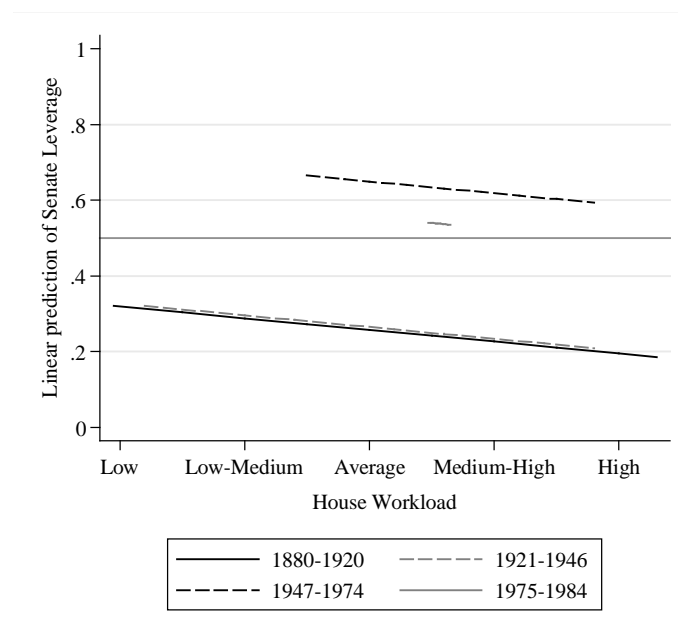
It is also informative to see how that the House of Representatives does concede to the Senate's amendment, when the threat of a filibuster in the Senate is likely to delay action on

⁴⁷ This is because if the selection is not modeled through simultaneous equations we risk making Type II errors in our inferences. Similar models presented in the appendix illustrate how the results might differ with an inefficient and inconsistent model.

more legislation in the House. This inference is drawn from the negative relationship between the House's workload and the Senate's leverage. Theories that the Senate can count on a structured advantage by amending the House bill are more consistent than an argument that the upper chamber's influence is due to its prestige. Figure 12 illustrates that as the workload in the House increases, the Senate actually exerts more leverage on policy outcomes. Holding all other controls at their mean, we can see the effect of workload and how the intercept varied across eras.

By standardizing the interpretation to reflect the most common political characteristics, it appears as the House's workload increased the Senate was able to regain leverage over the final outcome from the House. However such an effect is never great enough to alter the prediction that the final policy outcome will be closer to the House proposal rather than the Senate's.⁴⁸

Figure 12: Predicted Senate Leverage Across Measures of House Workload by Era, 1880-1984



⁴⁸ All control variables are set to their mean value (or mode for dichotomous variables); however, the estimates of workload vary across the range of observed values for that time period. Also recall that the measure of the House's workload is a variable that ranges from -2.05 to 2.36 and I have described each value for ease of interpretation on the x-axis.

The results show the importance of accounting for institutional reforms in assessing chamber leverage. Historically, when the Senate was less active and organized, from 1880 to 1921, the Senate also had significant leverage over bicameral policy outcomes. During this period we can see that the House was only able to recover 32 percent of the average bicameral difference created by the Senate proposal compared to one hundred years later. We should be cautious in interpreting these results in the same context as the other eras, especially since the difference between the two chamber proposals would be considerably less than we see today. As a function of the minor policy suggestions of the Senate, much of what it asked for was honored in the bicameral resolution.

The results also show that the Senate maintained significant leverage following the Budget and Accounting Act of 1921, by only allowing the House to recover an average of 33 percent of the bicameral difference. During this time, appropriation bills were drafted with less specific language as a result of the introduction of the President's budget request. A consequence of the House drafting a more general proposal is that each section within the bill became more open for interpretation thereby increasing partisan conflict. As separate actors, the two chambers are expected to evaluate policy priorities differently with the Senate being more likely to object on the basis of the inclusion or exclusion of easily identified policies, described as particularized benefits (Madonna 2011).

Following the Legislative Reorganization Act of 1946, the House led efforts to gain control over federal spending and the balance of power was transferred back to committee chairmen. The result of Congress's ad-hoc strategies to control spending that would follow was that neither chamber appears to have had significant leverage over final policy outcomes, which was different from the past where the Senate held a significant advantage. One distinct

difference of this era compared to previous years is that the two chambers disagreed more often in their policy proposals. We see that in the years where there were more filibusters occurring in the Senate the House received more leverage. Therefore, as the bicameral difference between the chambers increased so did the policy loss of the Senate. If the policy concession given to appease an obstructionist coalition is too large it is unlikely that the Senate conferees will fight to protect it allowing the policy to be drawn back towards the House proposal. In the final era we see that the workload in the House was consistently higher than average and the adoption of the congressional budget resolution did contribute to equalizing the leverage of the two chambers.

Conclusion

Going back to Riker's (1992) discussion about the significance of bicameralism in reducing the number of bad laws and moderating policy outcomes, this chapter provides a detailed analysis to support the latter. Recently legislative efficiency and the significance of enactments have been studied as a dynamic process (Binder 2003; Clinton and Lapinski 2006), whereas the contribution here has been to study the dynamic effect of bicameralism on policy outcomes. This is possible by using non-roll call data to focus on the content of legislation. By providing a measure of chamber leverage, this study has examined the effect of bicameralism on shaping the content of policy outcomes cross-sectionally and across Congress's own reforms to the budget process. By designing a model that follows the constraints of bicameralism and fiscal policy, this study examines how incongruence between the chambers has unexpectedly altered the effect of reforms to the budget process by strengthening the Senate's leverage in Congress.

If scholars continue to study the appropriations process or legislative bargaining as the activity of one branch of government (Congress) in relation to another (the executive branch), a piece of the picture is missed – how dynamic changes in the way Congress enacts legislation

affects policy outcomes. Future studies of inter-branch politics can provide more developed theories by accounting for intra-institutional variations that explain why Congress is more likely to pass legislation the President should, theoretically, be less likely to veto. By studying the process of enacting legislation, we can better understand why vetoes are a rare occurrence when the bicameral process is strong.

When the conditions of the federal deficit encourage the House to cut spending and bias a bill in favor of the majority, the Senate's leverage over the final bill increases. By overreaching in their initial proposal in an effort to maximize policy benefits, the House majority weakens its ability to control how many of its policy alternatives will be protected. When the House overreaches, there is greater uncertainty as to which policy alternatives neglected by the House will in fact be included in the Senate's proposal. Given that smaller states are more likely to receive greater representation as a bill is considered by the Senate than when the same bill is considered by the House, it is possible that resolutions will have different policy impacts geographically (Crespin and Finocchiaro 2008; Lee 2004; Lee and Oppenheimer 1999). Such an asymmetry in policy outcomes intensifies when a senator is up for reelection (Crespin and Finocchiaro 2008; Shepsle et al. 2009). Districts from larger states, represented by a member of the House minority, may be the most disadvantaged in this situation as these lawmakers have fewer levers to pull within the policy process even if they turn to ask for help from their colleagues in the other chamber.

By using history and time as leverage to better understand institutional innovations, this study has found empirical support that the chamber with the weakest agenda control holds the most leverage in a bicameral negotiation. Throughout this time series, the Senate has continued to be the second actor in the consideration of appropriation bills – and it remains so today –

however, the Senate did not win more often in the nineteenth century. Previous bicameral studies were not able to observe this change, because the studies focused on the twentieth century in order to control for the role of the President's budget and similarities in the budget process. This chapter provides an empirical test of how this relationship has changed over a much longer time period and does so in a way that accounts for the important chamber-specific studies that have explained the historical evolution of how the House and Senate have considered fiscal policy (Stewart 1989; Wawro and Schickler 2006).

As the discipline looks for new ways to expand what we know about the Senate and the institutional development of Congress, more generally, I believe that scholars can follow a research design similar to that of this paper. The importance of considering actions by the Senate in the scope of bicameralism is that the Senate is an institution that has continued to remain different from the House, despite structural similarities such as committees and party leadership that appear to maintain continuity between the chambers. The Senate's institutional legacy traces back to a time when it was less partisan and less autonomous (Binder 1995; Binder and Smith 1997; Dion 1997). To draw comparisons between the chambers at a time when roll call votes were rare, scholars must seek out alternative measures of bill content that are consistently available. In that vein, I chose to use the sum in dollars of each appropriation proposal to provide a continuous measure of policy content. As long as there is not a budget constraint – like PAYGO – the dependent variable is not biased in favor of falsely classifying bicameral agreements. Careful considerations about these data, the research design, along with references to the *Congressional Record* to account for context in the debates can help to further broaden the questions we ask about how bicameral relations have evolved over time.

CHAPTER 6

THE SENATE'S ROLE IN CONGRESSIONAL-PRESIDENTIAL POWER

The Senate, by design and institutional development, can create policy conflict when the House and President agree with one another. Moreover when the House and President hold different policy views, the Senate can force reconciliation in order to generate a compromise between the House and other branches of government. The statewide constituencies of senators create the opportunity for overlapping interests with House members, concerned with their constituents in their district, as well as the President, who is concerned with the Electoral College map (Stewart 1989; Wildavsky 1974). Therefore the preferences of the Senate can be an important bridge to build compromise that can promote the reelection of all lawmakers. From this perspective it becomes important to consider how the Senate alters the relationship between Congress and the president with respect to lawmaking.

Studies of inter-branch politics have chosen to examine the appropriations and budgetary processes over time as it relates to which institutions of government have a greater influence in determining the final policy outcome. Federal spending is a unique policy issue because voters are influenced by the size of the debt in how they evaluate lawmakers in both branches (Arnold 1990). The president's electoral fate is tied closely to the strength of the national economy through two institutional tools, submission of a budget request and the veto (Duch, Palmer, and Anderson 2000; MacKuen, Erikson, and Stimson 1992; Tufte 1980). The installation of the formal presidential budget request replaced the annual agency budget estimates through the Book of Estimates. Since 1922, the Federal Budget request has been delivered to Congress before the

legislative process begins in the House. The first time it was late, 1966, President Lyndon B. Johnson reported the budget seven days after the deadline but an extension was provided.

Table 10: Congressional Budget and Appropriation Process Timetable

	1922	1974
Action	Deadline	Deadline
Annual budget and estimates submitted by the President	1 st day of regular session*	15 th day after Congress Convenes
Authorizing Committees submit estimates to Budget Committees		March 15
Budget Committees receive report from Congressional Budget Office		April 1
House and Senate Budget Committees report the first concurrent budget resolution		April 15
1) The concurrent budget resolution is to be adopted		May 15
2) Bills are reported to authorize new budget authorities		
House Appropriations Committee reports the last appropriation bill		June 10
House is to pass all appropriation bills		June 30
Mid-session review of the President's budget to Congress is submitted		July 15
Budget authority and spending authority should be completed		7 th day after Labor Day
Action on a second concurrent resolution is to be completed		September 15
Disagreement in a second concurrent resolution should be reconciled		September 25
Start of a new fiscal year. All appropriations must be made	July 1	October 1

*The Budget and Accounting Procedures Act of 1950 changed the deadline to the 15th day of session. Details for the budgetary timetable are found in Section 300 of the Congressional Budget Act of 1974, as amended (P.L. 93-344, 2 U.S.C. 631) and Schick (1980).

The budget provides considerable information about the president's preference in implementing policy priorities. Therefore, when Congress deviates from the president's revealed preference, decisions on federal spending resemble a traditional bargain between two institutions. The president's only response if Congress ignores the budget request is to veto, but given the must-pass nature of money bills it is risky for Congress to call the president's bluff. To be clear, although institutional constraints set forth a calendar for decisions to be made, leaders from the executive and legislative branch do meet together and discuss policy dynamics that may interfere with the process. Therefore scholars have justified the choice to model legislative bargaining as a simultaneous decision to understand how certain veto players impact the process (Chiou and Rothenberg 2009; Hanson n.d.; Howell and Jackman 2013; Kiewiet and McCubbins 1989; Krehbiel 1998; Tsebelis and Money 1997).

In this chapter I focus on how the separation of the appropriations process in the House and Senate is important to understanding the role of potential veto pivots on changes to the underlying policy content. Although the president has the ability to propose a budget and veto any bill, such power is weak relative to the opportunity Congress has to write legislation. Furthermore, as we saw in the White House meetings surrounding the debt-ceiling increase in 2011, negotiations between President Obama and congressional leaders focused on broad spending levels and which programs were off limits from being subject to spending cuts. In a debate over how to handle firewalls in the budget, President Obama said, "the Appropriations Committee is the place for these discussions to choose between Defense and non-Defense" (Woodward 2012, 203). The only objection by House Majority Leader Cantor was that it be redefined "security and nonsecurity" (Woodward 2012, 203). Similar accounts suggest that this

is also representative of negotiations with President Ronald Reagan in the 1980s (LeLoup and Hancock 1988).

President-centered studies of budgeting or those that focus on inter-chamber bargaining generally deem that appropriators, or any committee members for that matter, will find an agreement through their mutual specialized knowledge. Committee work insulates members from the partisan divide that may be prevalent on the floor (Krehbiel 1989). Although this expectation becomes more complicated as committees in the House and Senate can differ in their perspective of what is the optimal policy based on majority status, overlap of committee members with the rest of the chamber, and constituent demand (Deering and Smith 1989; Fenno 1966; Kiewiet and McCubbins 1991).

Chapters four and five have shown that the House and Senate, as individual chambers, tend to hold divergent views in their policy recommendations. This chapter examines how chamber differences affect actions by the President by observing the president's ability to request funds and veto legislation. With disagreement likely, a puzzle emerges as to why vetoes are less prevalent on appropriations bills. Although this observation may be easily explained by the heavy penalty of not reaching an agreement, that pressure and potential blame can also be shared with the House and Senate. The veto is the president's last attempt to force Congress to deliver a new proposal that meets his or her demands. Therefore, in the event the House passes an appropriations bill that allocates funds in a way that contradicts the president's budget, there is considerable uncertainty in the likelihood the bill will pass unless policy changes are made. Therefore, any compromise between Congress and the executive branch often relies on the changes in policy content included in the Senate bill.

Presidential Budget Request: Detail on the President's Preferred Policy

The initial estimate of how much spending is necessary to fund the operations of the federal government is the president's first tool to influence the national debate over fiscal policy each year. The presidential budget request receives significant media attention because it is the first step in the budgetary process and the first document to provide details and information about federal spending. Therefore, Congress and the public can infer whether the executive branch is interested in cutting the deficit or spending more to facilitate policy priorities. The budget's summary table allows for an easy comparison of this year's budget to previous years and the annual revenue estimate. Then the information of how much is to be budgeted for specific projects within individual agencies creates hundreds of pages of detail, which can increase the opportunities for disagreement between members within each chamber.

Despite the instructive information the presidential budget request provides, it is a weak policy tool since the only stipulation in the budgetary rules is that the president delivers a budget request (Stewart 1989). Congress did not have to abide by these projections so the executive proposal was received as a guide of where the appropriation process ought to begin. However, the budget request by the president only began in 1922 following the enactment of the Budget and Accounting Act of 1921. The president's budget request would be further devalued in 1975 when Congress began to draft its own budget resolution.

Before there were formal budget requests, individual agencies submitted their own estimates to Congress and all agency estimates were consolidated into one "Book of Estimates." This process changed slightly in 1885 when the U.S. Treasury took on the task of presenting all of the estimates to Congress at the same time (Christensen 2013; Schick 2007). Although the budget estimate was submitted by the Treasury its role was as a middle man where the process

was still decentralized leaving each calculation to be generated by the agency themselves. However, as the facilitator between Congress and the bureaucracy the importance of the Treasury continued to grow as President William Taft saw the process as an opportunity to provide presidential recommendations. President Taft's interest in achieving greater efficiency in determining the national budget to help control federal spending is best documented in his creation of the Commission on Economy and Efficiency and the *Need for a National Budget* in 1910 (Christensen 2013; Stewart 1989).

The Budget and Accounting Act of 1921 marked an important change to the budgeting process not only by creating the presidential budget request, but it also increased the institutional capacity of Congress and the president to address the growing fiscal challenges of the nation. In order to meet the policy demands of reorganizing the congressional appropriation committees to accommodate all appropriation bills, the size of the appropriation committee memberships were increased. Similarly, to assist in the gathering of information to produce more finite estimates, the act also established the Bureau of the Budget within the U.S. Treasury. From 1922 to 1939 the Bureau of the Budget was an office within the U.S. Treasury offering some insulation from the Office of the President. However in 1939, the Bureau of the Budget was absorbed into the Executive Office of the President, which clearly defined the budget request as the recommendation of the president. Later in 1970, the Bureau of the Budget would be renamed the Office of Management and Budget as its purview of the president's agenda would increase.

The Bureau of the Budget was truly revolutionized under President Lyndon B. Johnson who used the Bureau as his tool to implement the Planning-Programming Budgeting System in an attempt to track and control federal spending. At the time the Bureau of the Budget was a prime example of the "Whiz Kids" during LBJ's term in office who would modernize the

bureaucracy (Lynn n.d.; Woolley and Peters 1965). The office was incredibly active and followed week to week changes in spending authorized by Congress to check whether the program was over budget.

Over time the president has been able to enhance and centralize institutional resources to create a more detailed budget request, which has increased the opportunity to set the stage for what an agenda could be. However, from a lawmaking perspective the president must still rely on the House and Senate to accept the budget request as a point to begin the legislative debate. As party polarization has increased, the tremendous detail included in the budget generates more opportunities for political disagreement between the executive and opposition in the legislative branch.

Value of the Veto in the Appropriations Process

The veto is the president's clearest tie to the lawmaking process providing the executive with a final seal of approval or rejection of a bill passed by Congress. While the spending estimates reported in the budget request provide detailed information and set the agenda, the veto provides the strong institutional lever to enforce that the president's preference is taken into consideration. If Congress appropriates a different figure than the president requested the president there is a risk that Congress will have to override a veto if amount is considered unacceptable to the president (Cameron 2000; Rohde and Simon 1985).

The president's power over congressional actions through the use of the veto is asymmetrical. That is, the president should be able to influence the final policy outcome more when the budget estimate conveys an interest in cutting spending (Howell and Jackman 2013; Kiewiet and McCubbins 1988). If the president asks for more than Congress is willing to give then the budget is likely to be seen as a wish list; however if the estimate is lower than the

legislature's preference, the veto becomes a more powerful ultimatum. Regardless of whether the veto is viewed as an ultimatum in a negotiation or not, the veto in conjunction with the budget request provides boundaries to define what can be an acceptable proposal.

During the scope of this study, presidents have issued 34 vetoes and not signed seven others, allowing the bill to be rejected through a pocket veto. Interestingly, 17 of these vetoes occurred prior to the implementation of the formal presidential budget request. Therefore one important aspect of the presidential budget request is that it provided a stronger signal to legislators of the president's party. Furthermore, the veto became a tool for the president to increase transparency in the appropriations policy by objecting to decisions by Congress to attach rider amendments or exclusive benefits for individual districts. Vetoing appropriations bills with the announced goal of cutting pork often allowed presidents to clarify their commitment to controlling federal spending (Ferejohn 1974; Haynes 1938; Shepsle and Weingast 1981).

A president is most likely to use a veto when the political conditions are such that the House and Senate are less likely to challenge the president's position. This allows the president to increase the likelihood that the House and Senate will change the policy in favor of the president's fiscal approach (Rohde and Simon 1985). If the vote was close, we should be able to assume it is far easier for the House and Senate to remove a rider than entice multiple colleagues to switch their votes to override a veto without a similar substitute. This is further illustrated by the few instances that both the House and Senate were able to override the president's veto to a regular appropriations bill.

Table 11: Summary of Vetoes to Regular Appropriations Bills 1880-1984

Veto Type	Total	Overridden by the House	Overridden by the Senate
Veto	34	9	6
Pocket Veto	7	-	-
*3 CRs were also vetoed. 2 of those vetoes were sustained in the House and 1 was unchallenged.			
** Two specific education appropriations bills were vetoed by President Ford and overturned.			

Given that vetoes occur infrequently, the president's influence over how funds are appropriated cannot be easily measured (Kosar 2010; Nelson 1953). However, assuming that the president's budget request is representative of the preferred outcome for the executive branch, we can trace how the actions taken by the House and Senate account for the president's preference. If necessary, the president also has the authority to call a special session as was done in 1938 (Haynes 1938).

Since the budget report is structured to reflect individual appropriation bills we should be able to assume that the documents are related and similar measures are comparable within a given year. Perhaps what is more interesting is not the lack of vetoes to appropriations bills, but how the policy content of a legislative proposal continues to change as it is considered by more than one institution. Drawing from the expectation that the political conditions within Congress affect the actions of a president and the Senate to minimize cuts in federal spending (Fenno 1966; Rohde and Simon 1985) bicameralism should receive more attention in developing theories of how the president influences appropriations. The asymmetry in the deliberation of an appropriation bill as it is considered by both chambers allows the spending figure to be altered in the direction of the initial request by the president or to a point which violates a preference of the president. What continues to remain a puzzle is how relations between the House, Senate, and President contribute to facilitating agreement or gridlock.

Partisanship and Presidential Influence in the Appropriations Process

There are strong precedents in the literature to use congressional appropriations to study the influence of individual institutions on policy outcomes through inter-branch activity. Rod Kiewiet and Mat McCubbins showed the importance of including the president's budget request into any study of federal spending. Specifically, the authors established that a president can strategically influence the federal spending if the president requests fewer dollars than the previous fiscal year in an effort to control the federal budget (Kiewiet and McCubbins 1988). Recently, William Howell and Sal Jackman (2013) used congressional appropriations to analyze inter-branch relations from 1933 to 2006, where they were specifically interested in how trends in federal spending could vary during times of peace and times of war. These works provide strong theoretical motivations for their findings and have contributed to a more detailed understanding of how politics can affect federal spending. However, neither pair of co-authors account for the substantive impact bicameral differences have on the content of a legislative proposal passed by the U.S. Congress (Fenno 1982; Smith 1989; 2007).⁴⁹

I believe that ignoring the role of the Senate in the appropriations process or not accounting for the chamber differences between the House and Senate is a theoretical oversight as we study the relationship between Congress and the President. Furthermore, I argue that the observed actions of the House, Senate, and President in the appropriations process do not reflect simultaneous preferences.⁵⁰ Adjusting our models to account for how policy content can change as a bill is considered can provide an alternative view of the importance of preferences during the

⁴⁹ Kiewiet and McCubbins (1988, 1991) account for the partisan preferences of Congress by including a variable for the percent of all seats on the Appropriations Committees held by the Democratic Party. Citing Kiewiet and McCubbins (1985), Howell and Jackman (2013) include a variable to control for the share of the president's party in the U.S. House. Another approach has been to consider the seat ratio of a party by combining the total possible seats in both chambers (Faricy 2011).

⁵⁰ For simplicity certain theoretical models in the lawmaking literature assume that legislators hold simultaneous preferences and while that is true as a bill is amended, the aggregate ideal point of an institutional player may not be the same (c.f. Chiou and Rothenberg 2003; Krehbiel 1998).

sequential lawmaking process. Even as the House passes a bill, intra-chamber forces such as the threat of a filibuster in the Senate may alter the content of the bill, allowing the President to reevaluate the policy. Therefore, I am particularly interested in how the movement of the total spending figure, away from or closer to, the president's budget request can represent the president's influence over policy outcomes in relation to the House and Senate.

The conditions by which the Senate alters the underlying content of the bill has important implications for how clearly we can quantify the president's influence in directing the level of spending approved by Congress. Furthermore, the institutional differences between the House and Senate become far more relevant to our studies of appropriations during times of polarization, because chamber leaders must rely on procedural tools that do not reflect the traditions of classic budgeting and regular order (Wildavsky and Caiden 1997). In a polarized environment we should expect the appropriations figure passed by the Senate to fall within the range of competing proposals by the House and President, due to the electoral pressure of each state's constituency and the more open rules process of the Senate.

If the president's party does not control the Senate, the filibuster pivot closest to the president's preferred outcome represents a similar – but separate – preference that must be accounted for. By not identifying another pivotal actor, specifically, the expected influence the president has over the lawmaking process is artificially inflated, because the influence of the Senate filibuster is not accounted for. Under unified government the majority must be aware of when the minority may look to leverage policy concessions by threatening to filibuster a bill. Therefore the risk of a filibuster creates a theoretical expectation for why the president's influence during unified government may be dampened.

Similar to the results of Chapters 4 and 5, if we are interested in how much of the spending requested by the president is matched by Congress it is important to focus on how centralized and cohesive the bicameral appropriation recommendation is. Therefore, I develop a similar theory that examines whether the Senate alters the underlying content of a bill. For bicameralism to help reconcile policy differences between the House and the president, the Senate must have greater leverage over policy outcomes and advocate for changes in favor of the president's priorities. Therefore, the ability of the Senate to broker a compromise between the legislature and executive branch is conditioned on the size of the policy conflict generated by the divergent preferences of the Senate filibuster pivot and the House version, as well as the location of the filibuster pivot in relation to the veto pivot. Findings from previous research on federal spending show that increases in appropriations are most likely to occur with bills handling public buildings and sending projects back to states, such as agriculture spending which will help small states (Bickers and Stein 2000; Knight 2008; Wildavsky 1974). Such empirical findings comport with the theoretical contribution of Lee and Oppenheimer (1999) with respect to the Senate's role in providing substantially more representation through benefits to small states.

The president's opportunity to reflect on all of the decisions made through the lawmaking process to lead to the reconciled recommendation of Congress provides important information to the president about whether congressional leaders have the power to potentially orchestrate another deal. Although the president's budget request could be interpreted as an initial signal by the president to appropriators and Congress, how the president evaluates the content of the appropriations bills is not constrained by the original budget request. Even if the figures were the same, the substantial time invested in the proposal should minimize the likelihood that the president will cite the budget request as an *ex ante* ultimatum of the preferred policy outcome.

Data and Methods

The president is primarily treated as a strategic actor in inter-branch studies of federal spending. Such an expectation continues because it assumes the House is the “guardian of the treasury” and will not appropriate the full funds to meet the request. Unfortunately because the House has historically been seen as the center of the appropriations process, assumptions made about lawmaking activity of the House begin to be applied to Congress as a whole.

Examples from the Johnson and Reagan presidency in particular show that presidents can use budgeting and fiscal restraint as a platform to appeal to voters for electoral gain. So the expectation that the president will strategically propose more cuts or estimate higher funds to create flexibility within the budget should not be a uniform expectation placed on how the executive tries to influence the legislature. Within the observations of appropriations bills and budget requests analyzed here, 154 of the presidential budget requests were equal to the figure from the previous fiscal year. Perhaps the belief that the president will act strategically should be conditioned on whether there is divided government. There were 198 appropriations bills passed into law when the Senate was not the party of the President from 1880 to 1984; however, in only 23 instances did the figure passed by Congress equal the president’s request.

To understand the statistical relationship between the president’s budget request and enacted levels of federal spending I compare two models. The first model is representative of the argument Howell and Jackman (2013) developed in their study of the president’s influence over spending during times at war. The second model is the same as the first, however, I add two additional variables: a control for the consumer price index, which was included in previous models by Kiewiet and McCubbins (1991) and the percent of the president’s co-partisans in the

Senate.⁵¹ The comparison I am most interested in is how the magnitude of the policy difference between the president's initial request and the final appropriation is a function of party support in the House as well as in the Senate. The dependent variable for this analysis is represented by a measure of the natural log of one plus the absolute value difference between the president's request and the final outcome.⁵²

I suggest that analyzing observations from 1880 to 1984 provides the opportunity to study changes in the budgeting and appropriations process while the end goal of negotiating an inter-branch agreement to fund the government remained constant. As I discussed in Chapter 2, recent budgetary restrictions such as the use of spending caps and sequestration create a budgetary process that should bias inferences since 1985, which use a difference to judge the influence of an institution by measuring the difference in total dollars of each proposal. Therefore, any opportunity test such a theory with more data will need to utilize historical observations to gain greater statistical leverage.

Relying on historical observations before a formal budgetary request was available requires us to assume that the delivery of the executive's request should not affect our inferences of the executive's preference. In other words, if we assume that the estimates of agency spending for the upcoming fiscal year given to Congress are not systematically different before and after the Budget and Accounting Act of 1921, then we can use agency estimates prior to 1922. Theoretically, the initial budgetary reforms should not violate this assumption because the reforms were an opportunity to address Congress's inability to control spending after the rising debt incurred during World War I. Furthermore, the president's budget request was initially

⁵¹ I must fit the models to two different time periods due to the lack of available measures of unemployment before 1900 by the U.S. Census Bureau.

⁵² This is the same dependent variable used by Howell and Jackman (2013). Furthermore it is important to note that Kiewiet and McCubbins (1991) also discuss the importance of logging the difference between these two measures to guard against heteroskedasticity throughout the length of the time series.

drafted under the direction of the U.S. Treasury, which was the federal department tasked with organizing the individual agency requests prior to this time.

Using a linear regression model I analyze 1159 appropriation bills where Congress received a budget estimate from the executive branch and passed an appropriation for that issue area.⁵³ The first model includes a dichotomous control for whether the nation was at war, because of the likelihood that domestic policy priorities would be different and spending decisions could be constrained by the cost of the military conflict. Each model includes a measure of the percent of seats in the U.S. House of Representatives that share a party affiliation with the president. A similar measure is also included to identify the ratio of seats in the Senate held by the president's party. Then the model uses the log of the percentage a budget estimate differs from the appropriation from the previous fiscal year. This measure is common in studies of inter-branch studies of appropriations and is known as the Fenno Rule (Kiewiet and McCubbins 1988). Finally the model relies on four measures of the national economy, because we should expect Congress to be more willing to meet the executive's request during period of economic prosperity. Therefore the model includes measures of the national deficit in real dollars (FY 2012), the log of the national unemployment rate, the gross domestic product growth rate, and the consumer price index.

Inter-Branch Politics and the Senate's Leverage

Although policy disagreements may reflect substantial differences in political preferences, it is also important to control for economic factors which political actors can use to justify the cause for a disagreement. The results presented in Table 12 show that the president's

⁵³ Bills were dropped from this analysis if there was no budget estimate identified, as was the case for 1919 and 1920, or the scope of the appropriation bill was changed in that year. If the scope of the appropriation bill was changed, the percent by which the president's proposal sought to change the previous year's appropriation is not comparable so observations were dropped from the analysis.

influence as to whether Congress will support the budget request is consistent with previous findings; however, the magnitude of the influence is significantly weaker in the historical period (Kiewiet and McCubbins 1988; Howell and Jackman 2013). Interestingly during this long time series, being at war and the seat share of the president's party in the House of Representatives did not have a significant effect on the difference between the budget request and final appropriation. The difference between the findings presented in Table 12 and the results of other studies that have accounted for previous wars is that the analysis here includes spending decisions during World War I, in addition to World War II, when the appropriations process in Congress was substantially different as shown in Chapter 4. Furthermore, by controlling for the seat share of the president's party in the House and the Senate see why not controlling for bicameral structure of Congress in studies of interbranch relations can overemphasize the power we believe one chamber has over policy outcomes.

A clear contribution of the second model in both time periods was that the Senate matters quite a bit. More specifically, how Congress responds to the president's budget request is reflective of the seat share of the president's party in the U.S. Senate. We can infer from the positive relationship between the president and the partisan seat share in the Senate that when the president's party is weaker in the Senate, the budget request will not rationally prescribe a large increase in funding. If the president was to estimate that funding for a particular policy area needed to be increased substantially to meet additional policy demands, it is unlikely that even when the president's party is stronger in the Senate that Congress will fund the program fully.

With respect to the state of the national economy, both the size of the deficit and the consumer price index (CPI) are positively correlated with the policy disagreement between the president and Congress. With respect to the size of the national debt, this illustrates that

presidents may actively propose reductions in spending to address the national concern of a large debt. Such a strategy will be supported by fiscally conservative members of Congress who see an opportunity to reduce the deficit by supporting the president's budget request. However, Congress will be more likely to grant the president's request as the GDP growth rate increases. This provides another interesting comparison between the positive relationship seen with the CPI and the negative relationship with the GDP growth rate. One explanation for this could be that Congress is less likely to defer to the president's judgment just because an economic indicator is strong; however the president does gain leverage as the economy improves from year to year.

Table 12: Congressional Deviation from the President's Request for Federal Spending

	1900-1984	1900-1984	1880-1984	1880-1984
	Coefficient	Coefficient	Coefficient	Coefficient
	(S.E.)	(S.E.)	(S.E.)	(S.E.)
War	-0.20 (0.25)	0.31 (0.27)	-0.35 (0.24)	0.22 (0.25)
House Seat Share	1.15 (1.15)	0.41 (1.47)	1.14 (1.10)	0.02 (1.38)
Senate Seat Share	- (1.86)	3.22* (1.86)	- (1.72)	4.23* (1.72)
ln(Budget Estimate)	0.22* (0.13)	0.23* (0.13)	0.21* (0.13)	0.22* (0.13)
U.S. Debt (in trillions, FY 2012)	1.48* (0.14)	0.93* (0.19)	1.58* (0.14)	0.98* (0.19)
ln(Unemployment)	-0.12 (0.20)	-0.05 (0.20)	- (0.20)	- (0.20)
GDP Growth	-0.001* (0.0002)	-0.005* (0.001)	-0.001* (0.0001)	-0.01* (0.001)
CPI	- (0.04)	0.21* (0.04)	- (0.04)	0.21* (0.04)
Constant	4.46 (0.78)	0.70 (1.18)	4.14 (0.68)	0.98 (1.05)
N	1079	1079	1159	1159
R ²	0.12	0.14	0.15	0.17
MSE	3.77	3.74	3.68	3.77

Note: A * identifies each coefficient that is significant at $p < 0.1$. Standard errors are clustered around each bill and year.

Assessing Bicameralism's Effect on Inter-Branch Politics

The previous analysis identifies the general relationship between Congress and the president but does not touch on how the relationship may potentially change if we account for bicameral disagreement. Therefore I fit a two-stage Heckman selection model to better understand how the president's budget request affects the different policy preferences of the House and Senate, as well as how the House and Senate influence how close the final spending figure reflects the initial estimate. The first model investigates how the president's budget estimate affects the difference in policy content passed by the House and Senate. This provides important insights to explanations of what generates the policy differences that must be reconciled. The second model is similar to the Kiewiet and McCubbins (1991) model, but includes measures to account for the ideological differences that may exist between the House and Senate and the budget reforms that have occurred.

In line with previous theories of congressional spending an indicator variable was included to identify whether both the House and Senate were controlled by Democratic majorities. The expectation is that a legislature governed by the Democrats will be less likely to restrict the president's request for funds to provide government services (Kiewiet and McCubbins 1991). The two models which are presented in Table 12 show that given that the Senate modifies the House bill, a Democratic Congress will appropriate funds closer to the executive estimate than when the House and Senate have split partisan control, or the Republican Party controls Congress. However such a relationship does not exist when predicting the size of a policy disagreement between the House and Senate.

Although only controlled for in the House-Senate model, the president's request has a significant effect on the size of the difference in dollars between the House and Senate versions

of a bill. When the president estimates that the government will need greater funds than the year before, then the policy preferences House and Senate will begin to diverge.

Table 13: Heckman Models of the Senate's Role on Federal Spending, 1880-1984

	Senate Action	Bicameral Difference	Senate Action	Request-Law
	Coefficient (S.E.)	Coefficient (S.E.)	Coefficient (S.E.)	Coefficient (S.E.)
Democratic Congress	-	0.23	-	-0.16
	-	(0.31)	-	(0.28)
ln(Budget Estimate)	0.06	0.23	-	-
	0.05	(0.18)	-	-
Chamber Distance	-0.47	1.25	-0.79	3.18
	(1.02)	(3.70)	(0.89)	(3.64)
Chamber Party Distance	0.25	-0.35	0.40*	-1.58
	(0.26)	(1.01)	(0.25)	(0.99)
House Seat Share	0.41	-4.52*	0.48	-1.82
	(0.60)	(2.17)	(0.50)	(2.13)
Senate Seat Share	1.12*	-1.57	0.69	-2.49
	(0.81)	(3.01)	(0.73)	(2.98)
Election	0.18*	-0.28	0.26*	-0.26
	(0.08)	(0.30)	(0.08)	(0.30)
ln (Unemployment)	.002	-0.10	0.06	-0.51*
	(0.01)	(0.29)	(0.07)	(0.29)
U.S. Debt	0.17	-0.25	0.29*	-0.09
(in trillions, adjusted)	(0.10)	(0.42)	(0.11)	(0.42)
House workload	0.01	-0.25	0.01	-0.27
	(0.05)	(0.21)	(0.05)	(0.21)
Senate workload	0.01	1.03*	-0.06	1.10*
	(0.12)	(0.45)	(0.11)	(0.44)
1921-1946	-0.39*	3.39*	-0.20	3.67*
	(0.17)	(0.70)	(0.16)	(0.69)
1947-1974	0.98*	0.36	0.58*	0.93
	(0.27)	(1.02)	(0.28)	(1.02)
1975-1984	0.81*	2.17*	0.44	2.51*
	(0.31)	(1.22)	(0.33)	(1.22)
Defense	0.12	0.69*	0.09	1.24*
	(0.10)	(0.41)	(0.10)	(0.41)
Constant	-0.81	9.19	-0.71	9.06
	(0.40)	(1.32)	(0.33)	(1.30)
N	1079	813	1079	813
Wald χ^2 (15)	97.23		Wald χ^2 (14)	110.74

Note: A * identifies each coefficient that is significant at $p < 0.1$ in a two tailed test. Standard errors are clustered around each bill and year. For the House-Senate Action model $\rho = -0.98^*$, $\sigma = 4.57^*$, and $\lambda = -4.47^*$. For the Request-Law model $\rho = -0.99^*$, $\sigma = 4.60^*$, and $\lambda = -4.54^*$. Both Wald χ^2 tests are significant at $\text{Prob} > \chi^2 < 0.01$

President's Influence on House Senate Differences

Interestingly the president's budget request does not affect the magnitude of disagreement between the House and the Senate. If the House was to strategically pass a minimal figure with the expectation that the Senate will raise that amount to meet the president's request, the relationship between the president's budget request and the bicameral difference should have been positive and significant. Where the party of the president's strength in Congress matters most is with respect to the House of Representatives. As the seat share of the president's party in the House of Representatives increases, the size of the bicameral difference decreases. This conforms with the theoretical expectations of conditional party government that a large majority will hold diverse preferences and Fenno's argument that if those diverse preferences are taken into account the proposal will not be a minimal winning coalition (Aldrich and Rohde 2000; Fenno 1966). So as the House becomes more receptive to the president's budget request, the difference between the House and Senate is minimized. Moreover, if the Senate were to disagree our expectation is that the filibuster pivot in the Senate that most closely mirrors the president's preference would limit the magnitude of the disagreement the Senate could pass.

Where there is a positive and significant relationship in predicting the size of the bicameral disagreement is with respect to the Senate's workload, defense appropriations, and two of the four eras of budget reform. The positive effect of the Senate's workload on the magnitude of the bicameral disagreement allows us to infer that as the distribution of federal funds becomes more constrained due to increased demand, there is greater disagreement between the House and Senate as to which projects to prioritize. Additionally, the bicameral difference in preferred defense spending is telling about which policy areas the chambers may be conflicted in their

willingness to delegate responsibility to the president. Furthermore, the indicator variables for each budgetary reform illustrate that despite reforms that have tried to breed bicameral agreement, the magnitude of the differences between House and Senate proposals have grown in comparison to the era from 1880 to 1921.

Senate's Role in Delivering the President's Agenda

The results presented on the right hand side of Table 13 estimate the degree to which the final appropriation passed by Congress is in line with the original estimate by the executive branch. As is the case in the previous Heckman selection models, the most important factor in selecting which bills to estimate is whether the Senate amended the spending figure passed by the House. From this perspective we can infer how the Senate plays a role in whether the executive branch is funded at the level it believes it should be within the scope of legislation that was signed into law by the president.

In this model, the size of the president's party in the House and Senate does not offer a statistical explanation for how closely the final law will be to the president's request. However, there is a negative relationship in how unemployment across the country affects the difference between the president's request and final appropriation amount. Therefore, if unemployment is high we see that Congress is willing to defer to the president's position with an expectation that jobs need to be created. Providing a solution to rising unemployment is mutually beneficial to both institutions; however, if unemployment is low, we should expect greater inter-branch conflict.

Again, the Senate's workload has a positive effect; this time the workload of the upper chamber has a significant effect on the difference between the budget estimate and final law. With respect to the threat of a filibuster, we can infer that the president is still willing to sign into

law a bill that does not reflect policy preference, which was initially shared, because of the increased difficulty in addressing other policy concerns that make up the larger agenda.

Furthermore, when time is limited ultimatums will not work because the president does not have positive power in the lawmaking process to maneuver around political pressure created by a legislative deadline (Oppenheimer 1985).

A comparison of the reforms to the appropriations process shows that ability for one institution to set a budget before appropriations are considered has a positive effect on the difference between the executive estimate and final appropriation. Once given the opportunity to submit a formal budget request, the difference between the estimate provided by the executive branch and what Congress was willing to appropriate increased. Previous research has assumed this positive relationship is a reflection of strategic behavior by the president to ask for more than Congress views as a reasonable figure. However, consulting the larger lawmaking literature that discusses the procedural development of the U.S. Senate, we also see that this era was an important time in shaping how the Senate would become a more partisan and influential chamber (Binder 2003; Binder and Smith 1997; Gamm and Smith 2002; Wawro and Schickler 2006).

As Congress began to develop ad-hoc procedures following the Legislative Reorganization Act of 1946, the difference between the executive estimate and final outcome is not statistically different than it was before the president could submit the formal budget request. The absence of an effect challenges the idea that each institution consistently behaves in a strategic way. Although this does not confirm that the president held more influence over the appropriations process when congressional budget decisions did not have to be strictly adhered to, we see that flexibility in the bicameral process can reduce inter-branch conflict.

Finally, when Congress introduces its own endogenous budget resolution to draw a comparison to the president's budget request there is a divergence between the preferences of Congress and the executive. The congresses that follow the Congressional Budget Act of 1974 are subject to a different approach to congressional spending because of the role of the Budget Committees who have the myopic responsibility of cutting the deficit and limiting spending. A review of the public finance literature in Chapter 2 provides theoretical explanations for why budgeting and appropriations create conflicting policy goals within each chamber. The lack of procedural flexibility during this time period limits the opportunities for legislators to work on behalf of the executive in promoting policy alternatives. As we interpret these results, we should be sure not to simply interpret a positive relationship as a prediction of greater difference. Previous research by Kiewiet and McCubbins (1988; 1991) as well as Howell and Jackman (2013) theorize that the president's greatest influence is when the budget request seeks to cut spending. This would certainly ring true with the behavior of President Johnson and Reagan who would seek large cuts in federal spending with the intention of encouraging Congress to do the same.

With respect to specific policy areas we can see that defense appropriations bills are significantly different than regular domestic appropriations bill. If the federal government was to cut defense spending it would appear that Congress would follow the president's recommendation to do so. However, if the president tries to expand executive power as the Commander in Chief through more defense spending, then Congress will restrain that power and appropriate fewer dollars.

The contribution of this model is that the Senate's decision to accept a House proposal has a significant effect on how we should study inter-branch politics. Previous models have

implicitly assumed that the House is the primary actor in Congress, or that the degree to which legislators are cohesive is consistent across the two chambers. By properly accounting for the Senate's role in the lawmaking process in relation to the more efficient House and president, future models will be able to more clearly reflect the substantive policy changes that occur within the policy making process.

Conclusion

This chapter provides the opportunity to highlight how important bicameral conditions are to the study of inter-branch relations. Additionally, this study analyzes how Congress and the president interacted with respect to federal spending prior to, and after, the president was able to deliver the formal budget request established under the Budget and Accounting Act of 1921. The ability to analyze the executive branch's spending preference earlier than 1922, must make one important assumption. Since the congressional appropriations committees were not without an annual estimate from the bureaucracy before 1922 we can assume that each individual agency budget estimate delivered by the U.S. Treasury is a similar approximation for the president's preference as is the budget estimate generated by the U.S. Treasury.

Pivotal politics models of lawmaking have used the Senate's super-majority filibuster pivot and the veto pivot to establish where a policy may end in gridlock (Chiou and Rothenberg 2003, 2006; Krehbiel 1998). However, by studying the appropriations process and folding in information from annual budget estimates, we see that the president's preference is not static. Given that the executive's request will reflect national policy interests, a House interested in the reelection of its members will pass an appropriations request that holds substantial policy differences. But the House's action only represents half of the story. As the Senate revises the

House proposal, the president, especially the president's party, still has the opportunity to attempt to amend the proposal in favor of the president's preferred estimate.

Each of the models presented in this chapter touch on these decisions by observing all appropriation bills and then, like Chapters 4 and 5, those where the Senate took action. At first the positive relationship between the strength of the president's party in the Senate and the difference between the president's request and final appropriation might be surprising. However, recall that under the unified government the Senate majority may face opposition and have to contend with the opposite filibuster pivot. Additionally, as Kiewiet and McCubbins (1988) explained this also shows the president's ability to influence congressional appropriations by asking for cuts in spending below the previous fiscal year.

Both pivotal and representative explanations of changes in policy content are supported with the observation that the Senate is more likely to amend the House proposal as the president's party holds more seats in the upper chamber. As a majority the Senate majority party still wins more often so we can begin to infer that a strong Senate majority will aid the president's policy agenda if they are of the same party. Although we see this effect with the probability of the Senate taking action, the size of the president's partisan coalition in the Senate does not provide significant leverage to minimize any deviation from the budget request. So just like the resolving bicameral differences, institutional factors such as the Senate's workload and the budgetary process at that time threaten how much the president's budget request is met by Congress's appropriation.

CHAPTER 7

IMPLICATIONS OF A STRONG SECOND CHAMBER

Through the many stages of this project we see that bicameralism, in the case of the U.S. Congress, affects policy outcomes in two ways. Once a legislative proposal has been passed by one chamber, the other chamber has the option to offer an alternative policy. Then if the chambers reconcile differences in the two policy recommendations, the compromise will reflect the influence the House or the Senate had on the content of the final policy outcome. By studying the behavior of the Senate in reaction to the House we can see how the institutional and behavioral factors that promote bicameral disagreement can have different effects on how a chamber is able to gain leverage in the reconciliation process. We have also seen that the process has evolved with differences between the House and Senate and how budgetary reforms have modified the appropriations process, which allows this larger project to illustrate the leverage that using historical and empirical approaches to understanding lawmaking can provide.

The contribution of this work builds on previous studies that have identified the dynamic effect bicameralism can have on legislative accomplishment (Binder 2003; Clinton and Lapinski 2006; Mayhew 2005). Although Congress and the president pass a similar number of legislative bills under unified and divided government, there is still a strong expectation that the content of legislation passed during periods of divided government or partisan conflict between the House and Senate will be closer to the status quo rather than representing comprehensive changes (Chiou and Rothenberg 2003, 2006, 2009). These expectations are especially informative given the potential for institutional differences to create the policy differences by influencing who can

participate on the floor. One contrast is the procedural strength given to the House majority through the rules that limit the length of debate on a bill and amending opportunities, which protects the ability of the majority party to bias outcomes in its favor (Aldrich and Rohde 2000; Cox and McCubbins 2005). The importance of achieving near unanimous consensus in the Senate provides a competing expectation that policy outcomes will be biased against the majority's priorities by focusing concessions for centrists (Koger 2010; Wawro and Schickler 2006). Since studies of lawmaking emphasize the importance institutional changes in each chamber have on the legislation passed by that chamber, my goal has been to show how such differences affect the policy content that remains part of the enacted legislation.

Moreover, studying the appropriations process also allows the findings from this study to draw from the large literature that has focused on institutional reform. Classic studies of bicameralism used the appropriations process to determine which chamber had more influence by analyzing when the House or Senate won (Fenno 1966; Ferejohn 1974; Strom and Rundquist 1977). Although this research is not able to speak to how leverage can change as the chamber's role in initiating the bill changes, by controlling for the right the House has to initiate appropriations bills, the estimates of the model can be flexible to infer how much a chamber won by. Given my interest in how institutional differences affect the content of legislation, the magnitude of policy differences or a chamber's leverage is an important outcome of interest.

Studying appropriations also provides the opportunity to assess how the power of the purse affects inter-branch politics. However, past studies that try to leverage the importance of the president's relationship with Congress given the strength of the president's party across both chambers or only in the House minimize the importance of House-Senate differences. This is

problematic, because the Senate's development as a uniquely different institution has been dynamic and increased the upper chamber's role in the appropriations process.

Bicameralism and Polarization

Party polarization has important implications for the lawmaking process, especially how it interacts with the institutional differences between the House and Senate. As both parties become more ideologically distinct and separate, gridlock becomes more likely (Binder 2003; Chiou and Rothenberg 1993, 2003, 2009; Krehbiel 1998) and legislative deadlines for must-pass legislation become more difficult to meet (Wawro and Schickler 2006; Woon and Anderson 2012). With respect to appropriations this creates a unique perspective where polarization between the majority parties in each chamber is likely to increase the probability that post-passage reconciliation will be needed. However, any significant leverage one chamber has over the other is not adequately explained by focusing on polarization.

Therefore the important take-away with respect to polarization is that once the second chamber provides an alternative policy recommendation, there is not a consistent mechanism for the polarization between the two chambers to bias the policy outcome. This is not too surprising given that both chambers hold equal power within the reconciliation process. It is plausible that another test of how amendments are considered by both chambers could find that the ideology of the amendment sponsor may play a role in the likelihood of the amendment to be accepted by the other chamber.⁵⁴ Even though polarization does not provide the House or Senate greater leverage over the other chamber, the results presented in Chapter 4 shows that polarization does matter if you wish to predict the magnitude of a policy disagreement.

⁵⁴ In the development of such a test I would encourage the reader to consult the contributions of Carson, Lynch, and Madonna (2011) with respect to bicameralism and Carson, Madonna, and Owens (2013) to analyze the ideology of the amendment sponsor.

Another interesting perspective is that by selecting on when the Senate disagreed with the House, polarization between the two chambers did not significantly restrict the president from obtaining enough funds to match the initial estimated figure to manage the president's program. We can also infer that through the bicameral reconciliation process, with regular appropriations bills, institutional prestige does not encourage one chamber to give into the other's ideology, nor has one chamber been significantly more consistent in its ideology over time.

The most consistent factors that contribute to a chamber's leverage, given that there was bicameral disagreement, are economic factors and the size of the Senate's workload. In the next two sections I will summarize the results of each of these factors as they reflect how closely the final policy outcome is to the preference of the Senate or the president.

Economic Factors and Institutional Leverage on Federal Spending

Economic factors are important considerations in any analysis of policy recommendations for federal spending. The motivation for why institutions may react differently to the same measure of the economy emerges from the different electoral constituencies of representatives, senators, and the president. For example, a measure of the nation's unemployment is representative of the national policy problem, but does not illustrate the variation that may exist across congressional districts. Additionally, with respect to the size of the national debt, the House recommendation is likely to be an inverse relationship to the debt because of the electoral importance representatives place on balancing the budget (Bovitz, Carson, and Collens 2012; Fenno 1966; Stewart 1989). Therefore when the national debt is larger, the House is more likely to overreach in its recommendation for deficit reduction as a position taking strategy (Arnold 1990). Under these conditions the Senate receives significantly

more leverage to include policy recommendations that were not included in the initial House proposal.

The importance of existing unemployment and the rate of GDP growth were introduced in Chapter 6 primarily to control for other factors of the national economy that help explain how much Congress delegates to the president. The results of Table 13 suggest that Congress will defer to the executive budget estimate less often under conditions when the national budget was higher. However, as the rate of GDP increased, the final appropriation was closer to the budget estimate. Then in the selection model which showed how closely the final appropriation reflected the budget estimate, in the event the House and Senate disagreed, there was a negative relationship with the level of unemployment. For our substantive interpretation this is helpful to understand that if the president's agenda is creating jobs, Congress finds more disagreement with the budget estimate in how bicameral differences are resolved. However, when unemployment is higher bicameral differences should be resolved in favor of the budget estimate with the expectation that such programs will assist in promoting job creation. Although anecdotal, this interpretation is consistent with the actions of the federal government with respect to TARP funding in 2008, stimulus programs in 2009, and even programs within the New Deal during the 1930s.

Bicameralism and the House's Workload

Figure 12 illustrated that the threat of a filibuster is strongest when the workload of the House is higher. Considering the policy disagreement generated by the institutional differences of each chamber discussed earlier, the difficulty of passing legislation in the Senate is only magnified in the shadow of additional policy demands. Therefore, the House is more likely to

concede because the House would not be able to expedite the consideration of legislation if senators still objected to the bill.

Regardless of whether the House and Senate's workload is low, medium, or high the chamber's workload cannot be interpreted as a factor that influences whether the Senate is likely to amend the House proposal. However, when the Senate does amend the House proposal, the upper chamber consistently gains more leverage when the chambers' workload is high. This is important because it begins to touch on the importance of the filibuster threat. Therefore, in the appropriations process, the threat of a filibuster is manifested through just one measure. First there must be ideological disagreement, then regardless of the size of the policy disagreement, time becomes the most important institutional factor to ensuring that the Senate gains more leverage.

We see examples of why chamber conditions rather than ideology would matter more to chamber leverage in how Congress operates and appoints conferees or individuals to lead debate on a bill. The party leaders, committee leaders, and anyone with a clear objection are likely to be included. However, the potential "pivotal" legislators are not included as often as they were essentially undecided in their support of the bill during the chamber's debate. Without a substantial voice in the post-passage debate, a legislator who received a benefit by not supporting the filibuster may not be in the position to protect such a benefit. From the stand point of the conferees, the perceived difficulty in avoiding a filibuster becomes an opportunity for senators to strengthen their position in the negotiating process even if the disagreement is applied to a different section of the bill.

In addition if we focus on inter-branch decisions, the Senate's workload has a positive effect on the difference between the president's request and the final appropriation the president

signs into law. Therefore, in the event that the president ignores the role of the Senate in inter-branch policy meetings the president is potentially doing a disservice to being able to enact the preferred policy. If we continue to think about institutional pivots as pressure points and in appropriations the greatest conflict being between the president and House Appropriations Committee, the flexibility of the Senate's rules and the individual power of senators should be the most likely opportunity for the legislators in the president's party to alter policy content.

Future Research to Establish Stronger Substantive Expectations

The findings from this project speak to the importance of House-Senate differences as well as how differences in policy priorities are reconciled with respect to funding the government. Therefore, I see that this project can become the launch pad for a number of interesting studies about aspects of the lawmaking process that have substantive impacts on policy. To that point I will describe how this project can be expanded and what data will need to be collected to do so.

If you recall, an important innovation in the appropriations process came in 1950 when appropriators drafted an omnibus spending bill. Into the 1980s and beyond this process became more common as seen through the important contributions of Nelson (1953), Krutz (2001); and Hanson (n.d.). Even though an omnibus bill is only subject to one final vote on all of the legislation, the process itself still resembles the iterative consideration of each regular appropriation bill as if they were independent bills. To better understand how policy outcomes are affected by how omnibus bills are packaged we can study how spending recommendations are drafted differently during the consideration of such a comprehensive bill.

Second, to generate a more robust understanding of how bicameralism affects policy outcomes, we can study House-Senate differences with respect to amendments. This can be

done by considering how many amendments by each chamber were proposed, passed and enrolled into the final legislation. Although this approach cannot generate inferences about the magnitude of a chamber's leverage it does provide an explanation to how frequently a chamber's actions are able to affect the content of the final bill. If the same relationships hold to estimate the frequency and magnitude of a chamber's leverage we can develop stronger theoretical expectations of the ability of each chamber majority to bias policy outcomes. Additionally, since the Senate's leverage is temporal, in that it changes over time, we can study how the House has learned to deal with an equal partner. Such a study would also be able to test the assumptions held about how institutions learn and adapt. Additionally, with the implementation of the Gramm-Rudman-Hollings Act, the sponsoring senators were interested in limiting the president's role but also controlling the deficit. Historians and political scientists alike have treated this reform as Congress's attempt to gain control back from the president; however, one might ask was there a consideration between these three senators to increase the relevance of the Senate?

Similarly, there is also much to gain by building more on previous studies of inter-branch relations. In particular focusing on when amendments are sponsored we can separate how Congress responds to the president's veto threats (Kernell and Kim 2006). By identifying which chamber made amendments following the veto threat and the timing of such actions, we can better understand how presidents use veto threats to influence the bicameral process. Furthermore with respect to federal spending, signing statements can be used to document how presidents respond to bicameral policy outcomes (Ostrander and Sievert 2013). This question has been broached to some degree by Richard Conley's study of Eisenhower's use of signing statements for federal appropriations (2011).

As institutions change through large scale reforms we can understand how an institution adapts in its capacity to influence policy. Each budgetary reform has changed the role of staff in the executive and legislative branches with respect to trying to control spending. However the difference in total number of staffers in the Executive Office of the President, compared to an individual congressional office, has been an institutional benefit for the president. The expansion in the number of executive staff has lead scholars to develop theoretical assumptions that the presidency has a clear advantage with respect to institutional capacity. In the development of this project I have investigated in some length how the staff sizes of the appropriation committees have changed through the LRA of 1946 and Congressional Budget Act of 1974. Although the appropriation and budget committee staff are collectively smaller than the Bureau of the Budget or Office of Management and Budget, staff for these congressional committees has increased. This provides some comparison of institutional capacity each branch has before the process begins, assuming staff present a measurable degree of an institution's capacity to process information that is important to the appropriations process. Following the importance of staffers working on behalf of an institution, more research can be done on how the executive monitors congressional decisions on spending. During my time at the Lyndon B. Johnson Presidential Archive I found numerous documents which were weekly memos from the Director of the Bureau of the Budget sent to President Johnson and the top policy staff of the administration. These memos detailed how each amendment passed by Congress could adjust the federal budget and, therefore, potentially raise or cut the deficit.

Finally this specific project can be further developed in three ways to better understand how bicameralism is a mechanism to constrain policy changes, specifically for appropriations. First, this analysis can be extended to consider if the same effects hold for supplemental and

deficiency spending bills. This is not necessarily straightforward as deficiency bills are not used on a consistent basis and occur because of an ineffective estimate that earlier spending decisions were based on. Moreover it is likely that there will be greater variation between different policy areas as supplemental appropriation bills often include more itemized and particularized benefits.

Second, I am particularly interested in studying how the appropriations process after 1985 compares to this historical era. Such a comparison will allow for inferences about the effect spending ceilings have on chamber leverage. Because the total sum of a spending figure is likely to be truncated by a spending cap, another dependent variable would need to be used. Amendments to appropriations bills would provide an opportunity to study how one policy proposal was handled differently due to House-Senate differences. Within this time period, another interesting direction this research could be applied in the future is which budget resolution (the executive or the legislative) are parties in Congress most receptive to. Finally, in line with the early research on the importance of the appropriations committees, we know very little about how the dynamic changes in the jurisdictions of the budget and appropriations committees have affected intra-chamber conflicts and the way legislators approach spending decisions.

Implications for Which Chamber Has the Most Leverage

The question over which institution or chamber is the strongest and receives the most benefit through the power of the purse is a question that has driven academic research for more than seventy years (Steiner 1951). As we look back on a larger time frame, we understand that the era which most researchers focused on to determine which chamber had greater influence was a rare period from 1948 to the late 1960's when the House was just learning how to deal with a Senate that was unwilling to play a passive role. Still the logic of these studies was sound

as they gauged chamber victory as won or lost by the ratio of policy content of the chamber's contribution was retained in the final agreement, hence the selection of 0.5 as the mid-point to interpret ratios in Chapter 5.

However two analyses found that the House had considerable influence (Steiner 1951; Ferejohn 1974, 1975) and Strom and Rundquist (1977) referenced that the House could have more influence when the Senate was ambivalent. At the end of Ferejohn's (1975) article studying appropriations for Rivers and Harbors to understand the distribution of pork, he noted:

“If an interest group wants to add a project to a bill, it should concentrate on the House subcommittee since a project added there will almost certainly survive the whole process” (Ferejohn 1975, 1045).

Part of Ferejohn's discussion also highlighted what he had learned through interviews in that we should be careful about over-interpreting the House's influence. Such caution is prescribed because the Senate, from time to time, has been known to include projects into the Rivers and Harbors Bill that appropriators or leaders do not expect to remain in the bill. Keeping Ferejohn's warning in mind, the results of this study that include all regular appropriation bills from 1880 to 1984 suggest that even when the Senate amends the House bill, the House consistently holds more leverage over the Senate.

The House's leverage is not absolute, because the Senate's leverage is dynamic and is more likely to increase when the Senate is distinctly different from the House. The Senate clearly has the opportunity to minimize the House's influence on policy outcomes; however as was seen in Figure 12, that leverage has varied across time. Furthermore, this project has also focused on the importance of basing observations off of an analysis that provides efficient estimates by including all regular appropriation bills and determining how large an effect is given that there is bicameral disagreement.

There is great value to researchers who are interested in policy outcomes to utilize the appropriations process to test theories such as bicameralism. One great benefit is that the dollars which represent comparable figures for each institution within the same proposal provides a continuous measure of content that is stable across time and not conditioned on the roll call record. Just as scholars have been interested in studying reforms to the design of government institutions, the appropriations process provides an opportunity to investigate how budgetary reforms have affected policy outcomes. Furthermore, for those looking for real world implications of this research, one major take away is that there will continue to be difficulties in reducing the deficit as a result of the checks and balances placed in the legislative process. During periods of economic instability the variation in the constituencies that politicians represent creates conflicts in how they prioritize the importance of managing the federal budget differently. When the House attempts to utilize the power the purse, as a chamber it loses leverage over the final policy outcome compared to the preferences of the Senate and president. Analogous representations of the budgetary process have been used to describe the incremental effects of the appropriations process. However, this also applies to how difficult it will be to reduce large deficits because of the Senate's ability to provide an alternative policy and the Senate's leverage to minimize cuts in spending through the reconciliation process. As both political parties in America have become polarized in how they emphasize spending cuts, we have seen that the Senate has become more involved as it presents the most difficult procedural setting to find an agreement.

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APPENDIX

I present results from simple probit and linear regressions that include the inverse Mills ratio of the previous stage to show that the three stage Heckman model is identified. The only variation you should expect to see is a small difference in the standard errors reported in the appendix and those found in Table 9. For the first and second stages you will notice that the coefficients only vary at the hundredths decimal between the standard probit model and the Heckman probit used in the paper (also see Windett 2011). A comparison of the robustness of the third stage estimation shows that the coefficients are the same however, as expected some of the standard errors are different than the results reported in Table 9. These results show that the third stage of the Heckman model is in fact identified.

Table 14: A Check on the Identification of the Heckman Model (Table 9)

	First Stage (S.E.)	Second Stage (S.E.)	Third Stage (S.E.)
Divided Government	0.01 (0.12)	0.18 (0.20)	0.01 (0.03)
Bicameral Party Distance	0.25 (0.23)	-1.24* (0.60)	0.09 (0.12)
House Workload	- -	0.04 (0.11)	-0.03* (0.01)
Senate Workload	- -	0.24 (0.23)	-0.07* (0.04)
U.S. Debt (in trillions, adjusted)	0.22* (0.08)	-0.15 (0.42)	-0.09* (0.03)
Election Year	0.23* (0.09)	-0.26 (0.33)	-0.01 (0.02)
1880-1920	-0.10 (0.32)	1.27* (0.77)	-0.38* (0.14)
1921-1946	-0.43 (0.28)	1.01 (0.99)	-0.28* (0.08)
1947-1974	0.91* (0.20)	-2.85 (3.34)	-0.01 (0.04)
Constant	0.30 (0.32)	2.72 (2.14)	0.90 (0.15)
N	1217	906	871
Fit Index	AIC=0.97	AIC=0.34	R ² =0.03
Pseudo R ²	0.16	0.05	

* identifies each coefficient that is significant at $p < 0.1$ in a two tailed test. Standard errors are clustered around each bill and year.

Table 15: Results if the Stages of Bicameralism Were Not Accounted For (Reference Table 9)

*These results are inefficient and inconsistent as they are three separate models on the relevant subsets of the data.

	Predicting Bicameral Disagreement (S.E.)	Predicting Typical Bargain (S.E.)	Leverage (S.E.)
Divided Gov	0.01 (0.12)	0.28 (0.14)	0.02 (0.03)
Bicameral Party Difference	0.25 (0.23)	-0.90* (0.36)	0.04 (0.07)
House Workload	- -	-0.08 (0.09)	-0.03* (0.01)
Senate Workload	- -	0.29 (0.20)	-0.06* (0.03)
U.S. Debt in trillions	0.22* (0.08)	0.18 (0.20)	-0.08* (0.03)
Election	0.23* (0.09)	0.09 (0.13)	-0.01 (0.02)
1880-1920	-0.10 (0.32)	1.32* (0.58)	-0.31* (0.09)
1921-1946	-0.43 (0.28)	0.66 (0.43)	-0.25* (0.04)
1947-1974	0.91* (0.20)	0.34* (0.20)	0.03 (0.04)
Constant	0.30 (0.32)	0.51 (0.55)	0.82 (0.09)
N	1217	906	871
Fit Statistic	AIC=225.31	AIC=0.413	R ² =0.03
Pseudo R ²	<0.01	0.04	

* identifies each coefficient that is significant at $p < 0.1$ in a two tailed test. Standard errors are clustered around each bill and year.

Table 16: Two Stage Selection Using Standardized Measures of Non-Traditional Bargains

	Predicting Bicameral Disagreement (S.E.)	Leverage (S.E.)
Divided Gov	0.01 (0.12)	0.01 (0.04)
Bicameral Party Difference	0.25 (0.23)	0.14 (0.11)
House Workload	- -	-0.03* (0.01)
Senate Workload	- -	-0.05 (0.03)
U.S. Debt in trillions	0.22* (0.08)	-0.02 (0.08)
Election	0.23* (0.09)	0.04 (0.06)
1880-1920	-0.10 (0.32)	-0.32* (0.13)
1921-1946	-0.43 (0.28)	-0.36* (0.16)
1947-1974	0.91* (0.20)	0.16 (0.17)
Non-Traditional Bargain	- -	-0.39* (0.05)
Constant	0.30 (0.32)	0.48 (0.41)
N	1217	906
ρ		0.99
Wald χ^2 (10)		86.62
Prob > χ^2		<0.001

* identifies each coefficient that is significant at $p < 0.1$ in a two tailed test. Standard errors are clustered around each bill and year. Stage 2 is a Heckman Selection Linear Regression across 101 time points, where $\rho = -0.99$, $\sigma = 0.52$, and $\lambda = -0.51$.